

COUNCIL MEETING NOTICE AND AGENDA

WEDNESDAY, AUGUST 3, 2016

8:30 A.M. OR SOON THEREAFTER

COUNCIL CHAMBERS

HISTORIC COUNTY BUILDING

4396 RICE STREET, SUITE 201

LĪHU‘E, KAUA‘I, HAWAII 96766

A. MEETING CALLED TO ORDER.

B. ROLL CALL.

C. APPROVAL OF AGENDA.

D. MINUTES of the following meeting of the Council:

1. July 6, 2016 Council Meeting

E. SPECIAL ORDER OF THE DAY:

1. [C 2016-162](#) Communication (07/08/2016) from the County Attorney, requesting authorization to expend additional funds up to \$30,000.00 for Special Counsel's continued representation of Bernard P. Carvalho, Jr., in his official capacity as the Mayor of the County of Kaua'i, in Kaua'i Police Commission, et al. vs. Bernard P. Carvalho, Jr., in his official capacity as the Mayor of the County of Kaua'i, Civil No. 12-1-0229 (Fifth Circuit Court); CAAP NOS. CAAP-12-0001123 & 13-0000015 (Hawaii Supreme Court, Intermediate Court of Appeals), and related matters. ***(Pursuant to Council Rule No. 5(e), Council Absence, Tie Vote)***
2. [C 2016-163](#) Communication (07/08/2016) from the Office of the County Attorney, requesting authorization to expend additional funds up to \$15,000.00 for Special Counsel's continued representation of the Kaua'i Police Commission and the Kaua'i Police Commission Members, in their official capacity, in Kaua'i Police Commission, et al. vs. Bernard P. Carvalho, Jr., in his official capacity as the Mayor of the County of Kaua'i, Civil No. 12-1-0229 (Fifth Circuit Court); CAAP NOS. CAAP-12-0001123 & 13-0000015 (Hawaii Supreme Court, Intermediate Court of Appeals) and related matters. ***(Pursuant to Council Rule No. 5(e), Council Absence, Tie Vote)***

F. CONSENT CALENDAR:

1. [C 2016-167](#) Communication (07/13/2016) from the Director of Finance, transmitting for Council information, the Fourth Quarter Statement of Equipment Purchases for Fiscal Year 2015-2016, pursuant to Section 17 of Ordinance No. B-2015-796, the Operating Budget of the County of Kaua'i for Fiscal Year 2015-2016.
2. [C 2016-168](#) Communication (07/15/2016) from the Acting County Engineer, transmitting for Council consideration, a Resolution Establishing A School Zone With A 15-Mile Per Hour (MPH) Speed Limit For A Portion Of Kukuihale Road, Kawaihau District, County Of Kaua'i. (***See Resolution No. 2016-52***)
3. [C 2016-169](#) Communication (07/20/2016) from the Director of Finance, transmitting for Council information, the Period 12 Financial Reports – Detailed Budget Report, Statement of Revenues (Estimated and Actual), Statement of Expenditures and Encumbrances, and Revenue Report as of June 30, 2016, pursuant to Section 21 of Ordinance No. B-2015-796, relating to the Operating Budget of the County of Kaua'i for the Fiscal Year 2015-2016. (*Copies of the Period 12 Financial Reports as of June 30, 2016 on file in the County Clerk's Office.*)

G. COMMUNICATIONS:

1. [C 2016-170](#) Communication (07/01/2016) from the Director of Economic Development, requesting Council approval to apply for, receive, and expend funds, in the amount of \$15,000, from the Hawai'i Lodging and Tourism Authority Charity Walk, to be used for the 2016-2017 Kaua'i Tourism Strategic Implementation Plan.
2. [C 2016-171](#) Communication (07/08/2016) from the Housing Director, requesting Council approval of the following:
 - a. The fee simple sale of property located at 2080 Manawalea Street, #604, Lihu'e, Hawai'i 96766 Tax Map Key (TMK): (4) 3-3-003-036-0032, for not more than \$275,000.00, to a participant of the County's Affordable Housing Waitlist whose household income does not exceed 140% of the Kaua'i Median Household Income (KMHI); and
 - b. Authorize the County Clerk to sign legal documents related to the sale transaction.

3. [C 2016-172](#) Communication (07/11/2016) from Council Chair Rapozo, transmitting for Council consideration for inclusion in the 2017 Hawai'i State Association of Counties (HSAC) and County of Kaua'i Legislative Packages, A Bill for An Act Relating to Tort Liability, to delete the sunset provision for the liability exceptions for county lifeguards.
4. [C 2016-173](#) Communication (07/12/2016) from the Executive on Aging, requesting Council approval to receive and expend State General Funds for Fiscal Year 2017 and to indemnify the State Executive Office on Aging, in the amount of \$88,863.00 to be used by the County of Kaua'i, Agency on Elderly Affairs for the operating costs of the Aging and Disability Resource Center.
5. [C 2016-174](#) Communication (07/15/2016) from Council Chair Rapozo, transmitting for Council consideration for inclusion in the 2017 Hawai'i State Association of Counties (HSAC) and County of Kaua'i Legislative Packages, a proposed amendment to Chapter 291C, Hawai'i Revised Statutes (HRS), that would direct the traffic fines and forfeitures collected for uncontested traffic infractions to the county in which the citation was issued. Further, should the Bill be approved by the State Legislature, all funds derived from unadjudicated traffic infractions be directed towards addressing the County's backlog in road resurfacing, repairs, or reconstruction.
6. [C 2016-175](#) Communication (07/15/2016) from the Deputy Planning Director, requesting Council approval to apply for, receive, and expend State Fiscal Year 2017 funds, and indemnify the State of Hawai'i Department of Land and Natural Resources, State Historic Preservation Division and the National Park Service, in the amount of \$2,000.00 with an anticipated in-kind match of \$1,200.00 from the County of Kaua'i Planning Department, to be used to procure services of a consultant to promote historic preservation at the grass roots level and to nominate the Hanapēpē Bridge to the State of Hawai'i and National Register of Historic Places.
7. [C 2016-176](#) Communication (07/18/2016) from the Executive on Aging, requesting Council approval to receive and expend Federal funds for Fiscal Year 2017 and to indemnify the State Executive Office on Aging, in the amount of \$551,641.00 to be used by the County of Kaua'i, Agency on Elderly Affairs for the provision of Title III services of the Older Americans Act which includes information and referral, outreach, legal assistance, congregate meals, home delivered meals, evidence based programs such as EnhanceFitness or Better Choices, Better Health, and caregiver support services.

8. [C 2016-177](#) Communication (07/21/2016) from Council Chair Rapozo, transmitting for Council consideration for inclusion in the 2017 Hawai'i State Association of Counties (HSAC) and County of Kaua'i Legislative Packages, A Bill for An Act making an appropriation for Emergency Medical Services, to appropriate funds to the Department of Health for Fiscal Year 2017-2018 for the purchase of an ambulance vehicle and the operational costs for one ambulance unit, including equipment, supplies, and personnel costs for state-certified emergency medical services personnel, for a 24-hour, 7-days-a-week ambulance unit for the County of Kaua'i.
9. [C 2016-178](#) Communication (07/22/2016) from Councilmember Yukimura, transmitting for Council consideration for inclusion in the 2017 Hawai'i State Association of Counties (HSAC) and County of Kaua'i Legislative Packages, a proposed amendment to Section 76-77, Hawai'i Revised Statutes (HRS), that would exempt from civil services positions of non-elected chief executive officers or heads of the executive branch of county government. This would facilitate a Council-Manager form of governance should the people of a county choose to institute that form of government.
10. [C 2016-179](#) Communication (07/25/2016) from Council Vice Chair Kagawa, transmitting for Council consideration, proposed amendments to Chapter 19, Kaua'i County Code 1987, as amended, to make legal both the consumption and purchase of alcohol/intoxicating liquor beverages throughout the entirety of the Wailua Golf Course. ***(See Proposed Draft Bill (No. 2635))***

H. CLAIM:

1. C 2016-180 Communication (07/22/2016) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Charles M. Cecil, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

I. COMMITTEE REPORT:

1. PLANNING COMMITTEE:

- a. **CR-PL 2016-07:** on Bill No. 2627, Draft 1 A BILL FOR AN ORDINANCE TO AMEND CHAPTER 10, KAUAI COUNTY CODE 1987, AS AMENDED, BY ADDING A NEW ARTICLE 5B, RELATING TO THE LIHU'E PLANNING DISTRICT *(County of Kaua'i, Applicant)*
[Approved as Amended.]

J. RESOLUTIONS:

1. [Resolution No. 2016-50](#) – RESOLUTION ESTABLISHING A COUNTY BUS STOP ALONG KAWAIHAU ROAD, KAWAIHAU DISTRICT, COUNTY OF KAUAI (*Deferred July 20, 2016*)

2. [Resolution No. 2016-52](#) – RESOLUTION ESTABLISHING A SCHOOL ZONE WITH A 15-MILE PER HOUR (MPH) SPEED LIMIT FOR A PORTION OF KUKUIHALE ROAD, KAWAIHAU DISTRICT, COUNTY OF KAUAI

K. BILL FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2635\)](#) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 19, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE WAILUA GOLF COURSE

L. BILL FOR SECOND READING:

1. [Bill No. 2627, Draft 2](#) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 10, KAUAI COUNTY CODE 1987, AS AMENDED, BY ADDING A NEW ARTICLE 5B, RELATING TO THE LIHU'E PLANNING DISTRICT (*County of Kauai, Applicant*) (*See also CR-PL 2016-07; the Planning Committee recommended approval as amended to Bill No. 2627, Draft 2 on July 27, 2016*)

M. EXECUTIVE SESSION: *Pursuant to Hawai'i Revised Statutes (HRS) §92-7(a), the Council may, when deemed necessary, hold an Executive Session on any agenda item without written public notice if the Executive Session was not anticipated in advance. Any such Executive Session shall be held pursuant to HRS §92-4 and shall be limited to those items described in HRS §92-5(a). (Confidential reports on file in the County Attorney's Office and/or the County Clerk's Office. Discussions held in Executive Session are closed to the public.)*

1. ES-862 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kauai County Charter Section 3.07(E), on behalf of the Council, the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing, discussion and consultation regarding the Quarterly Report on Pending and Denied Claims. The briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item. (*Deferred July 20, 2016*)

2. ES-863 Pursuant to Hawai'i Revised Statutes Sections (HRS) 92-4 and 92-5(a)(2), (4), and (8), the purpose of this Executive Session is to consider matters that require confidentiality under state law, to wit, the hiring of a County Auditor, including interviewing any candidates, and terms and conditions of employment. The further purpose of this executive session is to meet with the Council's legal counsel on questions and issues relating to the Council's powers, duties, privileges and immunities and/or liabilities, claims and/or potential claims, as such powers, duties, privileges and immunities and/or liabilities, claims and or potential claims relate to the foregoing item, and to take such action as the Council deems appropriate.

N. ADJOURNMENT.

- O. NOTE: SPECIAL ACCOMMODATIONS AND SIGN LANGUAGE INTERPRETER AND INTERPRETERS FOR NON-ENGLISH SPEAKING PERSONS ARE AVAILABLE UPON REQUEST FIVE (5) DAYS PRIOR TO THE MEETING DATE, TO THE COUNTY CLERK, 4396 RICE STREET, SUITE 209, LĪHUʻE, KAUAʻI, HAWAIʻI 96766. TELEPHONE NO. (808) 241-4188. FACSIMILE NO. (808) 241-6349.

*TO VIEW MEETINGS OR MEETING ARCHIVES, PLEASE VISIT: WWW.KAUAI.GOV/WEBCASTMEETINGS.