

**COUNCIL MEETING NOTICE AND AGENDA
WEDNESDAY, SEPTEMBER 20, 2017
8:30 A.M. OR SOON THEREAFTER**

COUNCIL CHAMBERS
HISTORIC COUNTY BUILDING
4396 RICE STREET, SUITE 201
LIHU'E, KAUA'I, HAWAII 96766

A. MEETING CALLED TO ORDER.

B. ROLL CALL.

C. APPROVAL OF AGENDA.

D. MINUTES of the following meetings of the Council:

1. August 9, 2017 Council Meeting
2. August 23, 2017 Council Meeting
3. September 6, 2017 Public Hearing re: Bill No. 2661

E. CONSENT CALENDAR:

1. [C 2017-210](#) Communication (08/15/2017) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Carol E. Suzawa to the Charter Review Committee – Term ending 12/31/2017. *(See Resolution No. 2017-47)*
2. [C 2017-211](#) Communication (09/05/2017) from the Director of Finance, transmitting for Council information, the Condition of the County Treasury Statement quarterly report as of August 8, 2017.
3. [C 2017-212](#) Communication (09/08/2017) from the Executive on Transportation, transmitting for Council consideration, a Resolution Accepting And Endorsing The [Short-Range Transit Plan](#) As A Policy Guideline For The County Of Kaua'i. *(See Resolution No. 2017-48)*

F. COMMUNICATIONS:

1. [C 2017-213](#) Communication (08/21/2017) from the Fire Chief, requesting Council approval to accept a donation of a cardiopulmonary resuscitation (CPR) mannequin and associated software from the Kaua'i Lifeguard Association (KLA), valued at \$4,232.80, to be used by the Junior Lifeguard Program as a teaching tool that allows CPR performers to be evaluated in real time.

2. [C 2017-214](#) Communication (08/21/2017) from the Executive on Transportation, requesting Council approval to apply for, receive, and expend, a Federal Transit Administration (FTA) Section 5311 Non Urbanized Area Formula Program grant, in the amount of \$985,200.00, and FTA Section 5339 Non Urbanized Area Formula Program grant in the amount of \$1,000,000.00, that also requires that the County indemnify the FTA. The Section 5311 grant will fund fifty percent (50%) of bus driver wages, hourly pay, and fringe benefit line items, and the Section 5339 grant will fund eighty percent (80%) of vehicle purchases and miscellaneous transit facility expenses.

3. [C 2017-215](#) Communication (09/08/2017) from the Director of Finance, transmitting for Council consideration, A Bill for An Ordinance To Amend Ordinance No. B-2017-822, As Amended, Relating To The Capital Budget Of The County Of Kaua'i, State Of Hawai'i, For The Fiscal Year July 1, 2017 Through June 30, 2018, By Revising The Amounts Estimated In The Bond Fund, for the purpose of establishing and appropriating funds for the various projects identified in Bill No. 2665. ***(See Proposed Draft Bill (No. 2668))***

4. [C 2017-216](#) Communication (09/08/2017) from the Acting County Engineer, transmitting for Council approval a request to apply for and receive engineering, construction labor, and equipment support from the Department of Defense (DOD) Civil-Military Innovative Readiness Training (IRT) program to construct a portion of the Lydgate-Kapa'a Bicycle/Pedestrian Path Phases C & D to include upgrading the existing County-owned parking lot located behind Kapa'a Missionary Church, and the construction of a new comfort station.

G. LEGAL DOCUMENTS:

1. [C 2017-217](#) Communication (08/10/2017) from the County Attorney, recommending Council approval of a Grant of Easement, made between the County of Kaua'i and Sandy Saemann, Trustee of the Sandy Saemann Trust of 1990, conveying Easement "AU-1," Tax Map Key (TMK) No. (4) 5-2-004:069, Kilauea Gardens Subdivision, Kilauea, Kaua'i, Hawai'i, for access and utility purposes.
 - Grant of Easement

2. [C 2017-218](#) Communication (08/17/2017) from the Emergency Management Administrator, recommending Council approval of the third amendment to the five (5) year license agreement between the County of Kaua'i and Bank of Hawai'i, Trustee of the Kukuiohono Park Trust Estate, extending the County's license for the 800 MHz radio site located at Kukuiohono Park in Kalāheo, Kaua'i, Hawai'i, for emergency radio communications for the County of Kaua'i, which license fee will be paid in incremental increases of three percent (3%) each year for the five (5) year period commencing July 1, 2017.
 - Third Amendment of License Agreement

3. [C 2017-219](#) Communication (09/07/2017) from the Housing Director, recommending Council approval of a Ground Lease with Koa'e Workforce Housing, L.P., a Hawai'i Limited Partnership, for Koa'e Workforce Housing Development project, Tax Map Key (TMK) No. (4) 2-6-004:019, Kōloa, Kaua'i, Hawai'i.
 - Ground Lease

H. CLAIMS:

1. [C 2017-220](#) Communication (08/30/2017) from the County Clerk, transmitting a claim against the County of Kaua'i by Adam Barrett, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

2. [C 2017-221](#) Communication (09/08/2017) from the County Clerk, transmitting a claim against the County of Kaua'i by EAN Holdings, for damage to their vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

3. [C 2017-222](#) Communication (09/11/2017) from the County Clerk, transmitting a claim against the County of Kaua'i by Michael K. Whitehead, for loss of income and personal injury, pursuant to Section 23.06, Charter of the County of Kaua'i.

4. [C 2017-223](#) Communication (09/11/2017) from the County Clerk, transmitting a claim against the County of Kaua'i by Kainoa Jacobs, for damages to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

I. COMMITTEE REPORTS:

1. PUBLIC WORKS / PARKS & RECREATION COMMITTEE:

- a. **CR-PWPR 2017-17:** on PWPR 2017-17 Communication (08/31/2017) from Committee Chair Kagawa, requesting the presence of the Director of Parks & Recreation, to present the Kaua'i Summer Enrichment Program Child and Parent Satisfaction Insights report and associated findings prepared by Summer Enrichment Program Employee Erika A. Sy, M.A. **[Received for the Record.]**

- b. **CR-PWPR 2017-18:** on PWPR 2017-15 Communication (08/24/2017) from Council Chair Rapozo, requesting the presence of the Acting County Engineer, to provide a briefing on the Waipouli Connector of the Ke Ala Hele Makalae Multi-Use Path, including, but not limited to, the cultural impact to the area and the County's applications for Special Management Area and Shoreline Setback Variance permits for the project. **[Received for the Record.]**

- c. **CR-PWPR 2017-19:** on PWPR 2017-16 Communication (08/28/2017) from Council Chair Rapozo, requesting the presence of the Acting County Engineer, to discuss the enforcement of the County's Sign Ordinance. **[Received for the Record.]**

- d. **CR-PWPR 2017-20:** on Bill No. 2661 A BILL FOR AN ORDINANCE TO AMEND CHAPTER 16 OF THE KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO THE TRAFFIC CODE [**Approved.**]

2. BUDGET & FINANCE COMMITTEE:

- a. **CR-BF 2017-18:** on BF 2017-03 Communication (08/23/2017) from Council Chair Rapozo, requesting the presence of the Director of Finance, to provide a briefing on the new bond issuance for the County of Kaua'i, referenced in Bill No. 2665. [**Received for the Record.**]

3. PUBLIC SAFETY & TRANSPORTATION COMMITTEE:

- a. **CR-PST 2017-05:** on PST 2017-03 Communication (08/22/2017) from Committee Chair Yukimura, requesting the presence of the Chief of Police, to provide a briefing on the Kaua'i Police Department's new online crime mapping program, LexisNexis Community Crime Map. [**Received for the Record.**]

J. RESOLUTIONS:

1. [Resolution No. 2017-47](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE CHARTER REVIEW COMMISSION (*Carol E. Suzawa*)
2. [Resolution No. 2017-48](#) – RESOLUTION ACCEPTING AND ENDORSING THE SHORT-RANGE TRANSIT PLAN AS A POLICY GUIDELINE FOR THE COUNTY OF KAUA'I

K. BILL FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2668\)](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2017-822, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUA'I, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2017 THROUGH JUNE 30, 2018, BY REVISING THE AMOUNTS ESTIMATED IN THE BOND FUND (*2017 Bond Issuance Projects - \$25,750,000.00*)

L. BILL FOR SECOND READING:

1. [Bill No. 2661](#) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 16 OF THE KAUA‘I COUNTY CODE 1987, AS AMENDED, RELATING TO THE TRAFFIC CODE (*See also CR-PWPR 2017-20; the Public Works / Parks & Recreation Committee recommended approval on second and final reading.*)

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 at the Office of the County Attorney and/or the Office of the County Clerk. Discussions held in Executive Session are closed to the public.)*

1. ES-918 Pursuant to Hawai‘i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua‘i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing and request for authority to settle the case of Bruce R. Chapin vs. County of Kaua‘i, et al., Civil No. 13-1-0160 (Fifth Circuit Court, State of Hawai‘i), and related matters. This briefing and consultation involves consideration of powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.
2. ES-919 Pursuant to Hawai‘i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua‘i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing and request for authority to settle the case of Carlos K. Lopez vs. Pacific Concrete, Cutting & Coring, Inc. vs. County of Kaua‘i, Civil No. 14-1-0164 (Fifth Circuit Court, State of Hawai‘i), and related matters. This 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.
3. ES-920 Pursuant to Hawai‘i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua‘i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing on Adam Asquith vs. County of Kaua‘i Planning Commission, Civil No. 17-1-0122 (Fifth Circuit Court), and related matters. This 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.

N. ADJOURNMENT.

- O. PUBLIC HEARING NOTE: If the Council is not finished with this meeting by approximately 1:30 p.m., it will recess for a public hearing on the following. After the public hearing, the Council will reconvene to complete any unfinished business.

*[*For complete information, including a summary of the item, please refer to the official Notice of Public Hearing. The official Notice of Public Hearing has been published, posted on the bulletin board, and filed at the Office of the County Clerk as required by law. Notwithstanding this Council Agenda, the Council may hold a public hearing on any item which has been posted in advance in compliance with the Sunshine Law.]*

For a copy of the notice, please go to: <http://www.kauai.gov/Council/PublicHearings>

1. [Bill No. 2662](#) – A BILL FOR AN ORDINANCE TO AMEND SECTION 2, ORDINANCE NO. 891 AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF KAUAI FOR THE PURPOSE OF FINANCING CERTAIN PUBLIC IMPROVEMENTS AND REFUNDING CERTAIN BONDS OF THE COUNTY; FIXING OR AUTHORIZING THE FIXING OF THE FORM, DENOMINATIONS, AND CERTAIN OTHER DETAILS OF SUCH BONDS AND PROVIDING FOR THE SALE OF SUCH BONDS TO THE PUBLIC
 2. [Bill No. 2663](#) – A BILL FOR A ORDINANCE AMENDING ORDINANCE NO. B-2017-821, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAI'I, FOR THE FISCAL YEAR JULY 1, 2017 THROUGH JUNE 30, 2018, BY REVISING THE AMOUNTS ESTIMATED IN THE SEWER FUND (*Wailua Waste Water Treatment Plant (Operating Budget) - \$500,000.00*)
 3. [Bill No. 2664](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2017-822, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAI'I, FOR THE FISCAL YEAR JULY 1, 2017 THROUGH JUNE 30, 2018, BY REVISING THE AMOUNTS ESTIMATED IN THE SEWER TRUST FUND-CIP (*Wailua Waste Water Treatment Plant (CIP Budget) - \$500,000.00*)
 4. [Bill No. 2665](#) – A BILL FOR AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF KAUAI FOR THE PURPOSE OF FINANCING CERTAIN PUBLIC IMPROVEMENTS; FIXING OR AUTHORIZING THE FIXING OF THE FORM, DENOMINATIONS, AND CERTAIN OTHER DETAILS OF SUCH BONDS AND PROVIDING FOR THE SALE OF SUCH BONDS TO THE PUBLIC; AUTHORIZING THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES; AND PROVIDING FOR OTHER MATTERS AND ACTIONS PERTAINING TO THE ISSUANCE AND SALE OF THE BONDS
- P. 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, LIHU'E, KAUAI, HAWAI'I 96766. TELEPHONE NO. (808) 241-4188. FACSIMILE NO. (808) 241-6349.

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