

**COUNCIL MEETING NOTICE AND AGENDA
WEDNESDAY, SEPTEMBER 7, 2016
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. CONSENT CALENDAR:

1. [C 2016-186](#) Communication (08/08/2016) from the Director of Liquor Control, transmitting for Council information, changes to the fee structure of the Rules & Regulations of the Liquor Control Commission, and pursuant to Hawai'i Revised Statutes (HRS) Section 281-17.5, requesting Council approval of Rule 2.8, Rule 3.11, Rule 4.1, and Rule 4.7. *(Copies of the Draft Rules and Regulations of the Liquor Control Commission on file in the County Clerk's Office.) (See Resolution No. 2016-55)*
2. [C 2016-187](#) Communication (08/15/2016) from the Director of Finance, transmitting for Council information, the Inventory Report for the Fiscal Year Ending June 30, 2016. *(Copy on file in the County Clerk's Office.)*
3. [C 2016-188](#) Communication (08/23/2016) from Councilmember Yukimura, transmitting for Council consideration, a Resolution Amending Resolution No. 2015-02, Draft 1, And Resolution No. 2015-62, Relating To The Rules Of The Council Of The County of Kaua'i For The Organization Of Committees And The Transaction Of Business, to allow members of the public a total of eighteen (18) minutes at the beginning of the agenda of any Council or Committee meeting to speak on any agenda item; and allows for public speaking per Rule No. 11(c)(8) to come as the first order of business after the roll call and the approval of the agenda and minutes. *(See Resolution No. 2016-56)*

E. COMMUNICATIONS:

1. [C 2016-189](#) Communication (08/04/2016) from the Director of Finance, requesting Council approval to accept and expend the appropriations in the total amount of \$5,700,000.00 provided to the County of Kaua'i in the Supplemental Appropriations Act of 2016 – Act 124, Session Laws of Hawai'i 2016 from the State of Hawai'i, for Appropriation Warrant No. 222 for the following projects:
 - Adolescent Treatment & Healing Center - \$5,000,000.00; and
 - Kaua'i Veteran's Cemetery Renovation - \$700,000.00.

2. [C 2016-190](#) Communication (08/08/2016) from the Planning Director, transmitting the Planning Commission's recommendation to amend Chapter 8, Kaua'i County Code 1987, as amended, to allow multiple family dwelling units in all residential zoning districts. *(Copies of the Draft Ordinance for Zoning Amendment (ZA-2016-6), Director's Report, and Excerpt of Minutes from the July 26, 2016 Planning Commission Meeting, on file in the County Clerk's Office.) (See Proposed Draft Bill (No. 2634))*

3. [C 2016-191](#) Communication (08/18/2016) from the County Attorney, requesting authorization to expend funds up to \$50,000.00 for Special Counsel services to represent the County of Kaua'i Housing Agency before the State of Hawai'i Land Use Commission in order to file a 201H-38 Petition for the Lima Ola Workforce Housing Project (Resolution No. 2016-53), and related matters.

4. [C 2016-192](#) Communication (08/22/2016) from the Director of Economic Development, transmitting for Council consideration, proposed amendments to Ordinance No. B-2016-812, as amended, relating to the Operating Budget of the County of Kaua'i, for the Fiscal Year 2016-2017, by revising the amounts estimated in the General Fund, to fund security services for certain community events on Kaua'i. *(Office of Economic Development, Grant In Aid (Special Events Security) – \$53,773.00) (See Proposed Draft Bill (No. 2637))*

5. [C 2016-193](#) Communication (08/22/2016) from the Director of Finance, transmitting for Council consideration, proposed amendments to Section 2, Ordinance No. 891, relating to Authorizing the Issuance of General Obligation Bonds of the County of Kaua'i for the Purpose of Financing 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, to account for the current Capital Improvement Projects that were not originally cited in the initial bond issuance. (***See Proposed Draft Bill (No. 2638)***)
6. [C 2016-194](#) Communication (08/22/2016) from the Director of Finance, requesting Council approval to dispose of the following government records, pursuant to Hawai'i Revised Statutes (HRS) Section 46-43 and Resolution No. 2008-39 (2008) as amended, which have been kept for over seven (7) years and are no longer of use or value:
- Contract Folders (Fiscal Year (FY) 2004 to FY 2005)
 - Purchase Orders (FY 2007 to FY 2009)
 - Procurement Work Folders: Request for Proposal (RFP) (C4056) (FY 1993), RFP P0088 (FY 2005), Exempt RFP X-20 (FY 2005), IFB (#2872-#2936) (FY 2005)
 - Professional Services – Exempt: X7-PROF-05/06 thru X8-PROF-07/08 (FY 2006 to FY 2008)
 - Documentation for: Sole Source Procurement FY 2005/2006 – FY 2007/2008 (FY 2006 to FY 2009), Exempt Procurement FY 2004/2005 – FY 2007/2008 (FY 2005 to FY 2009), Emergency Purchase FY 2005/2006 to FY 2007/2008 (FY 2005 to FY 2009)
 - Logs: Certified Mail and Professional Services (FY 2008 & Older)
 - Written Informals (FY 2009)
 - Auction: Auction Documents (FY 2007 to FY 2009)
 - State Price Lists (Various)
 - Accounts (FY 2009)
 - Trust Fund (FY 2009)
7. [C 2016-195](#) Communication (08/24/2016) from the County Attorney, requesting authorization to expend funds up to \$20,000.00 for Special Counsel's continued services provided in County of Kaua'i vs. Hanalei River Holdings, Ltd., et al., Civil No. 11-1-0098 JRV (Condemnation), Fifth Circuit Court, and related matters.

8. [C 2016-196](#) Communication (08/30/2016) from the Acting County Engineer, requesting Council approval to submit an application and indemnify the State of Hawai'i Department of Education for use by the Department of Public Works of the King Kaumuali'i Elementary School Cafeteria to conduct a public meeting.

F. LEGAL DOCUMENT:

1. [C 2016-197](#) Communication (08/08/2016) from the Mayor, recommending Council approval of a Dedication Deed from Makaleha Gardens LLC, conveying roadway widening lots to the County of Kaua'i for roadway widening purposes, Subdivision of Lot 71-A Being all of Grants 7517 and S-14707 Kapa'a Homesteads First Series into Lots 1 to 6, Inclusive, Roadway Widening Lots A & B, Kapa'a, Kawaihau, Kaua'i, Hawai'i, Tax Map Key (TMK) No. (4) 4-6-06:17, 19, and 20 (por.).
- Dedication Deed

G. CLAIM:

1. [C 2016-198](#) Communication (08/09/2016) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Stephen Lucas, for damage to his property, pursuant to Section 23.06, Charter of the County of Kaua'i.

H. COMMITTEE REPORTS:

1. PUBLIC WORKS / PARKS & RECREATION COMMITTEE:

- a. **CR-PWPR 2016-11:** on PWPR 2016-10 Communication (07/25/2016) from Councilmember Hooser, requesting the presence of the Acting County Engineer, to provide a briefing on plans to address the traffic congestion on the east side of Kaua'i. This briefing should include, but not be limited to:
- The plans and strategies to address the traffic congestion;
 - Whether the State or County is responsible for the project, or whether the project is a combined effort between both governmental jurisdictions;
 - The timeline for start and completion of the project(s);
 - Whether alternative projects exist, and the order of priority for these projects; and
 - Any immediate plans to alleviate the traffic congestion.
- [Received for the Record.]**

- b. **CR-PWPR 2016-12:** on PWPR 2016-11 Communication (08/04/2016) from Council Chair Rapozo, requesting the presence of the Acting County Engineer and County Attorney, to provide a briefing on all outstanding roadway dedications in the County, and the County's plan to resolve these dedication issues. **[Received for the Record.]**
- c. **CR-PWPR 2016-13:** on PWPR 2016-12 Communication (08/08/2016) from Council Chair Rapozo, requesting the presence of the Acting County Engineer and County Attorney, to provide a briefing on the written request from Walton D. Y. Hong, who on behalf of his clients are asking that the County of Kaua'i begin the acceptance and dedication process for Lot 4, Hanapēpē Valley, Tax Map Key (TMK) 4:1-9-012 por. 042, which is proposed to have been used as a part of Awawa Road for many years. **[Received for the Record.]**

I. RESOLUTIONS:

1. [Resolution No. 2016-55](#) – RESOLUTION RELATING TO INCREASES IN THE LIQUOR LICENSE FEE STRUCTURE
2. [Resolution No. 2016-56](#) – RESOLUTION AMENDING RESOLUTION NO. 2015-02, DRAFT 1, AND RESOLUTION NO. 2015-62, RELATING TO THE RULES OF THE COUNCIL OF THE COUNTY OF KAUAI FOR THE ORGANIZATION OF COMMITTEES AND THE TRANSACTION OF BUSINESS

J. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2634\)](#) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, TO ALLOW MULTIPLE FAMILY DWELLING UNITS IN ALL RESIDENTIAL ZONING DISTRICTS (*Kaua'i County Council, Applicant*)

2. [Proposed Draft Bill \(No. 2637\)](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2016-812, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2016 THROUGH JUNE 30, 2017, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Office of Economic Development, Grant In Aid (Special Events Security) – \$53,773.00*)

3. [Proposed Draft Bill \(No. 2638\)](#) – 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

K. 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-867 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 Council with a briefing and request authority for a possible settlement proposal in a claim filed by Geico Insurance, as subrogee for Jenica Springer 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.

2. ES-868 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Section 3.07(E) of the Kaua'i County Charter, the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing on Special Counsel services to represent the County of Kaua'i Housing Agency before the State Land Use Commission in order to file a 201H-38 Petition for the Lima Ola Workforce Housing Project (Resolution No. 2016-53), and related matters. 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.

3. ES-869 Pursuant to Hawai'i Revised Statutes (HRS) Sections 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.

4. ES-870 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4) and (8), and Kaua'i County Charter Section 3.07(E), the purpose of this Executive Session is to provide the Council with a briefing on County of Kaua'i vs. Hanalei River Holdings, Ltd., Civil No. 11-1-0098 JRV (Condemnation), 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.

5. ES-871 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 Carl A. Ragasa vs. County of Kaua'i, et al., Civil No. CV14-00309 DKW BMK (United States District Court for the District 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.

L. ADJOURNMENT.

- M. 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 in the County Clerk's Office 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. 2635 – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 19, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE WAILUA GOLF COURSE

N. 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, KAUAI, HAWAIʻI 96766. TELEPHONE NO. (808) 241-4188. FACSIMILE NO. (808) 241-6349.

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