

**COUNCIL MEETING NOTICE AND AGENDA  
WEDNESDAY, SEPTEMBER 26, 2018  
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 meeting of the Council:

1. August 22, 2018 Council Meeting

E. CONSENT CALENDAR:

1. [C 2018-204](#) Communication (09/05/2018) from the Acting County Engineer, transmitting for Council consideration, a Resolution Authorizing The Mayor Or The Director Of Finance Of The County Of Kaua'i To Enter Into An Intergovernmental Agreement With The State Of Hawai'i, Department Of Health For A Loan From The State Water Pollution Control Revolving Fund For The Wailua Sewage Pump Station (SPS) No. 1 Rehabilitation, Project No. C150055-11 (**See Resolution No. 2018-33**)
2. [C 2018-205](#) Communication (09/05/2018) from the Acting County Engineer, transmitting for Council consideration, a Resolution Authorizing The Mayor Or The Director Of Finance Of The County Of Kaua'i To Enter Into An Intergovernmental Agreement With The State Of Hawai'i, Department Of Health For A Loan From The State Water Pollution Control Revolving Fund For The Hanamā'ulu And Kapaia Sewer Pump Stations' (SPS) Renovations, Project No. C150059-23. (**See Resolution No. 2018-34**)

F. COMMUNICATIONS:

1. [C 2018-206](#) Communication (08/06/2018) from the Acting County Engineer, requesting Council approval to write-off two (2) finalled (inactive) sewer accounts (Consolidated Maui, Inc. and Anekona Ownership, LLC) totaling an uncollectible delinquent amount of \$91,470.57, pursuant to Section 25-14.3 of the Kaua'i County Code 1987, as amended.
2. [C 2018-207](#) Communication (08/16/2018) from Council Chair Rapozo, requesting the presence of Joe Kent, Vice President of Research from the Grassroot Institute of Hawai'i, to provide a briefing on the Grassroot Institute of Hawai'i's report titled "How to Resolve Hawai'i's Public Pension Debt Crisis" and any findings or recommendations specific to the County of Kaua'i.
3. [C 2018-208](#) Communication (09/05/2018) from the Director of Parks & Recreation, requesting Council approval, to accept an in-kind donation from Global Specialty Contractors, with a value of \$6,215.00, for labor and materials to repair the guardrail in the parking lot at Vidinha Stadium.
4. [C 2018-209](#) Communication (09/05/2018) from the Executive on Transportation, requesting Council approval to receive and expend a Fiscal Year 2018 Federal Transit Administration (FTA) Section 5339(c) Low or No Emission (Low-No) Bus Program competitive grant, in the amount of \$1,500,000.00, and to indemnify the FTA. This Section 5339(c) grant will provide eighty percent (80%) of the cost to replace three (3) diesel-powered buses exceeding their useful service lives with up to three (3) electric-powered buses, and provide for the design and construction of depot charger ports required for electric bus charging.
5. [C 2018-210](#) Communication (09/06/2018) from the Director of Economic Development, requesting Council approval to receive and expend funds from the Workforce Development Council for County Sector Partnership Engagement, in the amount of \$15,000.00, for staff time for planning, executing, and supporting sector partnerships, travel, facility rental, and other administrative costs, which includes support for organizing sector partnerships via the Kaua'i Economic Development Board following the Comprehensive Economic Development Strategy (CEDS).

6. [C 2018-211](#) Communication (09/06/2018) from the Fire Chief, requesting Council approval, to accept a donation from the Kaua'i Lifeguard Association (KLA), of two (2) Solar-Powered Public Address (PA) Systems, for a total value of \$9,152.00, which will outfit the new Po'ipū Beach Park "Nukumoi" tower and Salt Pond Beach Park tower, similar to the system installed at the Pine Trees tower in Hanalei.
7. [C 2018-212](#) Communication (09/12/2018) from the Prosecuting Attorney, requesting Council approval to apply for, receive, and expend Federal funds, in the amount of \$114,635.00, from the Fiscal Year (FY) 2017 Edward J. Byrne Memorial Justice Assistance Grant (JAG) Sex Assault Prosecuting Unit (SAPU), and approval to indemnify the State of Hawai'i, Department of the Attorney General, for the Sex Assault Prosecution Unit, for the period of March 1, 2019 through August 31, 2019 (subject to change due to available funds), to continue the Sex Assault Prosecution Unit, which will consist of a 0.90 Full-Time Equivalent (FTE) Special Prosecuting Attorney and fringe benefits.
8. [C 2018-213](#) Communication (09/12/2018) from the Prosecuting Attorney, requesting Council approval to apply for, receive, and expend Federal funds in the amount of \$73,884.00, from the Fiscal Year (FY) 2017 Edward J. Byrne Memorial Justice Assistance Grant (JAG) – Drug Nuisance Abatement Unit (DNAU), and approval to indemnify the State of Hawai'i, Department of the Attorney General, for the period of December 1, 2019 through August 31, 2020 (subject to change due to available funds), to continue the Drug Nuisance Abatement Unit, which consists of a 1.0 Full-Time Equivalent (FTE) Special Investigator and fringe benefits.
9. [C 2018-214](#) Communication (09/12/2018) from the County Attorney, requesting authorization to expend additional funds up to \$10,000.00 for Special Counsel's continued representation of the County's interests as Bond Counsel for the issuance of General Obligation Bonds (2017 Series), and related matters.
10. [C 2018-215](#) Communication (09/14/2018) from the County Attorney, requesting Council approval of an Adopt-A-Park Agreement for the Stewardship of Wainiha Beach Park, Tax Map Key (TMK) No. (4) 5-8-006:030.

G. LEGAL DOCUMENT:

1. [C 2018-216](#) Communication (09/14/2018) from the Acting County Engineer, recommending Council approval of the following Right-of-Entry Agreements to reconstruct and repair portions of Kahiliholo Road, a culvert and associated drainage improvements that were damaged by the heavy rains and flooding that occurred during the April 2018 rain event:
  - Right-of-Entry Agreement by and between the County of Kaua'i and Erik Brandsen, Trustee of the Erik Brandsen Trust, Tax Map Key (TMK) No. (4) 5-2-017-015:0002; and
  - Right-of-Entry Agreement by and between the County of Kaua'i and Wai Koa Guava Plantation, LLC, TMK No. (4) 5-2-017-026:0020

H. COMMITTEE REPORTS:1. PUBLIC WORKS/ PARKS & RECREATION COMMITTEE:

- a. **CR-PWPR 2018-11:** on Bill No. 2717 A BILL FOR AN ORDINANCE TO AMEND CHAPTER 13 OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE ELECTRICAL CODE [**Approved.**]

2. PLANNING COMMITTEE:

- a. **CR-PL 2018-09:** on PL 2018-04 Communication (09/11/2018) from Council Chair Rapozo, requesting the presence of Tyler Greene, Managing Partner, GreeneWaters and the County's Planning Director, to provide a status report regarding rebuilding the Coco Palms Hotel. [**Received for the Record.**]

3. BUDGET & FINANCE COMMITTEE:

- a. **CR-BF 2018-31:** on Bill No. 2718 A BILL FOR AN ORDINANCE AMENDING CHAPTER 23, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO TAXICABS [**Approved.**]

**b. CR-BF 2018-32:** on BF 2018-15

Communication (08/28/2018) from Committee Chair Kaneshiro, requesting the presence of Scott K. Teruya, Administrator, Real Property Assessment Division, Department of Finance, County of Maui, to provide a briefing on Senate Bill No. 2922, S.D. 1, H.D. 1 from the 2018 Legislative Session, regarding a proposed Constitutional amendment to allow a surcharge on real property taxes to fund public education, and its implications for the counties. **[Received for the Record.]**

**I. RESOLUTIONS:**

1. [Resolution No. 2018-31](#) – RESOLUTION ESTABLISHING MAXIMUM SPEED LIMITS OF TWENTY-FIVE (25 MPH), THIRTY-FIVE (35 MPH), FORTY (40 MPH), AND FORTY-FIVE MILES PER HOUR (45 MPH) ALONG ALA KINOIKI, KŌLOA DISTRICT, COUNTY OF KAUAʻI, STATE OF HAWAIIʻI (*Deferred September 12, 2018*)

2. [Resolution No. 2018-33](#) – RESOLUTION AUTHORIZING THE MAYOR OR THE DIRECTOR OF FINANCE OF THE COUNTY OF KAUAʻI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAIIʻI, DEPARTMENT OF HEALTH FOR A LOAN FROM THE STATE WATER POLLUTION CONTROL REVOLVING FUND FOR THE WAILUA SEWAGE PUMP STATION (SPS) NO. 1 REHABILITATION, PROJECT NO. C150055-11

3. [Resolution No. 2018-34](#) – RESOLUTION AUTHORIZING THE MAYOR OR THE DIRECTOR OF FINANCE OF THE COUNTY OF KAUAʻI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAIIʻI, DEPARTMENT OF HEALTH FOR A LOAN FROM THE STATE WATER POLLUTION CONTROL REVOLVING FUND FOR THE HANAMĀʻULU AND KAPAIA SEWER PUMP STATIONS' (SPS) RENOVATIONS, PROJECT NO. C150059-23

J. BILLS FOR SECOND READING:

1. [Bill No. 2717](#) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 13 OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE ELECTRICAL CODE (*See also CR-PWPR 2018-11; the Public Works / Parks & Recreation Committee recommended approval on second and final reading.*)

2. [Bill No. 2718](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 23, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO TAXICABS (*See also CR-BF 2018-31; the Budget & Finance Committee recommended approval on second and final reading.*)

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 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-966 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 Special Counsel's continued services to represent the interests of the County as Bond Counsel for the issuance of General Obligation Bonds (2017 Series) for the County, 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.

2. ES-967 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, on behalf of the Kaua'i County Council, requests an Executive Session with the Council, to provide Council with a briefing regarding a claim filed by Roger Ridgley, Jr., 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 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. 2719](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO AGRICULTURE DISTRICTS (ZA-2014-4) (County of Kaua'i Planning Department, Applicant)

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, HAWAII 96766. TELEPHONE NO. (808) 241-4188. FACSIMILE NO. (808) 241-6349.

\*TO VIEW MEETINGS OR MEETING ARCHIVES, PLEASE VISIT: [WWW.KAUAI.GOV/WEBCASTMEETINGS](http://WWW.KAUAI.GOV/WEBCASTMEETINGS).