

**COUNCIL MEETING NOTICE AND AGENDA  
WEDNESDAY, OCTOBER 19, 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. MINUTES of the following meetings of the Council:

1. September 7, 2016 Council Meeting
2. September 7, 2016 Public Hearing re: Bill No. 2635
3. September 21, 2016 Council Meeting
4. September 21, 2016 Public Hearing re: Bill No. 2636
5. October 5, 2016 Public Hearing re: Resolution No. 2016-57, Bill No. 2634, Bill No. 2637, and Bill No. 2638

E. CONSENT CALENDAR:

1. [C 2016-210](#) Communication (09/01/2016) from the Mayor, transmitting the Public Access, Open Space, and Natural Resources Preservation Fund Commission's recommendation, a Resolution Authorizing The Acquisition Of A Public Pedestrian Beach Access Easement In Land Required For Public Use To Wit: A Public Pedestrian Beach Access Easement To Kukui'ula Bay, Kukui'ula, County Of Kaua'i, Hawai'i, And Determining And Declaring The Necessity Of The Acquisition Thereof By Eminent Domain. **(See Resolution No. 2016-60)**
2. [C 2016-211](#) Communication (09/06/2016) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Daniel K. Aki to the Salary Commission – Term ending 12/31/2018. **(See Resolution No. 2016-61)**

3. [C 2016-212](#) Communication (09/21/2016) 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 Sewage Pump Stations (SPS) Renovations, Project No. C150059-23. (**See Resolution No. 2016-62**)
  
4. [C 2016-213](#) Communication (09/28/2016) from the Director of Finance, transmitting for Council information, the Condition of the County Treasury Statement quarterly report as of August 25, 2016.
  
5. [C 2016-214](#) Communication (10/01/2016) from the Mayor, transmitting for Council consideration and confirmation, the following Mayoral reappointments to the various Boards and Commissions serving the County of Kaua'i:
  - a. Building Board of Appeals
    - Patrick D. Lizama (Fire Safety) – Term ending 12/31/2019
  
  - b. Board of Ethics
    - Ryan M. de la Pena – Term ending 12/31/2019
    - Maureen M. Tabura – Term ending 12/31/2019
  
  - c. Board of Water Supply
    - Laurie K. Ho – Term ending 12/31/2019
  
  - d. Civil Service Commission
    - Elizabeth Hahn – Term ending 12/31/2019
  
  - e. Cost Control Commission
    - Joanne P. Nakashima – Term ending 12/31/2019
    - Jan Hashizume – Term ending 12/31/2019
  
  - f. Fire Commission
    - Michael Martinez – Term ending 12/31/2019
    - Chad K. Pacheco – Term ending 12/31/2019
  
  - g. Liquor Control Commission
    - Jean A. Iida – Term ending 12/31/2019
    - Paul N. Endo – Term ending 12/31/2019

## h. Planning Commission

- Sean M. Mahoney (Labor) – Term ending 12/31/2019
- Heather K. Ahuna (Environmentalist) – Term ending 12/31/2019

## i. Police Commission

- Gerald Bahouth – Term ending 12/31/2019

## j. Salary Commission

- Lenie F.P. Nishihira – Term ending 12/31/2019

***(See Resolution No. 2016-63, Resolution No. 2016-64, Resolution No. 2016-65, Resolution No. 2016-66, Resolution No. 2016-67, Resolution No. 2016-68, Resolution No. 2016-69, Resolution No. 2016-70, Resolution No. 2016-71, Resolution No. 2016-72, Resolution No. 2016-73, Resolution No. 2016-74, Resolution No. 2016-75, Resolution No. 2016-76, and Resolution No. 2016-77)***

6. [C 2016-215](#) Communication (10/05/2016) from the County Attorney, transmitting for Council information, the Quarterly Report on Settled Claims which were filed against the County of Kaua'i from July 1, 2016 through September 30, 2016.

**F. COMMUNICATIONS:**

1. [C 2016-216](#) Communication (09/15/2016) from the Chief of Police, requesting Council approval to apply for, receive, and expend Federal funds in the amount of \$648,245.00, from the recurring National Highway Traffic Safety Administration (NHTSA) grant to be used towards the following traffic related functions: Data Traffic Records, Distracted Driver, Occupant Protection, Pedestrian, Road Block, Speed, Youth Deterrence, Traffic Services, purchase of equipment, supplies, training expenses, media expenses, et cetera.
2. [C 2016-217](#) Communication (09/19/2016) from the Director of Economic Development, requesting Council approval to receive and expend State Funds subject to availability under the Title I Federal grant, in the amount of \$339,594.00 per year for a four-year contract, from the Workforce Development Council to be used for the Workforce Innovation and Opportunity Act of 2014 WIOA, Adult, Dislocated Worker, Youth Service Programs, and other administrative costs.

3. [C 2016-218](#) Communication (09/21/2016) from the Fire Chief, 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 replace the Kaua'i Fire Department's (KFD) 50 Automated External Defibrillators (AED) and includes, rechargeable batteries, carrying case, data card, and training packs. *(Kaua'i Fire Department, Training Bureau, Other Small Equipment, Fifty (50) Automated External Defibrillators – \$151,000.00)* **(See Proposed Draft Bill (No. 2639))**
  
4. [C 2016-219](#) Communication (09/21/2016) from the Fire Chief, 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 replace the Kaua'i Fire Department's (KFD) 60 Self Contained Breathing Apparatus (SCBA) and includes air cylinders, rechargeable batteries, and chargers. *(Kaua'i Fire Department, Fire Operations, Public Safety, Sixty (60) Self-Contained Breathing Apparatus (SCBA) – \$390,000.00)* **(See Proposed Draft Bill (No. 2640))**
  
5. [C 2016-220](#) Communication (10/03/2016) from the Prosecuting Attorney, requesting Council approval to receive and expend State General Funds, in the amount of \$25,000.00, from the State Office of Youth Services contract DHS-16-OYS-624, to be used to subcontract to Hale 'Ōpio Kaua'i, Inc., for Kaua'i Teen Court Services from December 1, 2016 to November 30, 2017.
  
6. [C 2016-221](#) Communication (10/12/2016) from the Emergency Management Administrator, requesting Council approval to receive and expend grant funds from the United States Department of Homeland Security, via the State of Hawai'i Department of Defense, in the amount of \$4,929.91 in addition to the FY 2014 State Homeland Security Grant Program which was previously approved (C 2014-272), for efforts to upgrade the 800 MHz radio system.

G. LEGAL DOCUMENTS:

1. [C 2016-222](#) Communication (09/21/2016) from the Acting County Engineer, recommending Council approval of a Wastewater Facilities Cost-Share Agreement from Haʻili Moe, Inc., a Hawaiʻi Corporation, for a public-private partnership between Grove Farm Company, Inc., and the County for renovation to the County's existing Hanamāʻulu and Kapaia Sewage Pump Stations (SPS) situated at Tax Map Key (TMK) Nos. 3-6-02: por. 1, por. 4, 17, por. 18, 23, 24, 25, 26, 27; 3-7-01: por. 1; 3-7-02: por. 1 and por. 12; and 3-7-03: por. 20.
  - Wastewater Facilities Cost-Share Agreement Between Haʻili Moe, Inc. and the County of Kauaʻi
  
2. [C 2016-223](#) Communication (09/22/2016) from the Executive on Aging, recommending Council approval to enter into a Memorandum of Understanding (MOU) and Network Partner Agreement with Halawai Counseling and the National Kidney Foundation of Hawaiʻi, which will be involved with the Aging and Disability Resource Center (ADRC).
  - Two (2) Memorandums of Understanding Between the County of Kauaʻi Agency on Elderly Affairs and the above referenced Community Partners; and
  - County of Kauaʻi Agency on Elderly Affairs Network Partner Agreement.
  
3. [C 2016-224](#) Communication (10/07/2016) from the Deputy County Attorney, recommending Council approval of a Confirmation Quitclaim Deed involving Tax Map Key (TMK) (4) 2-5-003:001, Lot 37-B, by ONE DIVA, LLC, to be used for public roadway purposes, located on Wawae Road, Lāwaʻi.
  - Confirmation Quitclaim Deed

H. CLAIMS:

1. C 2016-225 Communication (09/29/2016) from the County Clerk, transmitting a claim filed against the County of Kauaʻi by Mahasen H. Katoush, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kauaʻi.
  
2. C 2016-226 Communication (10/03/2016) from the County Clerk, transmitting a claim filed against the County of Kauaʻi by Gary T. Mack, for damage to his personal property, pursuant to Section 23.06, Charter of the County of Kauaʻi.

3. C 2016-227 Communication (10/04/2016) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Iris Ijima, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.
4. C 2016-228 Communication (10/06/2016) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Susan Hatch, for damage to her rental vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.
5. C 2016-229 Communication (10/07/2016) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Carolina Santos, for reimbursement of medical bills, pursuant to Section 23.06, Charter of the County of Kaua'i.
6. C 2016-230 Communication (10/12/2016) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Island Insurance Company as subrogee for Anahita and Babak Azar for damage to their fence and personal property, pursuant to Section 23.06, Charter of the County of Kaua'i.

#### I. COMMITTEE REPORTS:

##### 1. PUBLIC WORKS / PARKS & RECREATION COMMITTEE:

- a. **CR-PWPR 2016-15:** on Resolution No. 2016-57 RESOLUTION ESTABLISHING TRAFFIC LANE MODIFICATIONS AND BICYCLE LANES ON RICE STREET AND HO'OLAKO STREET; ESTABLISHING CROSSWALKS ON RICE STREET, PUA'OLE STREET, HO'OLAKO STREET, KALENA STREET, HO'ALA STREET, AND MALAMA STREET; AND REPEALING, AMENDING, AND ESTABLISHING PARKING RESTRICTIONS AND BUS STOPS ON RICE STREET, COUNTY OF KAUAI [Approved.]

**2. BUDGET & FINANCE COMMITTEE:**

- a. **CR-BF 2016-22:** on 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 **[Approved as Amended.]**
- b. **CR-BF 2016-23:** on 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) – \$43,473.00*) **[Approved.]**

**J. RESOLUTIONS:**

1. [Resolution No. 2016-57](#) RESOLUTION ESTABLISHING TRAFFIC LANE MODIFICATIONS AND BICYCLE LANES ON RICE STREET AND HO'OLAKO STREET; ESTABLISHING CROSSWALKS ON RICE STREET, PUA'OLE STREET, HO'OLAKO STREET, KALENA STREET, HO'ALA STREET, AND MALAMA STREET; AND REPEALING, AMENDING, AND ESTABLISHING PARKING RESTRICTIONS AND BUS STOPS ON RICE STREET, COUNTY OF KAUAI (*See also CR-PWPR 2016-15; the Public Works / Parks & Recreation Committee recommended approval on October 12, 2016.*)
2. [Resolution No. 2016-60](#) – RESOLUTION AUTHORIZING THE ACQUISITION OF A PUBLIC PEDESTRIAN BEACH ACCESS EASEMENT IN LAND REQUIRED FOR PUBLIC USE, TO WIT: A PUBLIC PEDESTRIAN BEACH ACCESS EASEMENT TO KUKUI'ULA BAY, KUKUI'ULA, COUNTY OF KAUAI, HAWAII, AND DETERMINING AND DECLARING THE NECESSITY OF THE ACQUISITION THEREOF BY EMINENT DOMAIN

3. [Resolution No. 2016-61](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE SALARY COMMISSION (*Daniel K. Aki*)
4. [Resolution No. 2016-62](#) – RESOLUTION AUTHORIZING THE MAYOR OR THE DIRECTOR OF FINANCE OF THE COUNTY OF KAUAI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF HEALTH FOR A LOAN FROM THE STATE WATER POLLUTION CONTROL REVOLVING FUND FOR THE HANAMĀ'ULU AND KAPAIA SEWAGE PUMP STATIONS (SPS) RENOVATIONS, PROJECT NO. C150059-23
5. [Resolution No. 2016-63](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE BUILDING BOARD OF APPEALS (*Patrick D. Lizama – Fire Safety*)
6. [Resolution No. 2016-64](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE BOARD OF ETHICS (*Ryan M. de la Pena*)
7. [Resolution No. 2016-65](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE BOARD OF ETHICS (*Maureen M. Tabura*)
8. [Resolution No. 2016-66](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE BOARD OF WATER (*Laurie K. Ho*)
9. [Resolution No. 2016-67](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE CIVIL SERVICE COMMISSION (*Elizabeth Hahn*)
10. [Resolution No. 2016-68](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE COST CONTROL COMMISSION (*Joanne P. Nakashima*)
11. [Resolution No. 2016-69](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE COST CONTROL COMMISSION (*Jan Hashizume*)
12. [Resolution No. 2016-70](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE FIRE COMMISSION (*Michael Martinez*)
13. [Resolution No. 2016-71](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE FIRE COMMISSION (*Chad K. Pacheco*)
14. [Resolution No. 2016-72](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE LIQUOR CONTROL COMMISSION (*Jean A. Iida*)
15. [Resolution No. 2016-73](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE LIQUOR CONTROL COMMISSION (*Paul N. Endo*)



16. [Resolution No. 2016-74](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE PLANNING COMMISSION (*Sean M. Mahoney – Labor*)

17. [Resolution No. 2016-75](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE PLANNING COMMISSION (*Heather K. Ahuna – Environmentalist*)

18. [Resolution No. 2016-76](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE POLICE COMMISSION (*Gerald Bahouth*)

19. [Resolution No. 2016-77](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE SALARY COMMISSION (*Lenie F.P. Nishihira*)

#### K. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2639\)](#) – 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 (*Kauai Fire Department, Training Bureau, Other Small Equipment, Fifty (50) Automated External Defibrillators – \$151,000.00*)

2. [Proposed Draft Bill \(No. 2640\)](#) – 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 (*Kauai Fire Department, Fire Operations Public Safety, Sixty (60) Self-Contained Breathing Apparatus (SCBA) – \$390,000.00*)

#### L. BILLS FOR SECOND READING:

1. [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) – \$43,473.00*) (*See also CR-BF 2016-23; the Budget & Finance Committee recommended approval on second and final reading.*)

2. [Bill No. 2638, Draft 1](#) – 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 (*See also CR-BF 2016-22; the Budget & Finance Committee recommended approval as amended to Bill No. 2638, Draft 1 on October 12, 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-873 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 authority to settle the case of Christina Pilkington vs. County of Kaua'i. et al., Civil No. CV14-1-0123 (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.
2. ES-874 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Kaua'i 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. This briefing and consultation involves the 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. 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](http://WWW.KAUAI.GOV/WEBCASTMEETINGS).