

**COUNCIL MEETING NOTICE AND AGENDA
WEDNESDAY, NOVEMBER 14, 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 meetings of the Council:

1. October 10, 2018 Council Meeting
2. October 10, 2018 Public Hearing re: Bill No. 2720 and Bill No. 2722
3. October 24, 2018 Council Meeting

E. CONSENT CALENDAR:

1. [C 2018-237](#) Communication (10/05/2018) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Dean A. Pigao to the Police Commission – Term ending 12/31/2020. (*See Resolution No. 2018-37*)

F. COMMUNICATIONS:

1. [C 2018-238](#) Communication (09/25/2018) from the Acting Chief of Police, requesting Council approval of the indemnification language contained in the extension of software license agreement for law enforcement participants of the Cellebrite UFED 4PC and Cloud Analyzer, which provides the Kaua'i Police Department authorized use and access to Cellebrite software updates, which is required for court admissibility of the product usage.

- Cellebrite End User License Agreement

2. [C 2018-239](#) Communication (09/26/2018) from the Acting Chief of Police, requesting Council approval of the indemnification language contained in the extension of software license agreement for law enforcement participants of the MSAB XRY Logical & Physical License Renewal and XRY Cloud License Renewal, which allows the Kaua'i Police Department authorized use and access to MSAB software updates, which is required for court admissibility of the product usage.
 - MSAB End User License Agreement

3. [C 2018-240](#) Communication (10/12/2018) from the Director of Economic Development, requesting Council approval to receive and expend State funds, in the amount of \$75,000.00, and to indemnify the State of Hawai'i, Department of Agriculture, for maintenance of the East Kaua'i irrigation system by the East Kaua'i Water Users Cooperative

4. [C 2018-241](#) Communication (10/18/2018) from the Executive on Transportation, requesting Council approval to accept the donation, valued at \$23,000.00, of the following items from the existing system provider RouteMatch, to optimize the use of the software to serve the community and continue to develop the tools utilized to effectively and efficiently serve the clients of The Kaua'i Bus:
 - Onsite Advance Consulting Services (ACG), valued at \$14,000; and
 - Mobile Device Management System (MDM) and associated Data Plan Upgrades, valued at \$9,000.

5. [C 2018-242](#) Communication (10/19/2018) from the Director of Finance and the Housing Director, transmitting for Council consideration, a Proposed Draft Bill to establish a new fund entitled the Special State CIP Fund, contingent on funding provided through the execution of the Dwelling Unit Revolving Fund (DURF) Building Loan Agreement between the Hawai'i Housing Finance and Development Corporation (HHFDC), pursuant to Hawai'i Revised Statutes (HRS) Chapter 201H, and the County of Kaua'i, as adopted by Kaua'i County Council Resolution No. 2017-43, for the purposes of partially funding the Lima Ola Workforce Housing Project. ***(See Proposed Draft Bill (No. 2726))***

6. [C 2018-243](#) Communication (10/25/2018) from the Prosecuting Attorney, requesting Council approval to receive and expend the supplemental award, an increase of \$30,052.00 from \$135,285.00 to \$165,337.00, from the Fiscal Year (FY) 2016 Edward J. Byrne Memorial Justice Assistance Grant (JAG) Program/Grants, contract 16-DJ-07, to continue the Sex Assault Prosecution Unit to March 31, 2018. The current contract is set to expire on December 31, 2018.

7. [C 2018-244](#) Communication (10/25/2018) from the Prosecuting Attorney, requesting Council approval to receive and expend the increase in funds, from \$75,000.00 to \$100,000.00, from contract DHS-16-OYS-624, from the State of Hawai'i, Office of Youth Services, to continue the Kaua'i Teen Court program, which is subcontracted to Hale 'Ōpio Kaua'i, with a tentative time period of December 1, 2018 to November 30, 2019.

8. [C 2018-245](#) Communication (10/29/2018) from the Fire Chief, requesting Council approval to apply for, receive, and expend the following two (2) Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grants (AFG), if awarded, to fill the gap in current operations:
 - Initial Attack Mini-Pumper Vehicle for the isolated rural community of Hā'ena-Wainiha, valued at \$297,000.00 of which AFG would cover \$270,000.00 and the Kaua'i Fire Department (KFD) would be responsible for the remaining \$27,000.00, in a ninety percent/ten percent (90%/10%) cost share; and
 - Heavy-Rescue Extrication Equipment & Training. The funding will be used to purchase Lithium-Ion Battery-Operated Cordless Cutter/Spreader Combination Units, Large/Heavy Commercial Vehicle Strut Stabilization Systems, Lift Air Bags, and NFPA 1670 compliant training to all KFD personnel. The cost of the project is \$212,000.00, of which AFG would cover \$192,728.00, and the KFD would be responsible for the remaining \$19,272.00, in a ninety percent/ten percent (90%/10%) cost share.

9. [C 2018-246](#) Communication (10/31/2018) from the Housing Director, requesting Council approval to apply for, receive, and expend, grant money from the United States Department of Housing and Urban Development (HUD), in the amount of \$144,000.00, for the continuation of the two (2) Housing Choice Voucher Family Self-Sufficiency (HCVFSS) Program Coordinators' salaries, and to also indemnify HUD for the use of said funds.

10. [C 2018-247](#) Communication (11/02/2018) from the Mayor, requesting Council approval, to accept an in-kind donation valued at \$7,396.58 from Matson, Inc., and to hold harmless the same, to ship a 1991 Seagraves Fire Truck having a gross vehicle weight (GVW) of 40,500 lbs., length of 29 feet, width of 9 feet, and height of 9 feet 7 inches to the Los Angeles Port, California. The final destination of the fire truck is the Municipality of Urdaneta, Province of Pangasinan, Republic of Philippines.

11. [C 2018-248](#) Communication (11/02/2018) from the Director of Finance and the Acting County Engineer, transmitting for consideration, proposed amendments to Ordinance No. B-2018-842, as amended, relating to the Fiscal Year 2018-2019 Capital Improvement Projects (CIP) Budget, to fund various Wastewater projects, including National Pollutant Discharge Elimination System (NPDES) Compliance, rehabilitation design work for Wailua Sewer Pump Station 1, rehabilitation of Wailua Sewer Pump Station 3, closed-circuit television (CCTV) system for the Līhu'e Collection System, and Wailua Wastewater Treatment Plant Improvements in the amount of \$1,000,000.00. ***(See Proposed Draft (No. 2727))***

12. [C 2018-249](#) Communication (11/02/2018) from the Director of Finance and the Acting County Engineer, transmitting for Council consideration, proposed amendments to Ordinance No. B-2018-842, as amended, relating to the Fiscal Year 2018-2019 Capital Improvement Projects (CIP) Budget, to fund the Kaua'i Fire Department helicopter hangar and Kīlauea/Kolo Road safety design work, in the amount of \$995,000.00. ***(See Proposed Draft (No. 2728))***

13. [C 2018-250](#) Communication (11/02/2018) from the Director of Finance and the Acting County Engineer, transmitting for Council consideration, proposed amendments to Ordinance No. B-2018-841, as amended, relating to the Fiscal Year 2018-2019 Operating Budget and Ordinance No. 2018-842, as amended, relating to the Fiscal Year 2018-2019 Capital Improvement Projects (CIP) Budget, to fund the Phase II design work of the Wailua Wastewater Treatment Plant Improvements, National Pollutant Discharge Elimination System (NPDES) compliance requirements, as mandated by the State Department of Health, in the amount of \$530,000.00. ***(See Proposed Draft Bill (No. 2729) and Proposed Draft Bill (No. 2730))***

G. LEGAL DOCUMENTS:

1. [C 2018-251](#) Communication (10/18/2018) from the Acting County Engineer, recommending Council approval of the State of Hawai'i Department of Transportation Utility Agreement No. 2258 between the County of Kaua'i Department of Public Works and the Department of Transportation, to document the removal and relocation of the Wastewater Management Division sewer line during the construction of the Hanapēpē River bridge.
 - Utility Agreement No. 2258

2. [C 2018-252](#) Communication (10/24/2018) from the Director of Parks & Recreation, recommending for Council approval, a License between the County of Kaua'i and Club Moto Kaua'i, a Hawai'i nonprofit corporation, for the Kalepa Motocross Track, Tax Map Key (TMK): (4) 3-009-002:36 (por.), Līhu'e, Kaua'i, Hawai'i, for a twenty (20) year license to develop, construct, use, and maintain a new motocross track. Approval of the License is also requested.
 - License

H. CLAIMS:

1. [C 2018-253](#) Communication (10/19/2018) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Farmers Insurance, as subrogee of Loreto Pacol, for damages to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

2. [C 2018-254](#) Communication (10/29/2018) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Lana Papke, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

3. [C 2018-255](#) Communication (10/29/2018) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Donna Kanahale, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

I. RESOLUTION:

1. [Resolution No. 2018-37](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE POLICE COMMISSION (*Dean A. Pigao*)

J. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2726\)](#) – A BILL FOR AN ORDINANCE TO AMEND ORDINANCE NO. B-2018-842, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUA‘I, STATE OF HAWAI‘I, FOR THE FISCAL YEAR JULY 1, 2018 THROUGH JUNE 30, 2019, BY REVISING THE AMOUNTS ESTIMATED IN THE SPECIAL STATE CIP FUND (*Special State CIP Fund, Lima Ola Affordable Housing Project - \$13,000,000.00*)

2. [Proposed Draft Bill \(No. 2727\)](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2018-842, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUA‘I, STATE OF HAWAI‘I, FOR THE FISCAL YEAR JULY 1, 2018 THROUGH JUNE 30, 2019, BY REVISING THE AMOUNTS ESTIMATED IN THE BOND FUND (*Various Wastewater Improvements - \$1,000,000.00*)

3. [Proposed Draft Bill \(No. 2728\)](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2018-842, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUA‘I, STATE OF HAWAI‘I, FOR THE FISCAL YEAR JULY 1, 2018 THROUGH JUNE 30, 2019, BY REVISING THE AMOUNTS ESTIMATED IN THE BOND FUND AND GENERAL FUND-CIP (*Helicopter Hangar and Kīlauea/Kolo Road Improvements - \$995,000.00*)

4. [Proposed Draft Bill \(No. 2729\)](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2018-841, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUA‘I, STATE OF HAWAI‘I, FOR THE FISCAL YEAR JULY 1, 2018 THROUGH JUNE 30, 2019, BY REVISING THE AMOUNTS ESTIMATED IN THE SEWER FUND (*Wailua Wastewater Treatment Plant Improvements (Operating Budget) - \$530,000.00*)

5. [Proposed Draft Bill \(No. 2730\)](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2018-842, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUA‘I, STATE OF HAWAI‘I, FOR THE FISCAL YEAR JULY 1, 2018 THROUGH JUNE 30, 2019, BY REVISING THE AMOUNTS ESTIMATED IN THE SEWER TRUST FUND (*Wailua Wastewater Treatment Plant Improvements (CIP Budget) - \$530,000.00*)

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-970 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 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. (***Deferred October 24, 2018***)

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. 2723](#) – A BILL FOR AN ORDINANCE TO AMEND SECTION 5A-1.1 OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX
2. [Bill No. 2724](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 15, ARTICLE 4, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO OUTDOOR SIGNS
3. [Bill No. 2725](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 7A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO AFFORDABLE HOUSING PRESERVATION

- 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, LIHU'E, 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.**