

**COUNCIL MEETING NOTICE AND AGENDA
WEDNESDAY, NOVEMBER 15, 2017
8:30 A.M. OR SOON THEREAFTER**

COUNCIL CHAMBERS
HISTORIC COUNTY BUILDING
4396 RICE STREET, SUITE 201
LĪHU‘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 18, 2017 Council Meeting
2. October 25, 2017 Special Council Meeting

E. CONSENT CALENDAR:

1. [C 2017-249](#) Communication (10/02/2017) from Councilmember Kawakami, requesting the presence of the Mayor, to provide a briefing on the Administration’s priorities for the 2018 Legislative Session, beginning the dialogue regarding other potential County priorities and formulating the 2018 Kaua‘i County Legislative Package. *(See also CR-EDIR 2017-07; the Economic Development & Intergovernmental Relations Committee recommended C 2017-249 be received for the record.)*
2. [C 2017-258](#) Communication (11/07/2017) from the Mayor, transmitting for Council consideration and confirmation, the following Mayoral reappointments to the various Boards and Commissions for the County of Kaua‘i:
 - a. Building Board of Appeals
 - Michael Y. Nagano (Fire Safety) – Term ending 12/31/2020

b. Board of Ethics

- Mary E. Tudela – Term ending 12/31/2020

c. Board of Review

- Donald G. Kolenda – Term ending 12/31/2020
- Julie B. Caspillo – Term ending 12/31/2020

d. Charter Review Commission

- Carol E. Suzawa – Term ending 12/31/2020

e. Civil Service Commission

- Jeffrey S. Iida – Term ending 12/31/2020
- Richard J. Jose – Term ending 12/31/2020

f. Cost Control Commission

- James D. Whitfield – Term ending 12/31/2020
- Tricia-Lynn K. Yamashita – Term ending 12/31/2020

g. Fire Commission

- Linda K. Ka'auwai-Iwamoto – Term ending 12/31/2020
- Alfred Levinthol – Term ending 12/31/2020

h. Kaua'i Historic Preservation Review Commission

- Gerald K. Ida (At-Large) – Term ending 12/31/2020
- Victoria Wichman (Hawaiian Culture) – Term ending 12/31/2020

i. Liquor Control Commission

- Shirley K. Akita – Term ending 12/31/2020
- Gerald S. Matsunaga – Term ending 12/31/2020

j. Planning Commission

- Roy K. Ho (Labor) – Term ending 12/31/2020
- Kimo M. Keawe (Environmental) – Term ending 12/31/2020

k. Salary Commission

- Robert B. Crowell – Term ending 12/31/2020

(See Resolution No. 2017-55, Resolution No. 2017-56, Resolution No. 2017-57, Resolution No. 2017-58, Resolution No. 2017-59, Resolution No. 2017-60, Resolution No. 2017-61, Resolution No. 2017-62, Resolution No. 2017-63, Resolution No. 2017-64, Resolution No. 2017-65, Resolution No. 2017-66, Resolution No. 2017-67, Resolution No. 2017-68, Resolution No. 2017-69, and Resolution No. 2017-70.)

3. [C 2017-259](#) Communication (11/07/2017) from Council Chair Rapozo, transmitting for Council consideration and confirmation, the reappointment of Jett J. Jasper to the Public Access, Open Space, Natural Resources Preservation Fund Commission (At-Large) – Term ending 12/31/2020. *(See Resolution No. 2017-71)*
4. [C 2017-260](#) Communication (10/23/2017) from the Director of Finance, transmitting for Council information, the County of Kauaʻi Bond Summary of General Long-Term Debt Amount Outstanding as of November 8, 2017; pursuant to Section 47C, Hawaiʻi Revised Statutes (HRS).

F. COMMUNICATIONS:

1. [C 2017-261](#) Communication (10/13/2017) from the Fire Chief, requesting Council approval to accept a donation from the Kauaʻi Lifeguard Association (KLA) of one (1) 2017 Ford 4x4 F150 vehicle, valued at \$45,000, to replace an aging vehicle that is currently being utilized in Hāʻena by the Ocean Safety Bureau.
2. [C 2017-262](#) Communication (10/23/2017) from the Acting County Engineer, requesting Council approval to accept a donation from Get Fit Kauaʻi and the Hawaiʻi Public Health Institute of one (1) Mobile Multi Eco Counter, to be used for traffic studies, at an estimated value of \$9,929.00, which will allow the County to automatically count pedestrians and cyclists along walkways, shared paths, and bike lanes, and is able to differentiate between pedestrians and cyclists using a shared path.

3. [C 2017-263](#) Communication (10/23/2017) from the Acting County Engineer, 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:
- Various Contracts (Solid Waste and Recycling Contract files, including solicitations, contracts, correspondences, reports, and payment records) (Prior to 2009)
 - Abandoned / Derelict Vehicles (Information on registered owners, towing data, vehicle license number and Vehicle Identification Number (VIN), photos, correspondences, and payment) (Prior to 2009)
 - Landfill Billing (Weighmaster landfill cash receipts, cash posting lists, and customer billing) (Prior to 2009)
 - Equipment Purchases (Solicitations, contracts, correspondences, and payment) (Prior to 2009)
4. [C 2017-264](#) Communication (10/24/2017) from the Prosecuting Attorney, requesting Council approval to receive and expend the increase in funds from contract DHS-16-OYS-624, from \$50,000.00 to \$75,000.00; an increase of \$25,000.00 from the State of Hawai'i, Office of Youth Services General Fund to continue the Kaua'i Teen Court program. The County of Kaua'i, Office of the Prosecuting Attorney will subcontract to Hale 'Ōpio Kaua'i for their services of Kaua'i Teen Court for the time period December 1, 2017 through November 30, 2018.
5. [C 2017-265](#) Communication (10/30/2017) from the Director of Finance, transmitting for Council consideration, proposed amendments to Ordinance No. B-2017-821, as amended, relating to the Operating Budget of the County of Kaua'i, for the Fiscal Year 2017-2018, by revising the amounts estimated in the General Fund, to fund renovation work, equipment, and furniture for the Kapule Building basement Information Technology (IT) area, estimated at \$140,000.00, to convert storage units into usable workspace to house the County's GIS team and address the relocation of IT staff from the Pi'ikoi Building to the Kapule Building thereby providing a cohesive and consolidated IT Division. ***(See Proposed Draft Bill (No. 2676))***

6. [C 2017-266](#) Communication (11/01/2017) from the Managing Director, transmitting for Council consideration for inclusion in the 2018 County of Kaua'i Legislative Package, relating to Capital Improvement Projects (CIP), A Bill For An Act Authorizing The Issuance Of General Obligation Bonds And Making An Appropriation For Kaua'i Fire Department Helicopter Hangar (Design and Construction) (\$1,000,000.00) And Transit-Ready Development Pua Loke Affordable Housing (Design and Construction) (\$1,500,000).

7. [C 2017-267](#) Communication (11/03/2017) from the County Attorney, requesting authorization to expend additional funds up to \$25,000.00 for Special Counsel's continued services provided 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.

G. LEGAL DOCUMENTS:

1. [C 2017-268](#) Communication (10/18/2017) from the Executive on Aging, requesting Council approval of a Mediware Human & Social Services, Inc. Master License and Services Agreement made between Mediware Human & Social Services, Inc., and the County of Kaua'i Agency on Elderly Affairs; to expend a total amount of \$11,750.00 for software and three (3) six-hour sessions of instructor-led on-site training that assists staff in preparing reports and analyzing data focusing on topics related to Social Assistance Management System (SAMS), National Aging Program Information System (NAPIS), State Reporting Tool (SRT), and Harmony Advanced Reports (HAR); and indemnify Mediware Human & Social Services, Inc.

2. [C 2017-269](#) Communication (10/27/2017) from the County Attorney, recommending Council approval of an Adopt-A-Park Agreement for stewardship of a portion of Kane-I-Olu-Uma Heiau Complex Po'ipū Beach Mauka Preserve, Tax Map Key (TMK) (4) 2-8-17:13, 14, and 24, to allow Hui Mālama O Kaneiolouma to continue the stewardship of Kaneiolouma, in partnership with the County of Kaua'i, for another twenty (20) years from the date of execution of the amendment.
 - Adopt-A-Park Agreement Amendment 1

H. CLAIM:

1. [C 2017-270](#) Communication (10/27/2017) from the County Clerk, transmitting a claim filed against the County of Kaua'i by GEICO Insurance, as subrogee for Claire Curley, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

I. COMMITTEE REPORTS:1. ECONOMIC DEVELOPMENT & INTERGOVERNMENTAL RELATIONS COMMITTEE:

- a. **CR-EDIR 2017-07:** on C 2017-249 Communication (10/02/2017) from Councilmember Kawakami, requesting the presence of the Mayor, to provide a briefing on the Administration's priorities for the 2018 Legislative Session, beginning the dialogue regarding other potential County priorities and formulating the 2018 Kaua'i County Legislative Package. **[Received for the Record.]**

2. BUDGET & FINANCE COMMITTEE:

- a. **CR-BF 2017-24:** on Bill No. 2669 A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2017-821, AS AMENDED, RELATING TO THE OPERATING 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 GENERAL FUND AND HIGHWAY FUND (*TAT Revenue and Island Wide Resurfacing - \$1,450,000.00*) **[Approved.]**

J. RESOLUTIONS:

1. [Resolution No. 2017-55](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE BUILDING BOARD OF APPEALS (*Michael Y. Nagano – Fire Safety*)
2. [Resolution No. 2017-56](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE BOARD OF ETHICS (*Mary E. Tudela*)
3. [Resolution No. 2017-57](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE BOARD OF REVIEW (*Donald G. Kolenda*)
4. [Resolution No. 2017-58](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE BOARD OF REVIEW (*Julie B. Caspillo*)
5. [Resolution No. 2017-59](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE CHARTER REVIEW COMMISSION (*Carol E. Suzawa*)
6. [Resolution No. 2017-60](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE CIVIL SERVICE COMMISSION (*Jeffrey S. Iida*)
7. [Resolution No. 2017-61](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE CIVIL SERVICE COMMISSION (*Richard J. Jose*)
8. [Resolution No. 2017-62](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE COST CONTROL COMMISSION (*James D. Whitfield*)
9. [Resolution No. 2017-63](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE COST CONTROL COMMISSION (*Tricia-Lynn K. Yamashita*)
10. [Resolution No. 2017-64](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE FIRE COMMISSION (*Linda K. Ka'auwai-Iwamoto*)
11. [Resolution No. 2017-65](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE FIRE COMMISSION (*Alfred Levinthol*)

12. [Resolution No. 2017-66](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE LIQUOR CONTROL COMMISSION (*Shirley T. Akita*)

13. [Resolution No. 2017-67](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE LIQUOR CONTROL COMMISSION (*Gerald S. Matsunaga*)

14. [Resolution No. 2017-68](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE PLANNING COMMISSION (*Roy K. Ho – Labor*)

15. [Resolution No. 2017-69](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE PLANNING COMMISSION (*Kimo M. Keawe – Environmental*)

16. [Resolution No. 2017-70](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE SALARY COMMISSION (*Robert B. Crowell*)

17. [Resolution No. 2017-71](#) – RESOLUTION CONFIRMING COUNCIL REAPPOINTMENT TO THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND COMMISSION (*Jett J. Jasper – At-Large*)

K. BILL FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2676\)](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2017-821, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2017 THROUGH JUNE 30, 2018, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Information Technology Space Relocation / Renovation - \$140,000.00*)

L. BILL FOR SECOND READING:

1. [Bill No. 2669](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2017-821, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2017 THROUGH JUNE 30, 2018, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND AND HIGHWAY FUND (*TAT Revenue and Island Wide Resurfacing - \$1,450,000.00*) (*See also CR-BF 2017-24; the Budget & Finance 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-929 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.

2. ES-930 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. 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. 2670](#) – A BILL FOR AN ORDINANCE TO ESTABLISH A GENERAL EXCISE AND USE TAX SURCHARGE FOR THE COUNTY OF KAUAI

2. Bill No. 2672 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2017-821, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2017 THROUGH JUNE 30, 2018, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Office of the County Attorney–Special Counsel Account - \$150,000.00*)

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, LĪHU‘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.