

**COUNCIL MEETING NOTICE AND AGENDA
WEDNESDAY, DECEMBER 19, 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. November 14, 2018 Council Meeting
2. December 3, 2018 Inaugural Meeting

E. CONSENT CALENDAR:

1. [C 2019-03](#) Communication (12/07/2018) from Derek S.K. Kawakami, Mayor, transmitting for Council consideration and confirmation, the following Mayoral reappointments to various Boards and Commissions for the County of Kaua'i:
 - a. Board of Ethics
 - Mia R. Shiraishi – Term ending 12/31/2021
 - b. Charter Review Commission
 - Virginia M. Kapali – Term ending 12/31/2021
 - c. Civil Service Commission
 - Fely L. Faulkner – Term ending 12/31/2021
 - d. Cost Control Commission
 - Tyler R. Rodighiero – Term ending 12/31/2021

e. Fire Commission

- Alfredo C. Garces – Term ending 12/31/2021
- Thomas M. Nizo – Term ending 12/31/2021

f. Liquor Control Commission

- William F. Gibson – Term ending 12/31/2021
- Gary A. Pacheco – Term ending 12/31/2021

g. Planning Commission

- Glenda Y. Nogami Streufert (At-Large) – Term ending 12/31/2021
- Donna A. Apisa (Business) – Term ending 12/31/2021

h. Police Commission

- Kevin T. Mince – Term ending 12/31/2021
- Catherine A. Adams – Term ending 12/31/2021
- Mary K. Hertog – Term ending 12/31/2021
(See Resolution No. 2019-04, Resolution No. 2019-05, Resolution No. 2019-06, Resolution No. 2019-07, Resolution No. 2019-08, Resolution No. 2019-09, Resolution No. 2019-10, Resolution No. 2019-11, Resolution No. 2019-12, Resolution No. 2019-13, Resolution No. 2019-14, Resolution No. 2019-15, and Resolution No. 2019-16)

2. [C 2019-04](#) Communication (12/04/2018) from Council Chair Kaneshiro, transmitting for Council consideration, a Resolution appointing Ross Kagawa as Kaua'i's representative and Arthur Brun as alternate to the Executive Committee of the Hawai'i State Association of Counties (HSAC). *(See Resolution No. 2019-17)*

F. COMMUNICATIONS:

1. [C 2019-05](#) Communication (11/20/2018) from Janine M.Z. Rapozo, Director of Human Resources, requesting Council approval to indemnify the State of Hawai'i, Department of Education (DOE), for the use of various DOE school cafeterias and restroom facilities, including, but not limited to the following locations: Elsie H. Wilcox Elementary School, Kaua'i High School, Chiefess Kamakahahei Middle School, King Kaumuali'i Elementary School, Waimea High School, and Kapa'a Elementary School, which will be used by the Department of Human Resources for testing purposes in calendar year 2019.

2. [C 2019-06](#) Communication (11/21/2018) from Michael M. Contrades, Acting Chief of Police, requesting Council approval of a reallocation of \$110,000.00 of unexpended salaries from the budget of the Kaua'i Police Department, for the procurement of a Rapid DNA analysis system.
3. [C 2019-07](#) Communication (11/26/2018) from Kanani Fu, Housing Director, requesting the Council's approval to perform the following:
 - a. Acquire under the County's Community Development Block Grant (CDBG) Program a residential unit at 1332-B Kamalu Road, Kapa'a Hawai'i, 96746, Tax Map Key (TMK): (4) 4-4-5-13 CPR 2, for a purchase price of not more than \$549,000.00, based on the fee simple market appraisal, which will be obtained as part of this transaction;
 - b. Resale by leasehold of 1332-B Kamalu Road, Kapa'a Hawai'i, 96746, for not more than the leasehold market appraisal, which will be obtained as part of this transaction; and
 - c. Authorize the County Clerk to sign legal documents related to the acquisition and resale transactions.
4. [C 2019-08](#) Communication (11/28/2018) from Leonard A. Rapozo, Jr., then Director of Parks and Recreation, requesting Council approval of an Adopt-A-Park Agreement with Hālau Ka Lei Mokihana o Leinā'ala, for the stewardship of a 1.182 acre parcel in Hanapēpē, Kaua'i, Tax Map Key (TMK) (4) 1-8-008:063.
5. [C 2019-09](#) Communication (12/04/2018) from Ludvina K. Takahashi, Executive on Aging, requesting Council approval, to accept an in-kind donation valued at \$400.00, from Elena Anderton, Owner of Kaua'i Island Shuttle, for transportation services for senior volunteers from the west side and Līhu'e to attend the annual Retired and Senior Volunteer Program (RSVP) recognition luncheon on December 14, 2018 at the Aqua Kaua'i Beach Resort.
6. [C 2019-10](#) Communication (12/04/2018) from Ludvina K. Takahashi, Executive on Aging, requesting Council approval to receive and expend a one-time Criminal History Check (CHC) Surge Augmentation of \$500.00 in federal funds, which are in addition to the annual federal base funding for the Retired and Senior Volunteer Program (RSVP) 2018.

7. [C 2019-11](#) Communication (12/06/2018) from Robbie Melton, Director of Economic Development, requesting Council approval to apply for, receive, and expend funds from the Hawai'i Tourism Authority, in a total amount of \$42,049.48, to support funding for the continuation of coordination of cruise ship greetings at the Nāwiliwili Harbor for Calendar Year 2019, and to indemnify the State of Hawai'i.

8. [C 2019-12](#) Communication (12/07/2018) from Kanani Fu, Housing Director, requesting Council approval to execute the Owner's/Borrower's Affidavit and to indemnify First American Title Insurance Company for the Lima Ola Workforce Housing Development in 'Ele'ele (Tax Map Key (TMK) 4-2-1-001-054) and to authorize the County Clerk to sign the First American Title Insurance Company Owner's/Borrower's Affidavit.

G. LEGAL DOCUMENT:

1. [C 2019-13](#) Communication (11/26/2018) from Lyle Tabata, Acting County Engineer, recommending Council approval of the Department of Hawaiian Home Lands (DHHL) License No. 824, for a perpetual easement (Easement AU-1) for roadway purposes along the 'Aliomanu Road Repair and Revetment Project. Indemnification of DHHL is also requested.
 - License No. 824 (Tax Map Key (TMK) Fourth Division (4) 4-8-018:032 (por))

H. CLAIMS:

1. [C 2019-14](#) Communication (11/20/2018) from Jade K. Fountain-Tanigawa, County Clerk, transmitting a claim filed against the County of Kaua'i by Preston K. Brede, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

2. [C 2019-15](#) Communication (11/27/2018) from Jade K. Fountain-Tanigawa, County Clerk, transmitting a claim filed against the County of Kaua'i by Sandra Ishii, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

3. [C 2019-16](#) Communication (11/30/2018) from Jade K. Fountain-Tanigawa, County Clerk, transmitting a claim filed against the County of Kaua'i by Geico Insurance as subrogee for John Rull, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

4. [C 2019-17](#) Communication (12/04/2018) from Jade K. Fountain-Tanigawa, County Clerk, transmitting a claim filed against the County of Kaua'i by Loreto Pacol, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.
5. [C 2019-18](#) Communication (12/07/2018) from Jade K. Fountain-Tanigawa, County Clerk, transmitting a claim filed against the County of Kaua'i by Eunice M. Apeles, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.
6. [C 2019-19](#) Communication (12/10/2018) from Jade K. Fountain-Tanigawa, County Clerk, transmitting a claim filed against the County of Kaua'i by Daniel G. Hempey, Esq., for Brandi Sabedra, for personal injury, pursuant to Section 23.06, Charter of the County of Kaua'i.

I. COMMITTEE REPORTS:

1. PUBLIC WORKS & VETERANS SERVICES COMMITTEE:

- a. **CR-PWVS 2019-01:** on PWPR 2018-09 Communication (11/02/2018) from Committee Chair Kagawa, requesting the presence of the Acting County Engineer, to provide a briefing on the wastewater spill that occurred on November 1, 2018 near the northern Leho Drive intersection. **[Received for the Record.]**

2. PLANNING COMMITTEE:

- a. **CR-PL 2019-01:** on PL 2019-01 Communication (12/04/2018) from Committee Chair Chock, requesting the presence of Ambyr Mokiao-Lee, Rapid 'Ohi'a Death Statewide Outreach Coordinator, Research Corporation of the University of Hawai'i, to provide a briefing explaining what Rapid 'Ohi'a Death is and its impact on Kaua'i. **[Received for the Record.]**

J. RESOLUTIONS:

1. [Resolution No. 2019-04](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE BOARD OF ETHICS (*Mia R. Shiraishi*)

2. [Resolution No. 2019-05](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE CHARTER REVIEW COMMISSION (*Virginia M. Kapali*)
3. [Resolution No. 2019-06](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE CIVIL SERVICE COMMISSION (*Fely L. Faulkner*)
4. [Resolution No. 2019-07](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE COST CONTROL COMMISSION (*Tyler R. Rodighiero*)
5. [Resolution No. 2019-08](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE FIRE COMMISSION (*Alfredo C. Garces*)
6. [Resolution No. 2019-09](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE FIRE COMMISSION (*Thomas M. Nizo*)
7. [Resolution No. 2019-10](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE LIQUOR CONTROL COMMISSION (*William F. Gibson*)
8. [Resolution No. 2019-11](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE LIQUOR CONTROL COMMISSION (*Gary A. Pacheco*)
9. [Resolution No. 2019-12](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE PLANNING COMMISSION (*Glenda Y. Nogami Streufert – At-Large*)
10. [Resolution No. 2019-13](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE PLANNING COMMISSION (*Donna A. Apisa – Business*)
11. [Resolution No. 2019-14](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE POLICE COMMISSION (*Kevin T. Mince*)

12. [Resolution No. 2019-15](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE POLICE COMMISSION (*Catherine A. Adams*)

13. [Resolution No. 2019-16](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE POLICE COMMISSION (*Mary K. Hertog*)

14. [Resolution No. 2019-17](#) – RESOLUTION APPOINTING ROSS KAGAWA AS REPRESENTATIVE AND ARTHUR BRUN AS ALTERNATE TO THE EXECUTIVE COMMITTEE OF THE HAWAII STATE ASSOCIATION OF COUNTIES

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-974 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 at mediation the case of The Hertz Corporation v. Roselyn Martin, et al., Civil No. 17-1-0137 (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-975 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.

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. 2726](#) – A BILL FOR AN ORDINANCE TO AMEND ORDINANCE NO. B-2018-842, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, 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. [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 KAUAI, STATE OF HAWAII, 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. [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 KAUAI, STATE OF HAWAII, 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 Kilauea/Kolo Road Improvements - \$995,000.00*)
4. [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 KAUAI, STATE OF HAWAII, 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. [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 KAUAI, STATE OF HAWAII, 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*)
6. [Bill No. 2731](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2018-841, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2018 THROUGH JUNE 30, 2019, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Kauai Fire Department – Two (2) Full-Time Ocean Safety Officer II and One (1) Ocean Safety Officer I Positions*)

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.