

**COUNCIL MEETING NOTICE AND AGENDA**  
**WEDNESDAY, MARCH 9, 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 meeting of the Council:

1. February 10, 2016 Public Hearing re: Bill No. 2612 and Bill No. 2613

E. INTERVIEW:

1. LIQUOR CONTROL COMMISSION:

- Gary A. Pacheco – Term ending 12/31/2018

F. CONSENT CALENDAR:

1. [C 2016-43](#)      Communication (02/10/2016) from the Prosecuting Attorney, requesting Council approval to apply for, receive, and expend Federal funds in the amount of \$210,716, and approval to indemnify the State of Hawai'i, Department of the Attorney General, for the Kaua'i Victim of Crime Act (VOCA) Expansion Project 14-VA-3 for the period of July 1, 2016 through June 30, 2017. *(See also CR-PS 2016-01; the Public Safety Committee recommended referral on March 2, 2016.)*
2. [C 2016-45](#)      Communication (02/03/2016) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Catherine A. Adams to the Police Commission – Term ending 12/31/2018. *(See Resolution No. 2016-27)*

3. [C 2016-46](#) Communication (02/08/2016) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee William F. Gibson to the Liquor Control Commission – Term ending 12/31/2018. **(See Resolution No. 2016-28)**
4. [C 2016-47](#) Communication (02/23/2016) from Councilmember Kualii, providing written disclosure of a possible conflict of interest and recusal, with regard to C 2016-43, grant application for the Kaua'i Victim of Crime Act (VOCA) Expansion Project 14-VA-3, as he is employed by the YWCA of Kaua'i as the Director of Operations.
5. [C 2016-48](#) Communication (02/22/2016) from the Acting Housing Director, transmitting for Council consideration, a Resolution Authorizing The Filing Of The Kaua'i County 2016 Action Plan (HOME Investment Partnerships Program) With The Department Of Housing And Urban Development, United States Of America, For A Grant Under Title II Of The Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), As Amended. **(See Resolution No. 2016-29)**
6. [C 2016-49](#) Communication (02/22/2016) from the Acting Housing Director, transmitting for Council consideration, a Resolution Authorizing The Filing Of The Kaua'i County 2016 Action Plan (Community Development Block Grant) With The Department Of Housing And Urban Development, United States Of America, For A Grant Under Title I Of The Housing And Community Development Act Of 1974 And 1987 (Public Laws 93-383 and 100-242), As Amended. **(See Resolution No. 2016-30)**
7. [C 2016-50](#) Communication (02/29/2016) from Councilmember Hooser, transmitting for Council consideration, a Resolution Urging Governor David Y. Ige, The Kaua'i Legislative Delegation, And The State Department Of Transportation To Acknowledge The Urgency And Importance Of Addressing The Traffic Congestion Within The Kapa'a-Wailua Traffic Corridor. **(See Resolution No. 2016-31)**
8. [C 2016-51](#) Communication (03/02/2016) from Council Chair Rapozo, providing written disclosure of a possible conflict of interest and recusal, with regard to the Salary of the Director of Liquor Control listed in C 2016-44, Salary Commission Resolution No. 2016-01, relating to salaries of certain officers and employees of the County of Kaua'i for the Fiscal Year 2016-2017, as his brother is employed by the County of Kaua'i in this capacity.

G. COMMUNICATIONS:

1. [C 2016-52](#) Communication (02/05/2016) from the Chief of Police, requesting Council approval of an unbudgeted equipment purchase of a ParaDNA screening unit at a cost of approximately \$73,318.98, using unexpended funds from account number 001-1003-551.32-00 (Kaua'i Police Department, Administrative & Technical Bureau, Consultant Services), pursuant to Section 17 of the Fiscal Year 2015-2016 Operating Budget.
2. [C 2016-53](#) Communication (02/17/2016) from the Fire Chief, requesting Council approval to accept a donation valued at \$17,940, of OluKai footwear (slippers and shoes) from the Hawai'i Lifeguard Association, for the purpose of providing effective foot protection for Ocean Safety Bureau personnel while performing Water Safety related duties.
3. [C 2016-54](#) Communication (02/19/2016) from the Fire Chief, requesting Council approval to apply for, receive, and expend the following two (2) Assistance to Firefighters Grants (AFG):
  - The first grant will be utilized to purchase fifty (50) Automatic External Defibrillators (AED) with training. KFD's current AEDs are ten years old and failing. Replacement parts are no longer available. The total cost of this project is \$260,000.00, of which the AFG would cover ninety percent (90%) or \$199,735.00 and the KFD would be responsible for the remaining ten percent (10%) or \$19,973.00.
  - The second grant will be utilized to purchase a 2,000 gallon, 4x4, Water Tender with training, which will assist KFD in remote locations or where additional water resources will be needed to mitigate structure, brush or other fires. The total cost of this project is \$286,000.00, of which the AFG would cover ninety percent (90%) or \$260,000.00 and the KFD would be responsible for the remaining ten percent (10%) or \$26,000.00.
4. [C 2016-55](#) Communication (02/22/2016) from the Planning Director, transmitting the Planning Commission's recommendation amending Chapter 8, Kaua'i County Code 1987, as amended, restricting homestays to the Visitor Destination Area (VDA) and establishing standards under which homestays should operate. *(Copies of the Draft Ordinance for Zoning Amendment ZA-2016-4, Director's Report, and the Excerpt of Minutes from the January 26, 2016 Planning Commission Public Hearing and the action on the above draft Bill are on file in the County Clerk's Office.) (See Proposed Draft Bill (No. 2619))*

5. [C 2016-56](#) Communication (02/23/2016) from the County Attorney, requesting authorization to expend additional funds up to \$25,000.00 for Special Counsel's continued services provided in Eric Y. Shibuya vs. County of Kaua'i, et al., Civil No. 13-1-0345 (Fifth Circuit Court), and related matters.
6. [C 2016-57](#) Communication (02/25/2016) from the Chief of Police, requesting Council approval of the indemnification provision contained in the agreement between Kaua'i Blue, Inc., dba Sheraton Kaua'i Resort and the Kaua'i Police Department (KPD), for use of the Sheraton Kaua'i Resort for KPD's Tactical Conference from April 24, 2016 to May 3, 2016.
7. [C 2016-58](#) Communication (03/02/2016) from Councilmember Chock, requesting Council consideration, for the public release of the following County Attorney opinions relating to Bill No. 2601, removing the sunset restriction for additional dwelling units on other than residentially zoned lots:
  - County Attorney Opinion dated February 19, 2016 (Tracking No. 16-0108)
  - County Attorney Opinion dated February 24, 2016 (Tracking No. 16-0138)
8. [C 2016-59](#) Communication (03/03/2016) from Councilmember Yukimura, transmitting for Council consideration, a proposal to amend the County fuel tax rates as follows:
  - Effective January 1, 2017, an additional fifteen cents (15¢) per gallon of liquid fuel and an additional ten cents (10¢) per gallon of biodiesel.
  - Effective July 1, 2026, the fuel tax shall be decreased by fifteen cents (15¢) per gallon of liquid fuel and decreased by five cents (5¢) per gallon of biodiesel.  
***(See Resolution No. 2016-32 and Proposed Draft Bill (No. 2620))***
9. [C 2016-60](#) Communication (03/03/2016) from Councilmember Yukimura, transmitting for Council consideration, proposed amendments to establish a one-quarter percent (0.25%) surcharge on the State General Excise and Use Tax for the County of Kaua'i. ***(See Proposed Draft Bill (No. 2621))***
10. [C 2016-61](#) Communication (03/03/2016) from Councilmember Yukimura, transmitting for Council consideration, a Proposed Draft Bill to amend Section 5-2.3, Kaua'i County Code 1987, as amended, to increase the motor vehicle weight tax for all motor vehicles by \$0.0138. ***(See Proposed Draft Bill (No. 2622))***

H. COMMITTEE REPORTS:1. PUBLIC SAFETY COMMITTEE:a. **CR-PS 2016-01:** on C 2016-43

Communication (02/10/2016) from the Prosecuting Attorney, requesting Council approval to apply for, receive, and expend Federal funds in the amount of \$210,716, and approval to indemnify the State of Hawai'i, Department of the Attorney General, for the Kaua'i Victim of Crime Act (VOCA) Expansion Project 14-VA-3 for the period of July 1, 2016 through June 30, 2017. **[Referred to the March 9, 2016 Council Meeting.]**

b. **CR-PS 2016-02:** on PS 2016-01

Communication (02/18/2016) from Council Chair Rapozo, requesting the presence of the Fire Chief, to provide a briefing on the recent rescues that took place in Kalalau Valley and the reasons as to why the County is not charging for the recovery of rescue expenses as outlined in Ordinance No. 991. **[Received for the Record.]**

2. PLANNING COMMITTEE:a. **CR-PL 2016-01:** on PL 2016-01

Communication (02/01/2016) from Council Chair Rapozo, requesting agenda time for Coco Palms Hui LLC to provide a status report regarding their progress to rebuild the former Coco Palms Hotel. **[Received for the Record.]**

I. RESOLUTIONS:

1. [Resolution No. 2016-27](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE POLICE COMMISSION (*Catherine A. Adams*)

2. [Resolution No. 2016-28](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE LIQUOR CONTROL COMMISSION (*William F. Gibson*)

3. [Resolution No. 2016-29](#) – RESOLUTION AUTHORIZING THE FILING OF THE KAUAI COUNTY 2016 ACTION PLAN (HOME INVESTMENT PARTNERSHIPS PROGRAM) WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, UNITED STATES OF AMERICA, FOR A GRANT UNDER TITLE II OF THE CRANSTON-GONZALEZ NATIONAL AFFORDABLE HOUSING ACT (PUBLIC LAW 101-625), AS AMENDED

4. [Resolution No. 2016-30](#) – RESOLUTION AUTHORIZING THE FILING OF THE KAUAI COUNTY 2016 ACTION PLAN (COMMUNITY DEVELOPMENT BLOCK GRANT) WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, UNITED STATES OF AMERICA, FOR A GRANT UNDER TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974 AND 1987 (PUBLIC LAWS 93-383 AND 100-242), AS AMENDED

5. [Resolution No. 2016-31](#) – RESOLUTION URGING GOVERNOR DAVID Y. IGE, THE KAUAI LEGISLATIVE DELEGATION, AND THE STATE DEPARTMENT OF TRANSPORTATION TO ACKNOWLEDGE THE URGENCY AND IMPORTANCE OF ADDRESSING THE TRAFFIC CONGESTION WITHIN THE KAPA'A-WAILUA TRAFFIC CORRIDOR

6. [Resolution No. 2016-32](#) – RESOLUTION DETERMINING THE COUNTY OF KAUAI FUEL TAX RATE AND REPEALING RESOLUTION NO. 2013-47, DRAFT 3

J. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2619\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO HOMESTAYS (*Restricting Homestays to the Visitor Destination Areas County of Kaua'i, Applicant*)

2. [Proposed Draft Bill \(No. 2620\)](#) – A BILL FOR AN ORDINANCE AMENDING SECTION 5-1.1, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE COUNTY FUEL TAX

3. [Proposed Draft Bill \(No. 2621\)](#) – A BILL FOR AN ORDINANCE TO ESTABLISH A GENERAL EXCISE AND USE TAX SURCHARGE FOR THE COUNTY OF KAUAI (*0.25% Surcharge on the State General Excise and Use Tax*)

4. [Proposed Draft Bill \(No. 2622\)](#) – A BILL FOR AN ORDINANCE AMENDING SECTION 5-2.3, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO MOTOR VEHICLE WEIGHT TAX

K. BILL FOR SECOND READING:

1. [Bill No. 2614, Draft 2](#) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 3, KAUA‘I COUNTY CODE 1987, AS AMENDED, BY ADDING A NEW ARTICLE 6, RELATING TO THE REGISTRATION OF LOBBYISTS (*Deferred February 24, 2016*)

L. 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-840 Pursuant to Hawai‘i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(2) & (4), and Kaua‘i County Charter Section 3.07(E), the Office of the County Attorney, on behalf of the Council, requests an Executive Session with the Council pertaining to the County Attorney and, if necessary, to consult with the County’s legal counsel. This session pertains to the review of the County Attorney where consideration of matters affecting privacy will be involved and, if necessary, to consult with legal counsel regarding the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.
2. ES-841 Pursuant to Hawai‘i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(2) & (4), and Kaua‘i County Charter Section 3.07(E), the Office of the County Attorney, on behalf of the Council, requests an Executive Session with the Council pertaining to the County Clerk and, if necessary, to consult with the County’s legal counsel. This session pertains to the evaluation of the County Clerk where consideration of matters affecting privacy will be involved and, if necessary, to consult with legal counsel regarding the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.
3. ES-842 Pursuant to Hawai‘i Revised Statutes (HRS) Sections 92-4, 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 in Eric Y. Shibuya vs. County of Kaua‘i, et al., Civil No. 13-1-0345 (Fifth Circuit Court), 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.

4. ES-843 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session to provide a briefing to Council regarding Council's release of County Attorney Opinions relating to Bill No. 2601, Removing the Sunset Restriction for Additional Dwelling Units on Other Than Residentially Zoned Lots Dated February 19, 2016 (Tracking No. 16-0108) and February 24, 2016 (Tracking No. 16-0138), and related matters. 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.

#### M. ADJOURNMENT.

- N. 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 in the County Clerk's Office 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. 2616](#) – A BILL FOR AN ORDINANCE TO AMEND SECTION 22-2.4 AND SECTION 22-10.6, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO IMPOUNDMENT FEES
2. [Bill No. 2617](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2015-796, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUA'I, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2015 THROUGH JUNE 30, 2016, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Kaua'i Humane Society Barking Dog Enforcement - \$33,901*)

- 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, LIHU'E, KAUA'I, 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).**