

COUNTY COUNCIL

Mel Rapozo, Chair
Ross Kagawa, Vice Chair
Arthur Brun
Mason K. Chock
Arryl Kaneshiro
Derek S.K. Kawakami
JoAnn A. Yukimura



OFFICE OF THE COUNTY CLERK

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Council Services Division
4396 Rice Street, Suite 209
Lihue, Kauai, Hawaii 96766

MEMORANDUM

March 15, 2018

TO: Bernard P. Carvalho, Jr., Mayor
FROM: Mel Rapozo, Council Chair *MR*
RE: **MARCH 14, 2018 COUNCIL MEETING RECAP**

This is to inform you of the action taken by the Council at its March 14, 2018 Council Meeting:

CONSENT CALENDAR:

C 2018-56 Communication (01/26/2018) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Jonelle L. Jardin to the Police Commission – Term ending 12/31/2020. ***(Received for the Record.)***

C 2018-57 Communication (02/14/2018) from Councilmember Chock, transmitting for Council consideration, a Resolution Amending Resolution No. 2017-02 And Resolution No. 2017-51, Relating To The Rules Of The Council Of The County Of Kauai For The Organization Of Committees And The Transaction Of Business, which returns the Planning Committee back to the original structure of five (5) voting members and two (2) ex-officio members, as the Council has completed its work relating to the General Plan Update. ***(Received for the Record.)***

C 2018-58 Communication (02/15/2018) from Councilmember Chock, transmitting for Council consideration, a Resolution Repealing Resolution No. 2017-03 And Resolution No. 2017-52, And Appointing The Chairpersons, Vice Chairpersons, And Members Of The Several Standing Committess Of The Council Of The County Of Kauai so that the Planning Committee reverts back to the original structure of five (5) voting members and two (2) ex-officio members, as the Council has completed its work relating to the General Plan Update. ***(Received for the Record.)***

C 2018-59 Communication (02/27/2018) from the Economic Development & Intergovernmental Relations Committee Chair, transmitting for Council consideration, a Resolution appointing Councilmember Mason K. Chock to the Western Interstate Region Board of Directors for the term ending June 30, 2018. ***(Received for the Record.)***

C 2018-60 Communication (03/02/2018) from Council Chair Rapozo, transmitting for Council consideration, a Resolution Opposing H.B. No. 1665, H.D. 1, Relating To The Transient Accommodations Tax. ***(Received for the Record.)***

COMMUNICATIONS:

C 2018-61 Communication (02/12/2018) from the Acting County Engineer, requesting Council approval of the provision for the payment of Attorneys' Fees contained within the Detention Basin Agreement made between the County of Kaua'i and Kiahuna Fairways, LLC, for the Pili Mai Development as the detention basins are required to collect, temporarily store, and control rates of stormwater runoff from the development. ***(Motion to Approve Failed.)***

C 2018-62 Communication (02/14/2018) from Councilmember Yukimura and Councilmember Kawakami, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 19 And Establishing A New Article 26, Chapter 22, Kaua'i County Code 1987, As Amended, Relating To Whips And Weapons On County Property. ***(Received for the Record.)***

C 2018-63 Communication (02/15/2018) from the Fire Chief, requesting Council approval to indemnify the State of Hawai'i and their employees and agents, per acceptance of the indemnification language contained in the Revocable Permit No. 7908. ***(Approved.)***

C 2018-64 Communication (02/21/2018) from the Director of Economic Development, requesting Council approval to apply for, receive, and expend funds in the amount of \$236,000.00, and to indemnify the State of Hawai'i Department of Agriculture (HDOA), for the survey of irrigation pipeline easements, engineering and design, irrigation supplies, and installation of the irrigation system pipeline for the Kilauea Community Agriculture Center. ***(Approved.)***

C 2018-65 Communication (02/21/2018) from the Director of Economic Development, requesting Council approval to apply for, receive, and expend funds in the amount of \$25,000.00, and to indemnify the State Department of Labor and Industrial Relations (DLIR), to work with the Department of Education (DOE) – Natural Resources Pathway and Future Farmers of America (FFA) programs at Kaua'i, Kapa'a, and Waimea High Schools in providing summer internship programs for students to work on Kaua'i farms, ranches, and agriculture-related businesses. ***(Approved.)***

C 2018-66 Communication (02/23/2018) from the Prosecuting Attorney, requesting Council approval to apply for, receive, and expend Federal Highway Safety funds from the State of Hawai'i Department of Transportation (DOT), in the amount of \$164,036.00, to be used toward continued funding of one (1) Full-Time Equivalent (FTE) Special Prosecuting Attorney, travel, and training. ***(Approved.)***

C 2018-67 Communication (02/23/2018) from the Housing Director, requesting Council approval to expend \$1,450,000.00 from the Hawai'i Housing Finance and Development Corporation (HHFDC) due to reallocation of 2016 Housing Trust Fund (HTF) moneys. The HTF funds have been dedicated to the Koa'e Workforce Housing Development project, Koa'e Workforce Housing, L.P., and Mark Development, Inc. The additional funds will provide an additional six (6) units, for a total of eleven (11) units, for extremely low-income families who are at or below thirty percent (30%) of the Kaua'i Median Income (KMI). Indemnification of HHFDC is also requested. ***(Approved as Amended to one million four hundred twenty-five thousand dollars (\$1,425,000.00).)***

C 2018-68 Communication (02/27/2018) from Council Chair Rapozo, transmitting for Council consideration, a proposal to establish an Affordable Housing Trust Fund for the limited purpose of providing affordable housing to low and moderate income households. ***(Received for the Record.)***

C 2018-69 Communication (02/27/2018) from Councilmember Kawakami and Council Vice Chair Kagawa, transmitting for Council consideration, a proposal relating to revocable permits for vending in County rights-of-way. ***(Received for the Record.)***

C 2018-70 Communication (03/01/2018) from the Prosecuting Attorney, requesting Council approval to apply for, receive, and expend State funds in the amount of \$273,760.00, and approval to indemnify the State of Hawai'i, Department of the Attorney General, for the Kaua'i Victims of Crime Act (VOCA) Expansion Project 16-VA-3 for the period of July 1, 2018 through June 30, 2019. ***(Approved.)***

C 2018-71 Communication (03/05/2018) from Councilmember Kaneshiro, transmitting for Council consideration, a Proposed Draft Emergency Bill to repeal Emergency Ordinance No. B-2018-835 and amend Ordinance No. B-2017-822, as amended, relating to the Capital Budget for the Fiscal Year July 1, 2017 through June 30, 2018, by revising the amounts estimated in the Highway Fund-CIP. This Emergency Ordinance is at the request of the Administration and corrects the Account Number identified in the Bill, which should have been 409-0000-250.02-00, instead of 408-0000-250.01-00. ***(Received for the Record.)***

C 2018-72 Communication (03/07/2018) from Mark Perriello, President and CEO of the Kaua'i Chamber of Commerce, requesting agenda time for a briefing on "Responsible Tourism," from Ms. Ólöf Ýrr Atladóttir, former Director General of the Icelandic Tourist Board and former Vice President of the European Travel Commission. ***(Received for the Record.)***

CLAIMS:

C 2018-73 Communication (02/21/2018) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Līhu'e Missionary Church, for damages to their property, pursuant to Section 23.06, Charter of the County of Kaua'i. ***(Referred to the Office of the County Attorney for disposition and/or report back to the Council.)***

C 2018-74 Communication (03/05/2018) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Anthony Matsumura, for damage to his home, pursuant to Section 23.06, Charter of the County of Kaua'i. ***(Referred to the Office of the County Attorney for disposition and/or report back to the Council.)***

C 2018-75 Communication (03/05/2018) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Tracey Aceret, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i. ***(Referred to the Office of the County Attorney for disposition and/or report back to the Council.)***

C 2018-76 Communication (03/05/2018) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Gregory Schrepfer, for damage to his bike, pursuant to Section 23.06, Charter of the County of Kaua'i. ***(Referred to the Office of the County Attorney for disposition and/or report back to the Council.)***

COMMITTEE REPORTS: APPROVED.

RESOLUTIONS:

Resolution No. 2018-03 – RESOLUTION PROPOSING A CHARTER AMENDMENT RELATING TO TERM LIMITS FOR COUNCILMEMBERS ***(Approved.)***

Resolution No. 2018-09 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE POLICE COMMISSION *(Jonelle L. Jardin)* ***(Approved.)***

Resolution No. 2018-10 – RESOLUTION AMENDING RESOLUTION NO. 2017-02 AND RESOLUTION NO. 2017-51, RELATING TO THE RULES OF THE COUNCIL OF THE COUNTY OF KAUA'I FOR THE ORGANIZATION OF COMMITTEES AND THE TRANSACTION OF BUSINESS ***(Approved.)***

Resolution No. 2018-11 – RESOLUTION REPEALING RESOLUTION NO. 2017-03 AND RESOLUTION NO. 2017-52, AND APPOINTING THE CHAIRPERSONS, VICE CHAIRPERSONS, AND MEMBERS OF THE SEVERAL STANDING COMMITTEES OF THE COUNCIL OF THE COUNTY OF KAUA'I ***(Approved.)***

Resolution No. 2018-12 – RESOLUTION APPROVING A NOMINEE TO THE WESTERN INTERSTATE REGION BOARD OF DIRECTORS FOR FISCAL YEAR 2018 (***Approved.***)

Resolution No. 2018-13 – RESOLUTION OPPOSING H.B. NO. 1665, H.D. 1, RELATING TO THE TRANSIENT ACCOMMODATIONS TAX (***Approved.***)

EMERGENCY BILL:

Proposed Draft Bill (No. 2694) – AN EMERGENCY ORDINANCE REPEALING EMERGENCY ORDINANCE NO. B-2018-835 AND AMENDING ORDINANCE NO. B-2017-822, AS AMENDED, RELATING TO THE CAPITAL 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 HIGHWAY FUND-CIP (*Pua Nani Road Drain Repair – CIP Budget*) (***Approved.***)

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2695) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 19 AND ESTABLISHING A NEW ARTICLE 26, CHAPTER 22, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO WHIPS AND WEAPONS ON COUNTY PROPERTY (***Approved on 1st reading, Public Hearing scheduled for April 11, 2018, and referred to the Public Safety & Transportation Committee.***)

Proposed Draft Bill (No. 2696) – A BILL FOR AN ORDINANCE ESTABLISHING A NEW ARTICLE 16, CHAPTER 6, KAUAI COUNTY CODE 1987, AS AMENDED, ESTABLISHING AN AFFORDABLE HOUSING TRUST FUND (***Received for the Record.***)

Proposed Draft Bill (No. 2697) – A BILL FOR AN ORDINANCE TO AMEND CHAPTERS 18, 20, AND 23, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REVOCABLE PERMITS IN COUNTY DESIGNATED RIGHTS-OF-WAY (***Approved on 1st reading, Public Hearing scheduled for April 11, 2018, and referred to the Economic Development & Intergovernmental Relations Committee.***)

BILLS FOR SECOND READING:

Bill No. 2627, Draft 3 – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 10, KAUAI COUNTY CODE 1987, AS AMENDED, BY ADDING A NEW ARTICLE 5B, RELATING TO THE LIHU'E PLANNING DISTRICT (*County of Kauai, Applicant*) (***Received for the Record.***)

Bill No. 2686, Draft 1 – A BILL FOR AN ORDINANCE TO AMEND THE KAUAI COUNTY CODE 1987, AS AMENDED, CHAPTER 8, RELATING TO THE COMPREHENSIVE ZONING ORDINANCE (*Additional Rental Unit – Planning Commission Recommendation*) (***Approved as Amended.***)

Council Meeting Follow-up Memorandum to the Mayor

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Thank you for following up as appropriate, including confidential routing to any appropriate parties, and please do not hesitate to contact me or Council Services Staff if you need further information. Please note that this memorandum presents a summary of the action taken, and reference should be made to the official minutes for a complete record.

cc: KCT Department Heads (*Via E-mail*)
KCT CCs (*Via E-mail*)
Council Services Staff (*Via E-mail*)