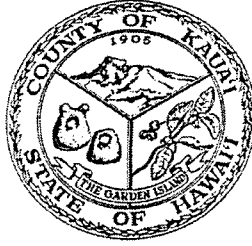


COUNTY COUNCIL
Mel Rapozo, Chair
Ross Kagawa, Vice Chair
Arthur Brun
Mason K. Chock
Arryl Kaneshiro
Derek S.K. Kawakami
JoAnn A. Yukimura



OFFICE OF THE COUNTY CLERK

Jade K. Fountain-Tanigawa, County Clerk
Scott K. Sato, Deputy County Clerk

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

MEMORANDUM

December 15, 2016

TO: Bernard P. Carvalho, Jr., Mayor
FROM: Mel Rapozo, Council Chair *MR*
RE: **DECEMBER 14, 2016 COUNCIL MEETING RECAP**

This is to inform you of the action taken by the Council at its December 14, 2016 Council Meeting:

CONSENT CALENDAR:

C 2017-02 Communication (10/17/2016) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Roy M. Morita to the Police Commission – Term ending 12/31/2019. *(Received for the Record.)*

C 2017-03 Communication (10/31/2016) from the Mayor, transmitting for Council consideration and confirmation, the following Mayoral appointments to the various Boards and Commissions for the County of Kauai:

- a. Board of Ethics
 - Mia R. Shiraishi – Term ending 12/31/2018
- b. Board of Water Supply
 - Thomas J. Canute – Term ending 12/31/2019
- c. Planning Commission
 - Donna Apisa (Business) – Term ending 12/31/2018
(Received for the Record.)

Council Meeting Follow-up Memorandum to the Mayor

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C 2017-04 Communication (11/15/2016) from the Director of Human Resources, transmitting for Council information, the November 15, 2016 Human Resources Reports, pursuant to Section 19 of Ordinance No. B-2016-812, relating to the Operating Budget of the County of Kaua'i for the Fiscal Year 2016-2017, which includes new hires, transfers, reallocations, promotions, and vacancies for the period of July 1, 2016 to November 15, 2016. ***(Received for the Record.)***

C 2017-05 Communication (11/17/2016) from Council Chair Rapozo, transmitting for Council consideration, the nomination of Councilmember Arryl Kaneshiro to fill the remaining term of Councilmember KipuKai Kuali'i as a Director on the National Association of Counties (NACo) Board of Directors. ***(Received for the Record.)***

COMMUNICATIONS:

C 2016-243 Communication (11/04/2016) from Council Chair Rapozo, requesting the presence of the Managing Director, to provide the Council with a briefing on the auction and relocation of the old Kapa'a Police Substation building near Kapa'a Beach Park. ***(Received for the Record.)***

C 2017-06 Communication (10/20/2016) from the Fire Chief, requesting Council approval of the indemnification language contained in State Lease No. DOT-A-16-0005, to release and indemnify the State of Hawai'i Department of Transportation Airports Division. ***(Referred to the January 4, 2017 Public Safety & Transportation Committee Meeting.)***

C 2017-07 Communication (11/03/2016) from the Executive on Aging, requesting Council approval to receive and expend funds, in the amount of \$500.00, from the National Kidney Foundation of Hawai'i, to be used for County of Kaua'i Agency on Elderly Affairs Diabetes Self-Management Programs. ***(Approved with thank-you letter to follow.)***

C 2017-08 Communication (11/14/2016) from the Fire Chief, requesting Council approval to accept a donation from the Kaua'i Lifeguard Association (KLA), of one (1) New 2016 Ram 4x4 V-8 Pickup Truck (\$43,152.83), one (1) Truck Rack (\$749.95), one (1) Light Bar with Siren and Speakers (\$2,496.86), and one (1) New 2016 Yamaha Jet Ski and Trailer (\$15,819.23), for a total amount of \$62,218.87, which will be utilized by the West District roving patrol unit. ***(Approved with thank-you letter to follow.)***

C 2017-09 Communication (11/14/2016) from the Director of Economic Development, requesting Council approval to receive and expend funds, in the amount of \$20,000.00, and indemnify the Hawai'i Tourism Authority, to provide greetings at the Harbor area for most ships docking at Pier II at Nāwiliwili during calendar year 2017. ***(Approved.)***

C 2017-10 Communication (11/16/2016) from the Executive on Transportation, transmitting for Council consideration, proposed amendments to Ordinance No. B-2016-812, as amended, relating to the Operating Budget of the County of Kaua'i, for the Fiscal Year 2016-2017, by revising the amounts estimated in the General Fund, to fund six (6) additional on-call Bus Driver positions to reduce overtime expenses and increase the efficiency of transit operations. *(Transportation Agency – Six (6) New On-Call Driver Positions) (Received for the Record.)*

C 2017-11 Communication (11/18/2016) from Council Chair Rapozo and Council Vice Chair Kagawa, transmitting for Council consideration, a Proposed Draft Bill to Repeal Chapter 22, Article 23 of the Kaua'i County Code 1987, as amended, Relating to Pesticides and Genetically Modified Organisms (also known as Ordinance No. 960 and Bill No. 2491, Draft 2). *(Received for the Record.)*

C 2017-12 Communication (11/29/2016) from the Planning Director, transmitting the Planning Commission's recommendation to amend Condition No. 7 of Ordinance No. PM-94-82, relating to affordable housing at Tax Map Key (TMK) 3-7-03: por. 1, Hanamā'ulu, Kaua'i. *(Received for the Record.)*

C 2017-13 Communication (12/01/2016) from the County Attorney, requesting approval of its recommendation for authorization to expend additional funds up to \$900.00 to close out Special Counsel's services provided to represent the Planning Department in Transient Vacation Rental (TVR) Appeals and related matters. *(Approved.)*

C 2017-14 Communication (12/02/2016) from the Prosecuting Attorney, requesting Council approval to receive and expend Federal funds and to indemnify the State of Hawai'i, Department of the Attorney General, in the amount of \$48,462.00, to be used for salaries/wages and supplies for the Domestic Violence Prosecution Unit. *(Approved.)*

LEGAL DOCUMENTS:

C 2017-15 Communication (11/16/2016) from the Executive on Aging, recommending Council approval to enter into a Memorandum of Understanding (MOU) and Network Partner Agreement with Kim Gropper, LCSW, who will be involved with the Aging and Disability Resource Center (ADRC).

- Memorandum of Understanding Between the County of Kaua'i Agency on Elderly Affairs and Kim Gropper, LCSW; and
- County of Kaua'i Agency on Elderly Affairs Network Partner Agreement.
(Approved.)

Council Meeting Follow-up Memorandum to the Mayor

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C 2017-16 Communication (12/02/2016) from the Housing Director, recommending Council approval of a conveyance by the County of Kaua'i and Rice Hoala Partners, LLP to the Board of Water Supply, County of Kaua'i, for Kaniko'o at Rice Camp, Tax Map Key (TMK) No. (4) 3-6-004:020, Lihu'e, Kaua'i, Hawai'i, for maintenance and repair of potable water pipelines and related meters, valves, and other associated waterworks facility improvements and appurtenances.

- Grant of Easement
- Conveyance of Water Facility
(Approved.)

CLAIMS:

C 2017-17 Communication (11/15/2016) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Wilber & Associates, P.C. for State Farm Insurance on behalf of Robin R. Avina, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i. *(Referred to the County Attorney's Office for disposition and/or report back to the Council.)*

C 2017-18 Communication (11/21/2016) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Alamo Rent A Car as subrogee of Larry Castillo, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i. *(Referred to the County Attorney's Office for disposition and/or report back to the Council.)*

C 2017-19 Communication (12/05/2016) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Catherine Heartsong, for damage to her personal property, pursuant to Section 23.06, Charter of the County of Kaua'i. *(Referred to the County Attorney's Office for disposition and/or report back to the Council.)*

COMMITTEE REPORTS: **APPROVED.**

RESOLUTIONS:

Resolution No. 2016-60 – RESOLUTION AUTHORIZING THE ACQUISITION OF A PUBLIC PEDESTRIAN BEACH ACCESS EASEMENT IN LAND REQUIRED FOR PUBLIC USE, TO WIT: A PUBLIC PEDESTRIAN BEACH ACCESS EASEMENT TO KUKUI'ULA BAY, KUKUI'ULA, COUNTY OF KAUA'I, HAWAII, AND DETERMINING AND DECLARING THE NECESSITY OF THE ACQUISITION THEREOF BY EMINENT DOMAIN *(Deferred to the February 22, 2017 Council Meeting.)*

Resolution No. 2017-04 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE POLICE COMMISSION (*Roy M. Morita*) **(Approved.)**

Resolution No. 2017-05 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE BOARD OF ETHICS (*Mia R. Shiraishi*) **(Approved.)**

Resolution No. 2017-06 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE BOARD OF WATER SUPPLY (*Thomas J. Canute*) **(Approved.)**

Resolution No. 2017-07 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE PLANNING COMMISSION (*Donna Apisa – Business*) **(Approved.)**

Resolution No. 2017-08 – RESOLUTION APPROVING A NOMINATION TO FILL AN UNEXPIRED TERM ON THE NATIONAL ASSOCIATION OF COUNTIES BOARD OF DIRECTORS FOR FISCAL YEAR 2017 **(Approved.)**

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2641) – A BILL FOR AN ORDINANCE AUTHORIZING THE EXECUTION OF A LONG-TERM LEASE AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF TRANSPORTATION, AIRPORTS DIVISION **(Approved on 1st reading, Public Hearing scheduled for January 12, 2017, and referred to the Budget & Finance Committee.)**

Proposed Draft Bill (No. 2642) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2016-812, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2016 THROUGH JUNE 30, 2017, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Transportation Agency – Six (6) New On-Call Driver Positions*) **(Approved on 1st reading, Public Hearing scheduled for January 12, 2017, and referred to the Budget & Finance Committee.)**

Proposed Draft Bill (No. 2643) – A BILL FOR AN ORDINANCE TO AMEND THE KAUAI COUNTY CODE 1987, AS AMENDED, BY REPEALING ARTICLE 23 OF CHAPTER 22, RELATING TO PESTICIDES AND GENETICALLY MODIFIED ORGANISMS **(Approved on 1st reading, Public Hearing scheduled for January 12, 2017, and referred to the Committee of the Whole.)**

Proposed Draft Bill (No. 2644) – A BILL FOR AN ORDINANCE AMENDING ZONING CONDITION IN ORDINANCE NO. PM-94-82 RELATING TO ZONING DESIGNATION IN HANĀMA‘ULU, KAUAI (*Amfac Property Development Corp.*) (ZA-2017-1) **(Approved as Amended on 1st reading, Public Hearing scheduled for January 12, 2017, and referred to the Planning Committee.)**

BILLS FOR SECOND READING:

Bill No. 2573, Draft 2 – A BILL FOR AN ORDINANCE TO ESTABLISH A NEW ARTICLE UNDER CHAPTER 22, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO DECLARING A PUBLIC NUISANCE *(Received for the Record.)*

Bill No. 2628 – A BILL FOR AN ORDINANCE TO AMEND CHAPTERS 18, 20, AND 23 OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REVOCABLE PERMITS IN COUNTY DESIGNATED RIGHTS-OF-WAY *(Received for the Record.)*

Bill No. 2635, Draft 2 – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 19, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE WAILUA GOLF COURSE *(Approved.)*

Bill No. 2639 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2016-812, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2016 THROUGH JUNE 30, 2017, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND *(Kauai Fire Department, Training Bureau, Other Small Equipment, Fifty (50) Automated External Defibrillators – \$151,000.00) (Approved.)*

Bill No. 2640 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2016-812, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2016 THROUGH JUNE 30, 2017, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND *(Kauai Fire Department, Fire Operations Public Safety, Sixty (60) Self-Contained Breathing Apparatus (SCBA) – \$390,000.00) (Approved.)*

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)*