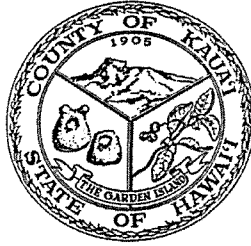


COUNTY COUNCIL

Mel Rapozo, Chair
Ross Kagawa, Vice Chair
Mason K. Chock
Gary L. Hooser
Arryl Kaneshiro
KipuKai Kualī'i
JoAnn A. Yukimura



OFFICE OF THE COUNTY CLERK

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

Telephone (808) 241-4188
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Council Services Division
4396 Rice Street, Suite 209
Līhu'e, Kaua'i, Hawai'i 96766

MEMORANDUM

March 10, 2016

TO: Bernard P. Carvalho, Jr., Mayor
FROM: Mel Rapozo, Council Chair *MR*
RE: **MARCH 9, 2016 COUNCIL MEETING RECAP**

This is to inform you of the action taken by the Council at its March 9, 2016 Council Meeting:

CONSENT CALENDAR:

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. *(Received for the Record.)*

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. *(Received for the Record.)*

C 2016-47 Communication (02/23/2016) from Councilmember Kualī'i, 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. *(Received for the Record.)*

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. *(Received for the Record.)*

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. ***(Received for the Record.)***

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. ***(Received for the Record.)***

COMMUNICATIONS:

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. ***(Approved.)***

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. ***(Received for the Record.)***

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. ***(Approved.)***

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. ***(Approved with thank-you letter to follow.)***

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) Automated 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 \$219,708.00, 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.
(Approved.)

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.) (Received for the Record.)*

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. ***(Approved.)***

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. ***(Approved.)***

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)
(Received for the Record.)

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.
(Received for the Record.)

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. ***(Received for the Record.)***

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. ***(Received for the Record.)***

COMMITTEE REPORTS: APPROVED.

RESOLUTIONS:

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

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

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 (*Deferred to the March 23, 2016 Council Meeting pending the Housing Agency's March 17, 2016 Public Hearing.*)

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 (*Deferred to the March 23, 2016 Council Meeting pending the Housing Agency's March 17, 2016 Public Hearing.*)

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 (*Approved.*)

Resolution No. 2016-32 – RESOLUTION DETERMINING THE COUNTY OF KAUAI FUEL TAX RATE AND REPEALING RESOLUTION NO. 2013-47, DRAFT 3 (*Received for the Record.*)

BILLS FOR FIRST READING:

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 Kauai, Applicant*) (*Approved on 1st reading, Public Hearing scheduled for April 6, 2016 and referred to the Planning Committee.*)

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 (*Received for the Record.*)

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*) (*Received for the Record.*)

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 (*Received for the Record.*)

BILL FOR SECOND READING:

Bill No. 2614, Draft 2 – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 3, KAUAI COUNTY CODE 1987, AS AMENDED, BY ADDING A NEW ARTICLE 6, RELATING TO THE REGISTRATION OF LOBBYISTS *(Referred to the March 16, 2016 Committee of the Whole Meeting.)*

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)*