

COUNTY COUNCIL

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JoAnn A. Yukimura



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MEMORANDUM

November 29, 2018

TO: Bernard P. Carvalho, Jr., Mayor
FROM: Mel Rapozo, Council Chair *MR*
RE: **NOVEMBER 28, 2018 COUNCIL MEETING RECAP**

This is to inform you of the action taken by the Council at its November 28, 2018 Council Meeting:

CONSENT CALENDAR:

C 2018-256 Communication (10/03/2018) from Council Vice Chair Kagawa, transmitting for Council consideration, a request to receive and file Resolution No. 2013-38, a Resolution Supporting Kaua'i's Fishermen, Ocean Gatherers, And Recreational Ocean Users, which has been deferred since February 27, 2013 pending studies and reports by the National Oceanic and Atmospheric Administration (NOAA), because the substance contained in the Resolution may be considered inaccurate at this point in time. *(Received for the Record.)*

C 2018-257 Communication (11/07/2018) from the Director of Finance, transmitting for Council information, the First Quarter Statement of Equipment Purchases for Fiscal Year 2018-2019, pursuant to Section 17 of Ordinance No. 2018-841, the Operating Budget of the County of Kaua'i for Fiscal Year 2018-2019. *(Received for the Record.)*

COMMUNICATIONS:

C 2018-258 Communication (11/07/2018) from the Fire Chief, transmitting for Council consideration, a proposed amendment to Ordinance No. B-2018-841, as amended, relating to the Operating Budget of the County of Kaua'i, for the Fiscal Year 2018-2019, by revising the amounts estimated in the General Fund, to establish two (2) new Full-Time Ocean Safety Officer II positions with benefits and one (1) new Ocean Safety Officer I (nineteen (19) hours/week) position to provide an acceptable level of lifeguard service at 'Anini Beach Park. *(Received for the Record.)*

C 2018-259 Communication (11/07/2018) from the Director of Economic Development, requesting Council approval to receive and expend additional funds in the amount \$10,000.00, 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 2018-260 Communication (11/14/2018) from the Director of Economic Development, requesting Council approval to receive and expend State funds, in the amount of \$49,574.00, and to indemnify the State of Hawaii, Department of Health, for Malama Kaua‘i’s coordination of activities and develop infrastructure to build community-based food systems as part of the SNAP program. *(Approved.)*

C 2018-261 Communication (11/15/2018) from the First Deputy County Attorney, requesting authorization to expend additional funds up to \$250,000.00 from the Claims and Judgments account to satisfy the County of Kaua‘i’s self-insured retention limit concerning the litigation of: Mark N. Begley vs. County of Kaua‘i, et al., Civil No. CV16-00350, and related matters. *(Approved.)*

C 2018-262 Communication (11/15/2018) from Councilmember Yukimura and Council Chair Rapozo, requesting Council consideration, for the public release of the following County Attorney opinion regarding Affordable Housing Preservation:

- County Attorney Opinion dated November 8, 2018
(Tracking No. 18-1258)
(Approved.)

C 2018-263 Communication (11/15/2018) from the Director of Economic Development, requesting Council approval to receive and expend State funds, in the amount of \$136,000.00, and to indemnify the State of Hawai‘i, Department of Agriculture, for additional support funding for ‘Āina Hookupu O Kilauea’s completion of the irrigation line from the Kilauea Dam to the Kilauea Community Agricultural Center. *(Approved.)*

C 2018-264 Communication (11/16/2018) from Councilmember Yukimura and Council Chair Rapozo, transmitting for Council consideration, a proposed amendment to Ordinance No. B-2018-841, as amended, relating to the Operating Budget of the County of Kauai, for the Fiscal Year July 1, 2018 through June 30, 2019, by revising the amounts estimated in the G.E. Tax Fund, to fund Increased Weekend Bus Service. *(Received for the Record.)*

C 2018-265 Communication (11/21/2018) from Council Chair Rapozo, requesting the presence of the Acting County Engineer, to provide a status update on the Lepeuli fencing project. ***(Received for the Record.)***

LEGAL DOCUMENTS:

C 2018-252 Communication (10/24/2018) from the Director of Parks & Recreation, recommending for Council approval, a License between the County of Kaua'i and Club Moto Kaua'i, a Hawai'i nonprofit corporation, for the Kalepa Motocross Track, Tax Map Key (TMK): (4) 3-009-002:36 (por.), Līhu'e, Kaua'i, Hawai'i, for a twenty (20) year license to develop, construct, use, and maintain a new motocross track. Approval of the License is also requested.

- License
(Received for the Record.)

C 2018-266 Communication (10/16/2018) from the Director of Economic Development, recommending Council approval of a 60-Year Lease Agreement, between the County of Kaua'i and 'Āina Ho'okupu O Kilauea, to continue the development of the Kilauea Community Agriculture Center, formerly known as the Kilauea Ag Park, Tax Map Key (TMK) No. (4) 5-2-004:047 (por.) and 99 (por.).

- Lease Agreement
(Approved as Amended.)

C 2018-267 Communication (11/02/2018) from the Fire Chief, recommending Council approval to enter into a Memorandum of Agreement (MOA) with the University of Hawai'i (UH), through Kapi'olani Community College, and to indemnify the UH and their employees and agents, for the Emergency Medical Technician Training Course education program ("EMT Course") attended by eligible participating employees of the Kaua'i Fire Department.

- Memorandum of Agreement By and Between the University of Hawai'i and the Kaua'i Fire Department, County of Kaua'i
(Approved.)

C 2018-268 Communication (11/15/2018) from the Director of Parks & Recreation, recommending for Council approval, a License Agreement between the County of Kaua'i and Club Moto Kaua'i, a Hawai'i nonprofit corporation, for the Kalepa Motocross Track, Tax Map Key (TMK): (4) 3-009-002:36 (por.), Līhu'e, Kaua'i, Hawai'i, for a forty (40) year license agreement to develop, construct, use, and maintain a new motocross track. Approval of the License Agreement is also requested.

- License Agreement
(Approved.)

CLAIMS:

C 2018-269 Communication (11/02/2018) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Fredulin Casticimo, for damage to his 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 2018-270 Communication (11/13/2018) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Franklin Dureg, for damage to his 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.)*

COMMITTEE REPORTS: APPROVED.

RESOLUTION:

Resolution No. 2013-38 – RESOLUTION SUPPORTING KAUA'I'S FISHERMEN, OCEAN GATHERERS, AND RECREATIONAL OCEAN USERS *(Received for the Record.)*

BILLS FOR FIRST READING:

Proposed Draft 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 KAUA'I, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2018 THROUGH JUNE 30, 2019, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND *(Kaua'i Fire Department – Two (2) Full-Time Ocean Safety Officer II and One (1) Ocean Safety Officer I Positions)* *(Approved on 1st reading, Public Hearing scheduled for December 19, 2018, and referred to the Budget & Finance Committee.)*

Proposed Draft Bill (No. 2732) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2018-841, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUA'I, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2018 THROUGH JUNE 30, 2019, BY REVISING THE AMOUNTS ESTIMATED IN THE G.E. TAX FUND *(Increased Weekend Bus Service – \$475,000.00)* *(Received for the Record.)*

BILLS FOR SECOND READING:

Bill No. 2710, Draft 2 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 12, ARTICLE 6, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO THE ENERGY CODE *(Approved as Amended.)*

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Bill No. 2723 – A BILL FOR AN ORDINANCE TO AMEND SECTION 5A-1.1 OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*Approved.*)

Bill No. 2724 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 15, ARTICLE 4, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO OUTDOOR SIGNS (*Approved as Amended.*)

Bill No. 2725 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 7A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO AFFORDABLE HOUSING PRESERVATION (*Received for the Record.*)

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*)