

COUNTY COUNCIL

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OFFICE OF THE COUNTY CLERK

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

Telephone: (808) 241-4188
Facsimile: (808) 241-6349
E-mail: cokcouncil@kauai.gov

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

Effective January 1, 2022, Act 220, Session Laws of Hawaii (SLH) 2021 adds a new option to the Sunshine Law that allows boards to hold remote meetings via interactive conference technology (ICT), such as online meeting platforms, teleconferences, videoconference, and voice over internet protocol.

Pursuant to Act 220, SLH 2021, the meetings of the Kauai County Council will be conducted as follows until further notice:

- Meetings will be noticed pursuant to Hawaii Revised Statutes (HRS) Chapter 92.
- Councilmembers and/or resource individuals may appear via remote technology.
- The meeting will be live streamed and also available as an archived meeting after completion, at www.kauai.gov/webcastmeetings. Captions will be provided. Please note video production services or enhancements will not be available.
- Written testimony may be submitted on any agenda item and is appreciated at least one (1) hour prior to the meeting. Written testimony may be submitted to counciltestimony@kauai.gov, sent via facsimile to (808) 241-6349, or mailed to the Office of the County Clerk, Council Services Division at 4396 Rice Street, Suite 209, Lihue, Hawaii 96766. Any testimony received after this time will be incorporated into the record as appropriate.
- Oral testimony will be taken in-person or via the Zoom remote technology platform. It shall be the responsibility of the testifier to ensure that the Zoom software is downloaded **prior** to the meeting. It is recommended that anyone interested in providing oral testimony provide a request to the Office of the County Clerk, Council Services Division at least one (1) hour prior to the meeting to cokcouncil@kauai.gov or by calling (808) 241-4188 during regular business hours (7:45 a.m. to 4:30 p.m., Monday through Friday, excluding holidays). This request shall include your name, telephone number, E-mail address, and the specific agenda item(s) that you will be testifying on. After oral testimony has been taken, members of the public may continue watching the meeting via the livestream link found at www.kauai.gov/webcastmeetings or may listen to the meeting on the oral testimony Zoom link that can be accessed at <https://tinyurl.com/KauaiCountyCouncil040622>.
 - Video: Meeting ID 826 0831 7821; Passcode: 7M2p50
 - Dial-In: +1 253 215 8782; Meeting ID 826 0831 7821; Passcode: 700344
- All accommodations pursuant to Act 220, SLH 2021 shall be submitted to the Office of the County Clerk, Council Services Division as soon as possible. Requests made as early as possible will allow adequate time to fulfill your request. Requests can be made via E-mail to cokcouncil@kauai.gov or by calling (808) 241-4188 during regular business hours (7:45 a.m. to 4:30 p.m., Monday through Friday, excluding holidays).
- Minutes of meetings will be completed pursuant to HRS Chapter 92 and posted to the Council's website upon completion and approval.

**COUNCIL MEETING NOTICE AND AGENDA
WEDNESDAY, APRIL 20, 2022**

8:30 A.M. OR SOON THEREAFTER

COUNCIL CHAMBERS

HISTORIC COUNTY BUILDING

4396 RICE STREET, SUITE 201

LĪHUʻE, KAUAʻI, HAWAII 96766

A. MEETING CALLED TO ORDER.

B. ROLL CALL.

C. APPROVAL OF AGENDA.

D. MINUTES of the following meetings of the Council:

1. April 6, 2022 Council Meeting
2. April 6, 2022 Public Hearing re: Bill No. 2850

E. CONSENT CALENDAR:

1. [C 2022-78](#) Communication (04/05/2022) from Hugo D. Cabrera, Deputy County Attorney, transmitting for Council information, the Quarterly Report on Settled Claims filed against the County of Kauaʻi from January 1, 2022 through March 31, 2022.
2. [C 2022-79](#) Communication (04/05/2022) from the Director of Finance, transmitting for Council information, the Third Quarter Statement of Equipment Purchases for Fiscal Year 2021-2022, pursuant to Section 17 of Ordinance No. B-2021-877, relating to the Operating Budget of the County of Kauaʻi for Fiscal Year 2021-2022.

F. COMMUNICATIONS:

1. [C 2022-80](#) Communication (03/22/2022) from Kaʻāina S. Hull, Clerk of the Planning Commission, transmitting the Planning Commission's recommendation to amend Chapter 8, Kauaʻi County Code 1987, as amended, relating to All-Hazard Statewide Outdoor Warning Siren Systems. *(ZA-2022-2) (Copies of the Draft Ordinance for Zoning Amendment (ZA-2022-2) (Proposed Draft Bill (No. 2854)), Director's Report (February 17, 2022), and Draft Planning Commission Meeting Minutes, on file in the Office of the County Clerk.) (See Proposed Draft Bill (No. 2854))*

2. [C 2022-81](#) Communication (03/22/2022) from Ka‘āina S. Hull, Clerk of the Planning Commission, transmitting the Planning Commission’s recommendation to amend Chapter 8, Kaua‘i County Code 1987, as amended, relating to Commercial General Zoning District Table of Uses. *(ZA-2022-3) (Copies of the Draft Ordinance for Zoning Amendment (ZA-2022-3) (Proposed Draft Bill (No. 2855)), Planning Commission Agenda (March 16, 2022), Director’s Report (February 15, 2022), Agency Comments, and Draft Planning Commission Meeting Minutes, on file in the Office of the County Clerk.) (See Proposed Draft Bill (No. 2855))*

3. [C 2022-82](#) Communication (04/04/2022) from the Executive on Aging, requesting Council approval to receive and expend State funds, in the amount of \$53,543.00, and to indemnify the State Executive Office on Aging, to be used by the County of Kaua‘i, Agency on Elderly Affairs to support the functions of the Aging and Disability Resource Center (ADRC) and be used for staff development, outreach, awareness, education, and collaboration with the No Wrong Door (NWD) Network, for the period June 1, 2020 through May 31, 2022.

4. [C 2022-83](#) Communication (04/04/2022) from the Executive on Aging, requesting Council approval to receive and expend State funds, in the amount of \$183,554.00, and to indemnify the State Executive Office on Aging, to be used for the provision of Kūpuna Care, which includes case management, adult day care, assisted transportation, attendant care, Kūpuna Care transportation, personal care, and home-delivered meals, for the period July 1, 2019 through June 30, 2025.

5. [C 2022-84](#) Communication (04/07/2022) from the Director of Finance, requesting Council approval to receive and expend funds in the amount of \$50,000.00, from the State of Hawai‘i Department of Commerce and Consumer Affairs (DCCA), and indemnification provisions contained in the HI-WiFi Program Memorandum of Understanding, to upgrade or install Wi-Fi connectivity at various parks or other public locations within the county for the purpose of increasing access to internet and broadband services.

G. LEGAL DOCUMENTS:

1. [C 2022-85](#) Communication (03/31/2022) from the Acting County Engineer, recommending Council approval of the Property Adjustment Agreements with William Hyde Rice Ltd. and Cumberland and Western Resources LLC, respectively, for the Kīpū Bridge Rehabilitation Project, to repair Kīpū Bridge, install new guardrails, and resurface the asphalt pavement on the bridge and bridge approaches to the properties situated at Tax Map Key (TMK) Nos. 3-1-002:001 and (4) 3-3-018:002, Lihū'e, Kaua'i, Hawai'i.
 - Property Adjustment Agreement by and between William Hyde Rice Ltd. and the County of Kaua'i related to TMK 3-1-002:001, and
 - Property Adjustment Agreement by and between Cumberland and Western Resources LLC and the County of Kaua'i related to TMK (4) 3-3-018:002

2. [C 2022-86](#) Communication (04/05/2022) from the Director of Parks & Recreation, recommending Council approval, of a Right-of-Entry Agreement and associated terms between the County of Kaua'i and the State of Hawai'i Department of Transportation for the Wailua Beach emergency project, situated at Tax Map Key (TMK) Nos. (4) 4-1-004:001 and (4) 4-1-005:004 (por.), for a public purpose, to wit: the construction, preservation, and protection of the highway project known as the Kūhiō Highway Emergency Shoreline Mitigation, Federal Aid Project No. ER-24 (004).
 - Right-of-Entry Agreement

H. CLAIMS:

1. [C 2022-87](#) Communication (03/28/2022) from the County Clerk, transmitting a claim filed against the County of Kaua'i by James Brown, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

2. [C 2022-88](#) Communication (03/31/2022) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Sashalis Catley-Kanei, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

I. COMMITTEE REPORTS:1. COMMITTEE OF THE WHOLE:**a. CR-COW 2022-04:** on Bill No. 2848

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2021-877, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2021 THROUGH JUNE 30, 2022, BY REVISING THE AMOUNTS ESTIMATED IN THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND (*Kaumumene (Hideaways Beach) Operating Budget* – \$1,500,000.00) **[Approved.]**

b. CR-COW 2022-05: on Bill No. 2849

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2021-878, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2021 THROUGH JUNE 30, 2022, BY REVISING THE AMOUNTS ESTIMATED IN THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND – CIP (*Kaumumene (Hideaways Beach) CIP Budget* – \$1,500,000.00) **[Approved.]**

J. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2854\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ALL-HAZARD STATEWIDE OUTDOOR WARNING SIREN SYSTEMS (*County of Kaua'i Planning Department, Applicant*) (ZA-2022-2)

2. [Proposed Draft Bill \(No. 2855\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO WAREHOUSES IN THE COMMERCIAL GENERAL ZONING DISTRICT (*County of Kaua'i Planning Department, Applicant*) (ZA-2022-3)

K. BILLS FOR SECOND READING:

1. [Bill No. 2848](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2021-877, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2021 THROUGH JUNE 30, 2022, BY REVISING THE AMOUNTS ESTIMATED IN THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND (*Kaumumene (Hideaways Beach) Operating Budget – \$1,500,000.00*) (See also CR-COW 2022-04; the Committee of the Whole recommended approval on second and final reading.)

2. [Bill No. 2849](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2021-878, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2021 THROUGH JUNE 30, 2022, BY REVISING THE AMOUNTS ESTIMATED IN THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND – CIP (*Kaumumene (Hideaways Beach) CIP Budget – \$1,500,000.00*) (See also CR-COW 2022-05; the Committee of the Whole recommended approval on second and final reading.)

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 at the Office of the County Attorney and/or the Office of the County Clerk. Discussions held in Executive Session are closed to the public.)

1. ES-1072 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kauai County Charter Section 3.07(E), on behalf of the Council, the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing, discussion, and consultation regarding the Quarterly Report on Pending and Denied Claims. This briefing and consultation involve the consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

2. ES-1073 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kauai 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 and request for settlement authority in the matter of Dylan DePue, et al. vs. County of Kauai, et al., Civil No. 5CCV-21-0000122 (Fifth Circuit Court). This briefing and consultation involve 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: The Council will convene into a public hearing on the following item(s) on this meeting date and will convene/reconvene the Council/Committee Meeting thereafter.

Testimony may be submitted in writing to counciltestimony@kauai.gov; via facsimile to (808) 241-6349; or mailed to the Office of the County Clerk, Council Services Division at 4396 Rice Street, Suite 209, Lihū'e, Hawai'i 96766. Oral testimony may be given via the Zoom remote technology platform and it shall be the responsibility of the testifier to ensure that the Zoom software is downloaded **prior** to the meeting. It is recommended that anyone interested in providing oral testimony provide a request to the Office of the County Clerk, Council Services Division at least one (1) hour prior to the meeting to cokcouncil@kauai.gov or by calling (808) 241-4188 during regular business hours (7:45 a.m. to 4:30 p.m., Monday through Friday, excluding holidays). This request shall include your name, telephone number, E-mail address, and the specific agenda item(s) that you will be testifying on. After oral testimony has been taken, members of the public may continue watching the meeting via the livestream link found at www.kauai.gov/webcastmeetings or may listen to the meeting on the oral testimony Zoom link. All accommodations pursuant to Act 220, Session Laws of Hawai'i 2021 shall be submitted to the Office of the County Clerk, Council Services Division as soon as possible. Requests made as early as possible will allow adequate time to fulfill your request. Requests can be made via E-mail to cokcouncil@kauai.gov or by calling (808) 241-4188 during regular business hours (7:45 a.m. to 4:30 p.m., Monday through Friday, excluding holidays).

*[*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 Office of the County Clerk 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. 2853](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 14, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE PLUMBING CODE

- O. NOTE: IF YOU NEED AN AUXILIARY AID/SERVICE, OTHER ACCOMMODATION DUE TO A DISABILITY, OR AN INTERPRETER FOR NON-ENGLISH SPEAKING PERSONS, PLEASE CONTACT THE OFFICE OF THE COUNTY CLERK, COUNCIL SERVICES DIVISION AT (808) 241-4188 OR COKCOUNCIL@KAUAI.GOV AS SOON AS POSSIBLE. REQUESTS MADE AS EARLY AS POSSIBLE WILL ALLOW ADEQUATE TIME TO FULFILL YOUR REQUEST.

UPON REQUEST, THIS NOTICE IS AVAILABLE IN ALTERNATE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.

*TO VIEW MEETINGS OR MEETING ARCHIVES, PLEASE VISIT: WWW.KAUAI.GOV/WEBCASTMEETINGS.