

COUNTY COUNCIL

Arryl Kaneshiro, Chair
Mason K. Chock, Vice Chair
Bernard P. Carvalho, Jr.
Felicia Cowden
Bill DeCosta
Luke A. Evslin
KipuKai Kualii



OFFICE OF THE COUNTY CLERK

Jade K. Fountain-Tanigawa, County Clerk

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Council Services Division
4396 Rice Street, Suite 209
Lihu'e, Kaua'i, Hawai'i 96766

Effective January 1, 2022, Act 220, Session Laws of Hawai'i (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 Kaua'i County Council will be conducted as follows until further notice:

- Meetings will be noticed pursuant to Hawai'i 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, Lihu'e, Hawai'i 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/KauaiCountyCouncil101922>.
 - Video: Meeting ID: 892 2398 9366; Passcode: xUnjD0
 - Dial-In: +1 253 215 8782; Meeting ID: 892 2398 9366; Passcode: 635304
- 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, OCTOBER 19, 2022
8:30 A.M. OR SOON THEREAFTER

COUNCIL CHAMBERS
HISTORIC COUNTY BUILDING
4396 RICE STREET, SUITE 201
LIHU‘E, KAUA‘I, HAWAII 96766

A. MEETING CALLED TO ORDER.

B. ROLL CALL.

C. APPROVAL OF AGENDA.

D. MINUTES of the following meeting of the Council:

1. October 5, 2022 Public Hearings re: Bill No. 2860, Bill No. 2877, and Bill No. 2887

E. INTERVIEWS:

1. PLANNING COMMISSION:

- [Glenda Nogami Streufert \(At-Large\)](#) – Term ending 12/31/2024

2. LIQUOR CONTROL COMMISSION:

- [Paul Endo](#) – Term ending 12/31/2024

F. CONSENT CALENDAR:

1. [C 2022-236](#) Communication (08/30/2022) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Mary Kay Hertog to the Police Commission – Term ending 12/31/2023. *(See Resolution No. 2022-42)*
2. [C 2022-237](#) Communication (10/04/2022) from Mark L. Bradbury, Deputy County Attorney, transmitting for Council information, the Quarterly Report on Settled Claims filed against the County of Kaua‘i from July 1, 2022 through September 30, 2022.
3. [C 2022-238](#) Communication (10/04/2022) from the Director of Parks & Recreation, transmitting for Council consideration, a Resolution Naming The Gym At Kilauea Neighborhood Center “Bill Troutman Gym” In Honor Of The Late William “Bill” Troutman. *(See Resolution No. 2022-43)*

4. [C 2022-239](#) Communication (10/05/2022) from the Acting County Engineer, transmitting for Council consideration, a Resolution Authorizing The Mayor Or The Director Of Finance Of The County Of Kaua'i To Enter Into An Intergovernmental Agreement With The State Of Hawai'i, Department Of Health For A Loan From The State Water Pollution Control Revolving Fund For The 'Ele'ele Subdivision Collection System Rehabilitation, Project No. C150050-12. **(See Resolution No. 2022-44)**
5. [C 2022-240](#) Communication (10/05/2022) from the Acting County Engineer, transmitting for Council consideration, a Resolution Amending Resolution No. 2018-33, Authorizing The Mayor And The Director Of Finance Of The County Of Kaua'i To Enter Into An Intergovernmental Agreement With The State Of Hawai'i, Department Of Health For A Loan From The State Water Pollution Control Revolving Fund For The Wailua Sewage Pump Station (SPS) No. 1 Rehabilitation, Project No. C150055-11. **(See Resolution No. 2022-45)**
6. [C 2022-241](#) Communication (10/05/2022) from the Acting County Engineer, transmitting for Council consideration, a Resolution Amending Resolution No. 2021-21, Authorizing The Mayor And The Director Of Finance Of The County Of Kaua'i To Enter Into An Intergovernmental Agreement With The State Of Hawai'i, Department Of Health For A Loan From The State Water Pollution Control Revolving Fund For The Waimea R-1 Wastewater Distribution System Upgrades, Project No. C150047-09. **(See Resolution No. 2022-46)**
7. [C 2022-242](#) Communication (10/05/2022) from the Acting County Engineer, transmitting for Council consideration, a Resolution Establishing No Parking Of Certain Vehicles Along Puhi Road, Līhu'e, restricting parking of vehicles with six (6) wheels or more along a portion of Puhi Road. **(See Resolution No. 2022-47)**
8. [C 2022-243](#) Communication (10/05/2022) from the Acting County Engineer, transmitting for Council consideration, a Resolution Authorizing The Mayor And The Director Of Finance Of The County Of Kaua'i To Enter Into An Intergovernmental Agreement With The State Of Hawai'i, Department Of Health For A Loan From The State Water Pollution Control Revolving Fund For The Design And Construction Of Best Management Practice (BMP) Improvements At Various Kaua'i Refuse Transfer Stations (Project No. C150059-25) **(See Resolution No. 2022-48)**

G. COMMUNICATIONS:

1. [C 2022-235](#) Communication (09/28/2022) from the Managing Director, requesting Council approval to apply for, receive, and expend the second allocation of assistance for State, Local, and Tribal Governments – Coronavirus State and Local Fiscal Recovery Funds from the United States Department of Treasury, in the amount of approximately \$10,804,436.00, appropriated by the U.S. Congress as part of the American Rescue Plan Act (ARPA) of 2021, to be used for budget priorities discussed during this agenda item. (***Deferred October 5, 2022***)

2. [C 2022-244](#) Communication (09/23/2022) from the Chief of Police and Elliott K. Ke, Assistant Chief of Police, requesting Council approval, to receive and expend Federal funds, in the amount of \$444,758.99, from the recurring National Highway Traffic Safety Administration (NHTSA) grant to be used towards the following four (4) primary traffic related functions: Traffic Records, Impaired Driving and Youth Deterrence, Police Traffic Services, and Occupant Protection, to include purchase of equipment, supplies, training, and travel expenses.

3. [C 2022-245](#) Communication (10/06/2022) from the Acting County Engineer, requesting Council approval to purchase unbudgeted equipment due to urgency to replace equipment as a result of unanticipated mechanical failure with a total of \$389,690.48 for the following:
 - Wailua Screw pump – \$175,000.00
 - Līhu'e Clarifier Replacement parts – \$85,222.48
 - Līhu'e Diskfilter programmable logic controller – \$55,000.00
 - 'Ele'ele Froth Sprays – \$74,468.00

4. [C 2022-246](#) Communication (10/12/2022) from Councilmember Evslin and Councilmember DeCosta, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 5A, Section 5A-6.3(g), Kaua'i County Code 1987, As Amended, Relating To Real Property Tax (*Ni'ihau Minimum Tax*) (***See Proposed Draft Bill (No. 2889)***)

H. COMMITTEE REPORTS:1. PLANNING COMMITTEE

- a. **CR-PL 2022-12:** on Bill No. 2880 A BILL FOR AN ORDINANCE AMENDING THE STATE LAND USE DISTRICT BOUNDARY CONCERNING A PARCEL IN KAPA'A HOMESTEADS, KAUA'I (*Manuel DeSilva, Jr., Trustee, Applicant*) (A-2022-1) [**Approved.**]

- b. CR-PL 2022-13:** on Bill No. 2881 A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ZONING DESIGNATION IN KAPA'A HOMESTEADS, KAUAI (*Manuel DeSilva, Jr., Trustee, Applicant*) (ZA-2022-13) **[Approved.]**
- c. CR-PL 2022-14:** on Bill No. 2882 A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO CAMPGROUNDS (*Kauai County Council, Applicant*) (ZA-2022-10 – *Planning Commission Recommendation*) **[Approved.]**
- d. CR-PL 2022-15:** on Bill No. 2885 A BILL FOR AN ORDINANCE AMENDING CHAPTER 10, ARTICLE 3, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE WEST KAUAI COMMUNITY PLAN IMPLEMENTING ORDINANCE (*County of Kauai Planning Department, Applicant*) (ZA-2022-9) **[Approved as Amended.]**
- e. CR-PL 2022-16:** on Bill No. 2886 A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO COMPREHENSIVE ZONING ORDINANCE DEFINITIONS (*County of Kauai Planning Department, Applicant*) (ZA-2022-14) **[Approved as Amended.]**

2. COMMITTEE OF THE WHOLE

- a. CR-COW 2022-17:** on Bill No. 2883 A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 12 BETWEEN JULY 1, 2021 AND JUNE 30, 2025 **[Approved.]**
- b. CR-COW 2022-18:** on Bill No. 2884 A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 15 BETWEEN JULY 1, 2021 AND JUNE 30, 2025 **[Approved.]**

I. RESOLUTIONS:

1. [Resolution No. 2022-42](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE POLICE COMMISSION (*Mary Kay Hertog*)

2. [Resolution No. 2022-43](#) – RESOLUTION NAMING THE GYM AT KĪLAUEA NEIGHBORHOOD CENTER “BILL TROUTMAN GYM” IN HONOR OF THE LATE WILLIAM “BILL” TROUTMAN

3. [Resolution No. 2022-44](#) – RESOLUTION AUTHORIZING THE MAYOR OR THE DIRECTOR OF FINANCE OF THE COUNTY OF KAUAI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF HEALTH FOR A LOAN FROM THE STATE WATER POLLUTION CONTROL REVOLVING FUND FOR THE ‘ELE‘ELE SUBDIVISION COLLECTION SYSTEM REHABILITATION, PROJECT NO. C150050-12

4. [Resolution No. 2022-45](#) – RESOLUTION AMENDING RESOLUTION NO. 2018-33, AUTHORIZING THE MAYOR AND THE DIRECTOR OF FINANCE OF THE COUNTY OF KAUAI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF HEALTH FOR A LOAN FROM THE STATE WATER POLLUTION CONTROL REVOLVING FUND FOR THE WAILUA SEWAGE PUMP STATION (SPS) NO. 1 REHABILITATION, PROJECT NO. C150055-11

5. [Resolution No. 2022-46](#) – RESOLUTION AMENDING RESOLUTION NO. 2021-21, AUTHORIZING THE MAYOR AND THE DIRECTOR OF FINANCE OF THE COUNTY OF KAUAI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF HEALTH FOR A LOAN FROM THE STATE WATER POLLUTION CONTROL REVOLVING FUND FOR THE WAIMEA R-1 WASTEWATER DISTRIBUTION SYSTEM UPGRADES, PROJECT NO. C150047-09

6. [Resolution No. 2022-47](#) – RESOLUTION ESTABLISHING NO PARKING OF CERTAIN VEHICLES ALONG PUHI ROAD, LIHU‘E

7. [Resolution No. 2022-48](#) – RESOLUTION AUTHORIZING THE MAYOR AND THE DIRECTOR OF FINANCE OF THE COUNTY OF KAUAI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF HEALTH FOR A LOAN FROM THE STATE WATER POLLUTION CONTROL REVOLVING FUND FOR THE DESIGN AND CONSTRUCTION OF BEST MANAGEMENT PRACTICE IMPROVEMENTS AT VARIOUS KAUAI REFUSE TRANSFER STATIONS, PROJECT NO. C150059-25

J. BILL FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2889\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, SECTION 5A-6.3(g), KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*Ni'ihau Minimum Tax*)

K. BILLS FOR SECOND READING:

1. [Bill No. 2880](#) – A BILL FOR AN ORDINANCE AMENDING THE STATE LAND USE DISTRICT BOUNDARY CONCERNING A PARCEL IN KAPA'A HOMESTEADS, KAUAI (*Manuel DeSilva, Jr., Trustee, Applicant*) (A-2022-1) (*See also CR-PL 2022-12; the Planning Committee recommended approval on second and final reading.*)

2. [Bill No. 2881](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ZONING DESIGNATION IN KAPA'A HOMESTEADS, KAUAI (*Manuel DeSilva, Jr., Trustee, Applicant*) (ZA-2022-13) (*See also CR-PL 2022-13; the Planning Committee recommended approval on second and final reading.*)

3. [Bill No. 2882](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO CAMPGROUNDS (*Kauai County Council, Applicant*) (ZA-2022-10 – *Planning Commission Recommendation*) (*See also CR-PL 2022-14; the Planning Committee recommended approval on second and final reading.*)

4. [Bill No. 2883](#) – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 12 BETWEEN JULY 1, 2021 AND JUNE 30, 2025 (*See also CR-COW 2022-17; the Planning Committee recommended approval on second and final reading.*)

5. [Bill No. 2884](#) – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 15 BETWEEN JULY 1, 2021 AND JUNE 30, 2025 (*See also CR-COW 2022-18; the Planning Committee recommended approval on second and final reading.*)

6. [Bill No. 2885, Draft 1](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 10, ARTICLE 3, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE WEST KAUAI COMMUNITY PLAN IMPLEMENTING ORDINANCE (*County of Kauai Planning Department, Applicant*) (ZA-2022-9) (*See also CR-PL 2022-15; the Planning Committee recommended approval of Bill No. 2885, Draft 1 on second and final reading on October 5, 2022.*)

7. [Bill No. 2886, Draft 1](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO COMPREHENSIVE ZONING ORDINANCE DEFINITIONS (*County of Kaua'i Planning Department, Applicant*) (ZA-2022-14) (See also CR-PL 2022-16; the Planning Committee recommended approval of Bill No. 2886, Draft 1 on second and final reading on October 5, 2022.)

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-1082 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i 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 involves 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, Lihu'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. 2888](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 9, SECTION 6-9.4, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE HOUSING DEVELOPMENT FUND

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.