

**COUNCIL MEETING NOTICE AND AGENDA**  
**WEDNESDAY, MARCH 13, 2019**  
**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. February 20, 2019 Public Hearing re: Bill No. 2733

E. CONSENT CALENDAR:

1. [C 2019-45](#) Communication (02/05/2019) from the Mayor, transmitting for Council consideration and confirmation, the following Mayoral appointments to the various Boards and Commissions for the County of Kaua'i:
  - a. Board of Water Supply
    - Kurt S. Akamine – Term ending 12/31/2021
  - b. Charter Review Commission
    - Lori K. Koga – Term ending 12/31/2021
  - c. Salary Commission
    - Leland K. Kahawai – Term ending 12/31/2021  
*(See Resolution No. 2019-24, Resolution No. 2019-25, and Resolution No. 2019-26)*
2. [C 2019-46](#) Communication (02/14/2019) from the Director of Finance, transmitting for Council information, the Condition of the County Treasury Statement quarterly report restated as of February 8, 2019, inclusive of unreconciled Condition of Treasury Statements as of February 8, 2018, May 11, 2018, August 7, 2018, and November 21, 2018.

3. [C 2019-47](#) Communication (02/14/2019) from the Director of Finance, transmitting for Council information, the Period 6 Financial Reports – Statement of Revenues, Statement of Expenditures and Encumbrances, Revenue Report, and Detailed Budget Report as of December 31, 2018, pursuant to Section 21 of Ordinance No. B-2018-841, relating to the Operating Budget of the County of Kauaʻi for Fiscal Year 2018-2019. *(Copies of Period 6 Financial Reports as of December 31, 2018 on file in the Office of the County Clerk.)*
4. [C 2019-48](#) Communication (02/19/2019) from Councilmember Evslin, providing written disclosure of a possible conflict of interest and recusal relating to Bill No. 2733, as ruled on by the County of Kauaʻi Board of Ethics at the February 15, 2019 County of Kauaʻi Board of Ethics Meeting.
5. [C 2019-49](#) Communication (02/19/2019) from Council Chair Kaneshiro, providing written disclosure of a possible conflict of interest and recusal relating to C 2019-44, Dedication Deed by Grove Farm Land Corp., conveying to the County of Kauaʻi Lot 1516 Kolopa Street extension, Līhuʻe, Kauaʻi, Hawaiʻi, Tax Map Key (TMK) No. (4) 3-3-010-049 (por.) for roadway purposes, as he is employed with Grove Farm, Incorporated.

#### F. COMMUNICATIONS:

1. [C 2019-50](#) Communication (02/04/2019) from the Acting Chief of Police, requesting Council approval to receive and expend Federal funds for the Sexual Assault Nurse Examiner (SANE) Exams and Supportive Funding and DNA Analysis programs, in the amount of \$49,475.00, which will be used to continue law enforcement efforts to assist in sexual assault investigations and crimes through agency collaboration, and approval to contract with and indemnify the State of Hawaiʻi Department of the Attorney General for the term commencing November 1, 2018 to May 31, 2019.
2. [C 2019-51](#) Communication (02/19/2019) from Councilmember Cowden, requesting the presence of the Deputy County Engineer, to provide a briefing on the schedule for islandwide road resurfacing and repairs.

3. [C 2019-52](#) Communication (02/20/2019) from Council Chair Kaneshiro, requesting the presence of Thomas Williams, Executive Director of the State of Hawai'i Employees' Retirement System (ERS), to provide a briefing on the State ERS and the financial implications to the County of Kaua'i.
  
4. [C 2019-53](#) Communication (02/22/2019) from the Deputy County Engineer, requesting Council approval of the following:
  - Apply for, receive, and expend Emergency Watershed Protection Grant Funds from the National Resource Conservation Service (NRCS) – Cooperative Agreement Program, in the amount of \$293,944.00 (75% of total project cost); and
  - Accept and expend \$97,981.00 from Hanalei Traders to be used for the 25% matching funds requirement for the NRCS project.

The total project cost is estimated to be \$391,925.00 and is to be used for Hanalei River embankment erosion mitigation.
  
5. [C 2019-54](#) Communication (02/25/2019) from the Deputy Fire Chief, requesting Council approval, to accept a donation from the Kaua'i Lifeguard Association (KLA) of two (2) 2019 Ford Pickup Trucks equipped with bed racks, light bars, and sirens, valued at \$105,661.80, which will benefit the Ocean Safety Bureau.
  
6. [C 2019-55](#) Communication (02/26/2019) from the Deputy County Engineer, requesting Council approval to apply for, receive, and expend Emergency Watershed Protection Grant Funds from the National Resource Conservation Service (NRCS), in the amount of \$327,555.00 (75% of the estimated total project cost of \$436,740.00). The 25% matching funds will come from Act 12 moneys from the State of Hawai'i. The grant funds will be used to cover construction costs to repair damaged sections of the Kahuna Road shoulder and embankment adjacent to Kapa'a Stream that was eroded during the April 2018 flood event.
  
7. [C 2019-56](#) Communication (03/04/2019) from the County Clerk, requesting Council approval, to accept roundtrip airfare accommodations from Glen I. Takahashi, City Clerk, City & County of Honolulu, estimated in value to be approximately \$550.00 for two (2) employees to assist with the manual audit of the election results for the City & County of Honolulu's Special Election which will be held on April 13, 2019.

G. CLAIMS:

1. [C 2019-57](#) Communication (02/08/2019) from the County Clerk, transmitting a claim filed against the County of Kaua'i by GEICO Insurance, as subrogee for Carter Daniel, for damages to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.
  
2. [C 2019-58](#) Communication (02/20/2019) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Ameriprise Auto & Home Insurance, as subrogee for Linda Olguin, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

H. COMMITTEE REPORTS:1. PUBLIC WORKS & VETERANS SERVICES COMMITTEE:

- a. **CR-PWVS 2019-02:** on PWVS 2019-01 Communication (02/07/2019) from Committee Chair Kagawa, requesting the presence of the Deputy County Engineer, to provide a briefing on the expansion of the Kekaha Landfill, as well as the status of the landfill operations, including addressing the issue of the requirement to utilize dirt as cover for the landfill, who is responsible to provide the material, and any other related matters regarding landfill expansion. **[Received for the Record.]**

2. PARKS & RECREATION / TRANSPORTATION COMMITTEE:

- a. **CR-PRT 2019-01:** on PRT 2019-01 Communication (02/07/2019) from Council Vice Chair Kagawa, requesting the presence of the Acting Chief of Police and the Director of Parks and Recreation, to provide a briefing on the removal of derelict vehicles at County parks and beaches. **[Received for the Record.]**

**3. PLANNING COMMITTEE:**

- a. **CR-PL 2019-02:** on Bill No. 2733      A BILL FOR AN ORDINANCE AMENDING ZONING DESIGNATION IN KAPAHI, KAUA'I (*Baird Family Limited Partnership, Applicant*) (ZA-2018-1) **[Approved.]**
- b. **CR-PL 2019-03:** on PL 2019-02      Communication (02/06/2019) from Committee Chair Chock, requesting the presence of the Planning Director, to provide a briefing on the Administration's enforcement efforts as it relates to Transient Vacation Rental (TVR) Regulations. **[Received for the Record.]**

**I. RESOLUTIONS:**

1. [Resolution No. 2019-24](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE BOARD OF WATER SUPPLY (*Kurt S. Akamine*)
2. [Resolution No. 2019-25](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE CHARTER REVIEW COMMISSION (*Lori K. Koga*)
3. [Resolution No. 2019-26](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE SALARY COMMISSION (*Leland K. Kahawai*)

**J. BILL FOR SECOND READING:**

1. [Bill No. 2733](#) – A BILL FOR AN ORDINANCE AMENDING ZONING DESIGNATION IN KAPAHI, KAUA'I (*Baird Family Limited Partnership, Applicant*) (ZA-2018-1) (*See also CR-PL 2019-02; the Planning Committee recommended approval on second and final reading.*)

**K. 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-982 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council to obtain settlement authority in Kaua'i Ferals dba Kaua'i Community Cat Project vs. Kaua'i County Council et al., Civil No. 16-1-0142 (Fifth Circuit Court), and related matters. This briefing and consultation involves 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-983 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(3), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council to discuss the acquisition of several large parcels of land for community based needs including affordable housing, park facilities, and the expansion of public utilities. This briefing and consultation involves consideration of the powers of the Council and the County as they relate to this agenda item.

#### L. ADJOURNMENT.

- M. PUBLIC HEARING NOTE: If the Council is not finished with this meeting by approximately 1:30 p.m., it will recess for a public hearing on the following. After the public hearing, the Council will reconvene to complete any unfinished business.

*[\*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 at 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. 2734 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2018-842, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2018 THROUGH JUNE 30, 2019, BY REVISING THE AMOUNTS ESTIMATED IN THE DEVELOPMENT FUND (*Islandwide Bus Stops/Shelter Improvements - \$84,000.00*)

- N. NOTE: SPECIAL ACCOMMODATIONS AND SIGN LANGUAGE INTERPRETER AND INTERPRETERS FOR NON-ENGLISH SPEAKING PERSONS ARE AVAILABLE UPON REQUEST FIVE (5) DAYS PRIOR TO THE MEETING DATE, TO THE COUNTY CLERK, 4396 RICE STREET, SUITE 209, LIHU'E, KAUAI, HAWAII 96766. TELEPHONE NO. (808) 241-4188. FACSIMILE NO. (808) 241-6349.

**\*TO VIEW MEETINGS OR MEETING ARCHIVES, PLEASE VISIT: [WWW.KAUAI.GOV/WEBCASTMEETINGS](http://WWW.KAUAI.GOV/WEBCASTMEETINGS).**