

**COUNCIL MEETING NOTICE AND AGENDA  
WEDNESDAY, APRIL 10, 2019**

**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. CONSENT CALENDAR:

1. [C 2019-69](#) Communication (03/14/2019) from the Housing Director, transmitting for Council consideration, a Resolution Authorizing The Filing Of The Kauaʻi County 2019 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. **(See Resolution No. 2019-29)**
2. [C 2019-70](#) Communication (03/15/2019) from the Housing Director, transmitting for Council consideration, a Resolution Authorizing The Filing Of The Kauaʻi County 2019 Action Plan (HOME Investment Partnership 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. **(See Resolution No. 2019-30)**
3. [C 2019-71](#) Communication (03/21/2019) from Council Chair Kaneshiro, providing written disclosure of a possible conflict of interest and recusal relating to Bill No. 2738, the Mayor's Proposed Operating Budget for Fiscal Year 2019-2020 regarding the appropriation to Kauaʻi Soil Conservation in the Department of Public Works – Grant-In-Aid, as he is a Director for the East Kauaʻi Soil & Water Conservation District.

4. [C 2019-72](#) Communication (03/21/2019) from Council Chair Kaneshiro, providing written disclosure of a possible conflict of interest and recusal relating to Bill No. 2738, the Mayor's Proposed Operating Budget for Fiscal Year 2019-2020 regarding the appropriation to Grove Farm (Puhi Metals Recycling) General Liability account in the Department of Finance – Administration and 800 MHz Radio Site Lease: Grove Farm appropriation in the Emergency Management Agency, as he is a Project Manager employed by Grove Farm Company, Inc.
5. [C 2019-73](#) Communication (03/21/2019) from Councilmember Kualii, providing written disclosure of a possible conflict of interest and recusal relating to Bill No. 2738, the Mayor's Proposed Operating Budget for Fiscal Year 2019-2020 regarding the appropriation to Sexual Assault/Domestic Violence Community Program in the Office of Economic Development – Administration, as he is the Director of Operations for the YWCA.
6. [C 2019-74](#) Communication (03/29/2019) from Councilmember Evslin, transmitting for Council consideration, a Resolution Supporting The Governor's Efforts In Urging The Bank Of America To Return To Hawai'i To Meet With Nā Po'e Kōkua And The Hawai'i Fair Lending Coalition To Reach A Settlement Agreement Relating To A \$150,000,000 Loan Commitment For Native Hawaiians On Hawaiian Home Lands (***See Resolution No. 2019-31***)
7. [C 2019-75](#) Communication (04/03/2019) from Councilmember Kualii, providing written disclosure of a possible conflict of interest and recusal relating to the YWCA of Kaua'i Disaster Preparedness Improvement Project in the Kaua'i County 2019 Action Plan for the Community Development Block Grant (CDBG) Program, as he is employed at by the YWCA of Kaua'i.

#### E. COMMUNICATIONS:

1. [C 2019-65](#) Communication (03/11/2019) from the Salary Commission, transmitting for the Council's information and consideration, the Salary Commission's Resolution No. 2019-1, Relating to the Salaries of Certain Officers and Employees of the County of Kaua'i, which was adopted by the Salary Commission at its March 7, 2019 meeting.
  - Salary Commission Resolution No. 2019-1  
(***Deferred March 27, 2019***)

2. [C 2019-76](#) Communication (03/14/2019) from the Deputy Fire Chief, requesting Council approval, to accept a donation from the Kaua'i Lifeguard Association (KLA) of one (1) 2019 Yamaha Jet Ski and Trailer, valued at \$18,523.89, which will benefit the Ocean Safety Bureau's lifeguard operation at the Hanalei Pavilion Tower.
  
3. [C 2019-77](#) Communication (03/29/2019) from Councilmember Evslin and Councilmember Chock, transmitting for Council consideration, six (6) proposals that, combined, provides an incentive for property owners to build an Additional Rental Unit (ARU). *(See Proposed Draft Bill (No. 2740), Proposed Draft Bill (No. 2741), Proposed Draft Bill (No. 2742), Proposed Draft Bill (No. 2743), Proposed Draft Bill (No. 2744), and Proposed Draft Bill (No. 2745)*

#### F. CLAIMS:

1. [C 2019-78](#) Communication (03/15/2019) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Bernadette A. D'Amore, for damages to her personal property, pursuant to Section 23.06, Charter of the County of Kaua'i.
  
2. [C 2019-79](#) Communication (03/20/2019) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Normandie Yadao, for damages to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

#### G. COMMITTEE REPORTS:

##### 1. COMMITTEE OF THE WHOLE:

- a. **CR-COW 2019-08:** on Bill No. 2736 A BILL FOR AN ORDINANCE TO AMEND SECTION 2, ORDINANCE NO. 891, AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF KAUAI FOR THE PURPOSE OF FINANCING CERTAIN PUBLIC IMPROVEMENTS AND REFUNDING CERTAIN BONDS OF THE COUNTY; FIXING OR AUTHORIZING THE FIXING OF THE FORM, DENOMINATIONS, AND CERTAIN OTHER DETAILS OF SUCH BONDS AND PROVIDING FOR THE SALE OF SUCH BONDS TO THE PUBLIC **[Approved.]**

**b. CR-COW 2019-09:** on Bill No. 2737

A BILL FOR AN ORDINANCE TO AMEND SECTION 2, ORDINANCE NO. 1019, AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF KAUAI FOR THE PURPOSE OF FINANCING CERTAIN PUBLIC IMPROVEMENTS; FIXING OR AUTHORIZING THE FIXING OF THE FORM, DENOMINATIONS, AND CERTAIN OTHER DETAILS OF SUCH BONDS AND PROVIDING FOR THE SALE OF SUCH BONDS TO THE PUBLIC; AUTHORIZING THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES; AND PROVIDING FOR OTHER MATTERS AND ACTIONS PERTAINING TO THE ISSUANCE AND SALE OF THE BONDS [Approved.]

**H. RESOLUTIONS:**

1. [Resolution No. 2019-29](#) – RESOLUTION AUTHORIZING THE FILING OF THE KAUAI COUNTY 2019 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

2. [Resolution No. 2019-30](#) – RESOLUTION AUTHORIZING THE FILING OF THE KAUAI COUNTY 2019 ACTION PLAN (HOME INVESTMENT PARTNERSHIP 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

3. [Resolution No. 2019-31](#) – SUPPORTING THE GOVERNOR'S EFFORTS IN URGING THE BANK OF AMERICA TO RETURN TO HAWAII TO MEET WITH NĀ PO'E KŌKUA AND THE HAWAII FAIR LENDING COALITION TO REACH A SETTLEMENT AGREEMENT RELATING TO A \$150,000,000 LOAN COMMITMENT FOR NATIVE HAWAIIANS ON HAWAIIAN HOME LANDS

I. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2740\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ADDITIONAL RENTAL UNITS

2. [Proposed Draft Bill \(No. 2741\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 11A KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ENVIRONMENTAL IMPACT ASSESSMENT ON LAND DEVELOPMENT

3. [Proposed Draft Bill \(No. 2742\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 9, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE HOUSING DEVELOPMENT FUND

4. [Proposed Draft Bill \(No. 2743\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 25, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO WASTEWATER TREATMENT CAPACITY ASSESSMENT

5. [Proposed Draft Bill \(No. 2744\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 12, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO BUILDING PERMIT FEES

6. [Proposed Draft Bill \(No. 2745\)](#) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 10, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE LIHU'E TOWN CORE URBAN DESIGN DISTRICT

J. BILLS FOR SECOND READING:

1. [Bill No. 2736](#) – A BILL FOR AN ORDINANCE TO AMEND SECTION 2, ORDINANCE NO. 891, AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF KAUAI FOR THE PURPOSE OF FINANCING CERTAIN PUBLIC IMPROVEMENTS AND REFUNDING CERTAIN BONDS OF THE COUNTY; FIXING OR AUTHORIZING THE FIXING OF THE FORM, DENOMINATIONS, AND CERTAIN OTHER DETAILS OF SUCH BONDS AND PROVIDING FOR THE SALE OF SUCH BONDS TO THE PUBLIC (*See also CR-COW 2019-08; the Committee recommended approval on second and final reading.*)

2. Bill No. 2737 – A BILL FOR AN ORDINANCE TO AMEND SECTION 2, ORDINANCE NO. 1019, AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF KAUAI FOR THE PURPOSE OF FINANCING CERTAIN PUBLIC IMPROVEMENTS; FIXING OR AUTHORIZING THE FIXING OF THE FORM, DENOMINATIONS, AND CERTAIN OTHER DETAILS OF SUCH BONDS AND PROVIDING FOR THE SALE OF SUCH BONDS TO THE PUBLIC; AUTHORIZING THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES; AND PROVIDING FOR OTHER MATTERS AND ACTIONS PERTAINING TO THE ISSUANCE AND SALE OF THE BONDS (*See also CR-COW 2019-09; the 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-988 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 provide a briefing and request for settlement authority in EEOC No. 486-2018-00540 (U.S. Equal Employment Opportunity Commission), a complaint by a County employee alleging gender-based discrimination against the Kaua'i Police Department. 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-989 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, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

3. ES-990 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(2), (4), and (8), the purpose of this Executive Session is to consider matters that require confidentiality under state law, to wit, the hiring of a County Auditor, including interviewing any candidates, and terms and conditions of employment. The further purpose of this Executive Session is to meet with the Council's legal counsel on questions and issues relating to the Council's powers, duties, privileges, immunities, liabilities, claims, and/or potential claims, as such powers, duties, privileges, immunities, liabilities, claims, and/or potential claims relate to the foregoing item, and to take such action as the Council deems appropriate.

L. 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).