

COUNCIL MEETING NOTICE AND AGENDA
WEDNESDAY, MAY 8, 2019
8:30 A.M. OR SOON THEREAFTER
COUNCIL CHAMBERS
HISTORIC COUNTY BUILDING
4396 RICE STREET, SUITE 201
LIHU'E, KAUA'I, HAWAI'I 96766

A. MEETING CALLED TO ORDER.

B. ROLL CALL.

C. APPROVAL OF AGENDA.

D. MINUTES of the following meetings of the Council:

1. March 13, 2019 Council Meeting
2. March 27, 2019 Council Meeting

E. CONSENT CALENDAR:

1. [C 2019-96](#) Communication (04/09/2019) from the Director of Finance, transmitting for Council information, the Third Quarter Statement of Equipment Purchases for Fiscal Year 2018-2019, pursuant to Section 17 of Ordinance No. B-2018-841, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2018-2019.

2. [C 2019-97](#) Communication (04/25/2019) from the Hawai'i State Association of Counties (HSAC) President, transmitting for Council approval, HSAC's slate of officers for the HSAC Executive Committee and Board of Director nominations for the National Association of Counties (NACo) and the Western Interstate Region (WIR) for the 2019-2020 term, pursuant to Section 5, Section 5A, and Section 5C of the Bylaws of the Hawai'i State Association of Counties, Inc. (***See Resolution No. 2019-34 and Resolution No. 2019-35***)

3. [C 2019-98](#) Communication (05/01/2019) from the Acting Director of Human Resources, transmitting for Council information, the May 1, 2019 Vacancy Report, pursuant to Section 24 of Ordinance No. B-2018-841, relating to the Operating Budget of the County of Kaua'i for the Fiscal Year 2018-2019.

F. 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 April 24, 2019)
2. [C 2019-99](#) Communication (04/11/2019) from Michael M. Contrades, then Acting Chief of Police, requesting Council approval to accept and utilize a vehicle forfeited through the Asset Forfeiture Program, which will replace a vehicle (2002 Toyota Corolla, Vehicle Identification Number (VIN) #1NXBR12E62Z648558) that was assigned to the Vice Section.
3. [C 2019-100](#) Communication (04/16/2019) from Ka'aina 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 Residential Development Standards. *(Copies of the Draft Ordinance for Zoning Amendment (ZA-2019-5) and Director's Report, on file in the Office of the County Clerk.) (See Proposed Draft Bill (No. 2749))*
4. [C 2019-101](#) Communication (04/17/2019) from the Prosecuting Attorney, requesting Council approval to apply for, receive, and expend State funds in the amount of \$74,434.00, and approval to indemnify the State of Hawai'i, Department of the Attorney General, for the Kaua'i Victim Witness Assistance Program 20-VW-03 for the period of July 1, 2019 through June 30, 2021.

5. [C 2019-102](#) Communication (04/23/2019) from Councilmember Cowden, requesting Council approval to accept a donation from the Russian Center New York for travel-related expenses (estimated value of between \$2,000.00-\$3,000.00) to participate in a peace conference as part of a delegation from the United States of America to Vologda, Russia, with a mission to foster a constructive atmosphere that encourages conversation and collaboration on a multitude of issues between the United States of America and Russia with particular interest in Russian Fort Elizabeth/Pa'ula'ula on the west side of Kaua'i.
6. [C 2019-103](#) Communication (04/26/2019) from the Director of Finance, transmitting for Council consideration, A Bill For An Ordinance Amending Section 5A-5.1, Kaua'i County Code 1987, As Amended, Relating To Real Property Tax Liens And Foreclosures, to collect fees associated with the release of a lien. **(See Proposed Draft Bill (No. 2750))**
7. [C 2019-104](#) Communication (04/26/2019) from the Executive on Aging, requesting Council approval to receive and expend Federal Funds in the amount of \$586,436.00 from the State Executive Office on Aging, which will be used for the provision of Title III services of the Older Americans Act, for the 2019 Federal fiscal year that began October 1, 2018 through September 30, 2019. Indemnification of the State Executive Office on Aging is also requested.
8. [C 2019-105](#) Communication (04/30/2019) from Councilmember Cowden, requesting the presence of the Director of Parks & Recreation and the Deputy County Engineer, to provide a briefing on the work being performed at Black Pot Beach Park.
9. [C 2019-106](#) Communication (05/01/2019) from Councilmember Evslin and Councilmember Chock, transmitting for Council consideration, a Proposed Draft Bill relating to the Real Property Tax-Affidavit Requirement for Long-Term Affordable Rentals. **(See Proposed Draft Bill (No. 2751))**
10. [C 2019-107](#) Communication (05/02/2019) from Adam P. Roversi, Deputy County Attorney, requesting Council approval of the indemnification provision contained in the Lot 155 Exclusive Right-of-Entry Agreement between the County of Kaua'i and Patricia Wilcox Sheehan, for the purpose of expanding Black Pot Beach Park for public park purposes following final Land Court approval of a proposed subdivision affecting Tax Map Key Nos. (4) 5-5-01:002, 033, 034, and 049.

G. LEGAL DOCUMENT:

1. [C 2019-108](#) Communication (05/02/2019) from the Deputy County Engineer, recommending Council approval of the following Right-of-Entry Agreements to authorize County entry onto private property for purposes of repaving and reconstruction work on Maluhia Road and Kōloa Road:
 - Right-of-Entry Agreement by and between the County of Kauaʻi and McBryde Sugar Company, LLC, Series T and Floyd Libre, Tax Map Key (TMK) Nos. (4) 2-7-003:013 and (4) 2-7-003:015;
 - Right-of-Entry Agreement by and between the County of Kauaʻi and DWI Properties Family, LP, TMK No. (4) 2-8-005:002;
 - Right-of-Entry Agreement by and between the County of Kauaʻi and Grove Farm Company, Inc., TMK No. (4) 2-8-005:006;
 - Right-of-Entry Agreement by and between the County of Kauaʻi and Eric A. Knudsen Trust, TMK No. (4) 2-8-001:005; and
 - Right-of-Entry Agreement by and between the County of Kauaʻi and Poʻipū Ranch, LLC., TMK No. (4) 2-8-001:002

H. CLAIM:

1. [C 2019-109](#) Communication (04/23/2019) from the County Clerk, transmitting a claim filed against the County of Kauaʻi by Leslie M. Hashimoto, for loss of his personal property, pursuant to Section 23.06, Charter of the County of Kauaʻi.

I. COMMITTEE REPORT:1. PUBLIC WORKS & VETERANS SERVICES COMMITTEE:

- a. **CR-PWVS 2019-03:** on PWVS 2019-02 Communication (04/25/2019) from Committee Chair Kagawa, requesting the presence of the Deputy County Engineer, to provide a briefing on the Federal Emergency Management Agency's (FEMA) 2017 Kauaʻi County Flood Study and Mapping Plan as it relates to the Waimea and Hanapēpē riverbanks, and the statements contained in the April 24, 2019 *Garden Island* newspaper article, "Flood insurance needs arises."
[Received for the Record.]

J. RESOLUTIONS:

1. [Resolution No. 2019-33](#) – RESOLUTION AUTHORIZING SPEED CUSHIONS ON A PORTION OF WEKE ROAD AND AMENDING SECTION 4 OF RESOLUTION NO. 2008-21, HANAIEI DISTRICT, COUNTY OF KAUAI (*Deferred May 1, 2019*)

2. [Resolution No. 2019-34](#) – RESOLUTION APPROVING THE HAWAII STATE ASSOCIATION OF COUNTIES SLATE OF OFFICERS FOR FISCAL YEAR 2020

3. [Resolution No. 2019-35](#) – RESOLUTION APPROVING NOMINEES TO THE NATIONAL ASSOCIATION OF COUNTIES BOARD OF DIRECTORS AND NOMINEES TO THE WESTERN INTERSTATE REGION BOARD OF DIRECTORS FOR FISCAL YEAR 2020

K. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2749\)](#) – A BILL FOR AN ORDINANCE AMENDING SUBSECTION 8-1.5 AND SUBSECTION 8-4.3, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO DEVELOPMENT STANDARDS WITHIN THE RESIDENTIAL DISTRICT (*County of Kauai Planning Department, Applicant*)

2. [Proposed Draft Bill \(No. 2750\)](#) – A BILL FOR AN ORDINANCE AMENDING SECTION 5A-5.1, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX LIENS AND FORECLOSURES

3. [Proposed Draft Bill \(No. 2751\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX

L. EXECUTIVE SESSION: *Pursuant to Hawaii 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.)*

M. ADJOURNMENT.

- N. PUBLIC HEARING NOTE: The Public Hearings are scheduled for 5:00 p.m., on May 8, 2019.
*[*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. [Resolution No. 2019-23](#) – RESOLUTION ESTABLISHING THE REAL PROPERTY TAX RATES FOR THE FISCAL YEAR JULY 1, 2019 TO JUNE 30, 2020 FOR THE COUNTY OF KAUAI
2. [Bill No. 2738](#) – A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET AND FINANCING THEREOF FOR FISCAL YEAR JULY 1, 2019 TO JUNE 30, 2020 (*Fiscal Year 2019-2020 Operating Budget*)
3. [Bill No. 2739](#) – A BILL FOR AN ORDINANCE RELATING TO CAPITAL IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2019 TO JUNE 30, 2020 (*Fiscal Year 2019-2020 CIP Budget*)

- O. 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, LĪHU‘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.**