

COUNCIL MEETING NOTICE AND AGENDA
WEDNESDAY, MAY 29, 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 meetings of the Council:

1. Minutes of the April 10, 2019 Council Meeting
2. Minutes of the May 8, 2019 Public Hearing re: Resolution No. 2019-23, Bill No. 2738, and Bill No. 2739

E. INTERVIEWS:

1. CIVIL SERVICE COMMISSION:

- [Ricky R. Watanabe](#) – Term ending 12/31/2022

2. CHARTER REVIEW COMMISSION:

- [Reid R. Kawane](#) – Term ending 12/31/2022

F. CONSENT CALENDAR:

1. [C 2019-110](#) Communication (05/08/2019) from the Mayor, submitting his Supplemental Budget Communication for Fiscal Year 2019-2020 and Proposed Amendments to the Budget Bills, pursuant to Section 19.02A of the Kaua'i County Charter. ***(Public hearing held May 22, 2019)***

2. [C 2019-111](#) Communication (05/06/2019) from Council Chair Kaneshiro, providing written disclosure of a possible conflict of interest and recusal relating to Agenda item C 2019-108, “Right-of-Entry Agreement by and between the County of Kauaʻi and Grove Farm Company, Inc., TMK No. (4) 2-8-005:006,” due to his employment with Grove Farm Company, Inc.
3. [C 2019-112](#) Communication (05/08/2019) from the Director of Finance, transmitting for Council information, the Condition of the County Treasury Statement quarterly report as of February 5, 2019.
4. [C 2019-113](#) Communication (05/09/2019) from Councilmember Cowden, providing written disclosure of a possible conflict of interest and recusal relating to Agenda item C 2019-102, a request for Council approval to accept a donation from the Russian Center New York for travel-related expenses (approximately \$2,000 - \$3,000) to participate in a peace conference as part of a delegation from the United States of America to Vologda, Russia.
5. [C 2019-114](#) Communication (05/16/2019) from the Director of Finance, transmitting for Council information, the Period 7 Financial Reports – Statement of Revenues, Statement of Expenditures and Encumbrances, Revenue Report, and Detailed Budget Report as of January 31, 2019, 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 7 Financial Reports as of January 31, 2019 on file in the Office of the County Clerk.)*
6. [C 2019-115](#) Communication (05/16/2019) from the Hawaiʻi State Association of Counties (HSAC) President, transmitting for Council approval, HSAC’s Fiscal Year 2020 Proposed Operating Budget, and HSAC’s 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 Hawaiʻi State Association of Counties, Inc. ***(See Resolution No. 2019-36 and Resolution No. 2019-37)***

G. COMMUNICATIONS:

1. [C 2019-116](#) Communication (04/16/2019) 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 Zoning Designation in Puhi, Kaua'i. *(Copies of the Draft Minutes of the April 9, 2019 Planning Commission Meeting; Director's Report; Supplement #1 to the Director's Report; and Proposed Amendment to Zoning Map ZM-P 400, on file in the Office of the County Clerk.) (See Proposed Draft Bill (No. 2752))*
2. [C 2019-117](#) Communication (04/24/2019) from the Deputy County Engineer, requesting Council approval to apply for, receive, and expend State funds in the anticipated amount of \$461,000.00, from the State of Hawai'i Department of Health (DOH), and to indemnify the State DOH for the Fiscal Year 2020 grant cycle for the HI-5 Deposit Beverage Container Program (\$301,000.00) and the Electronic Waste Recycling Program (\$160,000.000).
3. [C 2019-118](#) Communication (05/03/2019) from the Mayor, transmitting for Council consideration, the cost items for the United Public Workers (UPW) Bargaining Unit 1 for the period July 1, 2019 through June 30, 2021, the additional terms of the Collective Bargaining Agreement affecting the last two (2) years of the contract were recently ratified by the employees of Bargaining Unit 1. *(See Proposed Draft Bill (No. 2753))*
4. [C 2019-119](#) Communication (05/08/2019) from the Deputy Fire Chief, requesting Council approval, to accept a donation from the Friends of Kaua'i Fire Department, of a Low Altitude Rapid Opening (LARO) parachute system, valued at \$7,519.00, for the County of Kaua'i Fire Department.
5. [C 2019-120](#) Communication (05/16/2019) from the Director of Planning, requesting Council approval, to receive and expend Federal/State funds for the Hawai'i Coastal Zone Management (CZM) Program in an amount up to \$335,236.00, and to indemnify the State of Hawai'i in accordance with the State of Hawai'i General Conditions (AG-008 103D) for administering the subject program. The pass-through funding will be utilized to continue the implementation of the CZM Program on Kaua'i commencing July 1, 2019 to June 30, 2020. Funding will be expended on salaries/wages, travel, equipment, and supplies for the CZM Program, specifically for the implementation and enforcement of the Special Management Area Rules and Regulations of the County of Kaua'i and Shoreline Setback provisions of Chapter 8 of the Kaua'i County Code.

6. [C 2019-121](#) Communication (05/17/2019) from the Director of Finance, requesting Council approval, to apply, receive, and expend Federal Emergency Management Agency (FEMA) funding to defer disaster related costs due to Hurricane Lane which occurred in August 2018. The total amount of public assistance requested for Hurricane Lane is \$2,590,206.22.

H. LEGAL DOCUMENT:

1. [C 2019-122](#) Communication (05/02/2019) from the Mayor, requesting Council approval of Dedication Deed (Kohea Lot – Lot 3B (Sewer Pump Station)) from D.R. Horton – Schuler Homes, LLC, to the County of Kaua‘i, located at Hanamā‘ulu, Līhu‘e, Hawai‘i, Tax Map Key (TMK) No. (4) 3-7-003-030 (por.).

- Dedication Deed

I. CLAIMS:

1. [C 2019-123](#) Communication (05/06/2019) from the County Clerk, transmitting a claim filed against the County of Kaua‘i by Jennifer Tomacder parent of Xoén Duarte, for personal injury, pursuant to Section 23.06, Charter of the County of Kaua‘i.
2. [C 2019-124](#) Communication (05/09/2019) from the County Clerk, transmitting a claim filed against the County of Kaua‘i by James Vaughn, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua‘i.
3. [C 2019-125](#) Communication (05/13/2019) from the County Clerk, transmitting a claim filed against the County of Kaua‘i by Carlos Canales, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua‘i.
4. [C 2019-126](#) Communication (05/21/2019) from the County Clerk, transmitting a claim filed against the County of Kaua‘i by Darrel D. Perry, for lost of income, constructive discharge, and impugned reputation, pursuant Section 23.06, Charter of the County of Kaua‘i.

J. COMMITTEE REPORTS:1. COMMITTEE OF THE WHOLE:

- a. **CR-COW 2019-10:** on COW 2019-01 Communication (05/13/2019) from Committee of the Whole Chair Kaneshiro, transmitting the proposed increases to, deductions from, and other proposed amendments (plus/minus sheets) to the Mayor's Fiscal Year 2019-2020 Annual Operating and Capital Improvement Projects Budgets. **[Received for the Record.]**
- b. **CR-COW 2019-11:** on 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 **[Approved.]**
- c. **CR-COW 2019-12:** on 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*) **[Approved as Amended.]**
- d. **CR-COW 2019-13:** on 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*) **[Approved as Amended.]**

K. RESOLUTIONS:

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 (*See also CR-COW 2019-11; the Committee of the Whole recommended approval on May 22, 2019.*)

2. [Resolution No. 2019-36](#) – RESOLUTION APPROVING THE FISCAL YEAR 2020 PROPOSED OPERATING BUDGET FOR THE HAWAII STATE ASSOCIATION OF COUNTIES

3. [Resolution No. 2019-37](#) – 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

L. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2752\)](#) – A BILL FOR AN ORDINANCE AMENDING ZONING DESIGNATION IN PUHI, KAUAI (*Island School, Applicant*) (ZA-2019-2)

2. [Proposed Draft Bill \(No. 2753\)](#) – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 1 BETWEEN JULY 1, 2019 AND JUNE 30, 2021

M. BILLS FOR SECOND READING:

1. [Bill No. 2738, Draft 1](#) – 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*) (*See also CR-COW 2019-12; the Committee of the Whole recommended approval as amended to Bill No. 2738, Draft 1 on May 22, 2019.*)

2. [Bill No. 2739, Draft 1](#) – 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*) (*See also CR-COW 2019-13; the Committee of the Whole recommended approval as amended to Bill No. 2738, Draft 1 on May 22, 2019.*)

N. 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-992 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 the Council with a briefing in the matter of County of Kaua'i vs. KAPHA North Shore, LLC, Civil No. 18-1-0031 (Fifth Circuit Court). 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.

O. ADJOURNMENT.

- P. 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 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. 2746](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8 AND CHAPTER 10 OF THE KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO ENFORCEMENT, LEGAL PROCEDURES, AND PENALTIES
2. [Bill No. 2747](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 14, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND
3. [Bill No. 2748](#) – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 11 BETWEEN JULY 1, 2019 AND JUNE 30, 2021

- Q. 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, KAUA'I, HAWAII 96766. TELEPHONE NO. (808) 241-4188. FACSIMILE NO. (808) 241-6349.

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