

COUNCIL MEETING NOTICE AND AGENDA
WEDNESDAY, JUNE 26, 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. Minutes of the June 13, 2019 Public Hearing re: Bill No. 2749, Bill No. 2750, and Bill No. 2751

E. INTERVIEWS:

1. PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND COMMISSION:
 - [Taryn A. M. Dizon](#) (*Waimea / Kekaha*) – Term ending 12/31/2022
2. KAUA‘I HISTORIC PRESERVATION REVIEW COMMISSION:
 - [Stephen Wesley Long](#) (*Planning*) – Term ending 12/31/2022

F. CONSENT CALENDAR:

1. [C 2019-140](#) Communication (05/31/2019) from the Director of Finance, transmitting for Council information, the Period 8 Financial Reports – Statement of Revenues, Statement of Expenditures and Encumbrances, Revenue Report, and Detailed Budget Report as of February 28, 2019, pursuant to Section 21 of Ordinance No. B-2018-841, relating to the Operating Budget of the County of Kaua‘i for Fiscal Year 2018-2019. (*Copies of Period 8 Financial Reports as of February 28, 2019 on file in the Office of the County Clerk.*)

2. [C 2019-141](#) Communication (06/03/2019) from Councilmember Kualii, transmitting for Council consideration, a Resolution Supporting Efforts Towards Preserving The Affordability Restrictions At Courtyards At Waipouli. (***See Resolution No. 2019-40***)

3. [C 2019-142](#) Communication (06/12/2019) from the Deputy County Engineer, transmitting for Council consideration, a Resolution establishing the following, due to damage caused by the historic flooding on April 2018:
 - A marked crosswalk on Weke Road;
 - One-way traffic around a traffic island on Weke Road; and
 - Stop control at Weke Road and Wilikoki Place.
(***See Resolution No. 2019-41***)

4. [C 2019-143](#) Communication (06/19/2019) from Councilmember Kagawa, providing written disclosure of a possible conflict of interest and recusal relating to Resolution No. 2019-39, due to his familial relationship with Reid R. Kawane.

G. COMMUNICATIONS:

1. [C 2019-144](#) Communication (04/26/2019) from the Executive on Aging, requesting Council approval to receive and expend funds in the amount of \$25,000.00, from the Long-Term Care Ombudsman Program (State funds) for the period of July 1, 2019 to June 30, 2020 and to indemnify the State Executive Office on Aging. The funding will provide for a Long-Term Care Ombudsman position whose primary role will be to visit and advocate for individuals who are residing in long-term care facilities on Kaua'i.

2. [C 2019-145](#) Communication (05/10/2019) from the Mayor, requesting agenda time for a briefing from Smith Dawson & Andrews, Inc., Washington, D.C. consultants, to provide a recap of the services and activities they provided the County during the past year as part of their professional services contract.

3. [C 2019-146](#) Communication (06/04/2019) from Councilmember Kualii, requesting the presence of the Acting Housing Director, to provide a briefing on:
 - The information contained in the Workforce Housing Nexus and Financial Feasibility Study commissioned by the County Housing Agency, including any recommendations from the Administration to incorporate the study's findings and recommendations in the County's Housing Policy; and
 - A status update on the County's affordable housing projects.

4. [C 2019-147](#) Communication (06/07/2019) from the Executive on Transportation, requesting Council approval to receive and expend a Federal Transit Administration (FTA) Section 5311 grant in the amount of \$1,074,280.00, FTA Section 5339 grant in the amount of \$2,800,000.00, FTA Section 5310 grant in the amount of \$312,000.00; and FTA Discretionary Funding in the amount of \$1,400,000.00, and to indemnify the FTA. The funding will be used by the County Transportation Agency for operational expenses.

5. [C 2019-148](#) Communication (06/12/2019) from Ka'āina S. Hull, Clerk of the Planning Commission, transmitting the Planning Commission's recommendation to amend Section 8-1.5 of the Kaua'i County Code 1987, as amended, relating to Guest House. *(Copies of the Draft Ordinance for Zoning Amendment (ZA-2019-6); Meeting Minutes from the April 23, 2019 Planning Commission Meeting; Director's Report; and Supplement #1 to the Director's Report, on file in the Office of the County Clerk.) (See Proposed Draft Bill (No. 2735))*

6. [C 2019-149](#) Communication (06/12/2019) from the Life's Choices Kaua'i Coordinator, requesting Council approval to apply for, receive, and expend Federal funds from the Drug Free Communities (DFC) Grant through the Office of National Drug Control Policy (ONDCP), and the Department of Health and Human Services (HHS), Substance Abuse and Mental Health Services Administration (SAMHSA), Center for Substance Abuse Prevention (CSAP), in the amount of \$125,000.00 per year for a period of five (5) years beginning October 31, 2019. The funds will be used for:
 - Establishing and strengthening collaboration among communities, public and private non-profit agencies, as well as federal, state, local and tribal governments to support the efforts of community coalitions working to prevent and reduce substance abuse among youth; and
 - Reduce substance abuse among youth over time, reduce substance abuse among adults by addressing the factors in a community that increases the risk of substance abuse and promoting the factors that minimize the risk of substance abuse.

7. [C 2019-150](#) Communication (06/12/2019) from the Chief of Police, requesting Council approval to receive and expend funds in the amount of \$41,140.00, from the Hawai'i Tourism Authority, for the purpose of additional parking enforcement in Hā'ena, which would be provided as of June 17, 2019 when the restricted area of Kūhiō Highway is expected to reopen. The Kaua'i Police Department shall charge its actual personnel costs, including overtime and fringe benefits, when on duty officers are available.

8. [C 2019-151](#) Communication (06/19/2019) from Councilmember Evslin, transmitting for consideration a Proposed Draft Bill to remove minimum lot requirements in the Residential District. Currently, the minimal parcel area on which two (2) or more single family dwelling units developed shall be twelve thousand (12,000) square feet, and two (2) or more multiple family dwelling units developed shall be ten thousand (10,000) square feet. ***(See Proposed Draft Bill (No. 2755))***

H. LEGAL DOCUMENTS:

1. [C 2019-152](#) Communication (06/10/2019) from the Deputy County Engineer, recommending Council approval of a Grant of Easement and to accept the land and construction gift from SPD II Makaiwa Resort Development, LLC to the County of Kaua'i for a perpetual non-exclusive easement (Easement B-10A, B-10B, and B-10C) for bike/pedestrian purposes, Tax Map Key (TMK) Nos. (4) 4-3-002:015, 016, and 020 (Portions), Kapa'a, Kaua'i.
- Grant of Easement
2. [C 2019-153](#) Communication (06/14/2019) from the Acting Housing Director, recommending Council approval of the following Grant of Easement, Conveyance of Water Facility, and Right-of-Entry Agreement for the associated utilities needed to complete the Koa'e Makana Project, Tax Map Key (TMK) No. (4) 2-6-004:019, Kōloa, Kaua'i, Hawai'i:
- Grant of Easement and Conveyance of Water Facility by and between the County of Kaua'i and Koa'e Workforce Housing, L.P. and the Board of Water Supply, County of Kaua'i, for the maintenance and repair of potable water pipelines and related meters, valves, and other associated waterworks facility improvements and appurtenances; and
 - Right-of-Entry Agreement by and between the County of Kaua'i and Koa'e Workforce Housing, L.P. and Kaua'i Island Utility Cooperative, to locate, install, build, construct, use, operate, repair, maintain, and replace poles, wire lines, conduits, appliances, equipment, and facilities necessary for the transmission and distribution of electricity and for communications and control circuits.

I. CLAIMS:

1. [C 2019-154](#) Communication (05/31/2019) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Roxane Paula Kuehl, for loss of property, pursuant to Section 23.06, Charter of the County of Kaua'i.

2. [C 2019-155](#) Communication (06/13/2019) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Jenna Tehero, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

3. [C 2019-156](#) Communication (06/13/2019) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Marn C. Zeeb, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

J. COMMITTEE REPORTS:1. PLANNING COMMITTEE:

- a. **CR-PL 2019-05:** on Bill No. 2746, Draft 1 A BILL FOR AN ORDINANCE AMENDING CHAPTER 8 AND CHAPTER 10 OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ENFORCEMENT, LEGAL PROCEDURES, AND PENALTIES **[Approved.]**

- b. **CR-PL 2019-06:** on 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 Kaua'i Planning Department, Applicant*) **[Approved as Amended.]**

2. FINANCE & ECONOMIC DEVELOPMENT COMMITTEE:

- a. **CR-FED 2019-01:** on 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 **[Approved.]**
- b. **CR-FED 2019-02:** on Bill No. 2751 A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX **[Approved.]**

3. COMMITTEE OF THE WHOLE:

- a. **CR-COW 2019-14:** on 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 **[Approved.]**

K. RESOLUTIONS:

1. [Resolution No. 2019-40](#) – RESOLUTION SUPPORTING EFFORTS TOWARDS PRESERVING THE AFFORDABILITY RESTRICTIONS AT COURTYARDS AT WAIPOULI
2. [Resolution No. 2019-41](#) – RESOLUTION ESTABLISHING A CROSSWALK ON WEKE ROAD; ESTABLISHING ONE-WAY TRAFFIC AROUND A TRAFFIC ISLAND ON WEKE ROAD; AND ESTABLISHING STOP CONTROL AT WEKE ROAD, AND WILIKOKI PLACE HANAIEI DISTRICT, COUNTY OF KAUAI

L. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2735\)](#) – A BILL FOR AN ORDINANCE AMENDING SECTION 8-1.5, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO GUEST HOUSE (*Guest House*)
2. [Proposed Draft Bill \(No. 2754\)](#) – A BILL FOR AN ORDINANCE AMENDING SECTION 8-1.5, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO GUEST HOUSE (*Guest House — Planning Commission Recommendation*)

3. [Proposed Draft Bill \(No. 2755\)](#) – A BILL FOR AN ORDINANCE AMENDING SECTION 8-4.3(a), KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO DEVELOPMENT STANDARDS FOR RESIDENTIAL STRUCTURES NOT INVOLVING THE SUBDIVISION OF LAND

M. BILLS FOR SECOND READING:

1. [Bill No. 2746, Draft 1](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8 AND CHAPTER 10 OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ENFORCEMENT, LEGAL PROCEDURES, AND PENALTIES (*See also CR-PL 2019-05; the Planning Committee recommended approval on second and final reading.*)

2. [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 (*See also CR-COW 2019-14; the Committee of the Whole recommended approval on second and final reading.*)

3. [Bill No. 2749, Draft 1](#) – 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*) (*See also CR-PL 2019-06; the Planning Committee recommended approval as amended to Bill No. 2749, Draft 1 on June 19, 2019.*)

4. [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 (*See also CR-FED 2019-01; the Finance & Economic Development Committee recommended approval on second and final reading.*)

5. [Bill No. 2751](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*See also CR-FED 2019-02; the Finance & Economic Development Committee recommended approval on second and final reading.*)

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-993 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.

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. 2752](#) – A BILL FOR AN ORDINANCE AMENDING ZONING DESIGNATION IN PUHI, KAUAI (*Island School, Applicant*) (ZA-2019-2)
2. [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

- 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, 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.**