

COUNCIL MEETING NOTICE AND AGENDA
WEDNESDAY, OCTOBER 23, 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. September 25, 2019 Council Meeting
2. October 9, 2019 Council Meeting
3. October 9, 2019 Public Hearing re: Bill No. 2758

E. CONSENT CALENDAR:

1. [C 2019-227](#) Communication (10/03/2019) from the County Attorney, transmitting for Council information, the Quarterly Report on Settled Claims filed against the County of Kaua‘i from July 1, 2019 through September 30, 2019.
2. [C 2019-228](#) Communication (10/10/2019) from the Deputy County Engineer, transmitting for Council consideration, a Resolution Authorizing The Mayor Or The Director Of Finance Of The County Of Kaua‘i To Enter Into An Intergovernmental Agreement With The State Of Hawai‘i, Department Of Health For A Loan From The State Water Pollution Control Revolving Fund For The Lihu‘e Wastewater Treatment Plant (WWTP) Process Improvements, Project No. C150059-20. (***See Resolution No. 2019-52***)
3. [C 2019-229](#) Communication (10/14/2019) from Councilmember Cowden, transmitting for Council consideration, a Resolution Proposing A Charter Amendment Relating To Qualifications For The Chief Of Police. (***See Resolution No. 2019-53***)

F. COMMUNICATIONS:

1. [C 2019-230](#) Communication (09/30/2019) from the County Attorney, requesting Council approval of the indemnification provision contained in the “Conditions of Use” of the State of Hawai‘i Application for use of Judiciary Facilities, and approval to execute the necessary forms on behalf of several departments/agencies for a period of use through November 2020.

2. [C 2019-231](#) Communication (10/01/2019) from the Emergency Management Administrator, requesting Council approval to receive and expend State funds, in the amount of \$790,000.00, from the United States Department of Homeland Security, via the State of Hawai‘i Department of Defense, to be used to enhance the capability of State and local units of government to prevent, deter, respond to, and recover from threats and incidents of terrorism, as well as “all hazards” catastrophic preparedness initiatives.

3. [C 2019-232](#) Communication (10/01/2019) from the Emergency Management Administrator, requesting Council approval to receive and expend State funds, in the amount of \$150,000.00, from the United States Department of Homeland Security, via the Hawai‘i Emergency Management Agency, to be used to support a comprehensive, all-hazard emergency preparedness system.

4. [C 2019-233](#) Communication (10/07/2019) from the Deputy County Engineer, transmitting for Council consideration, A Bill For An Ordinance Amending Ordinance No. B-2019-856, As Amended, Relating To The Operating Budget Of The County Of Kaua‘i, State Of Hawai‘i, For The Fiscal Year July 1, 2019 Through June 30, 2020, By Revising The Amounts Estimated In The Highway Fund, to replenish funding for emergency work in opening the river mouth in Waimea and to establish funding for such work through the end of the fiscal year, including design and maintenance of levy gates to relieve and avoid flooding. **(See Proposed Draft Bill (No. 2760))**

5. [C 2019-234](#) Communication (10/11/2019) from the County Attorney, requesting Council approval to expend additional funds up to \$100,000.00 for Special Counsel’s continued services to represent the County of Kaua‘i in general civil litigation matters. The representation will include cases in Federal Court, the State Courts, administrative contested cases, agency hearings, and arbitrations.

6. [C 2019-235](#) Communication (10/15/2019) from Councilmember Evslin and Councilmember Kualii, transmitting for Council consideration, A Proposed Draft Bill To Allow The Construction Of Tiny Houses In All Zoning Districts. (*See Proposed Draft Bill (No. 2761)*)

G. CLAIMS:

1. [C 2019-236](#) Communication (09/30/2019) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Melinda Yomen, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.
2. [C 2019-237](#) Communication (10/10/2019) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Joseph A. Sylvester, for damage to his building, pursuant to Section 23.06, Charter of the County of Kaua'i.

H. COMMITTEE REPORTS:

1. PARKS & RECREATION / TRANSPORTATION COMMITTEE:

- a. **CR-PRT 2019-02:** on PRT 2019-02 Communication (10/02/2019) from Councilmember Cowden, requesting the presence of the Director of Parks & Recreation, to provide a briefing on County cemeteries, to include:
- Where County cemeteries are located;
 - The demographic characteristics of the Hanapēpē Cemetery and areas for possible expansion;
 - The Kaua'i Veterans Cemetery newly-funded columbarium expansion, new burial plot site, and a way to open the Cemetery pavilion without disrupting the memorial mosaic that adorns the central area; and
 - General rules, regulations, procedures, and costs for families to obtain a grave site for themselves or loved ones in County cemeteries. **[Received for the Record.]**

- b. **CR-PRT 2019-03:** on Bill No. 2758 A BILL FOR AN ORDINANCE AMENDING CHAPTER 17A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO COUNTY BUS FARES, AND ADDING A NEW CHAPTER, RELATING TO COUNTY BUS AND PARATRANSIT CODE OF CONDUCT **[Approved.]**

2. PLANNING COMMITTEE:

- a. **CR-PL 2019-12:** on PL 2019-04 Communication (09/25/2019) from Committee Chair Chock, requesting the presence of the Planning Director, to provide a briefing regarding ongoing Planning enforcement needs as it relates to increased County compliance issues (i.e., how many cases the County is dealing with, cost, unforeseen issues, et cetera) **[Received for the Record.]**
- b. **CR-PL 2019-13:** on Bill No. 2757, Draft 1 A BILL FOR AN ORDINANCE AMENDING ZONING MAPS AND DESIGNATIONS IN THE SOUTH KAUAI COMMUNITY PLAN (*County of Kauai Planning Department, Applicant*) **[Approved as Amended.]**

I. RESOLUTION:

1. [Resolution No. 2019-52](#) – RESOLUTION AUTHORIZING THE MAYOR OR THE DIRECTOR OF FINANCE OF THE COUNTY OF KAUAI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF HEALTH FOR A LOAN FROM THE STATE WATER POLLUTION CONTROL REVOLVING FUND FOR THE LIHU'E WASTEWATER TREATMENT PLANT (WWTP) PROCESS IMPROVEMENTS, PROJECT NO. C150059-20
2. [Resolution No. 2019-53](#) – RESOLUTION PROPOSING A CHARTER AMENDMENT RELATING TO QUALIFICATIONS FOR THE CHIEF OF POLICE

J. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2760\)](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2019-856, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2019 THROUGH JUNE 30, 2020, BY REVISING THE AMOUNTS ESTIMATED IN THE HIGHWAY FUND (*Waimea River Mouth Emergency Work – \$625,000.00*)

2. [Proposed Draft Bill \(No. 2761\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 12, ARTICLE 2, KAUAI COUNTY CODE 1987, AS AMENDED, BY ADDING A NEW SECTION 12-2.4, RELATING TO TINY HOUSES

K. BILLS FOR SECOND READING:

1. [Bill No. 2757, Draft 2](#) – A BILL FOR AN ORDINANCE AMENDING ZONING MAPS AND DESIGNATIONS IN THE SOUTH KAUAI COMMUNITY PLAN (*County of Kauai Planning Department, Applicant*) (*See also CR-PL 2019-13; the Planning Committee recommended approval as amended to Bill No. 2757, Draft 2 on October 16, 2019.*)

2. [Bill No. 2758](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 17A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO COUNTY BUS FARES, AND ADDING A NEW CHAPTER, RELATING TO COUNTY BUS AND PARATRANSIT CODE OF CONDUCT (*See also CR-PRT 2019-02; the Parks & Recreation / Transportation Committee recommended approval on second and final reading.*)

L. 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-1008 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kauai County Charter Section 3.07(E), on behalf of the Council, the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing, discussion, and consultation regarding the Quarterly Report on Pending and Denied Claims. 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.

2. ES-1009 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Section 3.07(E) of the Kaua'i County Charter, the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing on Special Counsel's continued services to represent the County of Kaua'i in general civil litigation matters. The representation will include cases in Federal Court, the State Courts, administrative contested cases, agency hearings, and arbitrations. The 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.

M. ADJOURNMENT.

- N. 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. 2740](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ADDITIONAL RENTAL UNITS
2. [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. [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. [Bill No. 2743](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 25, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO WASTEWATER TREATMENT CAPACITY ASSESSMENT
5. [Bill No. 2744](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 12, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO BUILDING PERMIT FEES
6. [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

- O. NOTE: IF YOU NEED AN AUXILIARY AID/SERVICE, OTHER ACCOMMODATION DUE TO A DISABILITY, OR AN INTERPRETER FOR NON-ENGLISH SPEAKING PERSONS, PLEASE CONTACT THE OFFICE OF THE COUNTY CLERK, COUNCIL SERVICES DIVISION AT (808) 241-4188 OR COKCOUNCIL@KAUAI.GOV AS SOON AS POSSIBLE. REQUESTS MADE AS EARLY AS POSSIBLE WILL ALLOW ADEQUATE TIME TO FULFILL YOUR REQUEST.

UPON REQUEST, THIS NOTICE IS AVAILABLE IN ALTERNATE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.

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