

COUNCIL MEETING NOTICE AND AGENDA
WEDNESDAY, NOVEMBER 20, 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. October 23, 2019 Council Meeting
2. November 6, 2019 Council Meeting

E. CONSENT CALENDAR:

1. [C 2019-246](#) Communication (10/21/2019) from Derek S.K. Kawakami, Mayor, transmitting for Council consideration and confirmation, the following Mayoral reappointments to various Boards and Commissions for the County of Kaua‘i:
 - a. Board of Ethics
 - Susan H. Burriss – Term ending 12/31/2022
 - b. Board of Review
 - Craig A. De Costa – Term ending 12/31/2022
 - Christopher A. White – Term ending 12/31/2022
 - c. Charter Review Commission
 - Charles Patrick Stack – Term ending 12/31/2022
 - Jan W. TenBruggencate – Term ending 12/31/2022
 - d. Civil Service Commission
 - Vonnell F. Ramos – Term ending 12/31/2022

e. Fire Commission

- Michael Martinez – Term ending 12/31/2022
- Chad K. Pacheco – Term ending 12/31/2022

f. Liquor Control Commission

- Maryanne W. Kusaka – Term ending 12/31/2022

g. Police Commission

- Gerald Bahouth – Term ending 12/31/2022
- Roy M. Morita – Term ending 12/31/2022

h. Public Access, Open Space, Natural Resources Prevention Fund Commission

- Shaylyn K. Kimura (At-Large) – Term ending 12/31/2022
- Herman J. Texeira (Kapa‘a / Wailua) – Term ending 12/31/2022 (*See Resolution No. 2019-55, Resolution No. 2019-56, Resolution No. 2019-57, Resolution No. 2019-58, Resolution No. 2019-59, Resolution No. 2019-60, Resolution No. 2019-61, Resolution No. 2019-62, Resolution No. 2019-63, Resolution No. 2019-64, Resolution No. 2019-65, Resolution No. 2019-66, and Resolution No. 2019-67*)

F. COMMUNICATIONS:

1. [C 2019-247](#) Communication (10/22/2019) from the Deputy Fire Chief, requesting Council approval to accept a donation from the Kaua‘i Lifeguard Association (KLA) of a 40-foot used Matson container and delivery costs, valued at \$3,600.00, which will help in storing equipment at Wanini Beach upon the approval of the Planning Commission.

2. [C 2019-248](#) Communication (10/25/2019) 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 Class IV Zoning Permits of the Comprehensive Zoning Ordinance. (*Copies of the Draft Ordinance for Zoning Amendment (ZA-2020-3) and Director's Report, on file in the Office of the County Clerk.*) (***See Proposed Draft Bill (No. 2764)***)
3. [C 2019-249](#) Communication (10/30/2019) from the Executive on Aging, requesting Council approval to receive and expend Federal funds, in the amount of \$5,518.00 for the Fiscal Year 2020, for the Nutrition Services Incentive Program (NSIP) provision of congregate and home-delivered meals, and to indemnify the State Executive Office on Aging.
4. [C 2019-250](#) Communication (11/08/2019) from the Director of Finance, 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 Housing Development Fund, to maintain 417 acres of land purchased in Waimea, to include regular mowing, canal cleaning, and security. (***See Proposed Draft Bill (No. 2765)***)
5. [C 2019-251](#) Communication (11/08/2019) from the Director of Finance, requesting Council approval of the First Hawaiian Bank Service Contract and indemnification provision contain therein, for lockbox services relating to sewer payments.
6. [C 2019-252](#) Communication (11/13/2019) from the Managing Director, requesting agenda time to present and discuss Waste Management Hawai'i, Inc.'s notification to withdraw from the Kekaha Landfill operating contract effective December 1, 2019, including the Department of Public Works' short-term plans to ensure uninterrupted service at the Kekaha Landfill and to discuss and solicit input from the Council concerning the long-term operations of the Landfill given Waste Management's withdrawal.

G. COMMITTEE REPORTS:1. PUBLIC WORKS & VETERANS SERVICES COMMITTEE:

- a. **CR-PWVS 2019-09:** on PWVS 2019-05 Communication (10/30/2019) from Committee Chair Kagawa, requesting the presence of the Mayor and the Managing Director, to discuss the infrastructure and other contributions of the Kekaha Agriculture Association. **[Received for the Record.]**

2. HOUSING & INTERGOVERNMENTAL RELATIONS COMMITTEE:

- a. **CR-HIR 2019-03:** on HIR 2019-01 Communication (11/06/2019) from Council Chair Kaneshiro, requesting the presence of the Housing Director, to provide an update on the Adolescent Treatment & Healing Center. **[Received for the Record.]**

3. FINANCE & ECONOMIC DEVELOPMENT COMMITTEE:

- a. **CR-FED 2019-05:** on FED 2019-02 Communication (09/04/2019) from the Director of Economic Development, requesting agenda time to present general information on progress, next steps, and collaborative options that have come from the Rose-Ringed Parakeet Working Group. **[Received for the Record.]**
- b. **CR-FED 2019-06:** on FED 2019-03 Communication (09/04/2019) from the Director of Economic Development, requesting agenda time to present general information on the progress of the North Shore Shuttle Project. **[Received for the Record.]**

H. RESOLUTIONS:

1. [Resolution No. 2019-55](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE BOARD OF ETHICS (*Susan H. Burriss*)
2. [Resolution No. 2019-56](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE BOARD OF REVIEW (*Craig A. De Costa*)

3. [Resolution No. 2019-57](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE BOARD OF REVIEW (*Christopher A. White*)
4. [Resolution No. 2019-58](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE CHARTER REVIEW COMMISSION (*Charles Patrick Stack*)
5. [Resolution No. 2019-59](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE CHARTER REVIEW COMMISSION (*Jan W. TenBruggencate*)
6. [Resolution No. 2019-60](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE CIVIL SERVICE COMMISSION (*Vonnell F. Ramos*)
7. [Resolution No. 2019-61](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE FIRE COMMISSION (*Michael Martinez*)
8. [Resolution No. 2019-62](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE FIRE COMMISSION (*Chad K. Pacheco*)
9. [Resolution No. 2019-63](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE LIQUOR CONTROL COMMISSION (*Maryanne W. Kusaka*)
10. [Resolution No. 2019-64](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE POLICE COMMISSION (*Gerald Bahouth*)
11. [Resolution No. 2019-65](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE POLICE COMMISSION (*Roy M. Morita*)
12. [Resolution No. 2019-66](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND COMMISSION (*Shaylyn K. Kimura, At-Large*)
13. [Resolution No. 2019-67](#) – RESOLUTION CONFIRMING MAYORAL REAPPOINTMENT TO THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND COMMISSION (*Herman J. Texeira, Kapa'a / Wailua*)

I. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2764\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO CLASS IV ZONING PERMITS OF THE COMPREHENSIVE ZONING ORDINANCE (*County of Kaua'i, Applicant*) (ZA-2020-3)

2. [Proposed Draft Bill \(No. 2765\)](#) – 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 HOUSING DEVELOPMENT FUND (*Waimea Parcel Mowing, Canal Cleaning, and Security – \$230,000.00*)

J. 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-1011 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 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.

2. ES-1012 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 discuss the Kekaha Landfill operations and the obligations, remedies, and contractual obligations under the Waste Management of Hawai'i, Inc.'s contract. 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.

K. ADJOURNMENT.

- L. 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. [Resolution No. 2019-53](#) – RESOLUTION PROPOSING A CHARTER AMENDMENT RELATING TO QUALIFICATIONS FOR THE CHIEF OF POLICE
2. [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*)
3. [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

- M. 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.