

**COUNCIL MEETING NOTICE AND AGENDA**  
**THURSDAY, JANUARY 16, 2020**  
**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. November 20, 2019 Council Meeting
2. December 4, 2019 Council Meeting
3. December 4, 2019 Public Hearing re: Bill No. 2762 and Bill No. 2763
4. December 11, 2019 Special Council Meeting
5. December 18, 2019 Council Meeting
6. December 18, 2019 Public Hearing re: Bill No. 2764 and Bill No. 2765

E. INTERVIEWS:

1. PLANNING COMMISSION:

- [Melvin I. Chiba \(\*Environmental\*\)](#) – Term ending 12/31/2022

2. BOARD OF ETHICS:

- [John Latkiewicz](#) – Term ending 12/31/2022

F. CONSENT CALENDAR:

1. [C 2020-01](#)      Communication (11/29/2019) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Lori J. Otsuka (Business) to the Planning Commission – Term ending 12/31/2022. (*See Resolution No. 2020-01*)

2. [C 2020-02](#) Communication (12/03/2019) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Carolyn R. Larson (History) to the Kaua'i Historic Preservation Review Commission – Term ending 12/31/2022. (***See Resolution No. 2020-02***)
3. [C 2020-03](#) Communication (12/04/2019) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Patrick H. Ono to the Salary Commission – Term ending 12/31/2022. (***See Resolution No. 2020-03***)
4. [C 2020-04](#) Communication (12/05/2019) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Randall T. Nishimura to the Liquor Control Commission – Term ending 12/31/2022. (***See Resolution No. 2020-04***)
5. [C 2020-05](#) Communication (12/26/2019) from the Director of Finance, transmitting for Council information, the County of Kaua'i Schedule of Fund Balances as of June 30, 2019, pursuant to Kaua'i County Charter Section 19.14.
6. [C 2020-06](#) Communication (12/31/2019) from the Director of Finance, transmitting for Council information, the First Quarter Statement of Equipment Purchases for Fiscal Year 2019-2020, pursuant to Section 17 of Ordinance No. B-2019-856, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2019-2020.

#### G. COMMUNICATIONS:

1. [C 2020-07](#) Communication (12/06/2019) from the Director of Economic Development, requesting Council approval to apply for, receive, and expend funds in the amount of \$70,000.00, and to indemnify the Hawai'i Tourism Authority (HTA) Community Enrichment Program, for technical and non-substantive guidance for Kaua'i and Ni'ihau applicants wanting to respond to Requests for Proposals (RFPs) from the HTA, assistance in promotion of programs, identification and recruitment of applicants for their RFPs, and providing a work plan for program evaluation.

2. [C 2020-08](#) Communication (12/11/2019) from the Acting Director of Human Resources, requesting Council approval of the indemnification provisions contained in the Department of Education Application for Use of School Building, Facilities, or Grounds relating to: Elsie H. Wilcox Elementary School, Kaua'i High School, Chiefess Kamakahahelei Middle School, King Kaumuali'i Elementary School, Waimea High School, and Kapa'a Elementary School, for testing purposes in calendar year 2020.
  
3. [C 2020-09](#) Communication (12/12/2019) from Ka'āina S. Hull, Clerk of the Planning Commission, transmitting the Planning Commission's recommendation to amend Section 8-3.4(e), Kaua'i County Code 1987, as amended, relating to Residential Development Standards for Accesses and Driveways. (*Copies of the Draft Ordinance for Zoning Amendment (ZA-2020-4); Director's Report; and Supplement #1 and #2 to the Director's Report, on file in the Office of the County Clerk.*) (**See Proposed Draft Bill (No. 2768)**)
  
4. [C 2020-10](#) Communication (12/13/2019) from the Director of Economic Development, requesting Council approval to apply for, receive, and expend funds from the Hawai'i Tourism Authority, in the amount of \$61,220.00, and to indemnify the State of Hawai'i, to support funding for the continuation of the coordination of cruise ship greetings at the Nāwiliwili Harbor for Calendar Year 2020.
  
5. [C 2020-11](#) Communication (12/16/2019) from the Executive on Aging, requesting Council approval to receive and expend Federal funds, in the amount of \$3,274.00 for the Fiscal Year 2020, and to indemnify the State Executive Office on Aging, for the Nutrition Services Incentive Program (NSIP) provision of congregate and home-delivered meals.

6. [C 2020-12](#) Communication (12/19/2019) from Council Chair Kaneshiro, requesting the presence of the Deputy County Engineer, to provide a briefing on the new violations issued against the County by the State of Hawai'i Department of Health (HDOH) relating to the Kekaha Landfill, the status of prior transfer station Notices of Violation (NOVOs) that were issued to the County in 2016 and 2017, including whether the County is currently in compliance with the issues raised by HDOH, what work has been performed, and who from the County is in charge of ensuring that the County is in compliance with the National Pollutant Discharge Elimination System (NPDES) and Notice of General Permit Coverage (NGPC) permits for the transfer stations.
7. [C 2020-13](#) Communication (12/26/2019) from the Managing Director, requesting agenda time for a briefing from Marie Williams and Nalani Brun, County of Kaua'i Census Complete Count Committee, and Eric Anderson, Census 2020 Recruiter, on the upcoming Census 2020.
8. [C 2020-14](#) Communication (01/08/2020) from Daryl Date, Fire Prevention Captain, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 15A, Kaua'i County Code 1987, As Amended, Relating To The Kaua'i County Fire Code, to address fire access roadways and water supply for one- and two-family dwellings. (*See Proposed Draft Bill (No. 2769)*)

#### H. LEGAL DOCUMENT:

1. [C 2020-15](#) Communication (12/26/2019) from the Housing Director, recommending Council approval of the following legal documents for the Pua Loke Street 'Ohana Zone Project located at Tax Map Key (TMK) No. (4) 3-8-005:003 (por.), Lihu'e, Kaua'i, Hawai'i:
  - Memorandum of Understanding and the indemnification provision contained therein, relating to State funding in the amount of \$2,000,000 for the construction of the Pua Loke Street 'Ohana Zone Project; and
  - Contract for Health and Human Services by and between the State of Hawai'i Department of Human Services and the County of Kaua'i Housing Agency, relating to State funding in the amount of \$2,363,972 for the provision of services at the Pua Loke Street 'Ohana Zone Project.

I. CLAIMS:

1. C 2020-16      Communication (12/11/2019) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Janell L. Sablan, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.
  
2. C 2020-17      Communication (12/23/2019) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Jenny Silva, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.
  
3. C 2020-18      Communication (12/30/2019) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Jenalyn Constantino, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

J. RESOLUTIONS:

1.     [Resolution No. 2020-01](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE PLANNING COMMISSION (*Lori J. Otsuka - Business*)
  
2.     [Resolution No. 2020-02](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE KAUA'I HISTORIC PRESERVATION REVIEW COMMISSION (*Carolyn R. Larson - History*)
  
3.     [Resolution No. 2020-03](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE SALARY COMMISSION (*Patrick H. Ono*)
  
4.     [Resolution No. 2020-04](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE LIQUOR CONTROL COMMISSION (*Randall T. Nishimura*)

K. BILLS FOR FIRST READING:

1.     [Proposed Draft Bill \(No. 2768\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO RESIDENTIAL DEVELOPMENT STANDARDS FOR ACCESSES AND DRIVEWAYS

2. [Proposed Draft Bill \(No. 2769\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 15A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE KAUAI COUNTY FIRE CODE

**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.)

**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. 2766](#) – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 2 BETWEEN JULY 1, 2019 AND JUNE 30, 2021
2. [Bill No. 2767](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAXES

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](http://WWW.KAUAI.GOV/WEBCASTMEETINGS).