

COUNCIL MEETING NOTICE AND AGENDA
WEDNESDAY, JANUARY 29, 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 meeting of the Council:

1. January 16, 2020 Public Hearing re: Bill No. 2766 and Bill No. 2767

E. CONSENT CALENDAR:

1. [C 2020-19](#) Communication (11/29/2019) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Melvin I. Chiba to the Planning Commission (Environmental) – Term ending 12/31/2022. **(See Resolution No. 2020-05)**

2. [C 2020-20](#) Communication (12/06/2019) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee John Latkiewicz to the Board of Ethics – Term ending 12/31/2022. **(See Resolution No. 2020-06)**

3. [C 2020-21](#) Communication (01/13/2020) from Charles A. Foster, Deputy County Attorney, transmitting for Council information, the Quarterly Report on Settled Claims filed against the County of Kaua‘i from October 1, 2019 through December 31, 2019.

4. [C 2020-22](#) Communication (01/13/2020) from the Deputy County Engineer, transmitting for Council consideration, a Resolution Establishing School Zones With 15-Mile Per Hour (MPH) Speed Limits On Portions Of Kekaha Road And Kala Road, Waimea District, County Of Kaua'i. **(See Resolution No. 2020-07)**
5. [C 2020-23](#) Communication (01/13/2020) from the Deputy County Engineer, transmitting for Council consideration, a Resolution Establishing A Crosswalk On Hokua Road At Pu'u Road, Kōloa District, County Of Kaua'i. **(See Resolution No. 2020-08)**
6. [C 2020-24](#) Communication (01/14/2020) from the Deputy County Engineer, transmitting for Council consideration, a Resolution Establishing A No-Parking Zone At The Intersection Of Mano Street And Hanalima Street, Līhu'e District, County Of Kaua'i. **(See Resolution No. 2020-09)**
7. [C 2020-25](#) Communication (01/14/2020) from the Deputy County Engineer, transmitting for Council consideration, a Resolution Establishing A New Maximum Speed Limit And Repealing Existing Speed Restrictions Along Alahula Road, Waimea District, County Of Kaua'i. **(See Resolution No. 2020-10)**
8. [C 2020-26](#) Communication (01/14/2020) from the Deputy County Engineer, transmitting for Council consideration, a Resolution Establishing Turn Lanes On Hanamā'ulu Road At Kūhiō Highway, Līhu'e District, County Of Kaua'i. **(See Resolution No. 2020-11)**
9. [C 2020-27](#) Communication (01/15/2020) from the Director of Finance, transmitting for Council information, the Period 1 through 3 Financial Reports – Statements of Revenues (Estimated and Actual), Statements of Expenditures and Encumbrances, Revenue Reports, and Detailed Budget Report for the period July 1, 2019 through September 30, 2019, pursuant to Section 21 of Ordinance No. B-2019-856, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2019-2020. *(Copies of the Periods 1 through 3 Financial Reports for the Period July 1, 2019 through September 30, 2019 on file in the Office of the County Clerk.)*

10. [C 2020-28](#) Communication (01/17/2020) from Councilmember Kualii and Councilmember Cowden, transmitting for Council consideration, a Resolution Urging The Hawai'i State Legislature To Provide Foreclosure Parity To Native Hawaiian Beneficiaries Of The Hawaiian Homes Commission Act Of 1920. (**See Resolution No. 2020-12**)

11. [C 2020-29](#) Communication (01/21/2020) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Carolyn R. Larson (History) to the Kaua'i Historic Preservation Review Commission for a partial term ending 12/31/2022. This communication supersedes the transmittal dated 12/03/2019 in which an incorrect term ending date was stated. (**See Resolution No. 2020-13**)

F. COMMUNICATIONS:

1. [C 2020-30](#) Communication (12/24/2019) from Council Chair Kaneshiro, requesting the presence of the Managing Director, Director of Finance, and representatives from N&K CPAs, Inc., to discuss the [Comprehensive Annual Financial Report \(CAFR\)](#), [Single Audit Reports](#), and [Management Advisory Report](#) for the Fiscal Year Ended June 30, 2019. (*Copies of the CAFR, Single Audit Reports, and Management Advisory Report for the Fiscal Year Ended June 30, 2019 on file in the Office of the County Clerk.*)

2. [C 2020-31](#) Communication (01/02/2020) from the Prosecuting Attorney, requesting Council approval to receive and expend funds, in the amount of \$39,584.00, for contract DHS-20-OYS-037, from the State of Hawai'i, Office of Youth Services, to continue the Kaua'i Teen Court program, which is subcontracted to Hale 'Ōpio Kaua'i, for a tentative time period of December 1, 2019 to June 30, 2021.

3. [C 2020-32](#) Communication (01/09/2020) from the Deputy County Engineer, transmitting for Council consideration, A Bill For An Ordinance To Amend 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 Solid Waste Fund, to appropriate \$1,312,000.00 for the Kekaha Landfill transition costs and equipment through the end of the fiscal year. (**See Proposed Draft Bill (No. 2770)**)

4. [C 2020-33](#) Communication (01/13/2020) from the Acting Director of Human Resources, transmitting for Council consideration, the cost items for Hawai'i Government Employees Association (HGEA) Bargaining Unit 3 for the period July 1, 2019 to June 30, 2021, pursuant to Hawai'i Revised Statutes (HRS) Section 89-11 and Kaua'i County Charter Section 19.13B. The terms of the Collective Bargaining Agreement were recently ratified by the employees of Bargaining Unit 3. **(See Proposed Draft Bill (No. 2771))**

5. [C 2020-34](#) Communication (01/15/2020) from the Director of Parks & Recreation, transmitting for Council consideration, A Bill For An Ordinance To Amend 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 General Fund, and A Bill For An Ordinance To Amend Ordinance No. B-2019-857, As Amended, Relating To The Capital 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 General Fund CIP, to support the Kapa'a Swimming Pool Renovation project. **(See Proposed Draft Bill (No. 2772) and Proposed Draft Bill (No. 2773))**

6. [C 2020-35](#) Communication (01/16/2020) from the Director of Parks & Recreation, requesting Council approval to receive a grant of services, totaling \$7,500.00, from Beyond Pesticides, a nonprofit headquartered in Washington D.C., whose mission is to educate public officials and municipal parks departments in the United States by promoting alternative pest management strategies in an effort to reduce or eliminate the use of toxic products, to be used to create an action plan and train Department of Parks & Recreation employees at the Kapa'a Beach Park and Captain Cook Park (adjacent to Waimea High School) in organic turf and landscape management practices.

7. [C 2020-36](#) Communication (01/16/2020) from Councilmember Kualii and Council Chair Kaneshiro, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 7A, Kaua'i County Code 1987, As Amended, Relating To The Housing Policy For The County Of Kaua'i, to reflect the findings and recommendations contained in the June 17, 2019 Workforce Housing Nexus and Financial Feasibility Analysis. **(See Proposed Draft Bill (No. 2774))**

G. LEGAL DOCUMENT:

1. [C 2020-37](#) Communication (01/13/2020) from the Deputy County Engineer, recommending Council approval of a Right-of-Entry Agreement, the associated indemnity provision, and mutually agreed upon applicable lease extensions between the County of Kauaʻi and the State of Hawaiʻi, Agribusiness Development Corporation, on State lands situated at Tax Map Key (TMK) No. (4) 1-2-002:001, Kekaha, Kauaʻi, Hawaiʻi, to allow the County to operate the Mobile Kekaha HI5 Certified Redemption Center on Wednesdays and Sundays from 8:00 a.m. to 4:00 p.m.
 - Right-of-Entry Agreement

H. CLAIMS:

1. [C 2020-38](#) Communication (01/13/2020) from the County Clerk, transmitting a claim filed against the County of Kauaʻi by Glen Antony Silva, for personal injuries and medical bills, pursuant to Section 23.06, Charter of the County of Kauaʻi.
2. [C 2020-39](#) Communication (01/15/2020) from the County Clerk, transmitting a claim filed against the County of Kauaʻi by Charlene Ventura, for damages to her vehicle, pursuant to Section 23.06, Charter of the County of Kauaʻi.
3. [C 2020-40](#) Communication (01/17/2020) from the County Clerk, transmitting a claim filed against the County of Kauaʻi by Tracy Lee Capman, for damages to her vehicle, pursuant to Section 23.06, Charter of the County of Kauaʻi.
4. [C 2020-41](#) Communication (01/17/2020) from the County Clerk, transmitting a claim filed against the County of Kauaʻi by Rebecca Stulpe, for damages to her vehicle, pursuant to Section 23.06, Charter of the County of Kauaʻi.

I. COMMITTEE REPORTS:1. PLANNING COMMITTEE:

- a. **CR-PL 2020-01:** on 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) **[Approved.]**

2. FINANCE & ECONOMIC DEVELOPMENT COMMITTEE:

- a. **CR-FED 2020-01:** on Bill No. 2767 A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAXES **[Approved as Amended.]**

3. COMMITTEE OF THE WHOLE:

- a. **CR-COW 2020-01:** on 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*) **[Approved.]**
- b. **CR-COW 2020-02:** on 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 **[Approved.]**

J. RESOLUTIONS:

1. [Resolution No. 2020-05](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE PLANNING COMMISSION (*Melvin I. Chiba – Environmental*)
2. [Resolution No. 2020-06](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE BOARD OF ETHICS (*John Latkiewicz*)
3. [Resolution No. 2020-07](#) – RESOLUTION ESTABLISHING SCHOOL ZONES WITH 15-MILE PER HOUR (MPH) SPEED LIMITS ON PORTIONS OF KEKAHA ROAD AND KALA ROAD, WAIMEA DISTRICT, COUNTY OF KAUAI
4. [Resolution No. 2020-08](#) – RESOLUTION ESTABLISHING A CROSSWALK ON HOKUA ROAD AT PU’U ROAD, KŌLOA DISTRICT, COUNTY OF KAUAI
5. [Resolution No. 2020-09](#) – RESOLUTION ESTABLISHING A NO-PARKING ZONE AT THE INTERSECTION OF MANO STREET AND HANALIMA STREET, LĪHU’E DISTRICT, COUNTY OF KAUAI
6. [Resolution No. 2020-10](#) – RESOLUTION REPEALING SECTION XVI, ITEM 7 OF RESOLUTION NO. 54-91, RELATING TO SPEED LIMITS FOR COUNTY ROADWAYS IN THE COUNTY OF KAUAI, STATE OF HAWAII, AND ESTABLISHING A NEW MAXIMUM SPEED LIMIT OF TWENTY MILES PER HOUR (20 MPH) ALONG ALAHULA ROAD, WAIMEA DISTRICT, COUNTY OF KAUAI
7. [Resolution No. 2020-11](#) – RESOLUTION ESTABLISHING TURN LANES ON HANAMĀ’ULU ROAD AT KŪHIŌ HIGHWAY LĪHU’E DISTRICT, COUNTY OF KAUAI
8. [Resolution No. 2020-12](#) – RESOLUTION URGING THE HAWAII STATE LEGISLATURE TO PROVIDE ADEQUATE FORECLOSURE PROTECTION FOR NATIVE HAWAIIAN BENEFICIARIES OF THE HAWAIIAN HOMES COMMISSION ACT OF 1920

9. [Resolution No. 2020-13](#) – RESOLUTION AMENDING RESOLUTION NO. 2020-02, RELATING TO A MAYORAL APPOINTMENT TO THE KAUA'I HISTORIC PRESERVATION REVIEW COMMISSION (*Carolyn R. Larson – History*)

K. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2770\)](#) – 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 SOLID WASTE FUND (*Kekaha Landfill Transition Funding and Equipment – \$1,312,000.00*)

2. [Proposed Draft Bill \(No. 2771\)](#) – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 3 BETWEEN JULY 1, 2019 AND JUNE 30, 2021

3. [Proposed Draft Bill \(No. 2772\)](#) – 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 GENERAL FUND (*Kapa'a Swimming Pool Renovation (Operating Budget) – \$750,000.00*)

4. [Proposed Draft Bill \(No. 2773\)](#) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2019-857, AS AMENDED, RELATING TO THE CAPITAL 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 GENERAL FUND-CIP (*Kapa'a Swimming Pool Renovation (CIP Budget) – \$1,000,000.00*)

5. [Proposed Draft Bill \(No. 2774\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 7A, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO THE HOUSING POLICY FOR THE COUNTY OF KAUA'I

L. BILLS FOR SECOND READING:

1. [Bill No. 2764](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO CLASS IV ZONING PERMITS OF THE COMPREHENSIVE ZONING ORDINANCE (*County of Kaua'i, Applicant*) (*ZA-2020-3*) (*See also CR-PL 2020-01; the Planning Committee recommended approval on second and final reading.*)

2. [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*) (See also CR-COW 2020-01; the Committee of the Whole recommended approval on second and final reading.)

3. [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 (See also CR-COW 2020-02; the Committee of the Whole recommended approval on second and final reading.)

4. [Bill No. 2767, Draft 1](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAXES (See also CR-FED 2020-01; the Finance & Economic Development Committee recommended approval as amended to Bill No. 2767, Draft 1 on January 22, 2020.)

M. EXECUTIVE SESSION: Pursuant to Hawaii 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-1015 Pursuant to Hawaii Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Kauai 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 Matthew Mannisto, Esq., as Personal Representative of the Estate of Leslie Gae Lutao, Deceased, et al. vs. County of Kauai, et al., Civil No. 19-1-0107 JKW (Fifth Circuit Court), and related matters. 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.

5. ES-1016 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 Roy Gal vs. County of Kaua'i, Kaua'i Police Department, et al., Civil No. CV20-00011 JMS-WRP (U.S. District Court), and related matters. 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.

6. ES-1017 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Kaua'i 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 to discuss the feasibility of conducting a performance audit of the Department of Water, and related matters. 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.

7. ES-1018 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Kaua'i 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 consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

8. ES-1019 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 obtain settlement authority of Vincente Agcaoili, Cristeta Agcaoili, and Evangelyn Agacaoili's real property tax claim and related matters. 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.

N. ADJOURNMENT.

- 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.