

**COUNCIL MEETING NOTICE AND AGENDA
WEDNESDAY, FEBRUARY 19, 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. January 16, 2020 Council Meeting
2. February 5, 2020 Public Hearing re: Bill No. 2768 and Bill No. 2769

E. INTERVIEWS:

1. BOARD OF WATER SUPPLY:

- [Gregory A. Kamm](#) – Term ending 12/31/2022

2. SALARY COMMISSION:

- [Laurie L. K. Yoshida](#) – Term ending 12/31/2022

F. CONSENT CALENDAR:

1. [C 2020-50](#) Communication (01/27/2020) from the Director of Finance, transmitting for Council information, the Period 4 Financial Reports – Statement of Revenues, Statement of Expenditures and Encumbrances, Revenue Report, and Detailed Budget Report as of October 31, 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 Period 4 Financial Reports as of October 31, 2019 on file in the Office of the County Clerk.)*

G. COMMUNICATIONS:

1. [C 2020-51](#) Communication (01/23/2020) from the Housing Director, requesting Council approval to receive and expend Fiscal Year 2019 HOME Investment Partnership Program (HOME) Community Housing Development Organization (CHDO) funds in the amount of \$450,860.00 and to indemnify the Hawai'i Housing Finance and Development Corporation, for the Waimea Huakai Self-Help Subdivision project.

2. [C 2020-52](#) Communication (01/27/2020) from the Director of Economic Development, requesting Council approval to apply for, receive, and expend funds from the Hawai'i Community Foundation, in the amount of \$11,000.00, to increase efforts to get a complete count of Kaua'i residents for Census 2020 with a focus on the Filipino and Hawaiian populations who traditionally have been heavily undercounted.

3. [C 2020-53](#) Communication (01/30/2020) from the Housing Director, requesting Council approval to receive and expend \$1,425,000.00 in National Housing Trust Fund (HTF) funds and to indemnify the Hawai'i Housing Finance and Development Corporation, for the Pua Loke Affordable Housing Project.

4. [C 2020-54](#) Communication (01/31/2020) from Ka'aina S. Hull, Clerk of the Planning Commission, transmitting the Planning Commission's recommendation to amend Section 8-4.3(a), Kaua'i County Code 1987, as amended, relating to Residential Development Standards For Residential Structures Not Involving The Subdivision Of Land. *(Copies of the Draft Ordinance for Zoning Amendment (ZA-2020-5) and Director's Report, on file in the Office of the County Clerk.) (See Proposed Draft Bill (No. 2755))*

5. [C 2020-55](#) Communication (01/31/2020) from the Housing Director, requesting Council approval to perform the following:
- a. Acquire under the County's Community Development Block Grant (CDBG) Program a residential unit at 4332 Hardy Street, Apt. 2, Līhu'e, Hawai'i, 96766, Tax Map Key (TMK): (4) 3-6-15-44 CPR 2, for a purchase price of not more than \$550,000.00, based on the fee simple market appraisal, which will be obtained as part of this transaction;
 - b. Resale by leasehold of 4332 Hardy Street, Apt. 2, Līhu'e, Hawai'i, 96766, for not more than the leasehold market appraisal, which will be obtained as part of this transaction; and
 - c. Authorize the County Clerk to sign legal documents related to the acquisition and resale transactions.
6. [C 2020-56](#) Communication (02/07/2020) from Councilmember Chock and Councilmember Kualī'i, transmitting for Council consideration, a proposed draft bill to establish restrictions on the use and sale of polystyrene foam food service containers. (***See Proposed Draft Bill No. 2775***)
7. [C 2020-57](#) Communication (02/10/2020) from the Director of Economic Development, requesting Council approval to apply for, receive, and expend funds from the United States Department of Agriculture Rural Business Development Grant, in the amount of \$100,000.00, to provide assistance in market analysis, financial projections, branding, and technical support for ten (10) to twelve (12) businesses on Kaua'i.

H. CLAIMS:

1. [C 2020-58](#) Communication (01/29/2020) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Charles Barnum, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.
2. [C 2020-59](#) Communication (02/03/2020) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Shaylece Masuda, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

3. [C 2020-60](#) Communication (02/06/2020) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Jay Sussman, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

I. COMMITTEE REPORTS:

1. PLANNING COMMITTEE:

- a. **CR-PL 2020-02:** on Bill No. 2768 A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO RESIDENTIAL DEVELOPMENT STANDARDS FOR ACCESSES AND DRIVEWAYS (*County of Kaua'i, Applicant*) (ZA-2020-4) **[Approved as Amended.]**

2. PUBLIC SAFETY & HUMAN SERVICES COMMITTEE:

- a. **CR-PSHS 2020-01:** on Bill No. 2769 A BILL FOR AN ORDINANCE AMENDING CHAPTER 15A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE KAUAI COUNTY FIRE CODE **[Approved as Amended.]**

3. FINANCE & ECONOMIC DEVELOPMENT COMMITTEE:

- a. **CR-FED 2020-02:** on FED 2020-01 Communication (01/24/2020) from Councilmember Cowden, requesting the presence of the Director of Finance, to provide a briefing and overview of the County of Kaua'i's Real Property tax credits, exemptions, forms, taxpayer education/outreach, and deadlines. **[Received for the Record.]**

J. RESOLUTION:

1. [Resolution No. 2020-09](#) – RESOLUTION ESTABLISHING A NO-PARKING ZONE AT THE INTERSECTION OF MANO STREET AND HANALIMA STREET, LIHU'E DISTRICT, COUNTY OF KAUAI (*Deferred January 29, 2020*)

K. BILLS FOR FIRST READING:

1. [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 (*Kauai County Council, Applicant*) (ZA-2020-5)

2. [Proposed Draft Bill \(No. 2775\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 22, KAUAI COUNTY CODE 1987, AS AMENDED, BY ESTABLISHING A NEW ARTICLE RESTRICTING THE USE AND SALE OF POLYSTYRENE FOAM FOOD SERVICE CONTAINERS

L. BILLS FOR SECOND READING:

1. [Bill No. 2768, Draft 1](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO RESIDENTIAL DEVELOPMENT STANDARDS FOR ACCESSES AND DRIVEWAYS (*County of Kauai, Applicant*) (ZA-2020-4) (*See also CR-PL 2020-02; the Planning Committee recommended approval as amended to Bill No. 2768, Draft 1 on February 12, 2020.*)

2. [Bill No. 2769, Draft 1](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 15A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE KAUAI COUNTY FIRE CODE (*See also CR-PSHS 2020-01; the Public Safety & Human Services Committee recommended approval as amended to Bill No. 2769, Draft 1 on February 12, 2020.*)

M. 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-1022 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 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 regarding property located at 4432 Lāwa'i Road, Kōloa, Hawai'i, 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. 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. 2770](#) – 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 SOLID WASTE FUND (*Kekaha Landfill Transition Funding and Equipment – \$1,312,000.00*)
2. [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. [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 KAUAI, STATE OF HAWAII, 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. [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 KAUAI, STATE OF HAWAII, 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. [Bill No. 2774](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 7A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE HOUSING POLICY FOR THE COUNTY OF KAUAI

P. 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.