

**COUNCIL MEETING NOTICE AND AGENDA
WEDNESDAY, MARCH 11, 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 29, 2020 Council Meeting
2. February 5, 2020 Council Meeting
3. February 19, 2020 Public Hearing re: Bill No. 2770, Bill No. 2771, Bill No. 2772, Bill No. 2773, and Bill No. 2774

E. INTERVIEWS:

1. PLANNING COMMISSION:

- [Helen A. Cox \(*Environmental*\)](#) – Term ending 12/31/2020

2. PLANNING COMMISSION:

- [Francis Paul DeGracia, Jr. \(*Labor*\)](#) – Term ending 12/31/2022

F. CONSENT CALENDAR:

1. [C 2020-61](#) Communication (02/07/2020) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Gregory A. Kamm to the Board of Water Supply – Term ending 12/31/2022. (*See Resolution No. 2020-14*)

2. [C 2020-62](#) Communication (02/07/2020) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Laurie L. K. Yoshida to the Salary Commission – Term ending 12/31/2022. (***See Resolution No. 2020-15***)

3. [C 2020-63](#) Communication (02/19/2020) from the Director of Finance, transmitting for Council information, the Period 5 Financial Reports – Statement of Revenues, Statement of Expenditures and Encumbrances, Revenue Report, and Detailed Budget Report as of November 30, 2019, pursuant to Section 21 of Ordinance No. B-2019-856, relating to the Operating Budget of the County of Kauaʻi for Fiscal Year 2019-2020. (*Copies of Period 5 Financial Reports as of November 30, 2019 on file in the Office of the County Clerk.*)

G. COMMUNICATIONS:

1. [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 Kauaʻi. (***Deferred February 19, 2020***)

2. [C 2020-64](#) Communication (01/31/2020) from Darcie Yukimura, Chair of the Committee on the Status of Women, requesting Council approval to apply for, receive, and expend funds in the amount of \$10,000.00, from the Hawaiʻi State Commission on the Status of Women, and to indemnify the State of Hawaiʻi, to support ongoing advocacy and a variety of activities planned for Fiscal Year 2020-2021, including but not limited to, a Human Trafficking Forum/Next Steps, Breast Cancer Awareness Month, Career Day (a day-long mentoring program for girls), and more.

3. [C 2020-65](#) Communication (02/11/2020) from Kaʻāina S. Hull, Clerk of the Planning Commission, transmitting the Planning Commission's recommendation to amend Chapter 8, Kauaʻi County Code 1987, as amended, relating to definitions of "applicant" and "owner." (*Copies of the Draft Ordinance for Zoning Amendment (ZA-2016-3); Minutes from the January 28, 2020 Planning Commission Meetings; Director's Report; and Supplement to the Director's Report #1-4, on file in the Office of the County Clerk.*) (***See Proposed Draft Bill (No. 2777)***)

4. [C 2020-66](#) Communication (02/12/2020) from the Prosecuting Attorney, requesting Council approval to receive and expend additional Federal Funds in the amount of \$21,212.00, and to indemnify the State of Hawai'i, Department of the Attorney General, to be used for salaries/wages and training for the Domestic Violence Prosecution Unit. The term of the contract will be extended from March 31, 2020 to June 30, 2020.
5. [C 2020-67](#) Communication (02/18/2020) from the Prosecuting Attorney, requesting Council approval to apply for, receive, and expend Federal Highway Safety funds from the State of Hawai'i Department of Transportation (HDOT), in the amount of \$183,450.00, and to indemnify HDOT, for the continued funding of one (1) Full-Time Equivalent (FTE) Traffic Safety Resource Prosecutor (TSRP), and travel and training for the TSRP and one (1) Deputy Prosecuting Attorney handling vehicular crimes. This is a recurring grant and funds will be utilized for the term commencing October 1, 2020 to September 30, 2021.
6. [C 2020-68](#) Communication (02/19/2020) from Dr. Janet M. Berreman, Kaua'i District Health Officer, State of Hawai'i, Department of Health, requesting agenda time to provide a briefing on Tropic Care 2020.
7. [C 2020-69](#) Communication (02/20/2020) from Nalani K. Kaauwai Brun, Acting Director of Economic Development, requesting Council approval to apply for, receive, and expend United States Department of Labor funds in the amount of \$271,669.00 from the State of Hawai'i Department of Labor, and to indemnify the State of Hawai'i Department of Labor, for the Kaua'i Workforce Development Board – Workforce Innovation & Opportunities Act (WIOA) programs to include the Adult Program, Dislocated Worker Program, Youth Program, and administrative costs.
8. [C 2020-70](#) Communication (02/25/2020) from Ka'aina S. Hull, Clerk of the Planning Commission, transmitting the Planning Commission's recommendation to amend Section 8-4.3(d), Kaua'i County Code 1987, as amended, relating to the lot coverage standards for development of properties within the "R-10" and "R-20" Zoning Districts. *(Copies of the Draft Ordinance for Zoning Amendment (ZA-2020-13) and Director's Report, on file in the Office of the County Clerk.) (See Proposed Draft Bill (No. 2778))*

9. [C 2020-71](#) Communication (02/27/2020) from the County Attorney, requesting Council authorization to expend additional funds up to \$200,000.00, 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.
10. [C 2020-72](#) Communication (03/05/2020) from the Mayor, transmitting for Council consideration, a proposed Emergency Ordinance pursuant to Charter Sections 4.02K and 18.02, in the amount of \$2,000,000.00 from the Reserve Fund (Disaster Response), which will be used to fund emergency expenditures related to the Novel Coronavirus COVID-19. (*Emergency Proclamations issued by Governor David Y. Ige (dated March 4, 2020) and Mayor Derek S.K. Kawakami (dated March 4, 2020) on file in the Office of the County Clerk.*) (**See Proposed Draft Bill (No. 2776)**)

H. LEGAL DOCUMENT:

1. [C 2020-73](#) Communication (02/10/2020) from the Deputy County Engineer, recommending Council approval of the following Property Adjustment Agreements for the clearing of debris and dredged material from the Waihohonu Stream:
- Property Adjustment Agreement by and between the County of Kaua'i and Haupu Land Company, LLC, Tax Map Key (TMK) No. (4) 2-8-002-001;
 - Property Adjustment Agreement by and between the County of Kaua'i and Waihohonu c/o Grove Farm Properties, Inc., TMK No. (4) 2-8-004-001; and
 - Property Adjustment Agreement by and between the County of Kaua'i and Eric A. Knudsen Trust, TMK No. (4) 2-8-004-003; and
 - Property Adjustment Agreement by and between the County of Kaua'i and DWI Properties Family LP, TMK No. (4) 2-8-005-002.

I. CLAIMS:

1. [C 2020-74](#) Communication (02/10/2020) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Madalyn Rutschman, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

2. [C 2020-75](#) Communication (02/12/2020) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Nathaniel Adams, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.
3. [C 2020-76](#) Communication (02/18/2020) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Liberty Mutual Fire Insurance Company as subrogee for Richard McClain, for damage to his property, pursuant to Section 23.06, Charter of the County of Kaua'i.
4. [C 2020-77](#) Communication (02/20/2020) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Arthur Hernandez, for personal injury, pursuant to Section 23.06, Charter of the County of Kaua'i.
5. [C 2020-78](#) Communication (02/21/2020) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Thomas Gatehouse, for personal injury, pursuant to Section 23.06, Charter of the County of Kaua'i.
6. [C 2020-79](#) Communication (03/02/2020) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Cody Zimmerman, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.
7. [C 2020-80](#) Communication (03/02/2020) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Viking Billing Service/Hertz Rental Car, for damage to their vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

J. COMMITTEE REPORTS:

1. PUBLIC WORKS & VETERANS SERVICES COMMITTEE:

- a. **CR-PWVS 2020-01:** on PWVS 2020-01 Communication (02/14/2020) from the Deputy County Engineer, requesting agenda time to present the results of the Wastewater Management Division's rate study. **[Received for the Record.]**

2. COMMITTEE OF THE WHOLE:**a. CR-COW 2020-03:** on 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) **[Approved.]**

b. CR-COW 2020-04: on 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 **[Approved.]**

c. CR-COW 2020-05: on 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) **[Approved.]**

- d. **CR-COW 2020-06:** on Bill No. 2773 A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-019-857, 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*) **[Approved.]**

K. RESOLUTIONS:

1. [Resolution No. 2020-14](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE BOARD OF WATER SUPPLY (*Gregory A. Kamm*)
2. [Resolution No. 2020-15](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE SALARY COMMISSION (*Laurie L. K. Yoshida*)

L. EMERGENCY BILL:

1. [Proposed Draft Bill \(No. 2776\)](#) – AN EMERGENCY 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, FOR THE PURPOSE OF FUNDING EMERGENCY EXPENDITURES TO MEET THE PUBLIC EMERGENCY CAUSED BY THE NOVEL CORONAVIRUS “COVID-19,” BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Novel Coronavirus “COVID-19” – \$2,000,000*)

M. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2777\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO DEFINITIONS (*County of Kauai Planning Department, Applicant*) (*ZA-2016-3*)

2. [Proposed Draft Bill \(No. 2778\)](#) – A BILL FOR AN ORDINANCE AMENDING SECTION 8-4.3(d), KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO DEVELOPMENT STANDARDS FOR RESIDENTIAL STRUCTURES NOT INVOLVING THE SUBDIVISION OF LAND (*County of Kaua'i Planning Department, Applicant*) (ZA-2020-13)

N. BILLS FOR SECOND READING:

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*) (See also CR-COW 2020-03; the Committee of the Whole recommended approval on second and final reading.)

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 (See also CR-COW 2020-04; the Committee of the Whole recommended approval on second and final reading.)

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*) (See also CR-COW 2020-05; the Committee of the Whole recommended approval on second and final reading.)

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*) (See also CR-COW 2020-06; the Committee of the Whole recommended approval on second and final reading.)

O. EXECUTIVE SESSION: Pursuant to Hawaii's 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-1023 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 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. 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.

2. ES-1024 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), the Office of the County Attorney, on behalf of the Council, requests an Executive Session to consider questions and issues pertaining to Council's powers, duties, privileges, immunities and liabilities as it relates to Councilmember Arthur Brun.

P. ADJOURNMENT.

Q. 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.