

COUNTY COUNCIL

Arryl Kaneshiro, Chair
Ross Kagawa, Vice Chair
Arthur Brun
Mason K. Chock
Felicia Cowden
Luke A. Evslin
KipuKai Kualii



OFFICE OF THE COUNTY CLERK

Jade K. Fountain-Tanigawa, County Clerk
Scott K. Sato, Deputy County Clerk

Telephone: (808) 241-4188
Facsimile: (808) 241-6349
E-mail: cokcouncil@kauai.gov

Council Services Division
4396 Rice Street, Suite 209
Lihu'e, Kaua'i, Hawai'i 96766

MEMORANDUM

January 30, 2020

TO: Derek S.K. Kawakami, Mayor
FROM: Arryl Kaneshiro, Council Chair **AK**
RE: **JANUARY 29, 2020 COUNCIL MEETING RECAP**

This is to inform you of the action taken by the Council at its January 29, 2020 Council Meeting:

CONSENT CALENDAR:

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. ***(Received for the Record.)***

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. ***(Received for the Record.)***

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. ***(Received for the Record.)***

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. ***(Received for the Record.)***

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. ***(Received for the Record.)***

Council Meeting Follow-up Memorandum to the Mayor

January 30, 2020

Page 2

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. ***(Received for the Record.)***

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. ***(Received for the Record.)***

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. ***(Received for the Record.)***

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. ***(Received for the Record.)***

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 Adequate Foreclosure Protection For Native Hawaiian Beneficiaries Of The Hawaiian Homes Commission Act Of 1920. ***(Received for the Record.)***

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 12/31/2021. This communication supersedes the transmittal dated 12/03/2019 in which an incorrect term ending date was stated. ***(Received for the Record.)***

COMMUNICATIONS:

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. ***(Received for the Record.)***

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. ***(Approved to include indemnification of the State of Hawai'i, Office of Youth Services.)***

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. ***(Received for the Record.)***

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. ***(Received for the Record.)***

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. ***(Received for the Record.)***

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. ***(Approved.)***

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. ***(Received for the Record.)***

LEGAL DOCUMENT:

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 Kaua'i and the State of Hawai'i, Agribusiness Development Corporation, on State lands situated at Tax Map Key (TMK) No. (4) 1-2-002:001, Kekaha, Kaua'i, Hawai'i, to allow the County to operate the Mobile Kekaha HI5 Certified Redemption Center on Wednesdays and Saturdays from 8:00 a.m. to 4:00 p.m.

- Right-of-Entry Agreement ***(Approved.)***

CLAIMS:

C 2020-38 Communication (01/13/2020) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Glen Antony Silva, for personal injuries and medical bills, pursuant to Section 23.06, Charter of the County of Kaua'i. ***(Referred to the Office of the County Attorney for disposition and/or report back to the Council.)***

C 2020-39 Communication (01/15/2020) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Charlene Ventura, for damages to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i. ***(Referred to the Office of the County Attorney for disposition and/or report back to the Council.)***

C 2020-40 Communication (01/17/2020) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Tracy Lee Capman, for damages to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i. ***(Referred to the Office of the County Attorney for disposition and/or report back to the Council.)***

C 2020-41 Communication (01/17/2020) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Rebecca Stulpe, for damages to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i. ***(Referred to the Office of the County Attorney for disposition and/or report back to the Council.)***

COMMITTEE REPORTS: APPROVED.

RESOLUTIONS:

Resolution No. 2020-05 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE PLANNING COMMISSION (*Melvin I. Chiba – Environmental*) **(Approved.)**

Resolution No. 2020-06 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE BOARD OF ETHICS (*John Latkiewicz*) **(Approved.)**

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 **(Approved.)**

Resolution No. 2020-08 – RESOLUTION ESTABLISHING A CROSSWALK ON HOKUA ROAD AT PU‘U ROAD, KŌLOA DISTRICT, COUNTY OF KAUAI **(Approved.)**

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 **(Deferred to the February 19, 2020 Council Meeting.)**

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 **(Approved.)**

Resolution No. 2020-11 – RESOLUTION ESTABLISHING TURN LANES ON HANAMA‘ULU ROAD AT KŪHIŌ HIGHWAY LĪHU‘E DISTRICT, COUNTY OF KAUAI **(Approved.)**

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 **(Approved.)**

Resolution No. 2020-13 – RESOLUTION AMENDING RESOLUTION NO. 2020-02, RELATING TO A MAYORAL APPOINTMENT TO THE KAUAI HISTORIC PRESERVATION REVIEW COMMISSION (*Carolyn R. Larson – History*) **(Approved.)**

BILLS FOR FIRST READING:

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 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 as Amended on 1st reading, Public Hearing scheduled for February 19, 2020, and referred to the Committee of the Whole.***)

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 (***Approved on 1st reading, Public Hearing scheduled for February 19, 2020, and referred to the Committee of the Whole.***)

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 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 on 1st reading, Public Hearing scheduled for February 19, 2020, and referred to the Committee of the Whole.***)

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 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 on 1st reading, Public Hearing scheduled for February 19, 2020, and referred to the Committee of the Whole.***)

Proposed Draft 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 (***Approved on 1st reading, Public Hearing scheduled for February 19, 2020, and referred to the Housing & Intergovernmental Relations Committee.***)

BILLS FOR SECOND READING:

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 Kauai, Applicant*) (*ZA-2020-3*) (***Approved.***)

Council Meeting Follow-up Memorandum to the Mayor

January 30, 2020

Page 7

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.)**

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.)**

Bill No. 2767, Draft 1 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAXES **(Received for the Record.)**

Thank you for following up as appropriate, including confidential routing to any appropriate parties, and please do not hesitate to contact me or Council Services Staff if you need further information. Please note that this memorandum presents a summary of the action taken, and reference should be made to the official minutes for a complete record.

cc: KCT Department Heads (*Via E-mail*)
KCT CCs (*Via E-mail*)
Council Services Staff (*Via E-mail*)