

**KAUA'I COUNTY COUNCIL**  
**MEETING NOTICE AND AGENDA**  
**WEDNESDAY, AUGUST 28, 2024**  
**8:30 A.M. OR SOON THEREAFTER**  
COUNCIL CHAMBERS, HISTORIC COUNTY BUILDING  
4396 RICE STREET, SUITE 201, LIHU'E, KAUA'I, HAWAI'I 96766

MEETING INFORMATION:

- **Oral Testimony:** Accepted in-person at the Council Chambers.
- **Written Testimony:** May be submitted for any meeting via: email to [counciltestimony@kauai.gov](mailto:counciltestimony@kauai.gov); fax to (808) 241-6349; mail to the Office of the County Clerk, Council Services Division at 4396 Rice Street, Suite 209, Līhu'e, Hawai'i, 96766; or hand-delivery at Suite 209 during regular business hours (7:45 a.m. to 4:30 p.m., Monday through Friday, excluding holidays).
- **Courtesy Livestream, Video, and Minutes:** Meeting livestream (recorded video to follow) is available at [www.kauai.gov/Government/Council/Webcast-Meetings](http://www.kauai.gov/Government/Council/Webcast-Meetings). If the courtesy livestream is unavailable for any reason, the meeting will proceed. Meeting minutes will be completed pursuant to Hawai'i Revised Statutes (HRS) Chapter 92 and electronically posted at [www.kauai.gov/Government/Council](http://www.kauai.gov/Government/Council) following Council approval.
- **Courtesy Remote Oral Testimony:** This is not a remote meeting pursuant to HRS Section 92-3.7. The option of remote oral testimony is offered as a courtesy only. To register, testifiers shall sign up via emailing [remote.signup@kauai.gov](mailto:remote.signup@kauai.gov), indicating the agenda item(s) they would like to provide testimony on. Emails are due no later than 12:00 Noon the business day prior to the meeting. Those who timely register will receive remote testimony access and instructions via reply email. Those wishing to view the meeting but not provide testimony will be directed to the courtesy livestream (via the website link above). If the courtesy remote testimony access is unavailable for any reason, the meeting will proceed.
- **Additional Note for Both Methods of Oral Testimony:** Generally, each agenda item is addressed (and oral testimony received) in the order listed in the agenda; however, agenda items may occur out of order without notice and oral testimony is not accepted for completed agenda items. Those seeking the guaranteed ability to testify should report: (1) in-person, and (2) by the meeting start time.
- **For Further Assistance:** 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](mailto: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.

A. MEETING CALLED TO ORDER.

B. ROLL CALL.

C. APPROVAL OF AGENDA.

D. MINUTES of the following meeting of the Council:

1. July 31, 2024 Council Meeting

E. COMMUNICATIONS:

1. [C 2024-163](#) Communication (08/05/2024) from Elliott K. Ke, Assistant Chief of Police, Police Operations Bureau, transmitting for Council consideration, A Bill For An Ordinance Relating To Creation Of The State Highway Enforcement Program Surcharge Fund, allowing the Kaua'i Police Department (KPD) to use the funds for the enforcement of laws and ordinances specifically pertaining to illegal parking on state highways. (***See Proposed Draft Bill (No. 2931)***)
2. [C 2024-164](#) Communication (08/08/2024) from Lawrence Borgatti, Arborist Advisory Committee Chair, transmitting for Council consideration, A Bill For An Ordinance To Amend Chapter 22, Kaua'i County Code 1987, As Amended, By Amending Section 22-5.4 To Add To The List Of Exceptional Trees, adding a single monkey pod tree (Samanea Saman), located in the center of the Sun Village complex, situated on Tax Map Key (TMK) No. (4) 3-7-001:017 owned by the Weinberg Foundation. (***See Proposed Draft Bill (No. 2932)***)
3. [C 2024-165](#) Communication (08/12/2024) from the Director of Finance, requesting Council approval to dispose of various records, pursuant to Hawai'i Revised Statutes (HRS) Section 46-43 and Resolution No. 2021-48 (2021), which have been kept for over seven (7) years and are no longer of use or value. (*List of various records to be disposed of on file in the Office of the County Clerk.*)
4. [C 2024-166](#) Communication (08/15/2024) from the Deputy Planning Director, requesting Council approval to apply for, receive, and expend Transit Oriented Development (TOD) Capital Improvement Project (CIP) funds, in the amount of up to \$270,000.00, and to indemnify the State Office of Planning and Sustainable Development, to be used for a Līhu'e Town Core Housing Feasibility Study, including master planning and other planning studies, preparation of environmental review documents, and infrastructure assessment work for projects and infrastructure identified through State-County consultation, coordination, and collaboration that are aligned with shared TOD goals and objectives.

F. LEGAL DOCUMENTS:

1. [C 2024-167](#) Communication (08/13/2024) from the Housing Director, recommending Council approval of a Grant of Easement made by and between the County of Kaua'i and Kaua'i Island Utility Cooperative of Tax Map Key (TMKs) Nos. (4) 2-1-013:045 and (4) 2-1-013:002, 'Ele'ele, Kaua'i, Hawai'i, for the Lima Ola Family and Senior Housing Projects in Phase I of the Lima Ola Subdivision, along with the related indemnification provision contained therein, to locate, install, build, construct, use, operate, repair, maintain, and replace poles, wire lines, conduits, appliances, equipment, and facilities within the easement area.

- Grant of Easement
- Grant of Easement

2. [C 2024-168](#) Communication (08/15/2024) from the Director of Finance, recommending Council approval of a Quitclaim Deed involving Tax Map Keys (TMKs) Nos. (4) 3-3-04:20 (por.) and (4) 3-3-03:Road (por.), a Grant of Non-Exclusive Easement involving TMK No. (4) 3-3-04:20 (por.), and a Grant of Non-Exclusive Easement involving TMK No. (4) 3-3-03:43 (por.), granting the State Department of Transportation's (DOT) Kaumuali'i Highway Widening Project from Lihu'e to West of Maluhia Road, identified as Federal Aid Project No. STP-050-1 (26), helping improve traffic flow and safety for the island's westside commuters.

- Quitclaim Deed
- Grant of Non-Exclusive Easement
- Grant of Non-Exclusive Easement

3. [C 2024-169](#) Communication (08/15/2024) from the Planning Director, requesting Council acceptance and approval of a Dedication Deed, from the Association of Apartment Owners (AOAO) of Kūlana, dedicating Roadway Lot 22-A, Tax Map Key (TMK) No. (4) 4-3-003-027 (por.), of the Hauiki Road Subdivision for roadway purposes.

- Dedication Deed

4. [C 2024-170](#) Communication (08/15/2024) from the Planning Director, requesting Council acceptance and approval of Dedication Deeds, from the Association of Apartment Owners (AOAO) of Kūlana, to convey three (3) roadway lots, located at Tax Map Keys (TMKs) Nos. (4) 4-3-011-001 (por.) (Lot 21), (4) 4-3-011-001 (por.) (Lot 22), and (4) 4-3-011-001 (por.) (Lot 23), of the Hauiki Road Subdivision for roadway purposes.
- Dedication Deed (Lot 21)
  - Dedication Deed (Lot 22)
  - Dedication Deed (Lot 23)
- (Copies of the Dedication Deed (Lot 21), Dedication Deed (Lot 22), Dedication Deed (Lot 23), and all supporting documents on file in the Office of the County Clerk.)*

#### G. CLAIMS:

1. [C 2024-171](#) Communication (08/06/2024) from the County Clerk, transmitting a claim filed against the County of Kauaʻi by Matthew J. Lowry, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kauaʻi.
2. [C 2024-172](#) Communication (08/08/2024) from the County Clerk, transmitting a claim filed against the County of Kauaʻi by Alamo, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kauaʻi.
3. [C 2024-173](#) Communication (08/12/2024) from the County Clerk, transmitting a claim filed against the County of Kauaʻi by Sheralyn Hernandez, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kauaʻi.

#### H. COMMITTEE REPORT:

##### 1. COMMITTEE OF THE WHOLE:

- a. **CR-COW 2024-19:** on COW 2024-08 Communication (06/06/2024) from Councilmember Bulosan, requesting the presence of Amy Miller, President and Chief Executive Officer of the Hawaiʻi Foodbank, to provide a briefing pertaining to the Hawaiʻi Foodbank's recent report entitled, *The State of Food Insecurity in Hawaiʻi*. **[Received for the Record.]**

I. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2931\)](#) – A BILL FOR AN ORDINANCE TO ESTABLISH THE STATE HIGHWAY ENFORCEMENT PROGRAM SURCHARGE FUND FOR THE COUNTY OF KAUAI

2. [Proposed Draft Bill \(No. 2932\)](#) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 22 OF THE KAUAI COUNTY CODE 1987 BY AMENDING SECTION 22-5.4 TO ADD TO THE LIST OF EXCEPTIONAL TREES (*In the center of the Sun Village Complex TMK: 3-7-001:017*)

J. 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.)*

K. ADJOURNMENT.

L. PUBLIC HEARING: The Council will convene a public hearing on the following item(s) on this meeting date at approximately 8:30 a.m., or soon thereafter, and will convene or reconvene the Council Meeting thereafter. For complete information, including a summary of the item(s), please refer to the official Notice of Public Hearing, which has been published, posted on the bulletin board, filed in the Office of the County Clerk, and is available at <https://www.kauai.gov/Government/Council/Public-Hearing-Notices-Minutes>.

1. [Bill No. 2925](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX (*Residential Leases of State-Owned Property*)
2. [Bill No. 2926](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 12, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE BUILDING CODE
3. [Bill No. 2927](#) – A BILL FOR AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS OF THE COUNTY OF KAUAI FOR THE PURPOSE OF REFUNDING CERTAIN OUTSTANDING GENERAL OBLIGATION BONDS; FIXING OR AUTHORIZING THE FIXING OF THE FORM, DENOMINATIONS, AND CERTAIN OTHER DETAILS OF SUCH REFUNDING BONDS AND PROVIDING FOR THE SALE OF SUCH BONDS TO THE PUBLIC; PROVIDING FOR THE RETIREMENT OF THE BONDS TO BE REFUNDED; AND AUTHORIZING THE TAKING OF OTHER ACTIONS RELATING TO THE ISSUANCE AND SALE OF THE REFUNDING BONDS AND THE RETIREMENT OF THE BONDS TO BE REFUNDED