

**COUNCIL MEETING NOTICE AND AGENDA  
WEDNESDAY, APRIL 20, 2016**

**8:30 A.M. OR SOON THEREAFTER**

COUNCIL CHAMBERS

HISTORIC COUNTY BUILDING

4396 RICE STREET, SUITE 201

LĪHUʻE, KAUAʻI, HAWAII 96766

A. MEETING CALLED TO ORDER.

B. ROLL CALL.

C. APPROVAL OF AGENDA.

D. MINUTES of the following meetings of the Council:

1. February 4, 2016 Special Council Meeting, Council-Manager Form of Government Workshop
2. March 3, 2016 Special Council Meeting, Council-Manager Form of Government Workshop
3. March 17, 2016 Special Council Meeting, Council-Manager Form of Government Workshop

E. CONSENT CALENDAR:

1. [C 2016-96](#) Communication (03/23/2016) from the Director of Finance, transmitting for Council information, the Condition of the County Treasury Statement quarterly report as of February 5, 2016.
2. [C 2016-97](#) Communication (04/06/2016) from the Acting County Engineer, transmitting for Council consideration, a Resolution Establishing Crosswalks, Striped Pedestrian Walkways, And Intersection Modifications On Waikomo Road, Kōloa District, County Of Kauaʻi, to improve safety for pedestrians and to improve pedestrian connectivity for the immediate residential community to Kōloa Elementary School, businesses, and other destinations in the area. **(See Resolution No. 2016-39)**

F. COMMUNICATIONS:

1. [C 2016-98](#) Communication (03/15/2016) from the Acting County Engineer and the Director of Finance, requesting Council approval of the following unbudgeted equipment purchases using funds from the Department of Public Works, Roads – Baseyard Divisions, Other Supplies accounts for Fiscal Year 2015-2016, at an estimated cost of \$67,500:
  - Replacement Heavy Duty Excavator Mounted Mulcher – \$40,000
  - 9 cubic feet Cement Mixer (Bridge Crew) – \$5,000
  - Riding Lawn Mower with small utility trailer (Levee Crew) – \$5,000
  - Riding Lawn Mower with small utility trailer (Kapa‘a Baseyard) – \$5,000
  - 2 Plate Sled Compactor with Water Tank – \$8,000
  - Rotating Laser Instrument (Bridge Crew) – \$4,500
  
2. [C 2016-99](#) Communication (03/29/2016) from the Acting County Engineer, transmitting for Council consideration, amendments to Chapters 18, 20, and 23 of the Kaua‘i County Code 1987, as amended, relating to revocable permits for County designated rights-of-way, to clarify the process and responsibilities for permitting of vending on County owned property. **(See Proposed Draft Bill (No. 2628))**
  
3. [C 2016-100](#) Communication (04/01/2016) from the Housing Director, requesting Council approval to decline the repurchase of Unit No. 701 in Ho‘okena at Puhi, 2080 Manawalea Street, Līhu‘e, Hawai‘i, Tax Map Key (TMK) (4) 3-3-003-036-0041, and grant the owner a one-year waiver of the buyback provision to allow for the market sale of the property by the owner.
  
4. [C 2016-101](#) Communication (04/05/2016) from Councilmember Chock, transmitting for Council consideration, a Proposed Draft Bill to amend Chapter 22, Article 8.2 of the Kaua‘i County Code 1987, as amended, by adding a new subsection “(o),” relating to Smoking Prohibited in Certain Areas, to prohibit smoking in any motor vehicle, whenever occupied by a person less than eighteen years of age. **(See Proposed Draft Bill (No. 2629))**

5. [C 2016-102](#) Communication (04/11/2016) from the Salary Commission, transmitting for Council information, the Salary Commission's Resolution No. 2016-2, Amending Resolution No. 2016-1 Relating to the Salaries of Certain Officers and Employees of the County of Kaua'i.
  
6. [C 2016-103](#) Communication (04/11/2016) from the Salary Commission, transmitting for Council information, the Salary Commission's Resolution No. 2016-3, Amending Resolution No. 2016-1 Relating to the Salaries of Certain Officers and Employees of the County of Kaua'i.

#### G. LEGAL DOCUMENT:

1. [C 2016-104](#) Communication (03/24/2016) from the Director of Human Resources, requesting Council approval to indemnify the Board of Trustees of the State of Hawai'i Deferred Compensation Plan for Part-Time, Temporary, and Seasonal or Casual (PTS) Employees of the County of Kaua'i, to offer an alternative retirement plan for qualified employees.
  - Memorandum of Understanding for the Deferred Compensation Retirement Plan for Part-Time, Temporary, and Seasonal or Casual Employees of the County of Kaua'i

#### H. CLAIM:

1. [C 2016-105](#) Communication (03/04/2016) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Irvin Y. Ching, for damage to his property, pursuant to Section 23.06, Charter of the County of Kaua'i.

#### I. COMMITTEE REPORT:

##### 1. PLANNING COMMITTEE:

- a. **CR-PL 2016-02:** on Bill No. 2609

A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO HOMESTAYS [Received for the Record.]

J. RESOLUTION:

1. [Resolution No. 2016-39](#) – RESOLUTION ESTABLISHING CROSSWALKS, STRIPED PEDESTRIAN WALKWAYS, AND INTERSECTION MODIFICATIONS ON WAIKOMO ROAD, KŌLOA DISTRICT, COUNTY OF KAUA‘I

K. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2628\)](#) – A BILL FOR AN ORDINANCE TO AMEND CHAPTERS 18, 20, AND 23 OF THE KAUA‘I COUNTY CODE 1987, AS AMENDED, RELATING TO REVOCABLE PERMITS IN COUNTY DESIGNATED RIGHTS-OF-WAY

2. [Proposed Draft Bill \(No. 2629\)](#) – A BILL FOR AN ORDINANCE TO AMEND SECTION 22-8.2, KAUA‘I COUNTY CODE 1987, AS AMENDED, RELATING TO SMOKING IN A MOTOR VEHICLE

L. BILL FOR SECOND READING:

1. [Bill No. 2609](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUA‘I COUNTY CODE 1987, AS AMENDED, RELATING TO HOMESTAYS (*See also CR-PL 2016-02; the Planning Committee recommended Bill No. 2609 be received for the record.*)

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 in the County Attorney’s Office and/or the County Clerk’s Office. Discussions held in Executive Session are closed to the public.)*

1. ES-846 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, on behalf of the Council, requests an Executive Session with the Council to provide the Council with a briefing regarding Puhi Metals Recycling Center issues and related matters. This briefing and consultation involves the 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 County Clerk's Office 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. 2623](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 15A OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE KAUAI COUNTY FIRE CODE
2. [Bill No. 2624](#) – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 14 BETWEEN JULY 1, 2015 AND JUNE 30, 2017

- P. NOTE: SPECIAL ACCOMMODATIONS AND SIGN LANGUAGE INTERPRETER AND INTERPRETERS FOR NON-ENGLISH SPEAKING PERSONS ARE AVAILABLE UPON REQUEST FIVE (5) DAYS PRIOR TO THE MEETING DATE, TO THE COUNTY CLERK, 4396 RICE STREET, SUITE 209, LĪHUʻE, KAUAI, HAWAII 96766. TELEPHONE NO. (808) 241-4188. FACSIMILE NO. (808) 241-6349.

**\*TO VIEW MEETINGS OR MEETING ARCHIVES, PLEASE VISIT: [WWW.KAUAI.GOV/WEBCASTMEETINGS](http://WWW.KAUAI.GOV/WEBCASTMEETINGS).**