

**COUNCIL MEETING NOTICE AND AGENDA  
WEDNESDAY, APRIL 24, 2019**

**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 meeting of the Council:

1. March 27, 2019 Public Hearing re: Bill No. 2736 and Bill No. 2737

E. CONSENT CALENDAR:

1. [C 2019-80](#) Communication (04/01/2019) from the County Attorney, transmitting for Council information, the Quarterly Report on Settled Claims filed against the County of Kaua'i from January 1, 2019 through March 31, 2019.
2. [C 2019-81](#) Communication (04/11/2019) from the Deputy County Engineer, transmitting for Council consideration, a Resolution Establishing No-Parking And Tow Away Zones Along A Portion Of Hehi Road And At The Entrance To Hanama'ulu Beach Park, Lihu'e District, County Of Kaua'i. (**See Resolution No. 2019-32**)

F. COMMUNICATIONS:

1. [C 2019-65](#) Communication (03/11/2019) from the Salary Commission, transmitting for the Council's information and consideration, the Salary Commission's Resolution No. 2019-1, Relating to the Salaries of Certain Officers and Employees of the County of Kaua'i, which was adopted by the Salary Commission at its March 7, 2019 meeting.
  - Salary Commission Resolution No. 2019-1  
(**Deferred April 10, 2019**)

2. [C 2019-76](#) Communication (03/14/2019) from the Deputy Fire Chief, requesting Council approval, to accept a donation from the Kaua'i Lifeguard Association (KLA) of one (1) 2019 Yamaha Jet Ski and Trailer, valued at \$18,523.89, which will benefit the Ocean Safety Bureau's lifeguard operation at the Hanalei Pavilion Tower. ***(Deferred April 10, 2019)***
  
3. [C 2019-82](#) Communication (03/12/2019) from Roy Asher, Assistant Chief of Police, Administrative & Technical Bureau, requesting Council approval, to purchase non-budgeted items with anticipated unexpended funds from the Kaua'i Police Department's Operating Budget for Fiscal Year 2018-2019, Retirement Contribution, Account No. 001-1001-551.05-03, for the following:
  - Seven (7) new marked Ford Explorer patrol vehicles to implement a three-year strategic vehicle replacement plan (approximately \$65,000.00 each); and
  - To transition from .40 caliber Glock Firearms to 9mm Glock Firearms (estimated cost of \$65,370.00, which includes a buy back/trade-in element).
  
4. [C 2019-83](#) Communication (04/01/2019) from Ka'āina S. Hull, Clerk of the Planning Commission, transmitting the Planning Commission's recommendation to amend Chapter 8 and Chapter 10, Kaua'i County Code 1987, as amended, relating to Enforcement, Legal Procedures, and Penalties by adding additional mechanisms for service of notice of violation and orders; adding procedures for placing and enforcing liens; amending the amount of funds that may remain in the Planning Enforcement Account and the purposes for the expenditure of such funds, and to clarify the applicable enforcement section for violations of any provision of Chapter 10. *(Copies of the Draft Ordinance for Zoning Amendment (ZA 2019-3), and Director's Report, on file in the Office of the County Clerk.) (See Proposed Draft Bill (No. 2746))*
  
5. [C 2019-84](#) Communication (04/03/2019) from the Prosecuting Attorney, requesting Council approval to apply for, receive, and expend Federal funds in the amount of \$295,248.00, and approval to indemnify the State of Hawai'i, Department of the Attorney General, for the Kaua'i Victims of Crime Act (VOCA) Expansion Project 17-VA-3 for the period of July 1, 2019 through June 30, 2020.

6. [C 2019-85](#) Communication (04/04/2019) 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 (DOT), in the amount of \$180,467.00, to be used toward continued funding of one (1) Full-Time Equivalent (FTE) Special Prosecuting Attorney, travel, and training.
  
7. [C 2019-86](#) Communication (04/05/2019) from Ka'āina S. Hull, Clerk of the Public Access, Open Space, Natural Resources Preservation Fund Commission, transmitting the Public Access, Open Space, Natural Resources Preservation Fund Commission's recommendation to amend Chapter 6, Article 14, Kaua'i County Code 1987, as amended, to include lands or entitlements to lands acquired by the fund, and improving existing public beach accesses. *(Copies of the Draft Ordinance Amending Chapter 6, Article 14 including the Draft Ordinance, as Amended, and the Minutes from the January 11, 2019, February 14, 2019, and March 14, 2019 on file in the Office of the County Clerk.) (See Proposed Draft Bill (No. 2747))*
  
8. [C 2019-87](#) Communication (04/08/2019) from Bryson Ponce, Assistant Chief of Police, Investigative Services Bureau, requesting Council approval to accept and expend Hawai'i High Intensity Drug Trafficking Area (HIDTA) discretionary funding from the Office of National Drug Control Policy, in the amount of \$142,000.00, to support programs and initiatives through State-wide mutual and joint efforts in narcotic enforcement.
  
9. [C 2019-88](#) Communication (04/08/2019) from Bryson Ponce, Assistant Chief of Police, Investigative Service Bureau, requesting Council approval to accept and expend Department of Justice (DOJ), Drug Enforcement Administration (DEA) funding in the amount of \$50,000.00, to support State-wide mutual and joint efforts in Marijuana Enforcement.
  
10. [C 2019-89](#) Communication (04/10/2019) from the Prosecuting Attorney, requesting Council approval to receive and expend Federal funds in the amount of \$49,298.00, to be used for salaries/wages and supplies for the Domestic Violence Prosecution Unit, and to indemnify the State of Hawai'i, Department of the Attorney General.

11. [C 2019-90](#) Communication (04/12/2018) from the Mayor, transmitting for Council consideration, the cost items for the Hawai'i Fire Fighters Association (HFFA) Bargaining Unit 11 for the period July 1, 2019 through June 30, 2021 based on an arbitrated award and in accordance with the procedures contained in Chapter 89, Hawai'i Revised Statutes (HRS), pursuant to HRS Section 89-11 Kaua'i County Charter Section 19.13B. (*Arbitration Panel's Award and Decision for Bargaining Unit 11 on file in the Office of the County Clerk.*) (**See Proposed Draft Bill (No. 2748)**)

#### G. LEGAL DOCUMENT:

1. [C 2019-91](#) Communication (04/12/2019) from the Deputy County Engineer, recommending Council approval of conveyance by the Department of Land and Natural Resources (DLNR) to the County of Kaua'i for a perpetual non-exclusive easement (Easement A-1) for bike/pedestrian purposes, Tax Map Key (TMK) (4) 4-6-014: portion of 030, Kapa'a, Kawaihau, Kaua'i.
- Grant of Non-Exclusive Easement

#### H. CLAIMS:

1. [C 2019-92](#) Communication (04/05/2019) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Ramona M. Hanley, for damages to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.
2. [C 2019-93](#) Communication (04/08/2019) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Sherrie Orr, for personal injury, pursuant to Section 23.06, Charter of the County of Kaua'i.

#### I. RESOLUTION:

1. [Resolution No. 2019-32](#) – RESOLUTION ESTABLISHING NO-PARKING AND TOW AWAY ZONES ALONG A PORTION OF HEHI ROAD AND AT THE ENTRANCE TO HANAMA'ULU BEACH PARK, LIHU'E DISTRICT, COUNTY OF KAUA'I

#### J. BILLS FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2746\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 8 AND CHAPTER 10 OF THE KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO ENFORCEMENT, LEGAL PROCEDURES, AND PENALTIES

2. [Proposed Draft Bill \(No. 2747\)](#) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 14, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND

3. [Proposed Draft Bill \(No. 2748\)](#) – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 11 BETWEEN JULY 1, 2019 AND JUNE 30, 2021

K. 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-991 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 a briefing, discussion, and consultation regarding the Quarterly Report on Pending and Denied Claims. 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.

L. ADJOURNMENT.

M. 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).