

**COUNCIL MEETING NOTICE AND AGENDA**  
**WEDNESDAY, JULY 17, 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 meetings of the Council:

1. May 29, 2019 Council Meeting
2. June 13, 2019 Council Meeting
3. June 26, 2019 Public Hearing re: Bill No. 2752 and Bill No. 2753

E. INTERVIEW:

1. PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND COMMISSION:

- [Taryn A. M. Dizon](#) (*Waimea / Kekaha*) – Term ending 12/31/2021

F. CONSENT CALENDAR:

1. [C 2019-157](#) Communication (06/03/2019) from the Boards & Commissions Administrator, transmitting for Council consideration, amendments to the term ending dates for the following Mayoral appointments:
  - a. Civil Service Commission
    - Ricky R. Watanabe – Term ending 12/31/2021
  - b. Charter Review Commission
    - Reid R. Kawane – Term ending 12/31/2021  
(*See Resolution No. 2019-42 and Resolution No. 2019-43*)

2. [C 2019-158](#) Communication (06/17/2019) from the Deputy County Engineer, transmitting for Council consideration, a Resolution Establishing Two Crosswalks And Repealing An Existing Crosswalk On Kekaha Road In The Vicinity Of Kekaha Elementary School, Waimea District, County Of Kaua'i. **(See Resolution No. 2019-44)**
  
3. [C 2019-159](#) Communication (06/24/2019) from the Deputy County Engineer, transmitting for Council consideration, a Resolution Authorizing The Mayor Or The Director Of Finance Of The County Of Kaua'i To Enter Into An Intergovernmental Agreement With The State Of Hawai'i, Department Of Health For A Loan From The State Water Pollution Control Revolving Fund For The Lihue Wastewater Treatment Plant (WWTP) Process Improvements, Project No. C150059-20. **(See Resolution No. 2019-45)**
  
4. [C 2019-160](#) Communication (06/24/2019) from the Boards & Commissions Administrator, transmitting for Council consideration, the following Mayoral appointments to the various Boards and Commissions of the County of Kaua'i:
  - a. Public Access, Open Space, Natural Resources Preservation Fund Commission
    - Taryn A. M. Dizon (*Waimea / Kekaha*) – Term ending 12/31/2021
  
  - b. Historic Preservation Review Commission
    - Stephen Wesley Long (*Planning*) – Term ending 12/31/2021  
**(See Resolution No. 2019-46 and Resolution No. 2019-47)**
  
5. [C 2019-161](#) Communication (07/05/2019) from Mark L. Ishmael, Deputy County Attorney, transmitting for Council information, the Quarterly Report on Settled Claims filed against the County of Kaua'i from April 1, 2019 through June 30, 2019.

G. COMMUNICATIONS:

1. [C 2019-162](#) Communication (05/28/2019) from the Deputy Fire Chief, requesting Council approval of the indemnification provisions contained in the Department of Education Application for Use of School Buildings, Facilities, or Grounds relating to: Hanalei, Kīlauea, Kōloa, Kalāheo, and ‘Ele‘ele Elementary Schools; Kapa‘a, Waimea and Kaua‘i High Schools; and Waimea Canyon and Kapa‘a Middle Schools, to conduct the Community Emergency Response Training (CERT) program.
2. [C 2019-163](#) Communication (06/03/2019) from Councilmember Evslin, requesting agenda time for Paul H. Brewbaker, Principal of TZ Economics, to provide a briefing on overtourism and possible market-based mechanisms to achieve balance.
3. [C 2019-164](#) Communication (06/19/2019) from Bryson Ponce, Assistant Chief of Police, Investigative Services Bureau, requesting Council approval to accept and expend Fiscal Year (FY) 2017 Stop Violence Against Women Formula Grant funds, in the amount of \$65,731.00, for the Sexual Assault Nurse Examiner (SANE) Exams, supportive funding, and DNA Analysis programs for the term commencing July 1, 2019 to May 31, 2020, and approval to contract with and indemnify the State of Hawai‘i Department of the Attorney General.
4. [C 2019-165](#) Communication (06/20/2019) from the Deputy County Engineer, requesting Council approval to accept a donation of pothole material from Ted Kawahinehelelani Blake, valued at \$3,816.81, which will be expended by the Department of Public Works, Roads Division and used to test the product for pothole repair.
5. [C 2019-166](#) Communication (06/20/2019) from Elliott Ke, Captain, Kaua‘i Police Department, requesting Council approval to accept and expend funding from the Enhanced 911 (E-911) Board as follows:
  - a. \$723,677.00 for annual recurring expenditures to run 911 services in the Kaua‘i Police Department’s (KPD’s) primary Communications Center and the Alternate Dispatch Center (ADC), and travel expenses for designees to attend monthly board meetings on O‘ahu and board-approved training available out-of-state; and
  - b. \$300,000.00 for KPD’s Alternate Dispatch Center relocation project, which is included in the E-911 Board 5-year Strategic Budget Plan for Fiscal Year 2020.

6. [C 2019-167](#) Communication (06/24/2019) from the Acting Director of Human Resources, requesting Council approval to dispose of the following government records, pursuant to Hawai'i Revised Statutes (HRS) Section 46-43 and Resolution No. 2008-39 (2008) as amended, which have been kept for over seven (7) years and are no longer of use or value:

- General Correspondence (General letters and memos received from internal and external departments and agencies prior to 2011)
- Payroll Records (Timesheets, Payroll Registers, Payroll Accruals, Payroll Hours Proof Listing, Payroll Distribution, Payroll Check Registers, Garnishments, and Leave Documents prior to 2011)
- Recruitment and Exams (Job Applications, Job Announcements, Vacancy Reports, Written Exams, and Leave Documents prior to 2011)
- OSHA Forms (OSHA Logs, Summaries, and Supplementary Records prior to 2011)
- Workers' Compensation (WC) Records (WC claims prior to 2010) (last payment longer than 8 years)
- Official Personnel Folders (Personnel files for terminated employees prior to 1988) (30-year retention)

7. [C 2019-168](#) Communication (07/08/2019) from Councilmember Evslin and Councilmember Chock, transmitting for Council consideration, A Bill For An Ordinance Amending Section 5A-1.1, Kaua'i County Code 1987, As Amended, Relating To Real Property Tax Definitions. (*See Proposed Draft Bill (No. 2756)*)

#### H. CLAIM:

1. [C 2019-169](#) Communication (06/17/2019) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Esaki Surveying and Mapping, Inc., for damage to their vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

#### I. COMMITTEE REPORTS:

##### 1. PUBLIC WORKS & VETERANS SERVICES COMMITTEE:

- a. **CR-PWVS 2019-04:** on Bill No. 2612 A BILL FOR AN ORDINANCE TO AMEND CHAPTER 14, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE PLUMBING CODE [Approved as Amended.]

**2. PLANNING COMMITTEE:**

- a. **CR-PL 2019-07:** on Bill No. 2752      A BILL FOR AN ORDINANCE AMENDING ZONING DESIGNATION IN PUHI, KAUAI (*Island School, Applicant*) (ZA-2019-2) **[Approved.]**

**3. COMMITTEE OF THE WHOLE:**

- a. **CR-COW 2019-15:** on Bill No. 2753      A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 1 BETWEEN JULY 1, 2019 AND JUNE 30, 2021 **[Approved.]**

**J. RESOLUTIONS:**

1. [Resolution No. 2019-42](#) – RESOLUTION AMENDING RESOLUTION NO. 2019-38 TO CORRECT THE TERM ENDING DATE FOR A MAYORAL APPOINTMENT TO THE CIVIL SERVICE COMMISSION (*Ricky R. Watanabe*)
2. [Resolution No. 2019-43](#) – RESOLUTION AMENDING RESOLUTION NO. 2019-39 TO CORRECT THE TERM ENDING DATE FOR A MAYORAL APPOINTMENT TO THE CHARTER REVIEW COMMISSION (*Reid R. Kawane*)
3. [Resolution No. 2019-44](#) – RESOLUTION ESTABLISHING TWO CROSSWALKS AND REPEALING AN EXISTING CROSSWALK ON KEKAHA ROAD IN THE VICINITY OF KEKAHA ELEMENTARY SCHOOL, WAIMEA DISTRICT, COUNTY OF KAUAI
4. [Resolution No. 2019-45](#) – RESOLUTION AUTHORIZING THE MAYOR OR THE DIRECTOR OF FINANCE OF THE COUNTY OF KAUAI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF HEALTH FOR A LOAN FROM THE STATE WATER POLLUTION CONTROL REVOLVING FUND FOR THE LIHU'E WASTEWATER TREATMENT PLANT (WWTP) PROCESS IMPROVEMENTS, PROJECT NO. C150059-20

5. [Resolution No. 2019-46](#) – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND COMMISSION (*Taryn A. M. Dizon – Waimea / Kekaha*)

6. [Resolution No. 2019-47](#) –RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE KAUA‘I HISTORIC PRESERVATION REVIEW COMMISSION (*Stephen Wesley Long – Planning*)

K. BILL FOR FIRST READING:

1. [Proposed Draft Bill \(No. 2756\)](#) – A BILL FOR AN ORDINANCE AMENDING SECTION 5A-1.1, KAUA‘I COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX DEFINITIONS

L. BILLS FOR SECOND READING:

1. [Bill No. 2612, Draft 1](#) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 14, KAUA‘I COUNTY CODE 1987, AS AMENDED, RELATING TO THE PLUMBING CODE (*See also CR-PWVS 2019-04; the Public Works & Veterans Services Committee recommended approval as amended to Bill No. 2612, Draft 1 on July 10, 2019.*)

2. [Bill No. 2752](#) – A BILL FOR AN ORDINANCE AMENDING ZONING DESIGNATION IN PUHI, KAUA‘I (*Island School, Applicant*) (*ZA-2019-2*) (*See also CR-PL 2019-07; the Planning Committee recommended approval on second and final reading.*)

3. [Bill No. 2753](#) – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 1 BETWEEN JULY 1, 2019 AND JUNE 30, 2021 (*See also CR-COW 2019-15; the Committee of the Whole recommended approval on second and final reading.*)

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 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-995 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), on behalf of the Council, the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing, discussion, and consultation regarding the Quarterly Report on Pending and Denied Claims. 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 Office of the County Clerk 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. 2693** – A BILL FOR AN ORDINANCE AMENDING SUBSECTION 8-15.1(d), KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ADDITIONAL DWELLING UNIT ON OTHER THAN RESIDENTIALLY ZONED LOTS

- P. 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](http://WWW.KAUAI.GOV/WEBCASTMEETINGS).**