

**COUNCIL MEETING NOTICE and AGENDA
WEDNESDAY, NOVEMBER 24, 2010
9:00 A.M. OR SOON THEREAFTER**

COUNCIL CHAMBERS
3371-A Wilcox Road
Līhu'e, Kaua'i, Hawai'i 96766 **RECEIVED**

MEETING CALLED TO ORDER.

***10 NOV 18 PM 56**

ROLL CALL.

OFFICE OF
THE COUNTY CLERK
COUNTY OF KAUA'I

APPROVAL OF AGENDA.

MINUTES of the following meeting of the Council:

Special Council Meeting of November 8, 2010
Public Hearing of November 10, 2010 re: Bills Nos. 2381, 2382, 2383 and 2384
Special Council Meeting of November 17, 2010

COMMUNICATIONS:

- C 2010-297 Communication (10/25/2010) from the Chief, Engineering Division, Department of Public Works, transmitting for Council consideration, a traffic resolution establishing school bus stops on Holoikalapa Street and Pilipoli Road within the Pi'ilani Mai Ke Kai Subdivision (Anahola Residence Subdivision Unit 6 Phase 1). *(See Resolution No. 2010-56)*
- C 2010-298 Communication (10/25/2010) from the Chief, Engineering Division, Department of Public Works, transmitting for Council consideration, a traffic resolution amending Resolution No. 42 (1981) to remove the existing school bus stop at Lohe Road, Kōloa District. *(See Resolution No. 2010-57)*
- C 2010-299 Communication (10/26/2010) from the Chief, Engineering Division, Department of Public Works, transmitting for Council consideration, a traffic resolution establishing stops and stop lines on Kōloa Road at its intersection with Weliweli Road, Kōloa District, as recommended in the Kōloa-Po'ipū Area Circulation Plan. *(See Resolution No. 2010-58)*
- C 2010-300 Communication (10/29/2010) from the Director of the Office of Economic Development, requesting agenda time to present the Kaua'i Economic Development Plan Update/Comprehensive Economic Development Strategy (CEDS) 2010-2015.

- C 2010-301 Communication (11/09/2010) from the Director of Personnel Services, transmitting for Council information, the first quarter reports (July – September 2010) relative to vacancies, new hires, reallocations and promotions, in addition to new positions established, pursuant to Section 20 of the County Budget Ordinance.
- C 2010-302 Communication (10/26/2010) from the Director of Parks and Recreation, requesting Council approval to accept the donation of a 3' x 6' table from the Kaua'i Filipino Chamber of Commerce, valued at \$300.00, that will be used at the Wailua Golf Course for a variety of meetings and gatherings.
- C 2010-303 Communication (10/26/2010) from the Director of Parks and Recreation, requesting Council approval to accept the anonymous donation of five (5) picnic tables, valued at \$2,000.00, which will be placed at various parks on the island.
- C 2010-304 Communication (11/01/2010) from the Director of Parks and Recreation, requesting Council approval to receive and expend additional Emergency Contingency Funds (ECF) Temporary Assistance for Needy Families (TANF) funds in the amount of \$16,552.15 to provide supplies, equipment, and meal service for the 2010 Summer Enrichment Program.
- C 2010-305 Communication (11/10/2010) from the Kaua'i Emergency Management Officer, requesting Council approval to receive and expend FY 2010 Homeland Security Grant Program Funds via State Civil Defense totaling \$931,487.00 for the following programs:
- (1) FY 2010 State Homeland Security Program (\$906,508.00) to provide the County of Kaua'i with funding for planning, equipment, training and exercises to support emergency preparedness, prevention, response and recovery; and
 - (2) FY 2010 Citizen Corps Program (\$24,979.00) to provide training for the County of Kaua'i Citizen Corps volunteers in supporting shelter management operations.
- C 2010-306 Communication (11/15/2010) from the Prosecuting Attorney, requesting Council approval for the following:
- (1) To apply for, receive, and expend federal funds from the FY 2007 Edward Byrne Memorial Justice Assistance Grant in the amount of \$130,447.00, to be used during the period January 1, 2011 to August 31, 2011 for digitizing closed files; and
 - (2) To indemnify the State of Hawai'i, Department of the Attorney General.

- C 2010-307 Communication (11/02/2010) from Councilmember Kawakami, Chair of the Public Safety/Energy/Intergovernmental Relations Committee, requesting that the Administration submit its legislative proposals for inclusion in the 2011 Kaua'i County Legislative Package for discussion and consideration at the November 24, 2010 Council Meeting.
- C 2010-308 Communication (11/03/2010) from the First Vice Chair of the Kaua'i Salary Commission, transmitting for Council consideration, Salary Commission Resolution No. 2010-1, relating to the salaries of certain officers and employees of the County of Kaua'i, which was adopted by the Salary Commission at its November 3, 2010 meeting.
- Salary Commission Resolution No. 2010-1
- C 2010-309 Communication (11/18/2010) from Councilmember Kaneshiro, transmitting for Council consideration a proposed Bill For An Ordinance to Amend Chapter 8, Kaua'i County Code 1987, As Amended, Relating To The Comprehensive Zoning Ordinance that authorizes the Planning Commission of the County of Kaua'i to process and issue zoning permits, use permits, subdivision approvals, and variance permits for "transient accommodation units" pursuant to the provisions of Article III, Section 3.19 of the Kaua'i County Charter. *(See Proposed Draft Bill (No. 2386))*
- C 2010-310 Communication (11/18/2010) from Council Chair Asing, requesting to address significant issues & concerns raised during the 2008-2010 Council term, such as:
- Policies, procedures, and protocol relating to changes to the County Council website;
 - Distribution of Council Services documents in an equitable and timely manner; and
 - Sexual harassment & workplace violence policies; follow-up to discussion held on October 13, 2010, regarding Communication No. C 2010-283.

LEGAL DOCUMENT:

- C 2010-311 Communication (11/12/2010) from the Director of Housing, recommending Council approval of the conveyance of 4.080 acres of real property to the County for the development of affordable rental units at Pa'anau Village – Phase 2.
- Limited Warranty Deed by Kukui'ula Development Company (Hawai'i), LLC (Grantor) conveying to the County of Kaua'i (Grantee) Lot No. 4-B, Subdivision S-2007-20, TMK (4) 2-6-15-20, Pa'anau Village – Phase 2.

COMMITTEE REPORTS:

BUDGET & FINANCE COMMITTEE

CR-B&F 2010-28: on Bill No. 2381

AN ORDINANCE AMENDING
ORDINANCE NO. B-2010-705 AS
AMENDED, RELATING TO THE
OPERATING BUDGET OF THE
COUNTY OF KAUAI, STATE OF
HAWAII, FOR THE FISCAL YEAR

JULY 1, 2010 THROUGH JUNE 30, 2011, BY REVISING THE SURPLUS AND APPROPRIATIONS ESTIMATED IN THE LIQUOR FUND (\$450,000.00 – Claims and Judgments/General Liability) **(APPROVED)**

CR-B&F 2010-29: on Bill No. 2382

AN ORDINANCE AMENDING ORDINANCE NO. B-2010-705 AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2010 THROUGH JUNE 30, 2011, BY REVISING THE SURPLUS AND APPROPRIATIONS ESTIMATED IN THE GENERAL FUND (\$79,555.00 – Salaries, Prosecuting Attorney's Office) **(APPROVED)**

CR-B&F 2010-30: on Bill No. 2383

AN ORDINANCE AMENDING ORDINANCE NO. B-2010-705 AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2010 THROUGH JUNE 30, 2011, BY REVISING THE SURPLUS AND APPROPRIATIONS ESTIMATED IN THE GENERAL FUND (Solid Waste Appropriation, Other Services \$50,000, Computer Peripherals/Supplies \$2,400 and Controlled Assets \$4,900) **(APPROVED)**

CR-B&F 2010-31: on Bill No. 2384

AN ORDINANCE AMENDING ORDINANCE NO. B-2010-706 AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2010 THROUGH JUNE 30, 2011, BY REVISING THE SURPLUS AND APPROPRIATIONS ESTIMATED IN THE GENERAL FUND (Kapaia Swinging Bridge \$40,000) **(APPROVED)**

RESOLUTIONS:

Resolution No. 2010-56, RESOLUTION ESTABLISHING SCHOOL BUS STOPS ON HOLOIKALAPA STREET AND ON PILIPOLI ROAD, PIILANI MAI KE KAI SUBDIVISION, KAWAIHAU DISTRICT, COUNTY OF KAUAI

Resolution No. 2010-57, RESOLUTION AMENDING RESOLUTION NO. 42 (1981) BY DELETING EXISTING SCHOOL BUS STOP, KALAHEO, KOLOA DISTRICT

Resolution No. 2010-58, RESOLUTION ESTABLISHING STOP SIGNS AND STOP LINES ON KOLOA ROAD AT ITS INTERSECTION WITH WELIWELI ROAD, KOLOA DISTRICT, COUNTY OF KAUAI

Resolution No. 2010-59, RESOLUTION AUTHORIZING THE ACQUISITION OF THE FEE SIMPLE INTEREST IN LANDS REQUIRED FOR PUBLIC USE TO WIT: AN ADDITION TO THE PUBLIC PARK SYSTEM, SITUATED AT HANAIEI, DISTRICT OF HALELE'A, COUNTY OF KAUAI, STATE OF HAWAII, AND DETERMINING AND DECLARING THE NECESSITY OF THE ACQUISITION THEREOF BY EMINENT DOMAIN (*See ES-474*)

BILL FOR FIRST READING:

Proposed Draft Bill (No. 2386) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8 OF THE KAUAI COUNTY CODE, 1987, AS AMENDED, RELATING TO THE PERMITTING PROCESS FOR TRANSIENT ACCOMMODATION UNITS

BILLS FOR SECOND READING:

Bill No. 2381 – AN ORDINANCE AMENDING ORDINANCE NO. B-2010-705 AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2010 THROUGH JUNE 30, 2011, BY REVISING THE SURPLUS AND APPROPRIATIONS ESTIMATED IN THE LIQUOR FUND (\$450,000.00 – Claims and Judgments/General Liability) (*See CR-B&F 2010-28; Budget & Finance Committee recommended approval on 11/17/2010*)

Bill No. 2382 – AN ORDINANCE AMENDING ORDINANCE NO. B-2010-705 AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2010 THROUGH JUNE 30, 2011, BY REVISING THE SURPLUS AND APPROPRIATIONS ESTIMATED IN THE GENERAL FUND (\$79,555.00 – Salaries, Prosecuting Attorney's Office) (*See CR-B&F 2010-29; Budget & Finance Committee recommended approval on 11/17/2010*)

Bill No. 2383 – AN ORDINANCE AMENDING ORDINANCE NO. B-2010-705 AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2010 THROUGH JUNE 30, 2011, BY REVISING THE SURPLUS AND APPROPRIATIONS ESTIMATED IN THE GENERAL FUND (Solid Waste Appropriation, Other Services \$50,000, Computer Peripherals/Supplies \$2,400 and Controlled Assets \$4,900) (*See CR-B&F 2010-30; Budget & Finance Committee recommended approval on 11/17/2010*)

Bill No. 2384 – AN ORDINANCE AMENDING ORDINANCE NO. B-2010-706 AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2010 THROUGH JUNE 30, 2011, BY REVISING THE SURPLUS AND APPROPRIATIONS ESTIMATED IN THE GENERAL FUND (Kapaia Swinging Bridge \$40,000) (*See CR-B&F 2010-31; Budget & Finance Committee recommended approval on 11/17/2010*)

EXECUTIVE SESSION: Pursuant to Haw. Rev. Stat. ("H.R.S.") §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 H.R.S. §92-4 and shall be limited to those items described in H.R.S. §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.)

ES-474 Pursuant to Hawai'i Revised Statutes Sections 92-4 and 92-5(a)(3) and (4), and Kaua'i County Charter Section 3.07(E), the purpose of this executive session is to provide Council with a briefing and consultation and for Council to deliberate regarding a Resolution Authorizing the Acquisition of Fee Simple Interest in Lands Required for Public Use to Wit: An Addition to the Public Park System, Situated at Hanalei, District of Halele'a, County of Kaua'i, Hawai'i and Determining and Declaring the Necessity of the Acquisition Thereof by Eminent Domain, and related matters concerning the authority of persons designated by the Council to negotiate the acquisition of public property or during the conduct of such negotiations and to consult with the Council's legal counsel on issues pertaining to the Council's powers, duties, privileges, immunities, and/or liabilities as they may relate to this item, deliberate and take such action as appropriate. 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. (*See Resolution No. 2010-59*)

ADJOURNMENT.

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, 3371-A WILCOX ROAD, LĪHU'E, KAUA'I. TELEPHONE NO. 241-4188.