

COUNCIL MEETING NOTICE and AGENDA
WEDNESDAY, FEBRUARY 9, 2011
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.

'11 FEB -3 P4 :43

ROLL CALL.

OFFICE OF
THE COUNTY CLERK
COUNTY OF KAUAI

APPROVAL OF AGENDA.

MINUTES of the following meeting of the Council:

Inaugural Meeting of December 1, 2010 (*Deferred 1/26/2011*)
Special Council Meeting of January 11, 2011
Council Meeting of January 12, 2011

COMMUNICATIONS:

- C 2011-55 Communication (12/28/2010) from Beth Tokioka, Director of Communications, Office of the Mayor, transmitting for Council information, the Kekaha Host Community Benefits Citizens Advisory Committee (KHCBCAC) conceptual plan pursuant to Ordinance B-2010-714 adopted by the Council at its meeting held on September 15, 2010.
- C 2011-56 Communication (1/14/2011) from the Director of Finance, transmitting for Council information, the Period 1-5 Financial Reports – Statement of Revenues as of November 30, 2010, pursuant to Section 21 of the Operating Budget Ordinance (B-2010-705). (*Statement of Revenues – Estimated and Actual, Statement of Expenditures and Encumbrances, Revenue Report, and Detail Budget Report are on file in the County Clerk's Office.*)
- C 2011-57 Communication (1/3/2011) from the Chief of the Building Division, Department of Public Works, transmitting for Council information, the Building Permit Information Reports for December 2010:
- (1) Building Permit Processing Report
 - (2) Building Permit Estimated Value Summary
 - (3) Building Permits Tracking Report
 - (4) Building Permits Status

- C 2011-58 Communication (1/21/2011) from the Mayor, transmitting for Council consideration and confirmation the following appointees to the various Boards and Commissions for the County of Kaua'i: (*copies of applications on file in the Clerk's Office*)
- (1) Civil Service Commission
John Low – term ending 12/31/2013
 - (2) Planning Commission
Wayne Katayama – term ending 12/31/2013
Herman Texeira – term ending 12/31/2013
- C 2011-59 Communication (1/18/2010) from the County Auditor, transmitting for Council information a memorandum stating that he will be engaging consultant services which will be paid from the FY 2010-2011 Office of the County Auditor's Consultant Services allocation at an estimated cost of approximately \$25,000.00. The consultant will perform investigations of fraud, illegal acts, violations or provisions or contracts or grant agreements, or abuse reported or discovered during audits, starting with performance audits and pre-audits included in the FY 2010-2011 Audit Work Plan.
- C 2011-60 Communication (1/24/2011) from Councilmember Kawakami, transmitting for Council consideration an amendment to Chapter 23 of the Kaua'i County Code 1987, as amended, relating to Regulation of Business and Trades, specifically to Sec. 23-3.4 that pertain to The Sunshine Market. (*See proposed Draft Bill (No. 2399)*)
- C 2011-61 Communication (1/24/2011) from Councilmember Rapozo, transmitting for Council consideration an amendment to Article 19, Chapter 22 of the Kaua'i County Code 1987, as amended, relating to Plastic Bag Reduction. (*See proposed Draft Bill (No. 2400)*)
- C 2011-62 Communication (1/19/2011) from the Executive on Aging, Agency on Elderly Affairs, requesting Council approval to apply for, receive, and expend \$1,379,893.52 in State funds from the State Executive Office on Aging, with their contract award to the County of Kaua'i, Agency on Elderly Affairs of State General funds, including approved Rainy Day Funds. The funding covers the period from the State's Notice to Proceed until June 30, 2013. The funding is for the provision for KUPUNA CARE services for older adults, age 60 and above. This request also includes a indemnification of the State Executive Office on Agency.
- C 2011-63 Communication (1/13/2011) from the Director of the Office of Economic Development, requesting Council approval to receive and expend \$50,000.00 from the Po'ipū Beach Foundation Inc., The funding was raised by its members to help fund the Po'ipū Beach Restoration Study for Po'ipū Beach Park and will be used by the County to help satisfy the requirements to the Hawai'i Tourism Authority (HTA) Grant, additional required funding will come from the Department of Parks and Recreation.

- C 2011-64 Communication (1/18/2011) from the Fire Chief, requesting Council approval to apply for, receive, and expend \$65,459.52 of the 2011 State of Hawai'i, Department of Transportation, Highway Safety Grant which would allow the Kaua'i Fire Department (KFD) to purchase for one per fire station the following:
- Tele Crib Struts \$30,494.80
 - Response Kits \$34,964.72
- C 2011-65 Communication (1/10/2011) from the Fire Chief, requesting Council approval to accept a donation of the installation of a flagpole at the Hanapēpē Fire Station, a project which will assist Joshua Quinlan to become an Eagle Scout.

LEGAL DOCUMENTS:

- C 2011-67 Communication (1/18/2011) from the Housing Director, requesting Council approval of the following:
- (1) The leasehold sale of 3934 Lawehana Street, Hanamā'ulu, Hawai'i for \$213,363.00; and
 - (2) To authorize the County Clerk to sign legal documents related to the resale transaction.
- C 2011-68 Communication (1/13/2011) from the Director, Department of Parks and Recreation, requesting Council approval to facilitate the KIUC utility easements with the State of Hawai'i which is necessary for providing electricity to the comfort station at Kapa'a Park, TMK 4-6-14-036, the section known as Lihī Park.
- Utility Relocation Agreement
- C 2011-69 Communication (1/13/2011) from the Director, Department of Parks and Recreation, requesting Council approval to acquire property for the Lydgate Park to Kapa'a Bike/Pedestrian Path along Papaloa Road.
- Memorandum of Agreement of Sale (TMK: (4)4-3-03:02)

CLAIMS:

- C 2011-70 Communication (1/19/2011) from the County Clerk, transmitting a claim filed against the County of Kaua'i by State Farm Mutual Insurance Co., as subrogee for Kathleen Ann Smith for damages to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

COMMITTEE REPORTS:

ECONOMIC DEVELOPMENT & RENEWABLE ENERGY STRATEGIES
COMMITTEE:

CR-EDR 2011-01: on EDR 2011-01 Communication (1-27-2011) from Councilmember Nadine K. Nakamura, requesting the presence of the Director of Economic Development at the February 2, 2011 Committee meeting to provide an overview of the Comprehensive Economic Development Strategies (CEDS) 2010-2015.
(Received for the Record.)

RESOLUTIONS:

Resolution No. 2011-36, RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE CIVIL SERVICE COMMISSION (*John Harold Low*)

Resolution No. 2011-37, RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE PLANNING COMMISSION (*Wayne Kazuo Katayama*)

Resolution No. 2011-28, RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE PLANNING COMMISSION (*Herman John Texeira*)

BILL FOR FIRST READING:

Proposed Draft Bill (No. 2399) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 23, OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE REGULATION OF BUSINESS AND TRADES

Proposed Draft Bill (No. 2400) – A BILL FOR AN ORDINANCE AMENDING ARTICLE 19, CHAPTER 22, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO PLASTIC BAG REDUCTION

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.)

ADJOURNMENT.

NOTE: If the Council is not finished with this meeting by approximately 1:30 p.m., it will recess for public hearings on the following. After the public hearings, the Council will reconvene to complete any unfinished business.

Bill No. 2395 - A BILL FOR AN ORDINANCE TO AMEND CHAPTER 3, OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE SALARIES OF COUNTY OFFICERS AND EMPLOYEES

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.

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, LIHU'E, KAUAI. TELEPHONE NO. 241-4188.