

COUNCIL MEETING NOTICE and AGENDA
WEDNESDAY, APRIL 20, 2011

9:00 A.M. OR SOON THEREAFTER

COUNCIL CHAMBERS

3371-A Wilcox Road
Lihu'e, Kaua'i, Hawai'i 96766

RECEIVED

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OFFICE OF
THE COUNTY CLERK
COUNTY OF KAUAI

MEETING CALLED TO ORDER.

ROLL CALL.

APPROVAL OF AGENDA.

MINUTES of the following meetings of the Council:

Council Meeting of March 23, 2011

COMMUNICATIONS:

- C 2011-76 Communication (02/16/2011) from Council Chair Furfaro, requesting the Administration's presence to provide the Council with an update on the County's Islandwide Road Resurfacing Program. *(Deferred 04/06/2011)*
- C 2011-110 Communication (01/24/2011) from Bev Brody, Get Fit Kaua'i Island Coordinator, requesting agenda time to present the implementation of County-based complete streets policies, with the assistance of representatives of the National Complete Streets Coalition, a national advocacy organization that helps jurisdictions learn how to meet the challenge of balancing all user needs of complete streets.
- C 2011-111 Communication (03/17/2011) from Chair Furfaro, transmitting for Council consideration and confirmation, appointee Nancy Ann McMahon to the Kaua'i Historic Preservation Review Commission. *(See Resolution No. 2011-50).*
- C 2011-112 Communication (03/28/2011) from the Director of Finance, transmitting for Council information, Fiscal Year 2011 Period 8 Financial Reports – Statement of Revenues as of February 28, 2011, pursuant to Section 21 of the Operating Budget Ordinance (B-2010-705). *(Statement of Revenues – Estimated and Actual, Revenue Report, Statement of Expenditures and Encumbrances, and Detail Budget Report are on file in the County Clerk's Office.)*

- C 2011-113 Communication (03/31/2011) from the County Engineer, transmitting for Council consideration, a proposal to amend the Capital Improvement Programs (CIP) Budget (Ordinance No. B-2010-706) for the Fiscal Year 2010-2011, by revising the project description (text changes) of certain items contained in the Bond Fund to allow for the consideration and inclusion of a Resource Recovery Park in the County's development of a new Sanitary Landfill facility. (*See Proposed Draft Bill (No. 2407)*)
- C 2011-114 Communication (03/31/2011) from the Director of Finance, transmitting for Council information, the Fiscal Year 2010-2011 Third Quarter Statement of Equipment Purchases.
- C 2011-115 Communication (04/04/2011) from Councilmember Rapozo, transmitting for Council consideration, a resolution supporting the Trap, Neuter and Return (TNR) method of humanely controlling the population of feral cats, as well as encouraging the spaying and neutering of our pets to prevent the birth of unwanted kittens. (*See Resolution No. 2011-51*)
- C 2011-116 Communication (04/05/2011) from the Director of the Office of Economic Development, requesting agenda time to present the results of the Kaua'i Visitors Bureau's (KVB) efforts to promote tourism on Kaua'i as it relates to Phase II of the KVB Economic Stimulus Grant.
- C 2011-117 Communication (03/09/2011) from the County Engineer, requesting Council approval to accept free technical assistance services from The Econservation Institute, a nonprofit organization, as part of an EPA Region 9 grant program, on the implementation of a Pay As You Throw (PAYT) program, at an estimated value of \$6,937.00.
- C 2011-118 Communication (03/29/2011) from the Prosecuting Attorney, requesting Council approval to purchase a two-piece glass desk top cover for the Prosecuting Attorney's work surface for approximately \$653.89.
- C 2011-119 Communication (03/29/2011) from the Prosecuting Attorney, requesting Council approval to purchase a small black and white printer for approximately \$500.00.
- C 2011-120 Communication (04/14/2011) from Vice Chair Yukimura, requesting Council consideration to release the March 11, 2011 county attorney opinion regarding Bill No. 2395.

- C 2011-121 Communication (04/14/2011) from Councilmember Rapozo, requesting Council approval of the following Councilmembers to represent the Kaua'i County Council to the respective organizations stated below for the fiscal year 2011-2012:

Hawai'i State Association of Counties:

- Mel Rapozo – Representative
- Jay Furfaro – Alternate

Western Interstate Region Board:

- KipuKai Kualii – Representative
- Dickie Chang – Alternate

National Association of Counties Board:

- Nadine Nakamura – Representative
- Tim Bynum – Alternate

- C 2011-122 Communication (04/14/2011) from Councilmember Rapozo, requesting Council approval of the Hawai'i State Association of Counties (HSAC) Fiscal Year 2012 proposed annual operating budget.

CLAIMS:

- C 2011-123 Communication (03/29/2011) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Eric King for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.
- C 2011-124 Communication (03/30/2011) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Evelyn J. Banko for medical bills, pursuant to Section 23.06, Charter of the County of Kaua'i.
- C 2011-125 Communication (03/30/2011) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Svetlana Anderson for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.
- C 2011-126 Communication (3/30/2011) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Ephraim E. Kaleiohi III for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.
- C 2011-127 Communication (04/04/2011) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Raymond P. Rapozo, Jr., for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.
- C 2011-128 Communication (04/06/2011) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Franklin K. Iwai for damage to his boat, pursuant to Section 23.06, Charter of the County of Kaua'i.

COMMITTEE REPORTS:COMMITTEE OF THE WHOLE

CR-COW 2011-12: on COW 2011-04

Communication (4/5/2011) from Bob French, President, Lealani Corp dba Brennecke's Beach and Broiler, requesting agenda time to provide information to the County Council regarding the Brennecke's Wastewater System Service Connection Project.
[Received for the record.]

CR-COW 2011-13: on 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
[Approved as amended.]

RESOLUTIONS:

Resolution No. 2011-50, RESOLUTION CONFIRMING COUNCIL APPOINTMENT TO THE KAUAI HISTORIC PRESERVATION REVIEW COMMISSION (*Nancy Ann McMahon – Archaeology designation*)

Resolution No. 2011-51, RESOLUTION SUPPORTING THE TRAPPING, NEUTERING AND RETURN METHOD OF CONTROLLING KAUAI'S HOMELESS AND FERAL CAT POPULATION

BILL FOR FIRST READING:

Proposed Draft Bill (No. 2407) – A BILL FOR 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 TO JUNE 30, 2011, BY REVISING THE PROJECT DESCRIPTION OF CERTAIN ITEMS CONTAINED IN THE BOND FUND

BILL FOR SECOND READING:

Bill No. 2395, Draft 1 - 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 (*The Committee of the Whole recommended approval of Bill No. 2395, as amended to Bill No. 2395, Draft 1; see CR-COW 2011-13*)

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-483 Pursuant to Haw. Rev. Stat. sections 92-4 and 92-5(a)(4), and Kaua'i County Charter section 3.07(E), the purpose of this executive session is to provide Council with a briefing and request authority for settlement regarding Notice of Claim Against the County of Kaua'i filed by Kevin Carter, Representative for McDonald's Restaurant on December 7, 2009, and related matters. 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.

ES-484 Pursuant to Haw. Rev. Stat. sections 92-4 and 92-5(a)(4), and Kaua'i County Charter section 3.07(E), the purpose of this executive session is to provide Council with a briefing on breach of confidentiality, and related matters. 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.

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. 2401 – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 9, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE SUBDIVISION ORDINANCE (Planning Commission recommendation)

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: 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.