

COUNCIL OF THE COUNTY OF MAUI

A G E N D A

Regular Meeting of February 20, 2009

9:00 a.m.

Council Chamber

8th Floor, Kalana O Maui Building
200 South High Street, Wailuku, Hawaii

website: <http://www.mauicounty.gov/county/clerkSub/Agenda.php>.

e-mail: county.clerk@mauicounty.us

ORAL OR WRITTEN TESTIMONY

ORAL OR WRITTEN TESTIMONY on any agenda item will be accepted. Each testifier shall be allowed to speak for three minutes on each item. If additional time is requested, the testifier shall be allowed one minute to conclude the testimony on the item. No further oral testimony by the testifier on the item shall be permitted. An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.

If written testimony is submitted at the meeting, 15 copies are requested. If written testimony is e-mailed or faxed (808-270-7171), it must be received at least 24 hours prior to the meeting; provided, that if a meeting will be held on a Monday, written testimony shall be received by 12:00 noon on the business day preceding the meeting.

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- A. ROLL CALL
 - B. OPENING REMARKS: COUNCILMEMBER SOLOMON P. KAHO`OHALAHALA
 - C. PLEDGE OF ALLEGIANCE
 - D. TESTIMONY ON CEREMONIAL RESOLUTIONS
 - E. CEREMONIAL RESOLUTIONS:
NONE
 - F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY
 - G. MINUTES:
NONE

H. COMMITTEE REPORTS:

NONE

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

- NO. 09-51 - CHIEF OF POLICE, informing of the Police Department's intent to expend \$25,000 in State Forfeiture Funds for the Employee Development Program.
- NO. 09-52 - PROSECUTING ATTORNEY, transmitting a copy of a grant award letter from the Department of the Attorney General for the Hawaii Career Criminal Prosecution Program.
- NO. 09-53 - MAYOR, informing of the appointment of Carol Averill and Nathan Rapoza to the Traffic Safety Council.
- NO. 09-54 - MAYOR, informing of a vacancy on the Urban Design Review Board due to the resignation of Russ Riley.
- NO. 09-55 - COUNCILMEMBER JOHNSON, transmitting a proposed resolution entitled "URGING SUPPORT OF HOUSE BILL NO. 1778 RELATING TO THE PI'ILANI TRAIL FROM KAUPO TO KAPALUA" and informing of her intention to offer the following motions:
1. A motion to ADOPT the proposed resolution; and
 2. A motion to FILE this communication.
- NO. 09-56 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting the following:
1. a proposed resolution entitled "AUTHORIZING A GRANT OF A LEASE OF COUNTY REAL PROPERTY TO HUI LAULIMA O HANA";
 2. a copy of the proposed Lease between the County of Maui and Hui Laulima O Hana, for approximately 0.684 acres located at 4351 Hana Highway, Hana, Maui, Hawaii;
 3. a copy of the proposed Grant Agreement for Lease of County Real Property; and
 4. a copy of the Cancellation of Governor's Executive Order No. 309, Reset Aside to the County of Maui for Health and Safety Programs, and Consent to Lease of Lands, Wakiu and Kawaipapa, Hana, Maui, Tax Map Key: (2) 1-3-006:004.

1. COUNTY COMMUNICATIONS (continued):

- NO. 09-57 - COUNCILMEMBER MEDEIROS, relating to County Communication No. 09-56, transmitting proposed resolution entitled "AUTHORIZING A GRANT OF A LEASE OF COUNTY REAL PROPERTY TO HUI LAULIMA O HANA" and informing of his intention to offer the following motions:
1. A motion to WAIVE the requirement of committee referral and report;
 2. A motion to ADOPT the proposed resolution; and
 3. A motion to FILE County Communication No. 09-56, as well as this communication.
- NO. 09-58 - COUNCILMEMBER PONTANILLA, relating to the matter of the performance audit of Maui Economic Concerns of the Community, Inc.
- NO. 09-59 - COUNCILMEMBER PONTANILLA, relating to the matter of the Fiscal Year 2010 Budget.
- NO. 09-60 - COUNCILMEMBER PONTANILLA, transmitting a draft bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, MAUI COUNTY CODE, PERTAINING TO REAL PROPERTY TAXES".
- NO. 09-61 - BUDGET DIRECTOR, transmitting the "FISCAL YEAR 2009 - SECOND QUARTER CAPITAL IMPROVEMENT PROJECTS IMPLEMENTATION REPORT" as of December 31, 2008.
- NO. 09-62 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2009 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES, DEPARTMENT OF PUBLIC WORKS, HIGHWAY FUND, PAIA-HAIKU COMMUNITY PLAN AREA, HAIKU ROAD EMERGENCY IMPROVEMENTS, MAKAWAO-PUKALANI-KULA COMMUNITY PLAN AREA, POLIPOLI ROAD DRAINAGE IMPROVEMENTS, KIHEI-MAKENA COMMUNITY PLAN AREA, WAILEA ALANUI CULVERT REPLACEMENT, TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS, AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)", along with the "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2009".
- NO. 09-63 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2009 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, WAILUKU-KAHULUI COMMUNITY PLAN AREA, SANITATION, WAILUKU BASEYARD REFUSE OFFICE, TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS, AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)", along with the "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2009".

1. COUNTY COMMUNICATIONS (continued):

NO. 09-64 - BUDGET DIRECTOR, transmitting the following:

1. a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2009 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2009, AFFORDABLE HOUSING FUND, AFFORDABLE HOUSING PROJECTS IN WEST MAUI"; and
2. a proposed resolution entitled "AUTHORIZING ACCEPTANCE OF \$4,240,418.38 PLUS ANY INTEREST ACCUMULATED FROM SVO PACIFIC, INC. TO THE COUNTY OF MAUI AFFORDABLE HOUSING FUND".

NO. 09-65 - DIRECTOR OF PLANNING, transmitting comments and recommendations of the Maui Planning Commission relating to Resolution No. 08-73 entitled "REFERRING TO THE MAUI PLANNING COMMISSION A DRAFT BILL AMENDING SECTION 19.78.070, MAUI COUNTY CODE, TO PROHIBIT TRAFFIC INGRESS AND EGRESS ON KAINANI STREET TO AND FROM THE DEVELOPMENT WITHIN THE MAUI LANI PROJECT DISTRICT".

NO. 09-66 - PLANNING DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE REPEALING CHAPTER 19.02, ADDING CHAPTER 19.02A, AND AMENDING CHAPTER 19.04, MAUI COUNTY CODE, RELATING TO INTERIM ZONING DISTRICTS AND GENERAL PROVISIONS AND DEFINITIONS", and minutes of the Maui, Molokai and Lanai Planning Commissions.

NO. 09-67 - FIRE CHIEF, transmitting a proposed resolution entitled "APPROVING THE ACQUISITION OF REAL PROPERTY AT KAUNAKAKAI, ISLAND OF MOLOKAI, HAWAII".

NO. 09-68 - COUNCILMEMBER NISHIKI, relating to the status of the approximately 40 acres of land for affordable housing purposes required of Alexander & Baldwin, Inc. pursuant to Ordinance No. 3559.

NO. 09-69 - DIRECTOR OF WATER SUPPLY, transmitting copies of the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ended January 2009.

2. GENERAL COMMUNICATIONS:

NONE

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 2 (2009) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.80B, MAUI COUNTY CODE, RELATING TO DEADLINES FOR COUNCIL ACTION ON THE GENERAL PLAN AND COMMUNITY PLANS"

L. UNFINISHED BUSINESS:

NONE.

M. ANNOUNCEMENTS

NOTE: ITEMS LISTED ON THE AGENDA MAY BE INSPECTED AT THE OFFICE OF THE COUNTY CLERK, 200 SOUTH HIGH STREET, WAILUKU, HAWAII, PRIOR TO THE MEETING DATE. PHOTOCOPIES MAY BE ORDERED, SUBJECT TO CHARGES IMPOSED BY LAW (MAUI COUNTY CODE, SECTION 2.64.010). PLEASE CONTACT THE OFFICE OF THE COUNTY CLERK TO MAKE ARRANGEMENTS FOR INSPECTION OR PHOTOCOPYING OF DOCUMENTS.

INDIVIDUALS WHO INTEND TO ATTEND THE MEETING AND WHO HAVE DISABILITIES REQUIRING SPECIAL ASSISTANCE SHOULD CALL THE OFFICE OF THE COUNTY CLERK AT 270-7748, AT LEAST THREE DAYS IN ADVANCE.