

COUNCIL OF THE COUNTY OF MAUI

A G E N D A

Regular Meeting of March 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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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.

A. ROLL CALL

B. OPENING REMARKS: VICE-CHAIR MICHAEL J. MOLINA

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. _____ - "CONGRATULATING THE KAMEHAMEHA SCHOOLS MAUI BOYS PADDLING TEAM FOR WINNING THE 2009 STATE HIGH SCHOOL BOYS PADDLING TITLE"

NO. _____ - "RECOGNIZING THE 80TH ANNIVERSARY OF THE HISTORIC IAO THEATER"

E. CEREMONIAL RESOLUTIONS (continued):

NO. _____ - "CONGRATULATING THE MOLOKAI HIGH SCHOOL GIRLS BASKETBALL TEAM ON WINNING THE 2009 STATE DIVISION II GIRLS BASKETBALL CHAMPIONSHIP"

NO. _____ - "EXTENDING CONDOLENCES TO THE FAMILY OF THE LATE MARIANO MADRIAGA ACOBA"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

NONE

H. COMMITTEE REPORTS:

NO. 09-19 - BUDGET AND FINANCE COMMITTEE:

ADOPTION of resolution authorizing the filing of an application with the Department of Housing and Urban Development, United States of America, for a grant under the Community Development Block Grant Program.

NO. 09-20 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending the Fiscal Year 2009 Budget for the County of Maui by increasing Carryover/Savings Highway Fund and the Total Estimated Revenues by \$1,000,000, and adding appropriations in the Paia-Haiku Community Plan Area for the "Haiku Road Emergency Improvements" in the amount of \$400,000; in the Makawao-Pukalani-Kula Community Plan Area for the "Polipoli Road Drainage Improvements" in the amount of \$250,000; and in the Kihei-Makena Community Plan Area for the "Wailea Alanui Culvert Replacement" in the amount of \$350,000; and
2. **FILING** of communication.

NO. 09-21 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending the Fiscal Year 2009 Budget for the County of Maui by increasing Carryover/Savings Solid Waste Management Fund and Total Estimated Revenues by \$200,000, and adding an appropriation in the "Wailuku-Kahului Community Plan Area, Sanitation, Wailuku Baseyard Refuse Office"; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 09-22 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing acceptance of \$4,240,418.38 plus any interest accumulated from SVO Pacific, Inc. to the County of Maui Affordable Housing Fund; and
2. **FIRST READING** of bill amending Appendix A of the Fiscal Year (FY) 2009 Budget for the County of Maui as it pertains to Part II, Special Purpose Revenues – Schedule of Revolving/Special Funds, Affordable Housing Fund, by increasing anticipated revenues and total revenues for FY 2009 by \$4,240,419, and adding a proviso for Affordable Housing Projects in West Maui.

With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee; and Section 92-5(a)(7), Hawaii Revised Statutes, to consider matters relating to the solicitation and acceptance of private donations.

NO. 09-23 - COMMITTEE OF THE WHOLE:

Reporting that the Committee was unable to arrive at a recommendation for the nominees to the *Board of Water Supply*: Donald Gerbig; John Hoxie, Jr.; and Jeffrey Rebugio.

Recommending the following:

1. **APPROVAL** of Antoinette Davis to the *Affirmative Action Advisory Council*; Allan Almeida to the *Animal Control Board*; Paul Laub to the *Board of Code Appeals*; Bob Pure to the *Board of Ethics*; John "Maynard" Torchiana to the *Board of Variances and Appeals*; George Fontaine to the *Civil Service Commission*; Audrey Rocha Reed to the *Commission on Culture and the Arts*; Robin Ritchie and Gilberto Sanchez to the *Commission on Naming Streets, Parks, and Facilities*; Yarrow Flower, Bradford Ing, Rebecca Kikumoto, and Ann Moe to the *Cost of Government Commission*; Nancy Tamashiro to the *Council on Aging*; Robert Motooka and Mark Vaught to the *Fire and Public Safety Commission*; Leonard Smock-Randall to the *Kula Agricultural Park Committee*; William Kinaka to the *Liquor Control Adjudication Board*; Mary-Doreen "M.D." Alborano to the *Liquor Control Commission*; Tracy Souza to the *Maui County Commission on Persons with Disabilities*; Rhiannon Chandler to the *Maui County Cultural Resources Commission*; Andrea Baer, Charles Hirata, and Delilah Salcedo to the *Maui County Outdoor Lighting Standards Committee*; Warren Shibuya to the *Maui Planning Commission*; Warren

H. COMMITTEE REPORTS (continued):

Suzuki to the *Maui Redevelopment Agency*; Napua Leong and John Sprinzel to the *Molokai Planning Commission*; Ronald Vaught to the *Police Commission*; Joshua Lindsey and Patrice Matsumoto to the *Real Property Tax Review Board*; Pamela English to the *Salary Commission*; Gregg Nelson and Daren Suzuki to the *Subdivision Engineering Standards Committee*; and John Ryan to the *Urban Design Review Board*;

2. **DISAPPROVAL** of the nomination of Bruce Yamashita to the *Molokai Planning Commission*; and
3. **TRANSMITTAL** of a copy of the committee report to the Mayor.

NO. 09-24 - COMMITTEE OF THE WHOLE:

Recommending **ADOPTION** of resolution to authorize payment to the County's insurer to permit the County's insurer to settle Constance C. Deans, et al. v. County of Maui, et al., Civil No. 06-1-0175(1).

With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee; and Section 92-5(a)(8), Hawaii Revised Statutes, to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order.

NO. 09-25 - COMMITTEE OF THE WHOLE:

Recommending the following:

1. **FIRST READING** of resolution to authorize proceedings in eminent domain to acquire property located in Lahaina, Maui, for a drainage easement consisting of approximately 20.572 acres, access easements consisting of 2.311 acres, and construction easements consisting of 9.919 acres for the Lahaina Watershed Flood Control Project (TMK: (2) 4-7-01:portions of 026, TMK: (2) 4-7-02:portions of 004, TMK: (2) 4-7-02:portions of 012, TMK: (2) 4-7-03:portions of 028, TMK: (2) 4-7-03:portions of 031, TMK: (2) 4-7-03:portions of 032, and TMK: (2) 4-7-03:portion of 033); and
2. **FILING** of communication.

NO. 09-26 - ECONOMIC DEVELOPMENT, AGRICULTURE AND RECREATION COMMITTEE:

Recommending **FILING** of communication relating to the economic stabilization of the County of Maui.

H. COMMITTEE REPORTS (continued):NO. 09-27 - ECONOMIC DEVELOPMENT, AGRICULTURE AND RECREATION COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing the purchase of the Maunaloa Community Center from Molokai Properties Limited, pursuant to Chapter 3.44, Maui County Code; and
2. **FILING** of communication.

NO. 09-28 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill granting a request from G. Ray Bane, on behalf of Janice Tanaka Tower, for a two-year Conditional Permit to operate The Star Lookout, a transient vacation rental (TVR), on approximately 1.43 acres within the County Agricultural District at 622 Thompson Road, Keokea, Kula, Maui, Hawaii (TMK: (2) 2-2-01:054); and
2. **FILING** of communication.

NO. 09-29 - PLANNING COMMITTEE:

Recommending **FILING** of communication pertaining to the matter of policy issues relating to coastal erosion and sea-level rise.

NO. 09-30 - PLANNING COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution supporting safe, effective biological control for Maui County's forest pests; and
2. **FILING** of communication.

NO. 09-31 - PUBLIC SERVICES COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing the County of Maui to purchase real property from Molokai Properties, Limited, for the purpose of constructing a new fire station in Kaunakakai, Molokai; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):

NO. 09-32 - PUBLIC SERVICES COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill adding a new title to the Maui County Code, entitled "Public Transit", to adopt regulations pertaining to the County's public transit system; and
2. **FILING** of communication.

NO. 09-33 - WATER RESOURCES COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Chapter 14.01, Maui County Code, relating to water (to clarify the Director of Water Supply's authority to promulgate rules; and to codify the Department of Water Supply's rules and regulations relating to definitions); and
2. **FIRST READING** of bill amending Title 14, Maui County Code, to codify the Department of Water Supply's rules and regulations relating to water meter issuance provisions for the Upcountry water system.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 09-84 - DIRECTOR OF FINANCE, reporting on transfers from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of February 28, 2009.

NO. 09-85 - COUNCIL CHAIR MATEO, 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 APPROVE the appointment of Councilmember Gladys C. Baisa as the Council's representative on the Kula Agricultural Park Committee, for a term expiring at the conclusion of the current Council term on January 2, 2011; and
3. A motion to FILE this communication.

NO. 09-86 - COUNCILMEMBER KAHO`OHALAHALA, transmitting a proposed resolution entitled "URGING OPPOSITION TO HOUSE BILL NO. 1226, HD1, RELATING TO GENETICALLY MODIFIED PLANT ORGANISMS" and informing of his intention to offer the following motions:

1. A motion to ADOPT the proposed resolution; and
2. A motion to FILE this communication.

1. COUNTY COMMUNICATIONS (continued):

NO. 09-87 - DIRECTOR OF PUBLIC WORKS, transmitting "Other Departmental Support" reports for the fourth quarter of Fiscal Year 2008 and first and second quarters of Fiscal Year 2009, for work provided by the Department of Public Works to the Department of Environmental Management.

NO. 09-88 - MAYOR, transmitting the proposed Fiscal Year 2010 Budget and the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET FOR THE COUNTY OF MAUI FOR THE FISCAL YEAR JULY 1, 2009 TO JUNE 30, 2010";
2. A proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO THE CAPITAL PROGRAM FOR THE FISCAL YEAR ENDING JUNE 30, 2010";
3. A proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE ISSUANCE OF FORTY THREE MILLION THREE HUNDRED FORTY THOUSAND DOLLARS (\$43,340,000) AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI FOR THE PURPOSE OF PROVIDING FUNDS TO PAY ALL OR A PART OF THE COST OF APPROPRIATIONS FOR PUBLIC IMPROVEMENTS OF AND FOR THE COUNTY OF MAUI; FIXING THE FORM, DENOMINATIONS AND CERTAIN OTHER FEATURES OF SUCH BONDS AND PROVIDING FOR THEIR SALE; AUTHORIZING THE DIRECTOR OF FINANCE TO DETERMINE CERTAIN DETAILS OF THE BONDS; AUTHORIZING THE ISSUANCE AND SALE OF A LIKE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE AND SALE OF SUCH BONDS; AND PROVIDING FOR OTHER ACTIONS RELATED TO THE ISSUANCE, SALE AND DELIVERY OF SAID BONDS";
4. A proposed bill entitled "A BILL FOR AN ORDINANCE DETERMINING THAT PART OF THE PROCEEDS OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI HERETOFORE ISSUED IS IN EXCESS OF THE AMOUNTS REQUIRED FOR THE PURPOSES FOR WHICH SUCH BONDS WERE INITIALLY ISSUED, OR MAY OR SHOULD NOT BE APPLIED TO THOSE PURPOSES, AND DIRECTING SUCH PROCEEDS TO OTHER PUBLIC IMPROVEMENTS OR AUTHORIZED PURPOSES OF THE COUNTY OF MAUI";
5. A proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A STATE WATER POLLUTION CONTROL REVOLVING FUND LOAN FOR THE COUNTYWIDE PUMP STATION RENOVATIONS, COUNTYWIDE, FISCAL YEAR 2010 BUDGET ORDINANCES";

1. COUNTY COMMUNICATIONS (continued):

6. A proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A STATE WATER POLLUTION CONTROL REVOLVING FUND LOAN FOR THE COLLECTIONS STORAGE RENOVATIONS, COUNTYWIDE, FISCAL YEAR 2010 BUDGET ORDINANCES (ALSO KNOWN AS CENTRAL OPERATIONS AND MAINTENANCE FACILITY)";
7. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.64, MAUI COUNTY CODE, RELATING TO THE FEE SCHEDULE FOR PUBLIC RECORDS";
8. A proposed bill entitled "A BILL FOR AN ORDINANCE REPEALING SECTION 3.08.030, MAUI COUNTY CODE, RELATING TO E-CHECK FEES";
9. A proposed bill entitled "A BILL FOR AN ORDINANCE REPEALING CHAPTER 3.30, MAUI COUNTY CODE, RELATING TO FIRST-TIME HOME BUYERS' REVOLVING FUND";
10. A proposed bill entitled "A BILL FOR AN ORDINANCE REPEALING SECTION 3.36.180, MAUI COUNTY CODE, RELATING TO THE RECYCLING GRANT-LOAN REVOLVING FUND";
11. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 13.04, MAUI COUNTY CODE, PERTAINING TO RECREATIONAL AREA REGULATIONS";
12. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 16.04B, MAUI COUNTY CODE, RELATING TO FIRE CODE";
13. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 16.26.107.2, MAUI COUNTY CODE, PERTAINING TO BUILDING PERMIT FEES";
14. A proposed resolution entitled "APPROVING THE ACQUISITION OF REAL PROPERTY KNOWN AS THE OLD WAILUKU POST OFFICE, 70 WELLS STREET (70 SOUTH HIGH STREET), WAILUKU, MAUI, HAWAII"; and
15. A proposed resolution entitled "AUTHORIZING PROCEEDINGS IN EMINENT DOMAIN FOR THE ACQUISITION OF REAL PROPERTY KNOWN AS THE OLD WAILUKU POST OFFICE, 70 WELLS STREET (70 SOUTH HIGH STREET), WAILUKU, MAUI, HAWAII".

1. COUNTY COMMUNICATIONS (continued):

NO. 09-89 - 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 KAUPAKALUA ROPING CLUB & YOUTH RODEO, INC.";
2. A copy of the proposed Lease between the County of Maui and Kaupakalua Roping Club & Youth Rodeo, Inc., for approximately 0.642 acres and 4.191 acres located at Ulumalu Road, Haiku, Maui, Hawaii; and
3. A copy of the proposed Grant Agreement for a Lease of County Real Property.

NO. 09-90 - DIRECTOR OF PARKS AND RECREATION, informing that Waihee Beach Park, located in Wailuku, will be closed from March 9, 2009 through March 20, 2009.

NO. 09-91 - COUNCILMEMBER NISHIKI, relating to the matter of recycling at HI 5 redemption centers.

NO. 09-92 - COUNCILMEMBER NISHIKI, relating to the acquisition of land for affordable housing.

NO. 09-93 - DIRECTOR OF WATER SUPPLY, transmitting copies of the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ended February 2009.

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 3 (2009) - "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2009 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE DEPARTMENT OF HOUSING AND HUMAN CONCERNS, STATE OF HAWAII MENTAL HEALTH TRANSFORMATION – STATE INCENTIVE GRANT"

K. ORDINANCES - SECOND AND FINAL READING (continued):

- BILL NO. 4 (2009) - "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2009 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE OFFICE OF THE MAYOR, REED ACT FUNDS"
- BILL NO. 5 (2009) - "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, 901 LOWER MAIN STREET PROJECT – HABITAT FOR HUMANITY MAUI"
- BILL NO. 6 (2009) - "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, WASTEWATER RECLAMATION FACILITIES PROGRAM – SEWER FUND, TOTAL OPERATING APPROPRIATIONS, AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"
- BILL NO. 7 (2009) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2009 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES, DEPARTMENT OF PARKS AND RECREATION, WAILUKU-KAHULUI COMMUNITY PLAN AREA, PARKS AND RECREATION, WAR MEMORIAL COMPLEX IMPROVEMENTS, TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS, AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"
- BILL NO. 8 (2009) - "A BILL FOR AN ORDINANCE AMENDING SECTION 19.530.030, MAUI COUNTY CODE, PERTAINING TO ADMINISTRATIVE ENFORCEMENT"
- BILL NO. 9 (2009) - "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, TO AUTHORIZE HOME OCCUPATIONS IN VARIOUS ZONING DISTRICTS"
- BILL NO. 10 (2009) - "A BILL FOR AN ORDINANCE AMENDING TITLE 14, MAUI COUNTY CODE, RELATING TO DROUGHT"

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.