

COUNCIL OF THE COUNTY OF MAUI

A G E N D A

Regular Meeting of April 3, 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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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: COUNCILMEMBER JOSEPH PONTANILLA

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. _____ - "CONGRATULATING THE HANA SCHOOL BUILDING PROGRAM 'MA KA HANA KA IKE' FOR BEING FEATURED BY THE 'RENOVATION NATION' TELEVISION PROGRAM"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

Special Council Meeting of January 29, 2009

H. COMMITTEE REPORTS:NO. 09-34 - BUDGET AND FINANCE COMMITTEE:

Recommending **FIRST READING** of bill amending Appendix A of the Fiscal Year 2009 Budget for the County of Maui as it pertains to the Department of Transportation, American Recovery and Reinvestment Act Section 5340 Program, to purchase three buses for the Maui Bus public transit fleet.

I. COMMUNICATIONS:1. COUNTY COMMUNICATIONS:

NO. 09-94 - DIRECTOR OF FINANCE, transmitting 47 contracts for February 2009.

NO. 09-95 - CHIEF OF POLICE, informing of the receipt of \$67,759.48 in Federal Forfeiture Funds from the U.S. Department of Justice, Drug Enforcement Agency and Federal Bureau of Investigation.

NO. 09-96 - COUNCIL CHAIR MATEO, relating to appointments to the Hawaii State Association of Counties (HSAC) Executive Committee 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 APPROVE the appointment of Councilmember Joseph Pontanilla as the Maui County Council representative to the HSAC Executive Committee for FY 2009–2010;
3. A motion to APPROVE the appointment of Councilmember Bill Kauakea Medeiros as the alternate to the Maui County Council representative to the HSAC Executive Committee for FY 2009–2010;
4. A motion to TRANSMIT the record of the Council's action to the HSAC Executive Committee; and
5. A motion to FILE this communication.

1. COUNTY COMMUNICATIONS (continued):

- NO. 09-97 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a proposed resolution entitled "AUTHORIZING ACCEPTANCE OF DONATION OF \$1,000 FROM ELLEN F. CRAWFORD TO THE COUNTY OF MAUI, DEPARTMENT OF HOUSING AND HUMAN CONCERNS, KAUNOA SENIOR SERVICES, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE".
- NO. 09-98 - CHAIR, COST OF GOVERNMENT COMMISSION, transmitting the "COST OF GOVERNMENT COMMISSION, COUNTY OF MAUI, REPORT OF FINDINGS AND RECOMMENDATIONS FOR COMMISSION TERM APRIL 1, 2008 TO MARCH 31, 2009".
- NO. 09-99 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting the following:
1. A proposed resolution entitled "AUTHORIZING A GRANT OF A LICENSE OF COUNTY REAL PROPERTY TO KIHEI YOUTH CENTER";
 2. A copy of the proposed License between the County of Maui and Kihei Youth Center, for approximately 3,868 square feet located at 131 South Kihei Road, Kihei, Maui, Hawaii for a term of 20 years; and
 3. A copy of the proposed Grant Agreement for a License of County Real Property.
- NO. 09-100 - COUNCILMEMBER MEDEIROS, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 20, MAUI COUNTY CODE, TO PROHIBIT GENETICALLY ENGINEERED AND RECOMBINANT DNA TARO (KALO)".
- NO. 09-101 - COUNCILMEMBER PONTANILLA, relating to delinquent refuse and landfill accounts.
- NO. 09-102 - PLANNING DIRECTOR, relating to an application submitted by New Cingular Wireless PCS, LLC; Clearwire, LLC; Coral Wireless, LLC, dba Mobi PCS; Sprintcom, Inc., dba Sprint Nextel; T-Mobile West Corporation; and Verizon Wireless, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING NEW CINGULAR WIRELESS PCS, LLC; CLEARWIRE, LLC; CORAL WIRELESS, LLC, DBA MOBI PCS; SPRINTCOM, INC., DBA SPRINT NEXTEL; T-MOBILE WEST CORPORATION; AND VERIZON WIRELESS A CONDITIONAL PERMIT TO ESTABLISH A TELECOMMUNICATION FACILITY WITHIN THE COUNTY URBAN RESERVE DISTRICT FOR PROPERTY SITUATED AT PAIA, MAUI, HAWAII", and related documents.

1. COUNTY COMMUNICATIONS (continued):

NO. 09-103 - PLANNING DIRECTOR, relating to an application submitted by Pine State Limited, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO URBAN FOR PROPERTY SITUATED AT MAKENA, KIHEI, MAUI, HAWAII", and related documents.

NO. 09-104 - PLANNING DIRECTOR, relating to an application submitted by Ameron Hawaii, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING AMERON HAWAII A CONDITIONAL PERMIT TO ALLOW CONCRETE BATCHING, ASPHALT PRODUCTION, AND CONCRETE CASTING OPERATIONS WITHIN THE COUNTY AGRICULTURAL DISTRICT FOR PROPERTY SITUATED AT PUUNENE, MAUI, HAWAII", and related documents.

NO. 09-105 - PLANNING DIRECTOR, transmitting documents relating to a District Boundary Amendment application by Gregory D. Kaufman, `Iwa `Ike, LLC to subdivide 2.79 acres into four rural residential lots at Makena, Maui, Hawaii.

NO. 09-106 - MAYOR, transmitting the following proposed bills entitled:

1. "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT/MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF HEALTH, STATE OF HAWAII AND THE COUNTY OF MAUI";
2. "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT/MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF HEALTH, STATE OF HAWAII AND THE MAUI COUNTY DEPARTMENT OF FIRE & PUBLIC SAFETY"; and
3. "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT/MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF HEALTH, STATE OF HAWAII AND THE MAUI POLICE DEPARTMENT".

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS - SECOND AND FINAL READING:

NO. 09-33 - "AUTHORIZING PROCEEDINGS IN EMINENT DOMAIN FOR THE ACQUISITION OF REAL PROPERTY INTERESTS AT LAHAINA, MAUI, HAWAII, FOR LAHAINA WATERSHED FLOOD CONTROL PROJECT"

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 11 (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 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)"

BILL NO. 12 (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, WAILUKU-KAHULUI COMMUNITY PLAN AREA, SANITATION, WAILUKU BASEYARD REFUSE OFFICE, TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS, AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

BILL NO. 13 (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, AFFORDABLE HOUSING PROJECTS IN WEST MAUI"

BILL NO. 14 (2009) - "A BILL FOR AN ORDINANCE GRANTING A CONDITIONAL PERMIT TO JANICE TANAKA TOWER TO OPERATE THE STAR LOOKOUT, A THREE-BEDROOM TRANSIENT VACATION RENTAL WITHIN THE COUNTY AGRICULTURAL DISTRICT, FOR PROPERTY SITUATED AT 622 THOMPSON ROAD, KEOKEA, KULA, HAWAII"

BILL NO. 15 (2009) - "A BILL FOR AN ORDINANCE ADDING A NEW TITLE TO THE MAUI COUNTY CODE, ENTITLED PUBLIC TRANSIT"

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.