

COUNCIL OF THE COUNTY OF MAUI

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A G E N D A

Regular Meeting of August 7, 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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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 MICHAEL P. VICTORINO

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. _____ - "CONGRATULATING CELINA JEAN MACADANGDANG HAYASHI ON WINNING THE 50TH MISS HAWAII FILIPINA PAGEANT"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

NONE.

H. COMMITTEE REPORTS:NO. 09-78 - BUDGET AND FINANCE COMMITTEE:

Recommending **FILING** of the correspondence relating to the Community Development Block Grant Five Year Consolidated Plan Survey for the 2010-2014 Consolidated Plan.

NO. 09-79 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Ordinance No. 3620 (2009) pertaining to the Fiscal Year 2009 Budget, to correct certain balances;
2. **FIRST READING** of bill amending Ordinance No. 3624 (2009) pertaining to the Fiscal Year 2009 Budget, to correct certain balances;
3. **FIRST READING** of bill amending Ordinance No. 3625 (2009) pertaining to the Fiscal Year 2009 Budget, to correct certain balances;
4. **FIRST READING** of bill amending Ordinance No. 3632 (2009) pertaining to the Fiscal Year 2009 Budget, to correct certain balances;
5. **FIRST READING** of bill amending Ordinance No. 3626 (2009) pertaining to the Fiscal Year 2009 Budget, to correct certain Affordable Housing Fund provisos; and
6. **FILING** of communication.

NO. 09-80 - COMMITTEE OF THE WHOLE:

Recommending **ADOPTION** of resolution to indemnify Kalbert Young, Director of Finance, in Richard Certo v. County of Maui, et al., Civil No. 09-1-0438(1).

With reference to this agenda item, one or more executive meetings pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, are anticipated 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.

H. COMMITTEE REPORTS (continued):

NO. 09-81 - INFRASTRUCTURE MANAGEMENT COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to grant Hawaii Water Service Company, Inc. a non-exclusive easement of approximately 2,751 square feet across, through, and under a portion of a County-owned right-of-way and roadway known as Halawai Drive, Kaanapali, Maui, Hawaii, to allow water service to be provided to TMK: (2) 4-4-14:006 and 008; and
2. **FILING** of communication.

NO. 09-82 - INFRASTRUCTURE MANAGEMENT COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to accept the dedication from Maui Lani Village Center, Inc. of a sewerline easement over and across the boundary of Lot 11-D-1-A-1-B-1 of Maui Lani (Large Lot) Subdivision No. 7, Wailuku, Maui, Hawaii, to connect to the County's existing 8-inch sewerline along Kuikahi Drive; and
2. **FILING** of communication.

NO. 09-83 - PUBLIC SERVICES COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving the acquisition of real property at 25 Apuhihi Lane, Unit 16K, The Villas at Kenolio, Kihei, Maui, Hawaii;
2. **ADOPTION** of resolution approving the acquisition of real property at 65 Halili Lane, Unit 10H, The Villas at Kenolio, Kihei, Maui, Hawaii; and
3. **FILING** of communication.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 09-208 - DIRECTOR OF FINANCE, transmitting 96 contracts for June 2009.

1. COUNTY COMMUNICATIONS (continued):

- NO. 09-209 - DIRECTOR OF FINANCE, reporting on transfers from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of June 30, 2009.
- NO. 09-210 - DIRECTOR OF FINANCE, transmitting two reports on settlement of claims as of June 30, 2009.
- NO. 09-211 - MAYOR, informing of the appointment of Carol Summers to the Committee on the Status of Women.
- NO. 09-212 - COUNCIL CHAIR, transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF SCOTT K. KANESHINA AS A LEGISLATIVE ANALYST IN THE OFFICE OF COUNCIL SERVICES"; and requesting that the following motions be offered:
1. A motion to ADOPT the proposed resolution; and
 2. A motion to FILE this communication.
- NO. 09-213 - BUDGET DIRECTOR, requesting a time extension to submit the Capital Improvement Project Implementation Report as of June 30, 2009.
- NO. 09-214 - MAYOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.40, MAUI COUNTY CODE, PERTAINING TO THE COMMITTEE ON STATUS OF WOMEN".
- NO. 09-215 - DIRECTOR OF PARKS AND RECREATION, transmitting a proposed resolution entitled "APPROVING THE WAIVER OF CERTAIN PARK REQUIREMENTS FOR A PRIVATELY OWNED AND MAINTAINED PARK PURSUANT TO SECTION 18.16.320, MAUI COUNTY CODE, FOR THE KAMALI'I ALAYNA SUBDIVISION, KIHEI, MAUI, HAWAII".
- NO. 09-216 - DIRECTOR OF PARKS AND RECREATION, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 13.04, MAUI COUNTY CODE, PERTAINING TO COMMERCIAL OCEAN RECREATIONAL ACTIVITY".
- NO. 09-217 - COUNCILMEMBER JOHNSON, transmitting a draft bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 16, MAUI COUNTY CODE, TO FACILITATE THE CONSTRUCTION OF LANAI ENCLOSURES".

1. COUNTY COMMUNICATIONS (continued):

- NO. 09-218 - PLANNING DIRECTOR, relating to an application submitted by Fong Construction Company, Limited, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3001 (2001), GRANTING A CONDITIONAL PERMIT TO CONSOLIDATED BASEYARDS, LLC, IN ORDER TO OPERATE A COMMERCIAL BASEYARD PRIMARILY FOR BUSINESS WITHIN THE CONSTRUCTION INDUSTRY WITHIN THE COUNTY AGRICULTURAL DISTRICT FOR PROPERTY SITUATED AT WAIKAPU, MAUI, HAWAII", and related documents.

- NO. 09-219 - PLANNING DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.62, MAUI COUNTY CODE, PERTAINING TO FLOOD HAZARD AREAS", minutes of the Maui, Molokai and Lanai Planning Commissions and related documents.

- NO. 09-220 - DIRECTOR OF WATER SUPPLY, transmitting copies of the water use reports for the month of June 2009.

- NO. 09-221 - DIRECTOR OF WATER SUPPLY, reporting on waterline easement conveyances for the fourth quarter of Fiscal Year 2009.

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTION:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

- BILL NO. 59 (2009) - "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2010 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE OFFICE OF THE MAYOR"

L. UNFINISHED BUSINESS:

COMMITTEE REPORT:

NO. 09-77 - ECONOMIC DEVELOPMENT, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Chapter 13.04, Maui County Code, prohibiting consumption of alcohol at Charley Young Park, Kihei; and
2. **FILING** of communication.

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.