

COUNCIL OF THE COUNTY OF MAUI

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A G E N D A

Regular Meeting of December 4, 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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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 GLADYS C. BAISA

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTION

E. CEREMONIAL RESOLUTION:

NO. _____ - "CONGRATULATING THE WAILUKU HONGWANJI MISSION ON ITS 110TH ANNIVERSARY"

NO. _____ - "CONGRATULATING WILLIAM F. ROBACK JR. FOR BEING ELECTED ALI'I NUI OF THE ROYAL ORDER OF KAMEHAMEHA I STATE OF HAWAII"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

NONE

H. COMMITTEE REPORTS:NO. 09-142 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending the Fiscal Year 2010 Budget for the County of Maui as it pertains to the Department of Housing and Human Concerns to add the Development and Implementation of a Person-Centered Hospital Discharge Model Grant in the amount of \$162,000, the Aging and Disability Resource Centers: Empowering Individuals to Navigate Their Health and Long Term Support Options Grant in the amount of \$60,000, the Hawaii's Community Living Program: Supporting Choice and Independence in the Community Grant in the amount of \$60,000, and the State of Hawaii Elder Abuse Related Services Program grant in the amount of \$27,000; and
2. **FILING** of communications.

NO. 09-143 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending the Fiscal Year 2010 Budget by changing a part of the funding source for the Wailuku-Kahului Wastewater Reclamation Facility Tsunami Protection project in the amount of \$2,387,759, from the Bond Fund to the State Revolving Loan Fund;
2. **FIRST READING** of bill amending Ordinance No. 3649 (2009) by reducing the amount of the authorization for the issuance of general obligation bonds to \$28,562,241 by decreasing the appropriation for the Wastewater Reclamation Facility Tsunami Protection in the amount of \$2,387,759;
3. **FIRST READING** of bill to authorize the Mayor to enter into an intergovernmental agreement for a State Water Pollution Control Revolving Fund Loan to finance the construction of the Wastewater Reclamation Facility Tsunami Protection; and
4. **FILING** of communication.

NO. 09-144 - COMMITTEE OF THE WHOLE:

Recommending the following:

1. **APPROVAL** of Orlando Tagorda to the *Maui Planning Commission*; and
2. **TRANSMITTAL** of a copy of the committee report to the Mayor.

H. COMMITTEE REPORTS (continued):NO. 09-145 - COMMITTEE OF THE WHOLE:

Recommending the following:

1. **ADOPTION** of resolution authorizing a grant of a 20-year license to Kihei Youth Center for approximately 3,989 square feet (building and adjacent basketball court) located at 131 South Kihei Road, Kihei, Maui, Hawaii, to operate a youth center; and
2. **FILING** of communication.

NO. 09-146 - ECONOMIC DEVELOPMENT, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving the waiver of certain park requirements for Waipuilani Associates, LLC's privately-owned and maintained park located directly across from 87 Oluea Street, Kihei, in the Kamali'i Alayna Subdivision, pursuant to Section 18.16.320, Maui County Code; and
2. **FILING** of communication.

NO. 09-147 - INFRASTRUCTURE MANAGEMENT COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution accepting dedication of Roadway Lots 219-A and 219-E, consisting of a total of approximately 0.706 acre, on Kulamanu Circle in the Kulamanu Ridge Large Lot Subdivision, Kula, Maui, for public purposes (affecting TMK: (2) 2-3-23:011); and
2. **FILING** of communication. (KRS Associates II, LLC)

NO. 09-148 - INFRASTRUCTURE MANAGEMENT COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution accepting dedication of Road Widening Lot A-3, consisting of approximately 675 square feet, situated along the westerly side of Front Street at Alio, Lahaina, Maui, for public purposes (affecting TMK: (2) 4-6-02:003); and
2. **FILING** of communication. (417 Front Street Associates, LLC)

H. COMMITTEE REPORTS (continued):NO. 09-149 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill granting Sandy Baz, Executive Director, Maui Economic Opportunity, Inc. (MEO), a **Community Plan Amendment** from Agriculture to Light Industrial to allow for the construction of an MEO transportation center on approximately 10.040 acres owned by Alexander & Baldwin, Inc. in Kahului, Maui (TMK: (2) 3-8-06:004 (por.)) (subject property), in the vicinity of the A&B Sugar Museum;
2. **FIRST READING** of bill granting Sandy Baz, Executive Director, MEO, a **Change in Zoning** from Agricultural District to M-1 Light Industrial District, to allow for the construction of an MEO transportation center on the subject property;
3. That the County Clerk **RECORD** the "Unilateral Agreement and Declaration for Conditional Zoning"; and
4. **FILING** of communication.

I. COMMUNICATIONS:1. COUNTY COMMUNICATIONS:NO. 09-328 - DIRECTOR OF FINANCE, transmitting 78 contracts for October 2009.NO. 09-329 - DIRECTOR OF FINANCE, reporting on transfers from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of October 31, 2009.NO. 09-330 - COUNCIL CHAIR, transmitting a proposed resolution entitled "URGING THE COMMISSION ON WATER RESOURCE MANAGEMENT TO CONSIDER THE IMPORTANCE OF AGRICULTURAL USES WHEN SETTING INTERIM INSTREAM FLOW STANDARDS FOR EAST MAUI STREAMS AND THE FOUR STREAMS OF NA WAI `EHA"; 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. 09-331 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2010 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE DEPARTMENT OF PROSECUTING ATTORNEY, VICTIMS OF CRIME ACT (VOCA) PROGRAM - ARRA".

1. COUNTY COMMUNICATIONS (continued):

NO. 09-332 - DIRECTOR OF PARKS AND RECREATION, transmitting a proposed resolution entitled "AUTHORIZING ACCEPTANCE OF THE DONATION OF TEN CXB SIX FOOT BENCHES FROM TRI-ISLE RESOURCE CONSERVATION AND DEVELOPMENT COUNCIL, INC., ON BEHALF OF THE KIHEI COMMUNITY ASSOCIATION, TO THE DEPARTMENT OF PARKS AND RECREATION, COUNTY OF MAUI, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE".

NO. 09-333 - ECONOMIC DEVELOPMENT COORDINATOR, transmitting the following:

1. A proposed resolution entitled "AUTHORIZING A GRANT OF A LICENSE OF COUNTY REAL PROPERTY TO MAUI COMMUNITY THEATER FOR THE IAO THEATER";
2. A copy of the proposed License between the County of Maui and Maui Community Theater; and
3. A copy of the proposed Grant Agreement for a License of County Real Property.

NO. 09-334 - ECONOMIC DEVELOPMENT COORDINATOR, transmitting the following:

1. A proposed resolution entitled "AUTHORIZING A GRANT OF A LEASE OF COUNTY REAL PROPERTY TO MAUI COUNTY FARM BUREAU";
2. A copy of the proposed Lease between the County of Maui and Maui County Farm Bureau, for approximately 3.91 acres located at Omaopio Road, Kula, Maui; and
3. A copy of the proposed Grant Agreement for a Lease of County Real Property.

NO. 09-335 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF A ROADWAY LOT AND A ROAD WIDENING LOT FOR THE KIHEI KAUAHALE SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".

NO. 09-336 - PLANNING DIRECTOR, transmitting the following:

1. Resolution No. 01-141, entitled "ADOPTING THE COUNTY OF MAUI REPETITIVE LOSS PROPERTIES FLOODPLAIN MANAGEMENT PLAN";
2. A copy of the County of Maui, Repetitive Loss Properties Floodplain Management Plan – Updated 2008; and
3. A copy of the County of Maui, Repetitive Loss Properties Floodplain Management Plan – Annual Evaluation Report, November 2009.

1. COUNTY COMMUNICATIONS (continued):

NO. 09-337 - COUNCIL VICE CHAIR MOLINA, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 6.04, MAUI COUNTY CODE, PERTAINING TO ANIMAL CONTROL".

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTION:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 90 (2009) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, MAUI COUNTY CODE, PERTAINING TO REAL PROPERTY TAX"

BILL NO. 91 (2009) - "A BILL FOR AN ORDINANCE AMENDING SECTION 3.48.305, MAUI COUNTY CODE, PERTAINING TO REAL PROPERTY TAX LAND CLASSIFICATION"

BILL NO. 92 (2009) - "A BILL FOR AN ORDINANCE AMENDING SECTION 3.48.655, MAUI COUNTY CODE, PERTAINING TO APPEAL TO BOARD OF REVIEW"

L. UNFINISHED BUSINESS: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.