

COUNCIL OF THE COUNTY OF MAUI

A G E N D A

Regular Meeting of December 18, 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

RECEIVED
2009 DEC 11 PM 2:32
OFFICE OF THE
COUNTY CLERK

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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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 JO ANNE JOHNSON
 - C. PLEDGE OF ALLEGIANCE
 - D. TESTIMONY ON CEREMONIAL RESOLUTION
 - E. CEREMONIAL RESOLUTION:
NONE
 - F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY
 - G. MINUTES:
NONE

H. COMMITTEE REPORTS:

NO. 09-150 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending the General Budget Provisions of the Fiscal Year 2010 Budget to allow the Director of Finance to reimburse a County fund from the sale of general obligation bonds based on expenditures or anticipated expenditures; and
2. **FILING** of communication.

NO. 09-151 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending the Fiscal Year 2010 Budget for the County of Maui to accept \$175,000 from the State Revolving Loan Fund and add an appropriation to pay for additional work completing the Molokai Landfill Cell 3 project; and
2. **FILING** of communication.

NO. 09-152 - COMMITTEE OF THE WHOLE:

Recommending **ADOPTION** of resolution to authorize the employment of Goodsell Anderson Quinn & Stifel, A Limited Liability Law Partnership LLP, as special counsel to advise and represent the County of Maui in matters relating to auction rate securities, for a total compensation of \$35,000.

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.

NO. 09-153 - COMMITTEE OF THE WHOLE:

Recommending **ADOPTION** of resolution to authorize the employment of Gass Weber Mullins, LLC, as special counsel to represent the County of Maui in Elmer Stephen Wereb, et al. v. Maui County, et al., Civil No. 09-00198 JMS LEK, for a total compensation of \$150,000.

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; 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.

H. COMMITTEE REPORTS (continued):NO. 09-154 - INFRASTRUCTURE MANAGEMENT COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill prohibiting parking on both sides of Alohi Street, from its intersection with Kamoi Street for a distance of 200 feet to the east; and
2. **FILING** of communication. (Molokai District)

NO. 09-155 - INFRASTRUCTURE MANAGEMENT COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill prohibiting vehicles with a gross vehicle weight greater than 10,000 pounds from operating on Vineyard Street, Wailuku; and to exempt buses providing government-funded transportation services; and
2. **FILING** of communication.

NO. 09-156 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill granting New Cingular Wireless PCS, LLC; Clearwire, LLC (now known as Clearwire US, LLC); Coral Wireless, LLC, dba Mobi PCS; Sprintcom, Inc., dba Sprint Nextel; T-Mobile West Corporation; and Verizon Wireless a five-year Conditional Permit to establish and operate a telecommunication facility on a portion of a 20.275-acre parcel located within the Urban Reserve District and situated at 300 Baldwin Avenue, Paia, Maui, Hawaii, known as the former Hawaiian Commercial & Sugar Company's Paia Mill site; and
2. **FILING** of communication.

NO. 09-157 - PLANNING COMMITTEE:

Recommending the following:

1. **PUBLIC HEARING BE HELD** on the bill amending Chapter 2.80B, Maui County Code, relating to the Countywide Policy Plan; and
2. **SCHEDULE FOR CONSIDERATION**, following the public hearing, the bill amending Chapter 2.80B, Maui County Code, relating to the Countywide Policy Plan.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

- NO. 09-338 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2010 BUDGET FOR THE COUNTY OF MAUI, AS IT PERTAINS TO REVENUES – FEES, RATES, ASSESSMENTS AND TAXES FOR ADVERTISING FEE".
- NO. 09-339 - COUNCILMEMBER PONTANILLA, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO THE OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND SCENIC VIEWS PRESERVATION FUND".
- NO. 09-340 - PLANNING DIRECTOR, transmitting a draft resolution entitled "EXPRESSING SUPPORT FOR THE WAILUKU MUNICIPAL PARKING STRUCTURE PROJECT FOR WAILUKU TOWN".
- NO. 09-341 - PLANNING DIRECTOR, relating to an application submitted by Napili Kai, Ltd., transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING NAPILI KAI, LTD. A CONDITIONAL PERMIT IN ORDER TO CONVERT THE FIRST FLOOR OF THE GENERAL MANAGER'S SINGLE FAMILY RESIDENCE INTO AN OFF-SITE ADMINISTRATIVE OFFICE FOR THE NAPILI KAI BEACH RESORT CONDOMINIUM COMPLEX WITHIN THE COUNTY R-2 RESIDENTIAL DISTRICT FOR PROPERTY SITUATED AT NAPILI, MAUI, HAWAII", and related documents.
- NO. 09-342 - DIRECTOR OF WATER SUPPLY, transmitting copies of the water use reports for the month of October 2009.
- NO. 09-343 - DIRECTOR OF WATER SUPPLY, transmitting copies of the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ended November 2009.

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTION:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

- BILL NO. 93 (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 DEPARTMENT OF HOUSING AND HUMAN CONCERNS AND ADDITIONAL HUMAN CONCERNS GRANTS"
- BILL NO. 94 (2009) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2010 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES, WAILUKU-KAHULUI COMMUNITY PLAN AREA, SEWER, WAILUKU-KAHULUI WASTEWATER RECLAMATION FACILITY (WWRF) TSUNAMI PROTECTION"
- BILL NO. 95 (2009) - "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3649 (2009) RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI"
- BILL NO. 96 (2009) - "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 WAILUKU-KAHULUI WASTEWATER RECLAMATION FACILITY (WWRF) TSUNAMI PROTECTION, WAILUKU-KAHULUI COMMUNITY PLAN AREA, FISCAL YEAR 2010 BUDGET ORDINANCES"
- BILL NO. 97 (2009) - "A BILL FOR AN ORDINANCE TO AMEND THE WAILUKU-KAHULUI COMMUNITY PLAN AND LAND USE MAP FROM AGRICULTURE TO LIGHT INDUSTRIAL FOR PROPERTY SITUATED AT KAHULUI, MAUI, HAWAII"
- BILL NO. 98 (2009) - "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM AGRICULTURAL DISTRICT TO M-1 LIGHT INDUSTRIAL DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT KAHULUI, MAUI, HAWAII"

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.