

COUNCIL OF THE COUNTY OF MAUI

A G E N D A

Regular Meeting of March 5, 2010
9:00 a.m.
Council Chamber
8th Floor, Kalana O Maui Building
200 South High Street, Wailuku, Hawaii

website: <http://www.mauicounty.gov/clerk>
e-mail: county.clerk@mauicounty.us

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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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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 GLADYS C. BAISA
- C. PLEDGE OF ALLEGIANCE
- D. TESTIMONY ON CEREMONIAL RESOLUTION
- E. CEREMONIAL RESOLUTION:

NO. _____ - "RECOGNIZING MARCH 2010 AS RED CROSS MONTH"
- F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY
- G. MINUTES:
 - 1. Regular Council Meeting of January 15, 2010
 - 2. Public Hearing of January 15, 2010
 - 3. Regular Council Meeting of January 26, 2010

H. COMMITTEE REPORTS:NO. 10-25 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing the creation of a recovery zone under the provisions of the American Recovery And Reinvestment Act of 2009 for the purpose of issuing Recovery Zone Economic Development Bonds; and
2. **FILING** of communication.

NO. 10-26 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Appendix A of the Fiscal Year 2010 Budget for the County of Maui to add the Department of Housing and Human Concerns, University of Hawaii Development of the Aging and Disability Resource Center Program grant in the amount of \$6,200; and
2. **FILING** of communication.

NO. 10-27 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill relating to disposal of County personal property; and
2. **FILING** of communication.

NO. 10-28 - COMMITTEE OF THE WHOLE:

Recommending **FILING** of correspondence from the Department of the Corporation Counsel requesting an opportunity to provide a status report on legal matters relating to water and wastewater utility service on Molokai.

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.

H. COMMITTEE REPORTS (continued):NO. 10-29 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Ordinance No. 3001 (2001), to grant a Conditional Permit, through March 1, 2019, to Fong Construction Company, Limited, to operate a material and equipment storage baseyard within the County Agricultural District on Waiko Road, Waikapu, Maui, Hawaii (TMK: (2) 3-8-07:102(por.)); and
2. **FILING** of communication.

NO. 10-30 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Ordinance No. 3142 (2003), to grant a Conditional Permit time extension, through September 10, 2020, to allow for the continued use and maintenance of an offsite parking lot within the County Agricultural District and adjacent to Seabury Hall at 480 Olinda Road, Makawao, Maui, Hawaii; and
2. **FILING** of communication.

NO. 10-31 - PUBLIC SERVICES COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving with modification the Lanai Affordable Housing Project pursuant to Section 201H-38, Hawaii Revised Statutes;
2. **FILING** of resolution approving the Lanai Affordable Housing Project pursuant to Section 201H-38, Hawaii Revised Statutes; and
3. **FILING** of resolution disapproving the Lanai Affordable Housing Project pursuant to Section 201H-38, Hawaii Revised Statutes.

I. COMMUNICATIONS:1. COUNTY COMMUNICATIONS:

NO. 10-46 - DIRECTOR OF FINANCE, reporting on transfers from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of January 31, 2010.

NO. 10-47 - MAYOR, informing of the following appointments:

1. Dennis Morihira to the *Maui County Arborist Advisory Committee*; and
2. Walter Enomoto to the *Traffic Safety Council*.

1. COUNTY COMMUNICATIONS (continued):

- NO. 10-48 - CHAIR, COMMITTEE OF THE WHOLE, informing of his intention to offer the following motions:
1. A motion to DISCHARGE the Committee of the Whole from further consideration of a proposed resolution entitled "INDEMNIFYING CHARMAINE TAVARES AND JEFFREY K. ENG IN JAMES R. DAVIS V. COUNTY OF MAUI, ET AL., CIVIL NO. CV 10-00070 KSC";
 2. A motion to WAIVE the requirement of committee referral and report as provided for in Rule 6(F) of the Rules of the Council;
 3. A motion to ADOPT the proposed resolution;
 4. A motion to CONVENE an executive meeting, if necessary, 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;
 5. A motion to FILE this communication.
- NO. 10-49 - COUNCILMEMBER KAHO`OHALAHALA, proposing amendments to a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 18.04, MAUI COUNTY CODE, PERTAINING TO SUBDIVISION GENERAL PROVISIONS".
- NO. 10-50 - BUDGET DIRECTOR, transmitting the "FISCAL YEAR 2010 - SECOND QUARTER CAPITAL IMPROVEMENT PROJECTS IMPLEMENTATION REPORT" as of December 31, 2009.
- NO. 10-51 - DIRECTOR OF FINANCE, transmitting copies of the Finance Director's Quarterly Report for Fiscal Year July 1, 2009 to June 30, 2010 as of December 31, 2009, and the Capital Improvement Project Report as of December 31, 2009.
- NO. 10-52 - CHAIR, COST OF GOVERNMENT COMMISSION, transmitting the "COST OF GOVERNMENT COMMISSION, COUNTY OF MAUI, REPORT OF FINDINGS AND RECOMMENDATIONS FOR COMMISSION TERM 2009 -2010".
- NO. 10-53 - COUNCILMEMBER PONTANILLA, transmitting a letter from John M. Andersen, Executive Director of Na Hale O Maui, relating to the Na Hale O Maui Neighborhood Stabilization Program.

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTION:

NONE.

K. ORDINANCE - SECOND AND FINAL READING:

BILL NO. 10 (2010) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2010 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES, HANA COMMUNITY PLAN AREA, ROAD IMPROVEMENTS, PAPAHAHAWA BRIDGE REPLACEMENT; WEST MAUI COMMUNITY PLAN AREA, ROAD IMPROVEMENTS, LOWER HONOAPIILANI HIGHWAY; AND MOLOKAI COMMUNITY PLAN AREA, GOVERNMENT FACILITIES, MOLOKAI BASEYARD; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS, AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

BILL NO. 11 (2010) - "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. 12 (2010) - "A BILL FOR AN ORDINANCE RELATING TO THE OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND SCENIC VIEWS PRESERVATION FUND AS IT PERTAINS TO COUNCIL APPROVAL AND CONSERVATION EASEMENTS"

BILL NO. 13 (2010) - "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, WAR MEMORIAL COMPLEX ICHIRO 'IRON' MAEHARA BASEBALL STADIUM IMPROVEMENTS; AND WEST MAUI COMMUNITY PLAN AREA, WEST MAUI SKATE PARK; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS, AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

BILL NO. 14 (2010) - "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3649 (2009) RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI"

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

BILL NO. 15 (2010) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 18.04, MAUI COUNTY CODE, PERTAINING TO SUBDIVISION GENERAL PROVISIONS"

BILL NO. 16 (2010) - "A BILL FOR AN ORDINANCE REPEALING CHAPTER 16.18A, MAUI COUNTY CODE, AND ESTABLISHING A NEW CHAPTER 16.18B, MAUI COUNTY CODE, PERTAINING TO THE ELECTRICAL CODE"

BILL NO. 17 (2010) - "A BILL FOR AN ORDINANCE TO AMEND THE KIHEI-MAKENA COMMUNITY PLAN AND LAND USE MAP FROM PARK TO PUBLIC/QUASI-PUBLIC FOR PROPERTY SITUATED AT KIHEI, MAUI, HAWAII FOR THE PROPOSED KIHEI POLICE STATION"

BILL NO. 18 (2010) - "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO URBAN FOR PROPERTY SITUATED AT KIHEI, MAUI, HAWAII FOR THE PROPOSED KIHEI POLICE STATION"

BILL NO. 19 (2010) - "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM AGRICULTURAL TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT KIHEI, MAUI, HAWAII FOR THE PROPOSED KIHEI POLICE STATION"

BILL NO. 20 (2010) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 14.05, MAUI COUNTY CODE, RELATING TO PUBLIC SERVICES"

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.