

COUNCIL OF THE COUNTY OF MAUI

A G E N D A

Regular Meeting of June 18, 2010
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

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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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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 RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. _____ - "CONGRATULATING THE SEABURY HALL BOYS VOLLEYBALL TEAM FOR WINNING THE 2010 STATE HIGH SCHOOL DIVISION II CHAMPIONSHIP"

NO. _____ - "CONGRATULATING HALAU KE'ALAOKAMAILE FOR THE HONORS WON AT THE 47TH ANNUAL MERRIE MONARCH FESTIVAL"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

NONE.

H. COMMITTEE REPORTS:NO. 10-51 - COMMITTEE OF THE WHOLE:

Recommending the following:

1. **APPROVAL** of Frank De Rego, Jr. to the *Cost of Government Commission*; Brandis Louise Sarich to the *Maui County Cultural Resources Commission*; Lisa Marie Kaniho to the *Lanai Planning Commission*; Bryce K. Thayer to the *Kula Agricultural Park Committee*; and
2. **TRANSMITTAL** of a copy of the committee report to the Mayor.

NO. 10-52 - COMMITTEE OF THE WHOLE:

Recommending the following:

1. **APPROVAL** of the proposed Hawaii State Association of Counties (HSAC) slate of officers for Fiscal Year (FY) 2010- 2011 as follows: Councilmember Derek S. K. Kawakami, County of Kauai, as President; Councilmember Nestor Garcia, City and County of Honolulu, as Vice President; Councilmember Joseph Pontanilla, County of Maui, as Treasurer; and Councilmember Dennis "Fresh" Onishi, County of Hawaii, as Secretary;
2. **APPROVAL** of the proposed HSAC annual operating budget for FY 2010-2011; and
3. **TRANSMITTAL** of copy of committee report to the HSAC Executive Committee.

NO. 10-53 - COMMITTEE OF THE WHOLE:

Recommending **ADOPTION** of resolution to authorize additional compensation for special counsel Goodsill Anderson Quinn & Stifel, a Limited Liability Law Partnership LLP, in matters relating to auction rate securities.

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. 10-54 - COMMITTEE OF THE WHOLE:

Recommending **ADOPTION** of resolution to authorize additional compensation for special counsel Bronster Hoshibata, A Law Corporation, with respect to legal claims relating to water and wastewater utility service on Molokai.

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. 10-55 - COMMITTEE OF THE WHOLE:

Recommending **FIRST READING** of resolution to place the following question on the 2010 general-election ballot: "Should a minimum of two percent (2%) of the certified real property tax revenues for fiscal years 2012 through 2015 be appropriated to an affordable housing fund to be used for the provision and expansion of affordable housing and suitable living environments for persons of below moderate income to gap income?" (Charter amendment: Affordable Housing Fund)

NO. 10-56 - ECONOMIC DEVELOPMENT, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending **FILING** of communication relating to Commercial Ocean Recreational Activity permits.

NO. 10-57 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill granting a five-year Conditional Permit to MGM Partnership to continue the operation of a market known as the Maui Grown Market within a 988-square-foot structure on approximately 2.37 acres within the County Agricultural District at 4320 Hana Highway, Haiku, Maui, Hawaii; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 10-58 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill granting a Conditional Permit to Napili Kai, Ltd. 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 5464 Lower Honoapiilani Road, Lahaina, Maui, Hawaii; and
2. **FILING** of communication.

I. COMMUNICATIONS:1. COUNTY COMMUNICATIONS:

NO. 10-123 - DIRECTOR OF FINANCE, reporting on transfers from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of April 30, 2010.

NO. 10-124 - CHIEF OF POLICE, informing of the receipt of \$30,505.39 in Federal Forfeiture Funds from the U.S. Department of Justice, Drug Enforcement Administration.

NO. 10-125 - COUNCIL CHAIR, recommending an adjustment to the Council meeting schedule for 2010, and requesting that the following motions be made:

1. A motion to WAIVE Committee referral and report of this communication;
2. A motion to RESCHEDULE the Friday, November 5, 2010 Council meeting to Tuesday, November 9, 2010; and
3. A motion to FILE this communication.

NO. 10-126 - COUNCILMEMBER JOHNSON, proposing amendments to Bill No. 40 (2010) entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 10.52, MAUI COUNTY CODE, PERTAINING TO THE USE OF MOBILE ELECTRONIC DEVICES WHILE DRIVING".

NO. 10-127 - COUNCILMEMBER BAISA, proposing amendments to Bill No. 40 (2010) entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 10.52, MAUI COUNTY CODE, PERTAINING TO THE USE OF MOBILE ELECTRONIC DEVICES WHILE DRIVING".

1. COUNTY COMMUNICATIONS (continued):

NO. 10-128 - MAYOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT/MEMORANDUM OF UNDERSTANDING WITH THE DEPARTMENT OF LAND AND NATURAL RESOURCES, STATE OF HAWAII, FOR MAINTENANCE OF MAKENA ROAD AND AHIHI-KINA`U NATURAL AREA RESERVE LOCATED AT MAKENA, MAUI, HAWAII".

NO. 10-129 - PLANNING DIRECTOR, relating to an application submitted by Steven J. Sadler, transmitting copies of documents and two proposed bills entitled:

1. "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM AGRICULTURAL DISTRICT TO RU-0.5 RURAL DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT 132 MAKAENA PLACE, PUKALANI, MAUI, HAWAII"; and

2. "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO RURAL FOR PROPERTY SITUATED AT 132 MAKAENA PLACE, PUKALANI, MAUI, HAWAII".

NO. 10-130 - DIRECTOR OF WATER SUPPLY, transmitting copies of the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ended May 2010.

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 40 (2010) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 10.52, MAUI COUNTY CODE, PERTAINING TO THE USE OF MOBILE ELECTRONIC DEVICES WHILE DRIVING"

BILL NO. 41 (2010) - "A BILL FOR AN ORDINANCE AMENDING TITLE 20, MAUI COUNTY CODE, TO PROHIBIT AERIAL ADVERTISING"

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.