

**COUNCIL OF THE COUNTY OF MAUI**

3:00 PM '10  
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**A G E N D A**

Regular Meeting of September 3, 2010  
9:00 a.m.  
Council Chamber  
8th Floor, Kalana O Maui Building  
200 South High Street, Wailuku, Hawaii

OFFICE OF THE  
COUNTY CLERK

website: <http://www.mauicounty.gov/county/clerkSub/Agenda.php>.  
e-mail: [county.clerk@mauicounty.us](mailto: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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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.

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A. ROLL CALL

B. OPENING REMARKS: COUNCILMEMBER MICHAEL P. VICTORINO

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. \_\_\_\_\_ - "CONGRATULATING MA KA HANA KA 'IKE AND KARA HENDERSON FOR WINNING THE 'BEST OF GOODTUBE' AWARD HOSTED BY PROFILES IN CARING"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

NONE.

H. COMMITTEE REPORTS:NO. 10-92 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving the Habitat for Humanity Maui – Kahawai Project, pursuant to Section 3.35.100(A), Maui County Code, pertaining to the Affordable Housing Fund in the amount of \$693,000;
2. **FIRST READING** of bill amending Appendix A of the Fiscal Year 2011 Budget for the County of Maui to add a proviso for the Habitat for Humanity Maui – Kahawai Project in the amount of \$693,000; and
3. **FILING** of communication.

NO. 10-93 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending the Fiscal Year 2011 Budget for the County of Maui to increase estimated revenues from the issuance of bonds by \$1,800,000; and to establish appropriations for road improvements in the Hana Community Plan area as follows: \$700,000 for the Kaholopoo Bridge Replacement project; and \$1,100,000 for the Papahawahawa Bridge Replacement project;
2. **FIRST READING** of bill amending Ordinance No. 3749 Bill No. 37 (2010) to increase the authorization for the issuance of general obligation bonds to provide \$1,800,000 in funding for the Kaholopoo and Papahawahawa Bridge Replacement projects; and
3. **FILING** of communication.

NO. 10-94 - COMMITTEE OF THE WHOLE:

Recommending **ADOPTION** of resolution to authorize settlement of County of Maui v. Molokai Properties, Ltd., et al., Civil No. 08-1-0493(1) and authorizing the purchase and lease of certain real property pursuant to said settlement.

*With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(4), Hawaii Revised Statutes (HRS), 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. 10-95 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending the Community Plan from Rural to Single-Family for approximately 33,227 square feet of land located on Iao Valley Road, Wailuku, Maui, Hawaii (TMK: (2) 3-5-03:005 and 006) (the subject properties), for the Duarte family;
2. **FIRST READING** of bill amending the State Land Use District classification from Rural to Urban for the subject properties;
3. **FIRST READING** of bill granting a Change in Zoning from Agricultural District to R-3 Residential District (Conditional Zoning) for the subject properties;
4. **RECORDATION** of the Unilateral Agreement and Declaration for Conditional Zoning for each parcel; and
5. **FILING** of communication.

NO. 10-96 - PUBLIC SERVICES COMMITTEE:

Recommending **FILING** of communication relating to the County's use of energy-efficient buses.

I. COMMUNICATIONS:1. COUNTY COMMUNICATIONS:

NO. 10-189 - DIRECTOR OF FINANCE, reporting on transfers from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of July 31, 2010.

NO. 10-190 - MAYOR, informing of a vacancy on the *Committee on the Status of Women* due to the resignation of Lois Prey.

NO. 10-191 - COUNCIL CHAIR, recommending an adjustment to the Council meeting schedule for October, 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, October 15, 2010 Council meeting to Friday, October 22, 2010; and
3. A motion to FILE this communication.

1. COUNTY COMMUNICATIONS (continued):

NO. 10-192 - 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 "AUTHORIZING SETTLEMENT OF JAMES MATTOS VS. COUNTY OF MAUI, CASE NO. 7-08-01871";
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; or 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; and
5. A motion to FILE this communication.

NO. 10-193 - DIRECTOR OF FINANCE, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF HEALTH".

NO. 10-194 - BUDGET DIRECTOR, transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2011 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF HOUSING AND HUMAN CONCERNS, TOTAL OPERATING APPROPRIATIONS, TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS); AND APPENDIX A AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2011; AFFORDABLE HOUSING FUND, ESTIMATED BALANCE AS OF 6/30/10, AND WAIIEHU MAUKA RENTAL HOUSING PROJECT – LOKAHI PACIFIC"; and
2. A proposed resolution entitled "AMENDING RESOLUTION 08-91 AUTHORIZING ACCEPTANCE OF A PAYMENT OF \$5,870,100 FROM KEAKA LLC, AND MAKENA MF-2&3, LLC TO THE COUNTY OF MAUI AFFORDABLE HOUSING FUND, PURSUANT TO SECTION 2.96.040.B.2, MAUI COUNTY CODE, AND SUBSEQUENT DISBURSEMENT TO HALE MAHAOLU AND ITS AFFILIATE HALE MAHAOLU EHIKU, INC.".

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2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

- BILL NO. 53 (2010) - "A BILL FOR AN ORDINANCE AMENDING SECTION 3.48.150, MAUI COUNTY CODE, RELATING TO ASSESSMENT OF PROPERTY -- GENERALLY, SECTION 3.48.305, MAUI COUNTY CODE, RELATING TO REAL PROPERTY TAX LAND CLASSIFICATION, AND AMENDING SECTION 18.16.320, MAUI COUNTY CODE, RELATING TO PARKS AND PLAYGROUNDS"
- BILL NO. 54 (2010) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT/MEMORANDUM OF UNDERSTANDING TO DOCUMENT A MUTUAL AID RELATIONSHIP BETWEEN THE STATE DEPARTMENT OF TRANSPORTATION, AIRPORTS DIVISION AND THE MAUI COUNTY DEPARTMENT OF FIRE AND PUBLIC SAFETY"
- BILL NO. 55 (2010) - "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 2645 (1998) GRANTING JANICE R. WELSH A CONDITIONAL PERMIT TIME EXTENSION FOR OFFICE USES IN THE R-1 RESIDENTIAL DISTRICT FOR TAX MAP KEY NO. (2) 3-4-014:038, 2241 VINEYARD STREET, WAILUKU, MAUI, HAWAII"
- BILL NO. 56 (2010) - "A BILL FOR AN ORDINANCE TO AMEND THE PAIA-HAIKU COMMUNITY PLAN AND LAND USE MAP FROM SINGLE-FAMILY TO PUBLIC/QUASI-PUBLIC FOR PROPERTY OCCUPIED BY THE DORIS TODD MEMORIAL CHRISTIAN DAY SCHOOL, PAIA, MAUI, HAWAII"
- BILL NO. 57 (2010) - "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO URBAN FOR PROPERTY OCCUPIED BY THE DORIS TODD MEMORIAL CHRISTIAN DAY SCHOOL, PAIA, MAUI, HAWAII"
- BILL NO. 58 (2010) - "A BILL FOR AN ORDINANCE TO ESTABLISH P-1 PUBLIC/QUASI-PUBLIC DISTRICT ZONING FOR PROPERTY OCCUPIED BY THE DORIS TODD MEMORIAL CHRISTIAN DAY SCHOOL, PAIA, MAUI, HAWAII"

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

BILL NO. 59 (2010) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR THE PROVISION OF MEAL SERVICE FOR THE CONGREGATE NUTRITION AND MEALS ON WHEELS PROGRAMS BETWEEN THE DEPARTMENT OF EDUCATION, STATE OF HAWAII, AND THE COUNTY OF MAUI"

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.**