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COUNCIL OF THE COUNTY OF MAUI

A G E N D A

Regular Meeting of January 21, 2011
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

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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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

E. CEREMONIAL RESOLUTIONS:

NO. _____ - "CONGRATULATING KONRAD TALON FOR BEING NAMED ONE OF THE
2010 NATIONAL ACADEMY FOUNDATION ALUMNI AWARD WINNERS"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

NONE.

H. COMMITTEE REPORTS:

NONE.

I. COMMUNICATIONS:1. COUNTY COMMUNICATIONS:

- NO. 11-3 - CHIEF OF POLICE, informing of the receipt of \$1,768.03 in Forfeiture Funds from the Department of the Attorney General, State of Hawaii.
- NO. 11-4 - CHIEF OF POLICE, informing of the receipt of \$12,954.05 in Forfeiture Funds from the U.S. Department of Justice, Drug Enforcement Agency.
- NO. 11-5 - CHIEF OF POLICE, informing of the receipt of \$4,903.50 in Forfeiture Funds from the Department of the Attorney General, State of Hawaii.
- NO. 11-6 - DIRECTOR OF FINANCE, transmitting 54 contracts/grants for November 2010.
- NO. 11-7 - MAYOR, informing of a vacancy on the *Molokai Planning Commission* due to the resignation of Napua Leong.
- NO. 11-8 - COUNCIL CHAIR MATEO, transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF COUNCILMEMBER MIKE WHITE AS A MEMBER OF THE KULA AGRICULTURAL PARK COMMITTEE" and informing of his intention to offer the following motions:
1. A motion to WAIVE the requirement of committee referral and report as provided for in Rule 7(E) of the Rules of the Council;
 2. A motion to ADOPT the proposed resolution; and
 3. A motion to FILE this communication.
- NO. 11-9 - COUNCIL CHAIR MATEO, transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF COUNCILMEMBER MICHAEL P. VICTORINO AS THE MAUI COUNTY COUNCIL'S ALTERNATE REPRESENTATIVE TO THE HAWAII STATE ASSOCIATION OF COUNTIES EXECUTIVE COMMITTEE" and informing of his intention to offer the following motions:
1. A motion to WAIVE the requirement of committee referral and report as provided for in Rule 7(E) of the Rules of the Council;
 2. A motion to ADOPT the proposed resolution; and
 3. A motion to FILE this communication.

1. COUNTY COMMUNICATIONS (continued):

- NO. 11-10 - COUNCIL CHAIR MATEO, relating to referral of matters from the 2009-2011 Council term that were referred to the Council Chair for the 2011-2013 term at the Council meetings of December 3, 2010 and December 17, 2010.
- NO. 11-11 - COUNCIL CHAIR MATEO, relating to referral of various matters that were referred to the Council Chair for the 2011-2013 term pursuant to committee reports adopted on December 3, 2010 and December 17, 2010.
- NO. 11-12 - COUNCIL CHAIR MATEO, relating to referral of various matters pending at the end of the 2009-2011 Council term that were referred to the Council Chair for the 2011-2013 term.
- NO. 11-13 - COUNCIL CHAIR MATEO, relating to the filing of various matters that were referred to the Council Chair for the 2011-2013 term pursuant to the adoption of Committee Report No. 10-163 on December 17, 2010.
- NO. 11-14 - COUNCIL CHAIR MATEO, relating to the filing of various matters pending at the end of the 2009-2011 Council term that were referred to the Council Chair for the 2011-2013 term.
- NO. 11-15 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2011 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES - SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2011, AFFORDABLE HOUSING FUND, SELF-HELP HOUSING CORPORATION OF HAWAII FOR THE HELANI GARDENS PROJECT IN HANA, MAUI".
- NO. 11-16 - COUNCILMEMBER HOKAMA, transmitting a proposed resolution entitled "AUTHORIZING THE COUNCIL CHAIR TO CONTRACT FOR A PERFORMANCE AUDIT OF THE DEPARTMENT OF WATER SUPPLY".
- NO. 11-17 - COUNCILMEMBER HOKAMA, transmitting a proposed resolution entitled "AUTHORIZING THE COUNCIL CHAIR TO CONTRACT FOR A PERFORMANCE AUDIT OF THE DEPARTMENT OF PUBLIC WORKS".
- NO. 11-18 - COUNCILMEMBER WHITE, transmitting a proposed resolution entitled "URGING THE MAYOR TO TRANSMIT A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2011 BUDGET TO AUTHORIZE SUPPLEMENTAL FUNDING FOR THE MAUI VISITORS BUREAU".

1. COUNTY COMMUNICATIONS (continued):

- NO. 11-19 - DIRECTOR OF PARKS AND RECREATION, transmitting a proposed resolution entitled "AUTHORIZING THE ACCEPTANCE OF A DONATION OF REAL PROPERTY FROM HANA RANCH PARTNERS, L.L.C. TO THE COUNTY OF MAUI, DEPARTMENT OF PARKS AND RECREATION, PURSUANT TO CHAPTER 3.44.015.C, MAUI COUNTY CODE".
- NO. 11-20 - DIRECTOR OF ENVIRONMENTAL MANAGEMENT, relating to the Fiscal Year 2011 Budget proviso requiring the Wastewater Reclamation Division to begin testing in accordance with the Clean Water Act.
- NO. 11-21 - DIRECTOR OF ENVIRONMENTAL MANAGEMENT, transmitting the "DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, COUNTY OF MAUI, CHARTING MAUI'S COURSE TO INCREASING REUSE OF RECYCLED WATER, REPORT AND RECOMMENDATIONS OF THE MAUI WASTEWATER COMMUNITY WORKING GROUP".
- NO. 11-22 - COUNCILMEMBER VICTORINO, transmitting the "FINAL REPORT, MAUI COUNTY MATERIALS RECOVERY FACILITY PRELIMINARY ENGINEERING FEASIBILITY STUDY" and additional correspondence from the Department of Environmental Management.
- NO. 11-23 - COUNCILMEMBER VICTORINO, transmitting a copy of a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 20.08, MAUI COUNTY CODE, RELATING TO DEVELOPMENT ON STEEP TERRAIN".
- NO. 11-24 - COUNCILMEMBER VICTORINO, transmitting a copy of a proposed bill entitled "A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 20.26, MAUI COUNTY CODE, PERTAINING TO POLYSTYRENE DISPOSABLE FOOD SERVICE CONTAINERS".
- NO. 11-25 - COUNCILMEMBER COCHRAN, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 10.60.042, MAUI COUNTY CODE, RELATING TO THE ESTABLISHMENT OF A CROSSWALK ON A PORTION OF SOUTH KIHEI ROAD".
- NO. 11-26 - PLANNING DIRECTOR, relating to an application submitted by Jeanne McJannet on behalf of Maalaea Bay Realty & Rentals LLC, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO EXTEND A CONDITIONAL PERMIT TO ALLOW THE OPERATION OF A TRANSIENT VACATION RENTAL OFFICE WITHIN THE COUNTY A-2 APARTMENT DISTRICT, FOR PROPERTY SITUATED AT 280 HAUOLI STREET, MAALAEA, MAUI, HAWAII", and related documents.

1. COUNTY COMMUNICATIONS (continued):

- NO. 11-27 - COUNCIL CHAIR MATEO, relating to requests for Council approval of affordable housing projects pursuant to Chapter 201H, Hawaii Revised Statutes.
- NO. 11-28 - COUNCIL CHAIR MATEO, transmitting a letter from Don Fujimoto, Keaka LLC, submitting a copy of the "ANNUAL COMPLIANCE REPORT, CHANGE IN ZONING CONDITIONS FOR MAKENA RESORT AREA" in accordance with Condition 22 of Ordinance No. 3613.
- NO. 11-29 - COUNCIL CHAIR MATEO, transmitting a letter from Gwen Ohashi Hiraga, Munekiyo & Hiraga, Inc., submitting a copy of the "ANNUAL COMPLIANCE REPORT, CHANGE IN ZONING CONDITIONS FOR MAKENA RESORT AREA" in accordance with Condition 22 of Ordinance No. 3613.
- NO. 11-30 - COUNCIL CHAIR MATEO, relating to litigation matters.
- NO. 11-31 - COUNCIL CHAIR MATEO, relating to nominations to boards, committees, and commissions.
- NO. 11-32 - COUNCIL CHAIR MATEO, relating to matters pertaining to the Hawaii State Association of Counties.
- NO. 11-33 - COUNCIL CHAIR MATEO, relating to the Maui County Legislative Package.
- NO. 11-34 - COUNCIL CHAIR MATEO, relating to appeals to the Residential Workforce Housing Policy.
- NO. 11-35 - COUNCIL CHAIR MATEO, relating to amendments to the Rules of the Council.
- NO. 11-36 - MAYOR, transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF DAVID TAYLOR AS THE DIRECTOR OF THE DEPARTMENT OF WATER SUPPLY".
- NO. 11-37 - COUNCIL CHAIR MATEO, transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF MAYOR ALAN M. ARAKAWA AS THE STATE DEPUTY DIRECTOR OF CIVIL DEFENSE FOR THE COUNTY OF MAUI".

1. COUNTY COMMUNICATIONS (continued):

- NO. 11-38 - COUNCIL CHAIR MATEO, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE REPEALING CHAPTER 8.16, MAUI COUNTY CODE, AND ADDING A NEW CHAPTER 8.16A, MAUI COUNTY CODE, PERTAINING TO THE REGULATION OF FIREWORKS".
- NO. 11-39 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL MATSUBARA-KOTAKE BEFORE THE STATE LAND USE COMMISSION".
- NO. 11-40 - COUNCIL CHAIR MATEO, relating to the proposed Charter amendment to establish Maui County Council Election Districts.
- NO. 11-41 - DIRECTOR OF ENVIRONMENTAL MANAGEMENT, transmitting the "CENTRAL MAUI RECYCLED WATER VERIFICATION STUDY".
- NO. 11-42 - DIRECTOR OF WATER SUPPLY, transmitting copies of the water use reports for the month of November 2010.
- NO. 11-43 - DIRECTOR OF WATER SUPPLY, transmitting copies of the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ended December 2010.
- NO. 11-44 - COUNCILMEMBER VICTORINO, relating to Department of Water Supply rules and regulations pertaining to the Water System Development Fund.
- NO. 11-45 - COUNCILMEMBER VICTORINO, transmitting a draft bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 14, MAUI COUNTY CODE, RELATING TO WATER SERVICES".

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

- BILL NO. 94 (2010) - "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2011 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE - SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, CIVIL DEFENSE AGENCY"
- BILL NO. 95 (2010) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2011 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE - SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF PLANNING"
- BILL NO. 96 (2010) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2011 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE DEPARTMENT OF TRANSPORTATION"
- BILL NO. 97 (2010) - "A BILL FOR AN ORDINANCE AMENDING TITLES 2 AND 3, MAUI COUNTY CODE, RELATING TO REAL PROPERTY TAX REVIEW BOARDS"
- BILL NO. 98 (2010) - "A BILL FOR AN ORDINANCE GRANTING SEABURY HALL A CONDITIONAL PERMIT TO ALLOW CONSTRUCTION AND USE OF A CREATIVE ARTS FACILITY AND GRASSED PARKING LOT WITHIN THE COUNTY AGRICULTURAL DISTRICT FOR PROPERTY SITUATED AT TMK: (2) 2-4-008:001 (POR.), MAKAWAO, MAUI, HAWAII"
- BILL NO. 99 (2010) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 6.04, MAUI COUNTY CODE, PERTAINING TO ANIMAL CONTROL"

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.