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COUNCIL OF THE COUNTY OF MAUI

2011 FEB 25 PM 2:53

A G E N D A

Regular Meeting of March 4, 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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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 G. RIKI HOKAMA

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. _____ - "RECOGNIZING MARCH 2011 AS RED CROSS MONTH IN THE COUNTY OF MAUI"

NO. _____ - "CONGRATULATING RENNY RICHMOND FOR SETTING A NEW STATE RECORD IN THE 100-YARD BUTTERFLY AND ALSO WINNING THE 200-YARD FREESTYLE IN THE 2011 ATLAS INSURANCE SWIMMING AND DIVING CHAMPIONSHIPS"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

Regular Meeting of January 21, 2011

H. COMMITTEE REPORTS:NO. 11-8 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending the Fiscal Year 2011 Budget, as it pertains to grant appropriations for the Department of Housing and Human Concerns, by increasing the Kupuna Care Program appropriation by \$388,497, from \$680,283 to \$1,063,780; and
2. **FILING** of communication.

NO. 11-9 - PLANNING COMMITTEE:

Recommending **FILING** of communications relating to the Conditions of Zoning for Makena Resort pursuant to Ordinance No. 3613 (2008).

NO. 11-10 - PLANNING COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill establishing solar energy facilities as permitted uses in the Agricultural Zoning District; and
2. **FILING** of communication.

NO. 11-11 - POLICY COMMITTEE:

Recommending **FILING** of correspondence dated February 4, 2011, from the Department of the Corporation Counsel, regarding the possible settlement of Lothar Kuster v. County of Maui, et al., Case No. 08-16552, United States Court of Appeals for the Ninth Circuit.

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. 11-12 - POLICY COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving the appointment of Patrick K. Wong as the Corporation Counsel;
2. **FILING** of resolution disapproving the appointment of Patrick K. Wong as the Corporation Counsel; and
3. **FILING** of communication.

With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(2), Hawaii Revised Statutes, to consider the hire, evaluation, dismissal, or discipline of an officer or employee or of charges brought against the officer or employee, where consideration of matters affecting privacy will be involved; provided that if the individual concerned requests an open meeting, an open meeting shall be held.

I. COMMUNICATIONS:1. COUNTY COMMUNICATIONS:

- NO. 11-74 - CHIEF OF POLICE, informing of the Police Department's intent to expend \$50,000 in Federal Forfeiture Funds for their Employee Development Program to be used to fund training and related expenses.
- NO. 11-75 - MAYOR, informing of a vacancy on the *Commission on Persons with Disabilities* due to the passing of Tracy Souza.
- NO. 11-76 - MAYOR, informing of a vacancy on the *Urban Design Review Board* due to the resignation of Gary Brauner.
- NO. 11-77 - DIRECTOR OF FINANCE, responding to questions raised at the February 18, 2011 Council meeting regarding Bill Nos. 1 (2011), 2 (2011), and 3 (2011).
- NO. 11-78 - COUNTY CLERK, transmitting Bill No. 97 (2010) entitled "A BILL FOR AN ORDINANCE AMENDING TITLES 2 AND 3, MAUI COUNTY CODE, RELATING TO REAL PROPERTY TAX REVIEW BOARDS" for second and final reading.

1. COUNTY COMMUNICATIONS (continued):

- NO. 11-79 - COUNTY CIP COORDINATOR, transmitting the Capital Improvement Projects Implementation Report for Fiscal Year 2011, Second Quarter ending December 31, 2010.
- NO. 11-80 - COUNCIL CHAIR, relating to the matter of the Fiscal Year 2012 Budget.
- NO. 11-81 - COUNCILMEMBER BAISA, relating to gray water usage.
- NO. 11-82 - COUNCIL CHAIR, transmitting a letter from Robert Sutor, Tam Yau Estates LLC, submitting a copy of the "ANNUAL COMPLIANCE REPORT" in accordance with Condition 7 of Ordinance No. 3717.
- NO. 11-83 - PLANNING DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 19.04.040, MAUI COUNTY CODE, AND CHAPTER 19.18, MAUI COUNTY CODE, RELATING TO B-2 COMMUNITY BUSINESS DISTRICT", and minutes of the Maui, Molokai and Lanai Planning Commissions.
- NO. 11-84 - PLANNING DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.16, MAUI COUNTY CODE, RELATING TO B-1 NEIGHBORHOOD BUSINESS DISTRICT", and minutes of the Maui, Molokai and Lanai Planning Commissions.
- NO. 11-85 - PLANNING DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.20, MAUI COUNTY CODE, RELATING TO B-3 CENTRAL BUSINESS DISTRICT", and minutes of the Maui, Molokai and Lanai Planning Commissions.
- NO. 11-86 - DIRECTOR OF WATER SUPPLY, transmitting the draft Lanai Island Water Use and Development Plan and related documents.

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

- BILL NO. 1 (2011) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2011 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; PAIA-HAIKU COMMUNITY PLAN AREA, WATER SUPPLY, PAIA-HAIKU DISTRIBUTION SYSTEM IMPROVEMENTS; MAKAWAO-PUKALANI-KULA COMMUNITY PLAN AREA, WATER SUPPLY, MAKAWAO-PUKALANI-KULA DISTRIBUTION SYSTEM IMPROVEMENTS; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"
- BILL NO. 2 (2011) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO INTERGOVERNMENTAL AGREEMENTS FOR A LOAN FROM THE DRINKING WATER TREATMENT REVOLVING LOAN FUND FOR THE LOWER PAIA WATER TANK REPLACEMENT"
- BILL NO. 3 (2011) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO INTERGOVERNMENTAL AGREEMENTS FOR A LOAN FROM THE DRINKING WATER TREATMENT REVOLVING LOAN FUND FOR THE LOWER OMAOPIO ROAD TANK REPLACEMENT"
- BILL NO. 4 (2011) - "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. 5 (2011) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2011 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; MOLOKAI COMMUNITY PLAN AREA, GOVERNMENT FACILITIES, MOLOKAI BASEYARD; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"
- BILL NO. 6 (2011) - "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3749 BILL NO. 37 (2010) RELATING TO ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI"
- BILL NO. 7 (2011) - " 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 IN KIHEI "

L. UNFINISHED BUSINESS:

COUNTY COMMUNICATION:

NONE.

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.