

COUNCIL OF THE COUNTY OF MAUI

A G E N D A

Regular Meeting of January 25, 2008

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@co.maui.hi.us

ORAL OR WRITTEN TESTIMONY

ORAL OR WRITTEN TESTIMONY on any agenda item will be accepted. The Council shall receive oral testimony first from persons whose testimony forms are submitted prior to the convening of the meeting. Initially, three (3) minutes will be granted on each item, and at the discretion of the Council Chair, an additional minute may be granted to conclude the testimony; or an additional three (3) minutes on each item will be granted to those who are unable to conclude their testimony, after all others desiring to speak have been heard.

Thereafter, persons whose testimony forms are submitted after the meeting convenes, but before the testimony portion ends, will be allowed to present oral testimony for three minutes on each item. The Chair may grant an additional minute to conclude the testimony.

If written testimony is submitted at the meeting, 15 copies are requested. If written testimony is e-mailed or faxed (808-270-7171), please submit at least 24 hours before the meeting so that copies can be provided to Council Members in a timely manner.

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- A. ROLL CALL
 - B. OPENING REMARKS: COUNCILMEMBER JO ANNE JOHNSON
 - C. PLEDGE OF ALLEGIANCE
 - D. TESTIMONY ON CEREMONIAL RESOLUTION
 - E. CEREMONIAL RESOLUTIONS:

None

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

Regular Meeting of November 16, 2007

H. COMMITTEE REPORTS:NO. 08-9 - BUDGET AND FINANCE COMMITTEE:

Recommending **FILING** of communications relating to the Finance Director's Quarterly Reports and Capital Improvement Project Reports for Fiscal Year 2007.

NO. 08-10 - BUDGET AND FINANCE COMMITTEE:

Recommending **FILING** of communications relating to Capital Improvement Project Implementation Reports from the Budget Director for Fiscal Years 2007 and 2008.

NO. 08-11 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Appendix A of the Fiscal Year 2008 Budget for the County of Maui as it pertains to the Department of Water Supply; and
2. **FILING** of communication. (State of Hawaii Department of Health Source Water Protection Grant Project)

NO. 08-12 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending the Fiscal Year 2008 Budget by increasing Carryover/Savings in the Water Supply Fund, and adding an appropriation to Water Supply Funds - Unrestricted Funds, Lanai Community Plan Area, for the "Lanai Water System Acquisition Appraisal" project, in the amount of \$110,000; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 08-13 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Appendix A of the Fiscal Year 2008 Budget for the County of Maui as it pertains to the Department of Housing and Human Concerns; and
2. **FILING** of communication. (Home Investment Partnership Program)

NO. 08-14 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending the Fiscal Year 2008 Budget by increasing the Carryover/Savings in the General Fund, and adding an appropriation to the Molokai Community Plan Area, Government Facilities, for the "New Kaunakakai Fire Station" project, in the amount of \$12,350,000; and
2. **FILING** of communication.

NO. 08-15 - PLANNING COMMITTEE:

Recommending **ADOPTION** of resolution referring a draft bill to authorize home occupations in various zoning districts to the Lanai, Maui, and Molokai Planning Commissions.

NO. 08-16 - PUBLIC WORKS AND FACILITIES COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution granting a five-year license to the Tom Morrow Equestrian Arena, a nonprofit organization, to occupy a portion of the Fourth Marine Division Memorial Park in Haiku, Maui, for the operation of a community equestrian center on approximately 5.7 acres of County real property at TMK: (2) 2-7-02:137 and (2) 2-7-02:portion of 076, for an annual nominal rental of \$1; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):

NO. 08-17 - PUBLIC WORKS AND FACILITIES COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution accepting the dedication of road widening Lot 51-C-4-D, along Lower Honoapiilani Road, Lahaina, Maui, consisting of approximately 784 square feet, TMK: (2) 4-3-03:portion of 043; and
2. **FILING** of communication. (Mailepai Hui Subdivision)

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 08-10 - CHIEF OF POLICE, informing of the Police Department's intent to expend \$50,000 in State Forfeiture Funds for its Employee Development Program.

NO. 08-11 - PROSECUTING ATTORNEY, transmitting a copy of a Grant Award letter for the Edward Byrne Memorial Justice Assistance Program for the period October 1, 2006 to September 30, 2010.

NO. 08-12 - DIRECTOR OF FINANCE, informing of the sale of \$39,500,000 of General Obligation Bonds, 2008 Series A.

NO. 08-13 - DIRECTOR OF FINANCE, transmitting a copy of the report of short term investments for the quarter ended December 31, 2007.

NO. 08-14 - COUNCIL CHAIR, transmitting for adoption a proposed resolution entitled "APPROVING THE APPOINTMENT OF MARIANNE N. O. SUSINETTI AS A COUNCIL SERVICES CLERK IN THE OFFICE OF COUNCIL SERVICES".

NO. 08-15 - COUNCIL CHAIR, transmitting a proposed resolution entitled "AUTHORIZING SETTLEMENT OF ROSA RODRIGUEZ MARTINEZ AND SALOMON BALTAZAR ALONSO VS. AARON WON, COUNTY OF MAUI, ET AL., CIVIL NO. CV 06-00409 HG LEK", and informing that the following motions will be entertained:

1. A motion to WAIVE the requirement of committee referral and recommendation of the proposed resolution;
2. A motion to ADOPT the proposed resolution; and
3. A motion to FILE this communication.

1. COUNTY COMMUNICATIONS (continued):

- NO. 08-16 - DIRECTOR OF PUBLIC WORKS, transmitting the "Other Departmental Support" first quarter report of Fiscal Year 2008 for work provided by the Department of Public Works to the Department of Environmental Management.
- NO. 08-17 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A STATE WATER POLLUTION CONTROL REVOLVING FUND LOAN FOR THE FRONT STREET SEWER LINE REHABILITATION, WEST MAUI COMMUNITY PLAN AREA, FISCAL YEAR 2008 BUDGET ORDINANCES (ALSO KNOWN AS FRONT STREET SEWER REHABILITATION)".
- NO. 08-18 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A STATE WATER POLLUTION CONTROL REVOLVING FUND LOAN FOR THE ENVIRONMENTAL PROTECTION AGENCY (EPA) CONSENT DECREE SEWER REHABILITATION, WAILUKU-KAHULUI COMMUNITY PLAN AREA, FISCAL YEAR 2008 BUDGET ORDINANCES (ALSO KNOWN AS ISLANDWIDE EPA CONSENT DECREE SEWER REHABILITATION)".
- NO. 08-19 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A STATE WATER POLLUTION CONTROL REVOLVING FUND LOAN FOR THE ENVIRONMENTAL PROTECTION AGENCY (EPA) CONSENT DECREE SEWER REHABILITATION, KIHEI-MAKENA COMMUNITY PLAN AREA, FISCAL YEAR 2008 BUDGET ORDINANCES (ALSO KNOWN AS ISLANDWIDE EPA CONSENT DECREE SEWER REHABILITATION)".
- NO. 08-20 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A STATE WATER POLLUTION CONTROL REVOLVING FUND LOAN FOR THE ENVIRONMENTAL PROTECTION AGENCY (EPA) CONSENT DECREE SEWER REHABILITATION, WEST MAUI COMMUNITY PLAN AREA, FISCAL YEAR 2008 BUDGET ORDINANCES (ALSO KNOWN AS ISLANDWIDE EPA CONSENT DECREE SEWER REHABILITATION)".

1. COUNTY COMMUNICATIONS (continued):

NO. 08-21 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A STATE WATER POLLUTION CONTROL REVOLVING FUND LOAN FOR THE KAA NAPALI/HYATT FORCE MAIN REPLACEMENTS, WEST MAUI COMMUNITY PLAN AREA, FISCAL YEAR 2008 BUDGET ORDINANCES (ALSO KNOWN AS HYATT/KAA NAPALI FORCE MAIN REPLACEMENTS)".

NO. 08-22 - PLANNING DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 2185 (1992), PERTAINING TO THE GRANTING OF A CONDITIONAL PERMIT TO DR. ROGER KEHLER TO ALLOW FOR THE CONTINUED OPERATION OF KIHEI VETERINARY CLINIC, SITUATED AT 95 WAI OHULI STREET, KIHEI, MAUI, HAWAII", and related documents.

NO. 08-23 - COUNCILMEMBER BAISA, pertaining to the matter of policy issues relating to coastal erosion and sea-level rise.

NO. 08-24 - COUNCIL CHAIR, transmitting a draft resolution entitled "AUTHORIZING AN AGREEMENT AMONG THE COUNTY, NACO, AND CAREMARK RELATING TO A PRESCRIPTION DRUG DISCOUNT CARD PROGRAM FOR RESIDENTS OF THE COUNTY OF MAUI".

2. GENERAL COMMUNICATIONS:

NONE

J. RESOLUTIONS:

NONE

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 1 (2008) - "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2008 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE CIVIL DEFENSE AGENCY"

BILL NO. 2 (2008) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2008 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE DEPARTMENT OF MANAGEMENT AND OFFICE OF THE MAYOR"

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

BILL NO. 3 (2008) - "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2008 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE DEPARTMENT OF FINANCE"

BILL NO. 4 (2008) - "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3299 (2005), PERTAINING TO THE GRANTING OF A CONDITIONAL PERMIT TO VALERIE LEWIS OKAMURA TO ALLOW FOR THE OPERATION OF MAUI BY THE SEA, A TRANSIENT VACATION RENTAL SITUATED AT 523 HANA HIGHWAY, KUAU, PAIA, MAUI, HAWAII"

BILL NO. 5 (2008) - "A BILL FOR AN ORDINANCE GRANTING HALEAKALA RANCH COMPANY A CONDITIONAL PERMIT TO CONSTRUCT AND OPERATE THE HALEAKALA RANCH VISITOR'S CENTER, WITHIN THE COUNTY AGRICULTURAL DISTRICT, FOR PROPERTY SITUATED AT KULA, MAUI, HAWAII"

BILL NO. 6 (2008) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.29, MAUI COUNTY CODE, RELATING TO RURAL DISTRICTS"

BILL NO. 7 (2008) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.04, MAUI COUNTY CODE, PERTAINING TO GENERAL PROVISIONS AND DEFINITIONS, AND AMENDING CHAPTER 19.36, MAUI COUNTY CODE, PERTAINING TO OFF-STREET PARKING AND LOADING"

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.