

# **COUNCIL OF THE COUNTY OF MAUI**

## **A G E N D A**

Regular Meeting of August 8, 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@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. 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 JOSEPH PONTANILLA
  - C. **PLEDGE OF ALLEGIANCE**
  - D. **TESTIMONY ON CEREMONIAL RESOLUTION**

E. CEREMONIAL RESOLUTION:

NO. \_\_\_\_\_ - "CONGRATULATING JEANNE UNEMORI SKOG FOR RECEIVING THE 2008 STEPHEN L. JACKSTADT AWARD"

NO. \_\_\_\_\_ - "CONGRATULATING MAUI BASEBALL EXPO FOR WINNING A NATIONAL AWARD OF EXCELLENCE"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

NONE

H. COMMITTEE REPORTS:

NO. 08-82 - BUDGET AND FINANCE COMMITTEE:

Recommending **FILING** of Contract No. G2535, between the County of Maui and the Maui Humane Society, relating to a \$7,500 grant to conduct pet photography workshops.

NO. 08-83 - BUDGET AND FINANCE COMMITTEE:

Recommending **FILING** of communications relating to reports from the State Department of Accounting and General Services regarding certain State appropriations for capital improvement projects involving the County for the periods ending December 31, 2007 and March 31, 2008.

NO. 08-84 - BUDGET AND FINANCE COMMITTEE:

Recommending **FILING** of communication relating to a report on transfers from the General Fund and the Department of Water Supply's Revenue Fund to the Bond Fund as of March 31, 2008.

NO. 08-85 - BUDGET AND FINANCE COMMITTEE:

Recommending **FILING** of communications relating to the Cost of Government Commission reports of findings and recommendations for commission years April 1, 2005 to March 31, 2006; April 1, 2006 to March 31, 2007; and April 1, 2007 to March 31, 2008.

H. COMMITTEE REPORTS (continued):NO. 08-86 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the West Maui Community Plan and Land Use Map from Park to Business, Hotel to Business, Hotel to Park, and Business to Park for property situated at Lahaina, Maui, Hawaii (**Park to Business**, TMK: (2) 4-4-01:010 (por.) and (2) 4-4-14:008 (por.), comprising 0.332 acres; **Hotel to Business**, TMK: (2) 4-4-14:008 (por.), comprising 0.770 acres; **Hotel to Park**, TMK: (2) 4-4-14:008 (por.), comprising 0.572 acres; and **Business to Park**, TMK: (2) 4-4-01:010 (por.), comprising 0.752 acres);
2. **FIRST READING** of bill to change the zoning from R-3 Residential District to B-2 Community Business District and from H-2 Hotel District to B-2 Community Business District (Conditional Zoning) for property situated at Lahaina, Maui, Hawaii (**R-3 Residential District to B-2 Community Business District**, TMK: (2) 4-4-01:010 (por.) and (2) 4-4-14:008 (por.), comprising 1.491 acres; **H-2 Hotel District to B-2 Community Business District**, TMK: (2) 4-4-14:008 (por.), comprising 0.068 acres);
3. **FIRST READING** of bill to change the zoning from H-2 Hotel District to PK-2 Park District, from R-3 Residential District to PK-2 Park District, and from H-2 Hotel District to PK-2 Park District for property situated at Lahaina, Maui, Hawaii (**H-2 Hotel District to PK-2 Park District**, TMK: (2) 4-4-14:008 (por.), comprising 0.131 acres; **R-3 Residential District to PK-2 Park District**, TMK: (2) 4-4-14:008 (por.) and (2) 4-4-01:010 (por.), comprising 1.365 acres; and **H-2 Hotel District to PK-2 Park District**, TMK: (2) 4-4-14:008 (por.), comprising 3.505 acres);
4. **RECORDATION** of the Unilateral Agreement and Declaration for Conditional Zoning; and
5. **FILING** of communications. (Planning Director, on behalf of Maui Beach Resort Limited Partnership and Charles Nunes, Jr.)

NO. 08-87 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Ordinance No. 3397 (2006), to extend a Conditional Permit, until August 23, 2010, to Cherie Attix to allow the continued operation of the Hale Hookipa Inn, within the R-3 Residential District, for property situated at 32 Pakani Place, Makawao, Maui, Hawaii (TMK: (2) 2-4-18:063); and
2. **FILING** of communication. (Cherie Attix)

H. COMMITTEE REPORTS (continued):NO. 08-88 - PLANNING COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution urging the President of the United States and Congress to seek solutions to soaring gasoline prices and to pursue initiatives to reduce the nation's consumption of oil;
2. **ADOPTION** of resolution urging the State of Hawaii to consider measures that will reduce the State's dependence on oil; and
3. **FILING** of communication.

NO. 08-89 - POLICY COMMITTEE:

Recommending **FILING** of correspondence dated July 21, 2008, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution authorizing settlement of Daniel K. Kanahale, et al. vs. Maui County Council, et al.; Civil No. 08-1-0115(3).

*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.*

NO. 08-90 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution authorizing a proposed settlement of Wayne K. Yoshioka v. County of Maui, Department of Environmental Management, Case Nos. AB 2006-477(M) and 7-04-01273.

*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; and 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.*

H. COMMITTEE REPORTS (continued):NO. 08-91 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution indemnifying Samuel C. Gasmen, a police officer, in Lucille R. Tabon v. Samuel C. Gasmen, et al., Civil No. 07-1-0307(3).

*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; and 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.*

NO. 08-92 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution indemnifying Roy Hirayama, a police officer, in Christopher Grindling v. Sgt. Roy Hirayama, et al., Civil No. CV 05-00694 DAE BMK.

*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; and 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.*

NO. 08-93 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution authorizing the employment of the law firm of Bronster & Hoshibata as the County's special counsel to represent the County in all legal matters pertaining to Molokai Properties, Ltd., dba Molokai Ranch; Molokai Public Utilities, Inc.; Wai'ola O Moloka'i, Inc.; and Mosco, Inc., for a total compensation not to exceed \$100,000.

*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.*

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H. COMMITTEE REPORTS (continued):

NO. 08-94 - PUBLIC WORKS AND FACILITIES COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution accepting the dedication of Road Widening Lot 12-D-4 for the Waiohuli-Keokea Homesteads in Kihei, Maui, along Lipoa Street, consisting of approximately 5,210 square feet, identified as TMK: (2) 3-9-02:portion of 026; and
2. **FILING** of communication.

NO. 08-95 - PUBLIC WORKS AND FACILITIES COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing the acceptance of a donation of a jet ski, trailer, and other accessories, collectively valued at \$13,666.54, from Tri-Isle Resource Conservation & Development Council, Inc., on behalf of the Will Smith Foundation, to the Department of Parks and Recreation; and
2. **FILING** of communication.

NO. 08-96 - PUBLIC WORKS AND FACILITIES COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill prohibiting businesses from providing plastic bags not specifically designed and manufactured for multiple reuse to their customers at the point of sale and encourages the use of environmentally-preferred alternatives, beginning January 11, 2011; and
2. **FILING** of communication.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

- NO. 08-178 - PROSECUTING ATTORNEY, transmitting a copy of a Grant Award letter from the Department of the Attorney General for the Special Needs Advocacy Project for the period October 1, 2007 to September 30, 2008.

COUNTY COMMUNICATIONS (continued):

- NO. 08-179 - DIRECTOR OF FINANCE, transmitting two reports on settlement of claims as of June 30, 2008.
- NO. 08-180 - BUDGET DIRECTOR, requesting a time extension to submit the Capital Improvement Project Implementation Report as of June 30, 2008.
- NO. 08-181 - COUNCILMEMBER VICTORINO, transmitting a draft resolution entitled "REFERRING TO THE LANAI, MAUI, AND MOLOKAI PLANNING COMMISSIONS A DRAFT BILL TO ESTABLISH SOLAR ENERGY FACILITIES AS PERMITTED USES IN THE AGRICULTURAL ZONING DISTRICT".
- NO. 08-182 - COUNCIL CHAIR, transmitting a letter from the Mayor's Wailuku Municipal Parking Structure Stakeholders Committee referring a draft resolution entitled "EXPRESSING SUPPORT FOR THE WAILUKU MUNICIPAL PARKING STRUCTURE PROJECT FOR WAILUKU TOWN".
- NO. 08-183 - COUNCIL VICE-CHAIR MATEO, relating to administrative rules for the Residential Workforce Housing Policy.
- NO. 08-184 - DIRECTOR OF WATER SUPPLY, reporting on waterline easement conveyances for the fourth quarter of Fiscal Year 2008.

2. GENERAL COMMUNICATION:

NONE

J. RESOLUTIONS:

NONE

K. ORDINANCES - SECOND AND FINAL READING:

- BILL NO. 63 (2008) - "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 1476 SOUTH KIHEI ROAD, KIHEI, MAUI, HAWAII"

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

BILL NO. 64 (2008) - "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM AGRICULTURAL DISTRICT TO OS-2 OPEN SPACE DISTRICT FOR PROPERTY SITUATED AT WAIHEE, MAUI, HAWAII"

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.**