

COUNCIL OF THE COUNTY OF MAUI

A G E N D A

Regular Meeting of February 16, 2007
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.

A. ROLL CALL

B. OPENING REMARKS: COUNCILMEMBER DANNY A. MATEO

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTION

E. CEREMONIAL RESOLUTION:

NO. _____ - "CONGRATULATING BENJAMIN MASSENBURG FOR BEING NAMED A CANDIDATE IN THE 2007 PRESIDENTIAL SCHOLARS PROGRAM"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

NONE

H. COMMITTEE REPORTS:NO. 07-1 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing the application for and acceptance of a grant of funds from the State of Hawaii Department of Attorney General Crime Prevention & Justice Awareness Division relating to Hawaii Anti-Trafficking Task Force;
2. **FIRST READING** of bill amending Appendix A of the Fiscal Year 2007 Budget for the County of Maui as it pertains to the Department of Police; and
3. **FILING** of communication.

NO. 07-2 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Appendix A of the Fiscal Year 2007 Budget for the County of Maui as it pertains to the Department of Public Works and Environmental Management; and
2. **FILING** of communication.
(Deposit Beverage Container Program)

NO. 07-3 - POLICY COMMITTEE:

Recommending the following:

1. **APPROVAL** of Kent Hiranaga to the *Maui Planning Commission*; and
2. **TRANSMITTAL** of a copy of the committee report to the Mayor.

H. COMMITTEE REPORTS (continued):NO. 07-4 - POLICY COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving the appointment of Brian T. Moto as the Corporation Counsel; and
2. **FILING** of communication.

NO. 07-5 - POLICY COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving the appointment of Benjamin M. Acob as the Prosecuting Attorney; and
2. **FILING** of communication.

NO. 07-6 - POLICY COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving the appointment of Jeffrey K. Eng as the Director of the Department of Water Supply; and
2. **FILING** of communication.

NO. 07-7 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution authorizing a proposed settlement of VERANIO S. TONGSON, ET AL. V. COUNTY OF MAUI, ET AL., Civil No. 05-00683 SOM LEK.

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, and pursuant to Section 92-5(a)(8), Hawaii Revised Statutes, to deliberate 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. 07-8 - POLICY COMMITTEE:

Recommending **FIRST READING** of bill amending Section 2.96.040(A)(3), Maui County Code, relating to the Residential Workforce Housing Requirements.

NO. 07-9 - PUBLIC WORKS AND FACILITIES COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution accepting a donation of a 1994 Ford 21-passenger mini bus from Maui Economic Opportunity, Inc., to the Department of Parks and Recreation for County youth recreation programs; and
2. **FILING** of communication.

NO. 07-10 - PUBLIC WORKS AND FACILITIES COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution allowing the County to execute a contract, which contains a provision requiring the County to indemnify Schnitzer Steel Hawaii Corp. for preexisting pollution, soil contamination, and hazardous waste contamination at the Molokai Landfill in connection with services it provides under the contract; and
2. **FILING** of communication.

NO. 07-11 - PUBLIC WORKS AND FACILITIES COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution accepting the dedication of a park located in Phase I of the Maui Lani Subdivision, Kahului, Maui, comprised of approximately 78,308 square feet (TMK: (2) 3-8-81:067) and waiving the requirements for comfort stations and parking areas in the subject park; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):

NO. 07-12 - PUBLIC WORKS AND FACILITIES COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill establishing a 12-foot-wide crosswalk on a portion of South Kihei Road, approximately 1,300 feet south of the intersection of Alanui Ke Alii Road and South Kihei Road; and
2. **FILING** of communication.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 07-65 - MAYOR, informing of the resignation of Shirley Alapa as a member of the Board of Variances and Appeals and Zachary Helm as a member of the Liquor Control Commission.

NO. 07-66 - COUNCIL CHAIR, transmitting a report from the State Department of Accounting and General Services regarding certain State appropriations for capital improvement projects involving the County for period ended December 31, 2006.

NO. 07-67 - CHIEF OF POLICE, informing of the Police Department's intent to expend \$18,294 in Federal Forfeiture Funds to provide funding for the repair of their Spectrometer Equipment.

NO. 07-68 - CHIEF OF POLICE, informing of the Police Department's intent to expend \$50,000 in Federal Forfeiture Funds for its Employee Development Program.

NO. 07-69 - BUDGET DIRECTOR, requesting a time extension to submit the Capital Improvement Project Implementation Report as of December 31, 2006.

NO. 07-70 - COUNCIL CHAIR, transmitting the Management Letter, which was issued in conjunction with the independent financial audit of the County of Maui for the Fiscal Year Ended June 30, 2006.

NO. 07-71 - COUNCIL CHAIR, transmitting the County of Maui's Single Audit Report for the Fiscal Year Ended June 30, 2006.

NO. 07-72 - COUNCIL CHAIR, transmitting the County of Maui's Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2006.

1. COUNTY COMMUNICATIONS (continued):

- NO. 07-73 - COUNCIL CHAIR, transmitting the Department of Water Supply's Financial Audit Report for the Fiscal Year Ended June 30, 2006.
- NO. 07-74 - DIRECTOR OF FINANCE, transmitting copies of the Finance Director's Quarterly Report for Fiscal Year July 1, 2006 to June 30, 2007 as of December 31, 2006, and a copy of the Capital Improvement Project Report as of December 31, 2006.
- NO. 07-75 - COUNCIL CHAIR, relating to the transportation workshop findings and commuter survey conducted by the Lahaina Bypass Now organization.
- NO. 07-76 - COUNCILMEMBER MOLINA, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.35, MAUI COUNTY CODE, PERTAINING TO THE AFFORDABLE HOUSING FUND".
- NO. 07-77 - 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. 07-78 - COUNCIL CHAIR, transmitting a draft bill entitled "A BILL FOR AN ORDINANCE RELATING TO THE COUNCIL'S AUTHORITY TO SETTLE CLAIMS".
- NO. 07-79 - DIRECTOR OF PUBLIC WORKS AND ENVIRONMENTAL MANAGEMENT, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF A ROAD WIDENING LOT FOR THE LAND COURT APPLICATION 862 SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".
- NO. 07-80 - COUNCILMEMBER JOHNSON, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 20, MAUI COUNTY CODE, TO PROHIBIT AERIAL ADVERTISING".
- NO. 07-81 - DIRECTOR OF WATER SUPPLY, transmitting the Fiscal Year 2007 second quarter report on waterline easement conveyances.
- NO. 07-82 - DIRECTOR OF WATER SUPPLY, transmitting copies of the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending January, 2007.

2. GENERAL COMMUNICATIONS:

NONE

J. RESOLUTION:

NONE

K. ORDINANCES - SECOND AND FINAL READING:

NONE.

L. UNFINISHED BUSINESS:

ORDINANCE - SECOND AND FINAL READING:

BILL NO. 84 (2006) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 5.22, MAUI COUNTY CODE, RELATING TO BICYCLE TOUR BUSINESS"

With reference to this agenda item, one or more executive meetings pursuant to Section 92-5(a)(4), HRS, are anticipated to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County and the Council, and pursuant to Section 92-5(a)(8), HRS, to deliberate 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.

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.