

COUNCIL OF THE COUNTY OF MAUI

A G E N D A

Regular Meeting of March 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.

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- A. ROLL CALL

 - B. OPENING REMARKS: COUNCILMEMBER WILLIAM J. MEDEIROS

 - C. PLEDGE OF ALLEGIANCE

 - D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. _____ - "CONGRATULATING THE BALDWIN HIGH SCHOOL FOOTBALL TEAM, DIVISION I STATE FOOTBALL SEMI-FINALISTS"

NO. _____ - "RECOGNIZING MARCH 2007 AS NATIONAL PROFESSIONAL SOCIAL WORK MONTH"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

1. Regular Meeting of December 19, 2006
2. Organizational Meeting of January 5, 2007
3. Regular Meeting of January 19, 2007
4. Regular Meeting of February 2, 2007

H. COMMITTEE REPORTS:

NO. 07-22 - 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.

NO. 07-23 - BUDGET AND FINANCE COMMITTEE:

Recommending **FILING** of communications relating to the Department of Police's expenditure of Forfeiture Funds for the construction of hardened shelters for the 800 megahertz radio system, the repair of spectrometer equipment, and Employee Development Program.

NO. 07-24 - BUDGET AND FINANCE COMMITTEE:

Recommending **FILING** of communication relating to the Real Property Tax Board of Review's 2004-2005 and 2005-2006 Annual Reports.

NO. 07-25 - LAND USE COMMITTEE:

Recommending **ADOPTION** of resolution referring to the Maui Planning Commission draft bills to, respectively, enact a State Land Use District Classification Amendment, a Community Plan Amendment, and a Change in Zoning for property situated at Lahaina, Maui, Hawaii for the proposed West Maui Hospital and related Ancillary Medical Facilities.

H. COMMITTEE REPORTS (continued):NO. 07-26 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending the State Land Use District Classification from Agricultural to Urban for property situated at Makena, Maui, Hawaii (TMK: (2) 2-1-07:009);
2. **FIRST READING** of bill amending the Kihei-Makena Community Plan and Land Use Map from Multi-Family to Single-Family for property situated at Makena, Maui, Hawaii (TMK: (2) 2-1-07:009);
3. **FIRST READING** of bill to change the zoning from Interim District to R-3 Residential District (Conditional Zoning) for property situated at Makena, Maui, Hawaii (TMK: (2) 2-1-07:009);
4. **RECORDATION** of the Unilateral Agreement and Declaration for Conditional Zoning; and
5. **FILING** of communication. (Papaanui, LLC)

NO. 07-27 - PLANNING COMMITTEE:

Recommending the following:

1. **FILING** of communication;
2. **FILING** of Committee Report No. 02-94; and
3. **REFERRAL** to the Planning Committee the matter of the Department of Planning's enforcement policies relating to transient vacation rentals.

NO. 07-28 - POLICY COMMITTEE:

Recommending the following:

1. **APPROVAL** of Sherry Duong to the **Affirmative Action Advisory Council**; Nancy Fisher, Frances Joswick, and Ronald Larsen to the **Animal Control Board**; Emily De Costa and Tamio Iwado to the **Board of Code Appeals**; Sheri-Ann Daniels and Rebecca Woods to the **Board of Ethics**; Stephen Castro, Sr. and Rachel Phillips to the **Board of Variances and Appeals**; Phyllis Robinson to the **Board of Water Supply**; Barbara Haliniak to the **Civil Service Commission**; Wayne Yamashige and Mary Wolfe to the **Commission on Children and Youth**; Sherry Gabriele and Teri Gorman to the **Commission on Culture and the Arts**; Verna Podlewski and David Olsten to the **Commission on Naming**

H. COMMITTEE REPORTS (continued):

Streets, Parks and Facilities; John Del Gatto, Sharron Courter, Warren Suzuki, and Rebecca Kikumoto to the ***Cost of Government Commission***; Branch Isole, Genevieve Clubb, and Amy Kastens to the ***Council on Aging***; Ella Alcon and Wendy Osher to the ***Fire and Public Safety Commission***; Jerrybeth DeMello and Marilyn Colvin to the ***Liquor Control Adjudication Board***; Merlyn Winters and Robert Tanaka to the ***Liquor Control Commission***; Karen Hue Sing-Ledesma, Alexander Yray, and Kealoha Laemoa to the ***Maui County Commission on Persons with Disabilities***; Raymond Phillips to the ***Maui County Cultural Resources Commission***; Kenneth Rothman and Christina Paleka to the ***Maui County Grants Review Committee***; Kaiulani Piper to the ***Maui County Outdoor Lighting Standards Committee***; Robin Knox and Joan Pawsat to the ***Maui Planning Commission***; Michelle Pescaia and Linda Kauhane to the ***Molokai Planning Commission***; Calmentina Pedro to the ***Police Commission***; Matthew Driggers to the ***Real Property Tax Review Board***; Paulette McFaul to the ***Salary Commission***; Benjamin Buttarro to the ***Kula Agricultural Park Committee***; Alexa Basinger to the ***Maui Redevelopment Agency***; and Gary Brauner and Susan Liscombe to the ***Urban Design Review Board***;

2. **DISAPPROVAL** of Ronald Vaught to the ***Police Commission***; and
3. **TRANSMITTAL** of a copy of the committee report to the Mayor.

NO. 07-29 - POLICY COMMITTEE:

Recommending the following:

1. **APPROVAL** of Henry Kauka to the ***Liquor Control Commission*** and Leil Koch to the ***Police Commission***; and
2. **TRANSMITTAL** of a copy of the committee report to the Mayor.

NO. 07-30 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution authorizing a proposed settlement of Dat Nguyen, et al., v. County of Maui, Civil No. 006-1-0012(1).

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. 07-31 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution authorizing a proposed settlement of Constance C. Deans et al. v. County of Maui et al., Civil No. 06-1-0175(1).

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.

NO. 07-32 - PUBLIC WORKS AND FACILITIES COMMITTEE:

Recommending **FILING** of communication indemnifying the State of Hawaii to allow the Department of Public Works and Environmental Management to execute a contract with the State Department of Health for implementation of the Deposit Beverage Container Program (Bottle Bill).

NO. 07-33 - PUBLIC WORKS AND FACILITIES COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution granting a non-exclusive easement of approximately 480 square feet across, through and under County property, described as a portion of Haliimaile Road located near TMK: (2) 2-4-01:003 in Haliimaile, Maui, to Maui Land & Pineapple Company, Inc., for private wastewater system purposes; and
2. **FILING** of communication.

NO. 07-34 - PUBLIC WORKS AND FACILITIES COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution granting an easement containing an area of 3,744 square feet and affecting a 15-foot wide portion of the Wailuku Highways Baseyard, along Waiale Road (TMK: (2) 3-4-03:portion of 001) to Maui Electric Company, Limited and Hawaiian Telcom, Inc., for electrical and communication purposes; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 07-35 - PUBLIC WORKS AND FACILITIES COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution granting a non-exclusive easement of approximately 1,256 square feet across, through and under County property, described as a portion of the Kahekili Highway right-of-way located near TMK: (2) 3-1-01:052, 053, and 076 in Kahakuloa, Maui, for private waterline purposes; and
2. **FILING** of communication.

I. COMMUNICATIONS:1. COUNTY COMMUNICATIONS:

NO. 07-96 - CHAIR, POLICY COMMITTEE, relating to the Hawaii Superferry, transmitting a proposed resolution entitled "REQUESTING THAT THE CORPORATION COUNSEL PROCEED IN MAUI TOMORROW FOUNDATION, INC. ET AL. V. THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF HAWAII, ET AL., CIVIL NO. 06-1-0027(1), SECOND CIRCUIT COURT OF THE STATE OF HAWAII"; and informing of his intention to offer the following motions:

1. A motion to ADOPT the proposed resolution; and
2. A motion to FILE this communication.

NO. 07-97 - CHAIR, POLICY COMMITTEE, transmitting a proposed resolution entitled "AUTHORIZING SETTLEMENT OF ASGHAR R. SADRI V. KURT ULMER, ET AL., CIVIL NO. CV06-00430 ACK KSC, AND ASGHAR R. SADRI V. MAUI PLANNING COMMISSION, CIVIL NO. 04-1-0366(2)"; and informing of his intention to offer the following motions:

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

1. COUNTY COMMUNICATIONS (continued):

- NO. 07-98 - CHAIR, POLICY COMMITTEE, relating to the matter of appeals to the Residential Workforce Housing Policy.
- NO. 07-99 - DIRECTOR OF PARKS AND RECREATION, transmitting the semiannual report regarding park dedications for the period April 1, 2006 through September 30, 2006.
- NO. 07-100 - DIRECTOR OF PUBLIC WORKS AND ENVIRONMENTAL MANAGEMENT, relating to Puukolii Road.
- NO. 07-101 - DIRECTOR OF WATER SUPPLY, transmitting copies of the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ended February 2007.

2. GENERAL COMMUNICATIONS:

NONE

J. RESOLUTIONS:

NONE

K. ORDINANCES - SECOND AND FINAL READING:

- BILL NO. 5 (2007) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2007 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE DEPARTMENT OF WATER SUPPLY"
- BILL NO. 6 (2007) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2007 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES, THE DEPARTMENT OF PARKS AND RECREATION, TOTAL OPERATING APPROPRIATIONS, AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"
- BILL NO. 7 (2007) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO A SUPPLEMENTAL AGREEMENT TO MEMORANDUM OF AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF HEALTH"

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.