

COUNCIL OF THE COUNTY OF MAUI

A G E N D A

Regular Meeting of July 6, 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 MICHAEL J. MOLINA

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTION:

NO. _____ - "CONGRATULATING THE CAST, CREW, DIRECTOR, AND PRODUCERS OF THE DOCUMENTARY KIHŌ'ALU FOR BEING RECOGNIZED WITH AN EMMY AWARD BY THE NATIONAL ACADEMY OF TELEVISION ARTS AND SCIENCES"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

1. Regular meeting of May 4, 2007
2. Special meeting of May 30, 2007
3. Regular meeting of June 1, 2007

H. COMMITTEE REPORTS:NO. 07-55 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving cost items for Unit 2, Supervisory Blue Collar Employees; Unit 3, Non-Supervisory White Collar Employees; Unit 4, Supervisory White Collar Employees; and Unit 13, Professional and Scientific Employees; and
2. **FILING** of communication.

NO. 07-56 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving cost items for Non-Supervisory White Collar Employees excluded from Bargaining Unit 3, Supervisory White Collar Employees excluded from Bargaining Unit 4, and Professional and Scientific Employees excluded from Bargaining Unit 13; and
2. **FILING** of communication.

NO. 07-57 - LAND USE COMMITTEE:

Recommending **FILING** of communication relating to an orientation workshop by the Department of Planning.

NO. 07-58 - POLICY COMMITTEE:

Recommending the following:

1. **APPROVAL** of Councilmember Gladys C. Baisa to the *Kula Agricultural Park Committee*; and
2. **TRANSMITTAL** of a copy of the committee report to the Mayor.

H. COMMITTEE REPORTS (continued):NO. 07-59 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution authorizing a proposed settlement of Trinidad K. Alconcel, et al. v. County of Maui, Civil No. CV05-00280 SPK BMK and Jack Henry Williams, Jr., et al. v. County of Maui, Civil No. CV05-00278 DAE 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.

NO. 07-60 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution indemnifying present and former County officials and employees Michael W. Foley, Charles Villalon, Ty Fukuroku, and Jay Arakawa in Lothar Kuster v. Michael W. Foley et al., Civil No. CV 07-00264 SOM BMK.

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.

NO. 07-61 - PUBLIC WORKS AND FACILITIES COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution accepting dedication of a nonexclusive sewerline easement from the Hawaii Health Systems Corporation, consisting of approximately 12,754 square feet, to locate, maintain, repair, and replace the existing sewerline on property in Wailuku, Maui, identified as TMK: (2) 3-8-46:portion of 013; and
2. **FILING** of communication.

NO. 07-62 - 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 Kaunakakai, Molokai, Hawaii (TMK: (2) 5-3-03:015 (portion));

H. COMMITTEE REPORTS (continued):

2. **FIRST READING** of bill amending the Molokai Community Plan and Land Use Map from Open Space to Public/Quasi-Public for property situated at Kaunakakai, Molokai, Hawaii (TMK: (2) 5-3-03:015 (portion));
3. **FIRST READING** of bill to establish P-1 Public/Quasi-Public District Zoning (Conditional Zoning) for property situated at Kaunakakai, Molokai, Hawaii (TMK: (2) 5-3-03:015 (portion));
4. **RECORDATION** of the Unilateral Agreement and Declaration for Conditional Zoning; and
5. **FILING** of communication.
(Planning Director, proposed Kaunakakai Fire Station)

I. COMMUNICATIONS:1. COUNTY COMMUNICATIONS:

- NO. 07-193 - MAYOR, informing of a vacancy on the Council on Aging due to the resignation of Jeana Gamboa.
- NO. 07-194 - MAYOR, informing of a vacancy on the Salary Commission due to the resignation of Mario Arruiza.
- NO. 07-195 - DIRECTOR OF FINANCE, transmitting two reports on settlement of claims as of March 31, 2007.
- NO. 07-196 - MAYOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.48, MAUI COUNTY CODE, RELATING TO TRAVEL EXPENSES".
- NO. 07-197 - DIRECTOR OF PUBLIC WORKS AND ENVIRONMENTAL MANAGEMENT, informing of using "B" Account savings for the purchase of an office/restroom trailer for the Wastewater Collection Systems Maintenance Baseyard.
- NO. 07-198 - 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 WAILUKU WASTEWATER PUMP STATION FORCE MAIN REPLACEMENT, WAILUKU-KAHULUI COMMUNITY PLAN AREA, FISCAL YEAR 2008 BUDGET ORDINANCES (ALSO KNOWN AS WAILUKU-KAHULUI WASTEWATER PUMP STATION FORCE MAIN REPLACEMENT)".

1. COUNTY COMMUNICATIONS (continued):

- NO. 07-199 - COUNCILMEMBER MOLINA, transmitting two draft bills entitled:
1. "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.35 RELATING TO ACCESSORY DWELLINGS"; and
 2. "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.08 MAUI COUNTY CODE, RELATING TO RESIDENTIAL DISTRICTS".
- NO. 07-200 - MANAGING DIRECTOR, requesting an opportunity for the Manager of the Geographic Information System to give a presentation to the Council regarding the GIS within the County.
- NO. 07-201 - COUNCILMEMBER BAISA, relating to the matter pertaining to the production and use of biomass energy.
- NO. 07-202 - COUNCILMEMBER MATEO, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 9.24.030, MAUI COUNTY CODE, RELATING TO CURFEW EXCEPTIONS".
- NO. 07-203 - DIRECTOR OF PARKS AND RECREATION, notifying that Kanaha Beach Park south of the kite sailing gravel parking area past Ka'a Post to the Wastewater Treatment Plan will be closed July 18, 2007 through July 21, 2007, for park restoration and clean-up work.
- NO. 07-204 - DIRECTOR OF PARKS AND RECREATION, transmitting the semiannual report regarding park dedications for each community plan area for the period October 1, 2006 through March 31, 2007.
- NO. 07-205 - DIRECTOR OF PUBLIC WORKS AND ENVIRONMENTAL MANAGEMENT, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF A ROAD WIDENING LOT FOR THE PARTITION OF HUI KUAI AINA O PEAHI SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".
- NO. 07-206 - DIRECTOR OF PUBLIC WORKS AND ENVIRONMENTAL MANAGEMENT, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 12.16, MAUI COUNTY CODE, PERTAINING TO ELECTRIC AND TELEPHONE POLES".

1. COUNTY COMMUNICATIONS (continued):

NO. 07-207 - DIRECTOR OF PUBLIC WORKS AND ENVIRONMENTAL MANAGEMENT, transmitting proposed resolutions entitled:

1. "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL ONE UTILITY POLE ON PEAHI ROAD, HAIKU, MAUI, HAWAII";
2. "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL THREE UTILITY POLES ON SOUTH KIHEI ROAD, KIHEI, MAUI, HAWAII";
3. "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL ONE UTILITY POLE ON NORTH LANIKAI ROAD, HAIKU, MAUI, HAWAII";
4. "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL ONE UTILITY POLE ON MAUNA PLACE, KULA, MAUI, HAWAII";
5. "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL ONE UTILITY POLE ON SOUTH KIHEI ROAD, KIHEI, MAUI, HAWAII";
6. "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL TWO UTILITY POLES ON MARKET STREET, WAILUKU, MAUI, HAWAII";
7. "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL FOUR UTILITY POLES ON CALASA ROAD, KULA, MAUI, HAWAII";
8. "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL ONE UTILITY POLE ON KAHEKILI HIGHWAY, MALUHIA, MAUI, HAWAII";
9. "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL ONE UTILITY POLE ON WAIAKOA ROAD, KULA, MAUI, HAWAII";
and
10. "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL THREE UTILITY POLES ON BALDWIN AVENUE, MAKAWAO, MAUI, HAWAII".

NO. 07-208 - DIRECTOR OF PUBLIC WORKS AND ENVIRONMENTAL MANAGEMENT, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF A ROAD WIDENING LOT FOR THE WAHIKULI HOUSE LOTS SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".

1. COUNTY COMMUNICATIONS (continued):

NO. 07-209 - DIRECTOR OF PUBLIC WORKS AND ENVIRONMENTAL MANAGEMENT,
transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF
ROAD WIDENING LOTS FOR THE BKJK SUBDIVISION, PURSUANT TO
SECTION 3.44.015, MAUI COUNTY CODE".

2. GENERAL COMMUNICATIONS:

NONE

J. RESOLUTIONS:

NONE

K. ORDINANCES - SECOND AND FINAL READING:

NONE

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.