

COUNCIL OF THE COUNTY OF MAUI

A G E N D A

Regular Meeting of July 26, 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 JOSEPH PONTANILLA

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTION:

NO. _____ - "CONGRATULATING PEKELO COSMA FOR WINNING THE HAKU MELE AWARD AT THE 2007 NA HOKU HANO HANO AWARDS"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

1. Regular meeting of June 15, 2007
2. Regular meeting of July 6, 2007

H. COMMITTEE REPORTS:NO. 07-63 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving cost items for Bargaining Unit 1, Non-Supervisory Blue Collar Employees; and
2. **FILING** of communication.

NO. 07-64 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving cost items for Non-Supervisory Blue Collar Employees excluded from Bargaining Unit 1; and
2. **FILING** of communication.

NO. 07-65 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving cost items for Bargaining Unit 12, Police Officers; and
2. **FILING** of communication.

NO. 07-66 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving cost items for employees excluded from Bargaining Unit 12, Police Officers; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 07-67 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill authorizing the Mayor to enter into an intergovernmental agreement for a State Water Pollution Control Revolving Fund Loan (SRF loan) for the Consent Decree Sewer Rehabilitation - Central project;
2. **FIRST READING** of bill authorizing the Mayor to enter into an intergovernmental agreement for a SRF loan for the Wailuku-Kahului Wastewater Reclamation Facility Electrical/Solids Upgrade project;
3. **FIRST READING** of bill authorizing the Mayor to enter into an intergovernmental agreement for a SRF loan for the Consent Decree Sewer Rehabilitation - Kihei project;
4. **FIRST READING** of bill authorizing the Mayor to enter into an intergovernmental agreement for a SRF loan for the Consent Decree Sewer Rehabilitation - Lahaina project;
5. **FIRST READING** of bill authorizing the Mayor to enter into an intergovernmental agreement for a SRF loan for the Lahaina Wastewater Pump Station No. 1 Replacement project;
6. **FIRST READING** of bill authorizing the Mayor to enter into an intergovernmental agreement for a SRF loan for the Central Operations and Maintenance Facility project;
7. **FIRST READING** of bill authorizing the Mayor to enter into an intergovernmental agreement for a SRF loan for the Countywide Wastewater Pump Stations Renovations project; and
8. **FILING** of communication.

NO. 07-68 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to change the zoning from R-1 Residential District to B-2 Community Business District (Conditional Zoning) for property situated at Wailuku, Maui, Hawaii (TMK: (2) 3-4-18:004);
2. **RECORDATION** of the Unilateral Agreement and Declaration for Conditional Zoning; and
3. **FILING** of communication. (Dr. Riggs Roberts)

H. COMMITTEE REPORTS (continued):NO. 07-69 - POLICY COMMITTEE:

Recommending the following:

1. **APPROVAL** of Lauren Williams to the *Animal Control Board*; Kelli Myers to the *Board of Water Supply*; Elaine Slavinsky to the *Commission on Culture and the Arts*; T. Nalani Archibeque to the *Council on Aging*; Andrea Cosma and David Kaina to the *Hana Advisory Committee*; Thomas Watanabe and Victor Reyes to the *Kula Agricultural Park Committee*; Matthew James Mano and Alberta de Jetley to the *Lanai Planning Commission*; Linda Liddell to the *Maui County Commission on Persons with Disabilities*; Erik Frederickson to the *Maui County Cultural Resources Commission*; Gene Zarro, Jr. to the *Maui County Grants Review Committee*; Raymond Phillips to the *Maui Redevelopment Agency*; Juliana "Julie" Higa to the *Salary Commission*; and
2. **TRANSMITTAL** of a copy of the committee report to the Mayor.

NO. 07-70 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution authorizing a proposed settlement of Michael Gaines, et al. vs. County of Maui, et al., Civil No. 04-1-0290(3).

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. 07-71 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution authorizing special counsel Clark W. Watkin in John Larson vs. County of Maui, Case No. CC2007080652RC.

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. 07-72 - POLICY COMMITTEE:

Recommending the following:

1. **FIRST READING** of resolution authorizing proceedings in eminent domain to acquire Unit 2 of the Montana Beach Condominium (TMK: (2) 2-5-005-014-0002), adjacent to and abutting H. A. Baldwin Park, for public purposes; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):

NO. 07-73 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution authorizing special counsel Ashford & Wriston LLP for the possible acquisition of land, situated at Paia, Maui, Hawaii, known as Unit 2 of the Montana Beach Condominium.

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. 07-74 - PUBLIC WORKS AND FACILITIES COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution accepting the dedication of a park located adjacent to Kulanihakoi Street in the Alii Village Subdivision, Kihei, Maui, comprised of approximately 9,027 square feet (TMK: (2) 3-9-01:155) and approving the waiver of the requirements to provide comfort stations and parking in the referenced park; and
2. **FILING** of communication.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 07-210 - PROSECUTING ATTORNEY, transmitting a copy of a Grant Award letter from the State of Hawaii, Department of Budget and Finance, regarding reimbursing the County for witness and defendant expenses for July 1, 2007 to June 30, 2008.

NO. 07-211 - MAYOR, informing of a vacancy on the Board of Ethics due to the resignation of John P. Pele.

NO. 07-212 - MAYOR, informing of a vacancy on the Commission on Naming Streets, Parks, and Facilities due to the resignation of Karen S. Arakawa.

NO. 07-213 - MAYOR, informing of a vacancy on the Board of Ethics due to the resignation of Jim Stewart.

1. COUNTY COMMUNICATIONS (continued):

NO. 07-214 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2008 BUDGET FOR THE COUNTY OF MAUI, AS IT PERTAINS TO REVENUES - FEES, RATES, ASSESSMENTS AND TAXES FOR THE WATER FUND".

NO. 07-215 - COUNCILMEMBER ANDERSON, transmitting the following:

1. A draft bill entitled "A BILL FOR AN ORDINANCE TO ADOPT A LAND ZONING MAP DESIGNATING THE RURAL ZONED AREAS KNOWN AS 'MAUI MEADOWS' AS RU-0.5"; and
2. A draft resolution entitled "REFERRING TO THE MAUI PLANNING COMMISSION A DRAFT BILL TO ADOPT A LAND ZONING MAP DESIGNATING THE RURAL ZONED AREAS KNOWN AS 'MAUI MEADOWS' AS RU-0.5".

NO. 07-216 - PLANNING DIRECTOR, transmitting documents relating to applications filed by Christopher L. Hart, on behalf of Leonard Paul Gomes, Sibyl Padgett, Frank Padgett, Patricia Matsumoto, Louise J. Cambra Jr., Steven J. Sadler, Robert Kimball, Eugene P. Carvalho, Frank Carvalho, and Robert Watanabe, for District Boundary Amendments from the State Agricultural District to the State Rural District and Change in Zonings from the County Agricultural District to the Rural RU-0.5 District for the development of the Maka`ena Place Subdivision on ten separate tax map key parcels. Also transmitting:

1. Ten proposed bills entitled "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO RURAL FOR PROPERTY SITUATED AT KULA, MAUI, HAWAII"; and
2. Ten proposed bills entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM AGRICULTURAL DISTRICT TO RU-0.5 RURAL DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT KULA, MAUI, HAWAII".

NO. 07-217 - PLANNING DIRECTOR, transmitting a proposed bill entitled "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 532 HANA HIGHWAY, KUAU, PAIA, MAUI, HAWAII", and related documents.

1. COUNTY COMMUNICATIONS (continued):

- NO. 07-218 - PLANNING DIRECTOR, relating to an application filed by Edith Marciel, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO ESTABLISH RU-0.5 RURAL DISTRICT ZONING FOR PROPERTY SITUATED AT HANA, MAUI, HAWAII", and related documents.
- NO. 07-219 - PLANNING DIRECTOR, relating to applications filed by Samuel M. Garcia Jr. and Jon E. Garcia for the Garcia Family Subdivision, transmitting pertinent documents and the following proposed bills entitled:
1. "A BILL FOR AN ORDINANCE TO AMEND THE KIHEI-MAKENA COMMUNITY PLAN AND LAND USE MAP FROM HOTEL TO SINGLE FAMILY FOR PROPERTY SITUATED AT MAKENA, MAUI, HAWAII";
 2. "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO URBAN FOR PROPERTY SITUATED AT MAKENA, MAUI, HAWAII"; and
 3. "A BILL FOR AN ORDINANCE TO ESTABLISH R-3 RESIDENTIAL DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT MAKENA, MAUI, HAWAII".
- NO. 07-220 - COUNCIL CHAIR, transmitting a draft resolution entitled "REFERRING TO MAUI PLANNING COMMISSION A DRAFT BILL RELATING TO THE COUNCIL'S APPROVAL OF LAND USES AT MAUI RESEARCH AND TECHNOLOGY PARK IN KIHEI".
- NO. 07-221 - COUNCILMEMBER VICTORINO, transmitting copies of documents relating to mountainside and hillside development.
- NO. 07-222 - COUNCILMEMBER MATEO, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 22.04A.070, MAUI COUNTY CODE, RELATING TO THE KULA AGRICULTURAL PARK COMMITTEE".
- NO. 07-223 - COUNCILMEMBER MOLINA, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 5.22, MAUI COUNTY CODE, PERTAINING TO BICYCLE TOUR BUSINESS".
- NO. 07-224 - DIRECTOR OF WATER SUPPLY, transmitting copies of the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ended June 2007.

1. COUNTY COMMUNICATIONS (continued):

NO. 07-225 - COUNCIL CHAIR, informing the Council of his intention to propose a floor amendment to Bill No. 36 (2007), entitled "A BILL FOR AN ORDINANCE TO ESTABLISH P-1 PUBLIC/QUASI-PUBLIC DISTRICT ZONING (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT KAUNAKAKAI, MOLOKAI, HAWAII", to substitute Bill No. 36 (2007) with Bill No. 36 (2007) Draft 1, entitled "A BILL FOR AN ORDINANCE TO ESTABLISH P-1 PUBLIC/QUASI-PUBLIC DISTRICT ZONING FOR PROPERTY SITUATED AT KAUNAKAKAI, MOLOKAI, HAWAII".

2. GENERAL COMMUNICATIONS:

NONE

J. RESOLUTIONS:

NONE

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 34 (2007) - "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO URBAN FOR PROPERTY SITUATED AT KAUNAKAKAI, MOLOKAI, HAWAII"

BILL NO. 35 (2007) - "A BILL FOR AN ORDINANCE TO AMEND THE MOLOKAI COMMUNITY PLAN AND LAND USE MAP FROM OPEN SPACE TO PUBLIC/QUASI-PUBLIC FOR PROPERTY SITUATED AT KAUNAKAKAI, MOLOKAI, HAWAII"

BILL NO. 36 (2007) - "A BILL FOR AN ORDINANCE TO ESTABLISH P-1 PUBLIC/QUASI-PUBLIC DISTRICT ZONING (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT KAUNAKAKAI, MOLOKAI, 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.