

COUNCIL OF THE COUNTY OF MAUI

A G E N D A

Regular Meeting of August 3, 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 P. VICTORINO

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. _____ - "HONORING MAUI HIGH SCHOOL'S AUTOMOTIVE TEAM OF BRANDON SATO AND DUSTIN TEXEIRA FOR CAPTURING THE HAWAII STATE TITLE AND PLACING 10TH OVERALL IN THE 2007 FORD/AAA STUDENT AUTO SKILLS NATIONAL FINALS"

E. CEREMONIAL RESOLUTIONS (continued):

NO. _____ - "CONGRATULATING CARL 'MANU' ADOLPHO, III ON BEING NAMED THE MAUI NEWS' MIL BOY ATHLETE OF THE YEAR FOR 2006 TO 2007"

NO. _____ - "CONGRATULATING HALE MAHAOLU ON ITS 40TH ANNIVERSARY CELEBRATION"

NO. _____ - "CONGRATULATING KA'AHUMANU CHURCH ON ITS 175TH ANNIVERSARY"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

NONE

H. COMMITTEE REPORTS:

NONE

I. COMMUNICATIONS:1. COUNTY COMMUNICATIONS:

NO. 07-226 - DIRECTOR OF FINANCE, transmitting a report on short term investments for the quarter ended June 30, 2007.

NO. 07-227 - DIRECTOR OF FINANCE, transmitting 75 contracts for May 2007.

NO. 07-228 - COUNCIL CHAIR, transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF KIRSTIN M. HAMMAN AS A LEGISLATIVE ATTORNEY IN THE OFFICE OF COUNCIL SERVICES"; and requesting that the following motions be offered:

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

1. COUNTY COMMUNICATIONS (continued):

- NO. 07-229 - COUNCILMEMBER PONTANILLA, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTIONS 3.48.425 AND 3.48.450, MAUI COUNTY CODE, PERTAINING TO REAL PROPERTY TAX EXEMPTIONS".
- NO. 07-230 - COUNCILMEMBER PONTANILLA, transmitting a copy of a letter from the Committee for More Equitable Taxation relating to Acquisition Based Tax Reform.
- NO. 07-231 - COUNCILMEMBER PONTANILLA, 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 REFUSE COLLECTION".
- NO. 07-232 - COUNCILMEMBER MOLINA, transmitting a draft bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 20, MAUI COUNTY CODE, PERTAINING TO THE REDUCTION OF PLASTIC BAGS".
- NO. 07-233 - DIRECTOR OF ENVIRONMENTAL MANAGEMENT, transmitting a proposed resolution entitled "INDEMNIFYING THE STATE OF HAWAII PURSUANT TO A CONTRACT FOR GOODS AND SERVICES FOR THE GLASS RECOVERY PROGRAM".
- NO. 07-234 - COUNCILMEMBER MOLINA, transmitting copies of correspondence from the Director of Housing and Human Concerns relating to the First-Time Home Buyer's Program; and requesting that the matter of the First-Time Home Buyers' Program be referred to the appropriate committee.
- NO. 07-235 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 10.48, MAUI COUNTY CODE, PERTAINING TO STOPPING, STANDING AND PARKING". (Prohibiting parking on both sides of Amala Place between 10 p.m. and 6 a.m.)

2. GENERAL COMMUNICATIONS:

NONE

J. RESOLUTION - SECOND AND FINAL READING:

NO. 07-90 - "AUTHORIZING PROCEEDINGS IN EMINENT DOMAIN FOR THE ACQUISITION OF REAL PROPERTY SITUATED AT PAIA, MAUI, HAWAII, KNOWN AS UNIT 2 OF THE MONTANA BEACH CONDOMINIUM, FOR PUBLIC PURPOSES"

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 37 (2007) - "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 ENVIRONMENTAL PROTECTION AGENCY (EPA) CONSENT DECREE SEWER REHABILITATION, WAILUKU-KAHULUI COMMUNITY PLAN DISTRICT, FISCAL YEAR 2007 BUDGET ORDINANCES (ALSO KNOWN AS CONSENT DECREE SEWER REHABILITATION-CENTRAL)"

BILL NO. 38 (2007) - "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-KAHULUI WASTEWATER RECLAMATION FACILITY (WWRF) ELECTRICAL AND SOLIDS UPGRADE, WAILUKU-KAHULUI COMMUNITY PLAN DISTRICT, FISCAL YEAR 2007 BUDGET ORDINANCES (ALSO KNOWN AS WAILUKU-KAHULUI WASTEWATER RECLAMATION FACILITY ELECTRICAL/SOLIDS UPGRADE)"

BILL NO. 39 (2007) - "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 ENVIRONMENTAL PROTECTION AGENCY (EPA) CONSENT DECREE SEWER REHABILITATION, KIHEI-MAKENA COMMUNITY PLAN DISTRICT, FISCAL YEAR 2007 BUDGET ORDINANCES (ALSO KNOWN AS CONSENT DECREE SEWER REHABILITATION-KIHEI)"

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

BILL NO. 40 (2007) - "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 ENVIRONMENTAL PROTECTION AGENCY (EPA) CONSENT DECREE SEWER REHABILITATION, WEST MAUI COMMUNITY PLAN DISTRICT, FISCAL YEAR 2007 BUDGET ORDINANCES (ALSO KNOWN AS CONSENT DECREE SEWER REHABILITATION-LAHAINA)"

BILL NO. 41 (2007) - "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 LAHAINA WASTEWATER PUMP STATION (WWPS) #1 REPLACEMENT, WEST MAUI COMMUNITY PLAN DISTRICT, FISCAL YEAR 2007 BUDGET ORDINANCES (ALSO KNOWN AS LAHAINA WASTEWATER PUMP STATION NO. 1 REPLACEMENT)"

BILL NO. 42 (2007) - "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 CENTRAL OPERATIONS AND MAINTENANCE FACILITIES, COUNTYWIDE, FISCAL YEAR 2007 BUDGET ORDINANCES (ALSO KNOWN AS CENTRAL OPERATIONS AND MAINTENANCE FACILITY)"

BILL NO. 43 (2007) - "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 COUNTYWIDE PUMP STATION RENOVATIONS, COUNTYWIDE, FISCAL YEAR 2007 BUDGET ORDINANCES (ALSO KNOWN AS COUNTYWIDE WASTEWATER PUMP STATIONS RENOVATIONS)"

BILL NO. 44 (2007) - "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-1 RESIDENTIAL DISTRICT TO B-2 COMMUNITY BUSINESS DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT WAILUKU, MAUI, HAWAII"

L. UNFINISHED BUSINESS:COMMITTEE REPORT: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.

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.