

COUNCIL OF THE COUNTY OF MAUI

A G E N D A

Regular Meeting of August 21, 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 MICHELLE ANDERSON

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. _____ - "CONGRATULATING ROBERT AND LIS RICHARDSON FOR WINNING THE 2007 NATIONAL ASSOCIATION OF COUNTY PARKS AND RECREATION OFFICIALS (NACPRO) OUTSTANDING VOLUNTEER AWARD"

E. CEREMONIAL RESOLUTIONS (continued):

NO. _____ - "CONGRATULATING THE KAMAOLE III BEACH PARK SAND DUNE RESTORATION PROJECT FOR WINNING THE 2007 NATIONAL ASSOCIATION OF COUNTY PARKS AND RECREATION OFFICIALS AWARD IN THE ENVIRONMENTAL/CONSERVATION CATEGORY"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

1. Regular meeting of April 20, 2007
2. Public hearing of April 26, 2007
3. Public hearing of May 14, 2007
4. Public hearing of May 14, 2007
5. Public hearing of May 22, 2007
6. Regular meeting of May 22, 2007

H. COMMITTEE REPORTS:

NO. 07-75 - BUDGET AND FINANCE COMMITTEE:

Recommending **FILING** of communication relating to a report of the short-term investments for the quarter ended December 31, 2006.

NO. 07-76 - BUDGET AND FINANCE COMMITTEE:

Recommending **FILING** of communication relating to a report of transfers/loans from the General Fund to the Bond Fund as of January 31, 2007.

NO. 07-77 - BUDGET AND FINANCE COMMITTEE:

Recommending **FILING** of Contract No. C3857, between the County of Maui and A's Mechanical, LLC, to replace a chiller unit and cooling tower at the Kalana O Maui Building.

NO. 07-78 - BUDGET AND FINANCE COMMITTEE:

Recommending **FILING** of communication relating to abolishment of vacant unfunded positions in various County departments as of March 30, 2007.

H. COMMITTEE REPORTS (continued):NO. 07-79 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FILING** of communication relating to the management letter for the Fiscal Year ended June 30, 2006; and
2. **FILING** of communication relating to the report entitled "COUNTY OF MAUI, STATE OF HAWAII: COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2006".

NO. 07-80 - BUDGET AND FINANCE COMMITTEE:

Recommending **FILING** of communication relating to the report entitled "COUNTY OF MAUI, STATE OF HAWAII: SINGLE AUDIT REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2006".

NO. 07-81 - BUDGET AND FINANCE COMMITTEE:

Recommending **FILING** of communication relating to the report entitled "DEPARTMENT OF WATER SUPPLY, COUNTY OF MAUI (Proprietary Fund, County of Maui), Financial Statements for the years ended June 30, 2006 and 2005, Supplemental Schedules for the year ended June 30, 2006 and Independent Auditors' Reports".

NO. 07-82 - 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 for the Wailuku-Kahului Wastewater Pump Station Force Main Replacement Project; and
2. **FILING** of communication.

NO. 07-83 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Chapter 2.48, Maui County Code, relating to travel expenses; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 07-84 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution authorizing settlement of Claim No. 2005-22 of Robert Jarrett.

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 Section 92-5(a)(8), Hawaii Revised Statutes, to deliberate or make a decision 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. 07-85 - POLICY COMMITTEE:

Recommending **ADOPTION** of the resolution disapproving the appeal to the Residential Workforce Housing Policy for the proposed Kamaole Heights and Kamaole Plantation Multi-Family Residential Projects.
(Kamaole Superblock in Kihei/No Ka Oi Development LP/No Ka Oi Development, LLC)

NO. 07-86 - POLICY COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend Chapter 3.35, Maui County Code, to establish the procedures to implement the Affordable Housing Fund consistent with the requirements set forth in Section 9-20 of the Revised Charter of the County of Maui (1983), as amended; and
2. **FILING** of communication.

NO. 07-87 - PUBLIC WORKS AND FACILITIES COMMITTEE:

Recommending **FILING** of communication informing the County Council of the closure of the Velma McWayne Santos Community Center from November 19, 2007 through March 9, 2008 for renovations.

H. COMMITTEE REPORTS (continued):NO. 07-88 - PUBLIC WORKS AND FACILITIES COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution accepting the dedication of road widening Lot 5 for the Stice Subdivision in Makawao, Maui, along Laie Drive, consisting of approximately 212 square feet, TMK: (2) 2-4-09:portion of 053; and
2. **FILING** of communication.

NO. 07-89 - PUBLIC WORKS AND FACILITIES COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution accepting the dedication of a park located in the Waiolani Mauka Subdivision, Waikapu, Maui, comprised of approximately two acres and identified as TMK: (2) 3-5-04:025; and waiving the requirements for comfort stations and parking areas in the subject park; and
2. **FILING** of communication.

NO. 07-90 - PUBLIC WORKS AND FACILITIES COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution accepting the dedication of road widening Lot 27-C for the Wahikuli House Lots Subdivision in Lahaina, Maui, along Wahikuli Road, consisting of approximately 215 square feet, TMK: (2) 4-5-14:portion of 022; and
2. **FILING** of communication.

NO. 07-91 - PUBLIC WORKS AND FACILITIES COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution accepting the dedication of road widening Lots 2-D, 2-E, and 2-F, for the BKJK Subdivision in Makawao, Maui, adjacent to Ehu and Waiahiwi Roads, consisting of approximately 226 square feet, 367 square feet, and 686 square feet, respectively, TMK: (2) 2-4-13:portion of 218; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):

NO. 07-92 - PUBLIC WORKS AND FACILITIES COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill authorizing the Director of Public Works to approve the installation of up to six utility poles upon a public highway if their height does not exceed the height of existing poles on the highway by more than five feet; and replacing references to electric, telephone, and/or power poles with utility poles; and
2. **FILING** of communication.

NO. 07-93 - PUBLIC WORKS AND FACILITIES COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Chapter 13.04 of the Maui County Code related to the regulations governing camping, by changing the curfew from midnight to 8:00 p.m.; and
2. **FILING** of communication.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 07-236 - DIRECTOR OF FINANCE, transmitting a report on transfers from the General Fund and the Department of Water Supply Revenue Fund to the Bond Fund as of June 30, 2007.

NO. 07-237 - MAYOR, informing of a vacancy on the Council on Aging due to the resignation of Karen Holt.

NO. 07-238 - MAYOR, informing of a vacancy on the Animal Control Board due to the resignation of Roger Kehler.

NO. 07-239 - COUNCIL CHAIR, relating to requests from Members Anderson, Johnson, and Victorino that a public hearing be held on any proposed ordinances being considered in conjunction with the "Honua`ula/Wailea 670" residential development; and informing that the following motions will be entertained:

1. A motion to **DISCHARGE** the Land Use Committee from further consideration of County Communication No. 01-334; and
2. A motion to **FILE** this communication.

1. COUNTY COMMUNICATIONS (continued):

- NO. 07-240 - BUDGET DIRECTOR, requesting a time extension to submit the Capital Improvement Project Implementation Report as of June 30, 2007 (Fiscal Year 2007 - Fourth Quarter).
- NO. 07-241 - CHAIR, SALARY COMMISSION, informing of salary increases for the Chair and Members of the County Council.
- NO. 07-242 - COUNCIL CHAIR, , transmitting a letter from Ralph Masuda, Vice President of Planning and Zoning, Castle & Cooke Resorts, LLC, providing a status report in compliance with Ordinance No. 3137, amending the State Land Use District Classification from Rural to Urban for property situated at Manele, Lanai, Hawaii. (The Terraces at Manele)
- NO. 07-243 - DIRECTOR OF FINANCE, transmitting two reports on settlement of claims as of June 30, 2007.
- NO. 07-244 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a proposed resolution entitled "AUTHORIZING ACCEPTANCE OF DONATION OF \$2,000 FROM CARL S. ASATO, EVAN M. ASATO, AND EVELYN K. ASATO TO THE COUNTY OF MAUI, DEPARTMENT OF HOUSING AND HUMAN CONCERNS, KAUNOA SENIOR SERVICES, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE".
- NO. 07-245 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a proposed resolution entitled "AUTHORIZING ACCEPTANCE OF DONATION OF \$2,000 FROM HISANO KARAKAWA TO THE COUNTY OF MAUI, DEPARTMENT OF HOUSING AND HUMAN CONCERNS, KAUNOA SENIOR SERVICES, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE".
- NO. 07-246 - DIRECTOR OF PARKS AND RECREATION, transmitting a proposed resolution entitled "AUTHORIZING ACCEPTANCE OF DONATION OF A JET SKI AND RESCUE SLED FROM TRI-ISLE RESOURCE CONSERVATION & DEVELOPMENT COUNCIL, INC., ON BEHALF OF KIHEI COMMUNITY ASSOCIATION, TO THE DEPARTMENT OF PARKS AND RECREATION, COUNTY OF MAUI, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE".
- NO. 07-247 - DIRECTOR OF WATER SUPPLY, transmitting the Fiscal Year 2007 fourth quarter report on waterline easement conveyances.

1. COUNTY COMMUNICATIONS (continued):

NO. 07-248 - DIRECTOR OF WATER SUPPLY, transmitting copies of the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ended July 2007.

2. GENERAL COMMUNICATIONS:

NONE

J. RESOLUTIONS:

NONE

K. ORDINANCES - SECOND AND FINAL READING:

NONE

L. UNFINISHED BUSINESS:

ORDINANCE - SECOND AND FINAL READING:

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"

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.