

COUNCIL OF THE COUNTY OF MAUI

A G E N D A

Regular Meeting of November 2, 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 RESOLUTIONS:

NO. _____ - "CONGRATULATING AILEA APANA ON TAKING FIRST-PLACE HONORS IN A NATIONAL STUDENT SYMPOSIUM FOR HER RESEARCH ON PSEUDOXANTHOMA ELASTICUM"

E. CEREMONIAL RESOLUTIONS (continued):

NO. _____ - "CONGRATULATING THE HISTORIC WAILUKU COURTHOUSE ON ITS 100TH ANNIVERSARY"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

Regular Meeting of September 21, 2007

H. COMMITTEE REPORTS:NO. 07-118 - BUDGET AND FINANCE COMMITTEE:

Recommending **FILING** of Contract No. C3450-2, between the County of Maui and Mitsunaga & Associates, Inc., for architectural services for the new Kaunakakai Fire Station.

NO. 07-119 - BUDGET AND FINANCE COMMITTEE:

Recommending **FILING** of Contract No. C3907, between the County of Maui and Diversified Machinery Incorporated, for construction of improvements to Market Street, from Wells Street to Kahawai Street, in Wailuku.

NO. 07-120 - BUDGET AND FINANCE COMMITTEE:

Recommending **FILING** of Contract No. C3924, between the County of Maui and Sato & Associates, Inc., for construction management, inspection, and material testing services to improve Market Street, from Wells Street to Kahawai Street, in Wailuku.

NO. 07-121 - BUDGET AND FINANCE COMMITTEE:

Recommending **FILING** of Contract No. C1567-3, between the County of Maui and Brown and Caldwell, for additional training for the Wastewater Reclamation Division.

NO. 07-122 - BUDGET AND FINANCE COMMITTEE:

Recommending **FILING** of Contract No. C3872-1, between the County of Maui and Gershman, Brickner & Bratton, Inc., for an Integrated Solid Waste Management Plan for a "Technical Tour" by the Solid Waste Research and Advisory Committee.

H. COMMITTEE REPORTS (continued):NO. 07-123 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill repealing Section 3.48.465, Maui County Code, relating to taxpayers sixty years of age or over; and
2. **FILING** of communication.

NO. 07-124 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Sections 3.48.425 and 3.48.450, Maui County Code, pertaining to real property tax exemptions; and
2. **FILING** of communication.

NO. 07-125 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution authorizing a proposed settlement of Claim No. 2005-019 of Theodore Miyashiro.

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. 07-126 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution indemnifying Jeff Hunt, Planning Director, in Maui Vacation Rental Association, Inc. v. The County of Maui, et al., Civil No. CV07-00495 JMS KSC.

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.

H. COMMITTEE REPORTS (continued):NO. 07-127 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution authorizing the employment of Robbins and Associates, Attorneys at Law, A Law Corporation, as the County's special counsel to represent Defendants County of Maui and Police Officer Clifford Pacheco in Michael David Ogden et al., v. County of Maui, et al., Civil No. 06-00113 JMS LEK, for a total compensation not to exceed \$150,000.

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. 07-128 - POLICY COMMITTEE:

Recommending **FIRST READING** of bill to allow no more than 3 percent of the First-Time Home Buyers' Revolving Fund to be used for administrative expenses.

NO. 07-129 - PUBLIC WORKS AND FACILITIES COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving the waiver of requirements to provide comfort stations and parking areas in a privately owned and maintained linear park running from Lower Honoapiilani Road to Honoapiilani Highway in the Pineapple Hill at Kapalua Phase II Subdivision, Lahaina, Maui, consisting of approximately 33,905 square feet, TMK: (2) 4-3-01:005; and
2. **FILING** of communication.

NO. 07-130 - PUBLIC WORKS AND FACILITIES COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill requiring five-foot wide sidewalks on both sides of the street for new developments in areas zoned residential, duplex, or interim;
2. **FILING** of committee report; and
3. **FILING** of communication.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

- NO. 07-294 - PROSECUTING ATTORNEY, transmitting a copy of a Grant Award letter from the Department of the Attorney General for the Domestic Violence Investigations Program for the period October 1, 2007 to May 31, 2008.
- NO. 07-295 - CHIEF OF POLICE, informing of the Police Department's intent to expend \$50,000 in Federal Forfeiture Funds for its Employee Development Program.
- NO. 07-296 - COUNCILMEMBER MATEO, transmitting a proposed resolution entitled "URGING THE HAWAII PUBLIC HOUSING AUTHORITY TO CONDUCT A COMPREHENSIVE INVESTIGATION INTO LIVING CONDITIONS AT ITS PUBLIC HOUSING FACILITIES IN MAUI COUNTY"; and informing of his intention to offer the following motions:
1. A motion for the ADOPTION of the proposed resolution; and
 2. A motion for the FILING of this communication.
- NO. 07-297 - BUDGET DIRECTOR, requesting a time extension for the submittal of the Capital Improvement Project Implementation Report as of September 30, 2007 (Fiscal Year 2008 - First Quarter).
- NO. 07-298 - MAYOR, requesting that a presentation be conducted by the coordinators of five watershed partnerships consisting of the East Maui Watershed Partnership, Leeward Haleakala Watershed Restoration Partnership, West Maui Mountains Watershed Partnership, East Molokai Watershed Partnership, and Lanai Watershed Partnership.
- NO. 07-299 - COUNCILMEMBER JOHNSON, transmitting a draft bill entitled "A BILL FOR AN ORDINANCE TO ESTABLISH A TEMPORARY DEVELOPMENT MORATORIUM ON WEST MAUI AGRICULTURAL LAND".
- NO. 07-300 - MAYOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY AND COUNTY OF HONOLULU AND STATE OF HAWAII FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY HAWAII BROWNFIELDS CLEANUP REVOLVING LOAN FUND PROGRAM".

1. COUNTY COMMUNICATIONS (continued):

NO. 07-301 - DIRECTOR OF PARKS AND RECREATION, transmitting copies of the semiannual report regarding park dedications for each community plan area for the period April 1, 2007 through September 30, 2007, and the Park Assessment Balance Summary as of June 30, 2007.

NO. 07-302 - DIRECTOR OF PARKS AND RECREATION, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 6.04.040, MAUI COUNTY CODE, RELATING TO ANIMAL REGULATIONS, AND AMENDING CHAPTER 13.04, MAUI COUNTY CODE, RELATING TO RECREATIONAL AREA REGULATIONS".

NO. 07-303 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed resolution entitled "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL ONE UTILITY POLE ON KOKOMO ROAD, HAIKU, MAUI, HAWAII".

2. GENERAL COMMUNICATIONS:

NONE

J. RESOLUTIONS:

NONE

K. ORDINANCES - SECOND AND FINAL READING:

NONE

L. UNFINISHED BUSINESS:COMMITTEE REPORT:

NO. 07-113 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill granting Goodfellow Bros., Inc. a ten-year Conditional Permit for the operation of offices, a rock crushing facility, a construction baseyard facility, and for aggregate and materials storage within the County Agricultural District for property situated at Kihei, Maui, Hawaii (TMK: (2) 2-2-02:054 (por.) and (2) 2-2-02:069 (por.)); and
2. **FILING** of communication.

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.