

COUNCIL OF THE COUNTY OF MAUI

A G E N D A

Regular Meeting of December 7, 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 RESOLUTION

E. CEREMONIAL RESOLUTION:

NO. _____ - "EXTENDING CONDOLENCES TO THE FAMILY OF THE LATE DONALD G. MALCOLM"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

Regular Meeting of November 2, 2007

H. COMMITTEE REPORTS:NO. 07-141 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Appendix A of the Fiscal Year 2008 Budget for the County of Maui as it pertains to the Department of Prosecuting Attorney; and
2. **FILING** of communication.
(Edward Byrne Memorial Justice Assistance Grant)

NO. 07-142 - 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 Central Maui Landfill Gas Collection and Flare Construction;
2. **FIRST READING** of bill authorizing the Mayor to enter into an intergovernmental agreement for a State Water Pollution Control Revolving Fund Loan for the Molokai Landfill Cell 3 Construction;
3. **FIRST READING** of bill amending the Fiscal Year 2008 Budget for the County of Maui as it pertains to Estimated Revenues, Capital Improvement Projects, and Total Appropriations (operating and capital improvement projects);
4. **FIRST READING** of bill amending Ordinance No. 3459 (2007) relating to the issuance of General Obligation Bonds of the County of Maui; and
5. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 07-143 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending general budget provisions "Financial Procedures - Section 17" of the Fiscal Year 2008 Budget for the County of Maui as it pertains to the General Obligation Bonds or Notes; and
2. **FILING** of communications.

NO. 07-144 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill granting Samadhi Baron Butterfly, Trustee of the Samadhi Baron Butterfly Living Trust, dated November 1, 2001, a one-year Conditional Permit to operate a one-bedroom transient vacation rental, known as the `Ala `Aina Ocean Vista Vacation Rental, within the County Agricultural District, for property situated at HCR 1, Box 184A, Hana, Maui, Hawaii (TMK: (2) 1-6-09:023); and
2. **FILING** of communication.

NO. 07-145 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution authorizing a proposed settlement of Nathan Furtado v. County of Maui, Case No. 7-04-02140.

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. 07-146 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution authorizing a proposed settlement of Claim of Shawni Mendoza, Claim No. 2006-088.

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. 07-147 - POLICY COMMITTEE:

Recommending **FIRST READING** of bill amending various sections of the Maui County Code to reduce some of the County fees required to build residential workforce housing units.

NO. 07-148 - PUBLIC WORKS AND FACILITIES COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving the installation of one 60-foot utility pole within the County right-of-way, adjacent to land identified as TMK: (2) 2-7-02:004, along Komoko Road in Haiku, Maui; and
2. **FILING** of communication.

NO. 07-149 - PUBLIC WORKS AND FACILITIES COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Chapter 18.20, Maui County Code, pertaining to deleting an allowance for deferral of frontage improvements for subdivisions of three lots or less, and requiring certain minimum pavement specifications for required improvements to existing streets resulting from such subdivisions; and
2. **FILING** of communication.

NO. 07-150 - WATER RESOURCES COMMITTEE:

Recommending **FIRST READING** of bill amending Chapter 14.01, Maui County Code, relating to Native Hawaiian water rights.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 07-320 - DIRECTOR OF FINANCE, transmitting 66 contracts for September 2007.

NO. 07-321 - DIRECTOR OF FINANCE, transmitting 46 contracts for October 2007.

NO. 07-322 - MAYOR, informing of a vacancy on the Committee on the Status of Women due to the resignation of Emma Fay.

1. COUNTY COMMUNICATIONS (continued):

NO. 07-323 - COUNCIL CHAIR, transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO COUNTY COUNCIL COMMITTEES";
2. A proposed resolution entitled "AMENDING THE RULES OF THE COUNCIL RELATING TO COMMITTEES"; and
3. A draft resolution entitled "ESTABLISHING THE STANDING COMMITTEES OF THE COUNCIL, DEFINING THEIR DUTIES, AND APPOINTING THEIR MEMBERS".

Additionally, informing that the following motions will be entertained:

1. A motion to WAIVE the requirement of committee referral and recommendation of the proposed bill; and
2. A motion to PASS ON FIRST READING and ORDER TO PRINT the proposed bill.

NO. 07-324 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2008 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE CIVIL DEFENSE AGENCY".

NO. 07-325 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2008 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE DEPARTMENT OF FINANCE".

NO. 07-326 - DIRECTOR OF FINANCE, transmitting copies of the Finance Director's Quarterly Report for Fiscal Year July 1, 2007 to June 30, 2008 as of September 30, 2007, and the Capital Improvement Project Report as of September 30, 2007.

NO. 07-327 - BUDGET DIRECTOR, transmitting a copy of the "FISCAL YEAR 2008 - FIRST QUARTER CAPITAL IMPROVEMENT PROJECTS IMPLEMENTATION REPORT" as of September 30, 2007.

1. COUNTY COMMUNICATIONS (continued):

- NO. 07-328 - COUNCIL CHAIR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.08.060, MAUI COUNTY CODE, RELATING TO SALARIES OF PERSONNEL IN THE OFFICE OF COUNCIL SERVICES AND OTHER COUNCIL STAFF".
- NO. 07-329 - COUNCIL CHAIR, transmitting a proposed resolution entitled "AUTHORIZING THE COUNCIL CHAIR TO CONTRACT FOR AN AUDIT OF MAUI ECONOMIC CONCERNS OF THE COMMUNITY, INC."
- NO. 07-330 - MAYOR, 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 THE DEPARTMENT OF MANAGEMENT AND OFFICE OF THE MAYOR".
- NO. 07-331 - PLANNING DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING A CONDITIONAL PERMIT TO JANICE AND THOMAS N. FAIRBANKS TO OPERATE A TEN-BEDROOM TRANSIENT VACATION RENTAL AT THE OLD WAILUKU INN AT ULUPONO FOR PROPERTY SITUATED AT WAILUKU, MAUI, HAWAII", and other related documents.
- NO. 07-332 - 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. 07-333 - DIRECTOR OF TRANSPORTATION, requesting an opportunity to update the Council on bus stop planning and design, and transmitting a copy of a proposal entitled "Maui County Bus Stop Planning and Design".
- NO. 07-334 - COUNCILMEMBER MOLINA, transmitting the following:
1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 19.530.030, MAUI COUNTY CODE, PERTAINING TO ADMINISTRATIVE ENFORCEMENT"; and
 2. A draft resolution entitled "REFERRING TO THE LANAI, MAUI, AND MOLOKAI PLANNING COMMISSIONS A PROPOSED BILL AMENDING SECTION 19.530.030, MAUI COUNTY CODE, PERTAINING TO ADMINISTRATIVE ENFORCEMENT".

1. COUNTY COMMUNICATIONS (continued):

NO. 07-335 - DIRECTOR OF FINANCE, transmitting two reports on settlement of claims as of September 30, 2007.

NO. 07-336 - COUNCIL CHAIR, transmitting a communication from Bud Clifton relating to parking in Paia Town.

NO. 07-337 - DIRECTOR OF WATER SUPPLY, transmitting copies of the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ended October 2007.

2. GENERAL COMMUNICATIONS:

NONE

J. RESOLUTIONS:

NONE

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 67 (2007) - "A BILL FOR AN ORDINANCE GRANTING DAVID DANTES AND BEVERLY LIVINGSTON, DBA MAUI TRADEWINDS, A CONDITIONAL PERMIT TO USE ONE BEDROOM ON THE FIRST LEVEL OF A TWO-STORY MAIN FARM DWELLING (DWELLING A), AND TWO BEDROOMS OF A SECOND FARM DWELLING (DWELLING B), FOR TRANSIENT VACATION RENTALS WITHIN THE COUNTY AGRICULTURAL DISTRICT, FOR PROPERTY SITUATED AT 4320 UNE PLACE, HAIKU, MAUI, HAWAII"

BILL NO. 68 (2007) - "A BILL FOR AN ORDINANCE AMENDING ARTICLE 1 OF TITLE 14, MAUI COUNTY CODE, AND TITLE 18, MAUI COUNTY CODE, RELATING TO WATER AVAILABILITY"

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.