

# **COUNCIL OF THE COUNTY OF MAUI**

## **A G E N D A**

Regular Meeting of December 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](mailto:county.clerk@co.maui.hi.us)

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### **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.

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A. ROLL CALL

B. OPENING REMARKS: COUNCILMEMBER GLADYS C. BAISA

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTION

E. CEREMONIAL RESOLUTION:

None

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

None

H. COMMITTEE REPORTS:NO. 07-151 - BUDGET AND FINANCE COMMITTEE:

Recommending **FILING** of communication relating to presentations on watershed partnerships.

NO. 07-152 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending the State Land Use District Classification from Rural to Urban for property situated at 5100 Makena Road, Makena, Maui, Hawaii (TMK: (2) 2-1-07:088);
2. **FIRST READING** of bill to establish R-3 Residential District Zoning for property situated at 5100 Makena Road, Makena, Maui, Hawaii (TMK: (2) 2-1-07:088);
3. **FIRST READING** of bill granting a ten-year Conditional Permit to operate a transient vacation rental and special events within the R-3 Residential District, for property situated at 5100 Makena Road, Makena, Maui, Hawaii (TMK: (2) 2-1-07:088); and
4. **FILING** of communication. (Helen M. Lu`uawai)

NO. 07-153 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill granting Kathleen Gildred and Sean Brunwin a Conditional Permit to operate a transient vacation rental, known as Hale Alana Vacation Rental, within the County Rural District, for property situated at 3378 Keha Drive, Kihei, Maui, Hawaii (TMK: (2) 2-1-17:040); and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 07-154 - PLANNING COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution indemnifying the State of Hawaii pursuant to a contract for funding of the County's Glass Recovery Program; and
2. **FILING** of communication.

NO. 07-155 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Chapter 19.29, Maui County Code, to establish development standards for the County Rural zoning district; and
2. **FILING** of communication.

NO. 07-156 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Chapters 19.04 and 19.36, Maui County Code, to establish new definitions and parking standards for residential mixed use developments, which combine commercial uses with residential uses within a single project in the Village Mixed Use District; and
2. **FILING** of communication.

NO. 07-157 - POLICY COMMITTEE:

Recommending the following:

1. **APPROVAL** of Douglas Ward Mardfin to the *Maui Planning Commission*; and
2. **TRANSMITTAL** of a copy of the committee report to the Mayor.

H. COMMITTEE REPORTS (continued):NO. 07-158 - POLICY COMMITTEE:

Recommending the following:

1. **APPROVAL** of the following proposals with their corresponding justification sheets for inclusion in the 2008 Maui Legislative Package:
  - a. A proposed State bill entitled "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS"; and
  - b. A proposed State bill entitled "A BILL FOR AN ACT RELATING TO THE OFFICE OF INFORMATION PRACTICES"; and
2. **TRANSMITTAL** of a copy of the committee report to the Mayor.

NO. 07-159 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution authorizing a proposed settlement of Rosa Rodriguez Martinez and Salomon Baltazar Alonso v. Aaron Won, County of Maui, et al., Civil No. CV 06-00409 HG LEK.

*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. 07-160 - PUBLIC WORKS AND FACILITIES COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution accepting sewerline Easement B (approximately 2,298 square feet) for Site 10 in the Kehalani Subdivision, allowing the County to construct, reconstruct, maintain, operate, repair, and remove an 8-inch sewerline running through the subject property along Kuikahi Drive, Waikapu, Maui, TMK: (2) 3-5-01:portion of 076;
2. **ADOPTION** of resolution accepting sewerline Easement D (approximately 2,129 square feet) for Site 10 in the Kehalani Subdivision, allowing the County to construct, reconstruct, maintain, operate, repair, and remove an 8-inch sewerline running through the subject property along Kuikahi Drive, Waikapu, Maui, TMK: (2) 3-5-01:portion of 076;

H. COMMITTEE REPORTS (continued):

3. **ADOPTION** of resolution accepting sewerline Easement E (approximately 1,948 square feet) for Site 10 in the Kehalani Subdivision, allowing the County to construct, reconstruct, maintain, operate, repair, and remove an 8-inch sewerline running through the subject property along Kuikahi Drive, Waikapu, Maui, TMK: (2) 3-5-01:portion of 076; and
4. **FILING** of communication.

NO. 07-161 - PUBLIC WORKS AND FACILITIES COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution accepting sewerline Easement D, consisting of approximately 2,878 square feet, for Ohia at Kehalani Phase II Subdivision, which would allow the County to construct, reconstruct, maintain, operate, repair, and remove an 8-inch sewerline running through the subject property along Komo Ohia Street, Wailuku, Maui, TMK: (2) 3-5-26:portion of 045; and
2. **FILING** of communication.

NO. 07-162 - PUBLIC WORKS AND FACILITIES COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution accepting the dedication of road widening Lot 8-B-3 for the Pulehuiki-Kamehameiki Homesteads Subdivision in Kula, Maui, along Lower Kula Road, consisting of approximately 471 square feet and identified as TMK: (2) 2-3-02:portion of 009; and
2. **FILING** of communication.

NO. 07-163 - PUBLIC WORKS AND FACILITIES COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Chapter 10.48, Maui County Code, prohibiting parking on both sides of Ulumau Place in Paia; and
2. **FILING** of communication.

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**I. COMMUNICATIONS:****1. COUNTY COMMUNICATIONS:**

NO. 07-338 - MAYOR, informing of a vacancy on the Civil Service Commission due to the resignation of Abe Kaahui.

NO. 07-339 - DIRECTOR OF FINANCE, transmitting two reports on settlement of claims as of June 30, 2007.

NO. 07-340 - COUNCIL CHAIR, relating to the 2008 Hawaii State Association of Counties (HSAC) Legislative Package, transmitting four proposed bills with their corresponding justification sheets for consideration in the package:

1. A proposed State bill entitled "A BILL FOR AN ACT RELATING TO PUBLIC LAND LIABILITY";
2. A proposed State bill entitled "A BILL FOR AN ACT RELATING TO HOUSING";
3. A proposed State bill entitled "A BILL FOR AN ACT RELATING TO PROCUREMENT"; and
4. A proposed State bill entitled "A BILL FOR AN ACT RELATING TO TRAFFIC INFRACTIONS".

Additionally, informing that the following motions will be entertained:

1. A motion to WAIVE the requirement of committee referral and recommendation;
2. A motion to APPROVE the 2008 HSAC Legislative Package;
3. A motion to TRANSMIT the record of the Council's action to the HSAC Executive Committee; and
4. A motion to FILE this communication.

NO. 07-341 - COUNCIL CHAIR, proposing adjustments to the Council and Committee meeting schedule for 2008, and informing that the following motions will be entertained:

1. A motion to WAIVE the requirement of committee referral and recommendation;
2. A motion to RESCHEDULE the Council meetings in January and February 2008 one week later; to reschedule the March 21, 2008 meeting to March 18; to reschedule the first and second Council meetings in May 2008 to May 9 and 19, respectively; to reschedule the second Council meeting in July 2008 to July 25; to reschedule the Council meetings in August 2008 to the second and fourth Fridays of that month; and to reschedule the September 19, 2008 meeting to September 23; and
3. A motion to FILE this communication.

1. COUNTY COMMUNICATIONS (continued):

- NO. 07-342 - DIRECTOR OF FINANCE, transmitting a proposed resolution entitled "AUTHORIZING THE GRANTING OF TWO NON-EXCLUSIVE PERPETUAL EASEMENTS ON COUNTY OF MAUI REAL PROPERTY TO MAUI ELECTRIC COMPANY, LIMITED, AND HAWAIIAN TELCOM, INC. FOR UTILITY PURPOSES".
- NO. 07-343 - 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 DEPARTMENT OF PUBLIC WORKS CAPITAL IMPROVEMENT PROJECTS".
- NO. 07-344 - 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 HOUSING AND HUMAN CONCERNS".
- NO. 07-345 - 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 WATER SUPPLY".
- NO. 07-346 - 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 ESTIMATED REVENUES, LANAI COMMUNITY PLAN AREA - LANAI WATER SYSTEM ACQUISITION APPRAISAL, TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS, AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)", and related documents.
- NO. 07-347 - 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 ESTIMATED REVENUES, MOLOKAI COMMUNITY PLAN AREA GOVERNMENT FACILITIES, TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS, AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)", and Certification of Additional Revenues for Fiscal Year 2008.
- NO. 07-348 - 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 HOUSING AND HUMAN CONCERNS", and related documents.

1. COUNTY COMMUNICATIONS (continued):

NO. 07-349 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a proposed resolution entitled "AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF HOUSING AND HUMAN CONCERNS OR THE DIRECTOR'S DESIGNEE TO EXECUTE SECTION 8 PROGRAM HOUSING ASSISTANCE PAYMENTS CONTRACTS BETWEEN THE COUNTY OF MAUI AND LANDLORDS OF FAMILIES RECEIVING SECTION 8 PROGRAM ASSISTANCE".

NO. 07-350 - DIRECTOR OF WATER SUPPLY, transmitting copies of the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ended November 2007.

2. GENERAL COMMUNICATIONS:

NONE

J. RESOLUTIONS:

NONE

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 69 (2007) - "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 PROSECUTING ATTORNEY"

BILL NO. 70 (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 MAUI LANDFILL GAS COLLECTION AND FLARE CONSTRUCTION"

BILL NO. 71 (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 MOLOKAI LANDFILL CELL 3 CONSTRUCTION"



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

- BILL NO. 72 (2007) - "A BILL FOR AN ORDINANCE 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)"
- BILL NO. 73 (2007) - "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3459 (2007) RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI"
- BILL NO. 74 (2007) - "A BILL FOR AN ORDINANCE 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"
- BILL NO. 75 (2007) - "A BILL FOR AN ORDINANCE GRANTING SAMADHI BARON BUTTERFLY, TRUSTEE OF THE SAMADHI BARON BUTTERFLY LIVING TRUST, DATED NOVEMBER 1, 2001, A 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"
- BILL NO. 76 (2007) - "A BILL FOR AN ORDINANCE TO REDUCE COUNTY FEES REQUIRED FOR RESIDENTIAL WORKFORCE HOUSING UNITS"
- BILL NO. 77 (2007) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 18.20, MAUI COUNTY CODE, PERTAINING TO SUBDIVISION IMPROVEMENTS"
- BILL NO. 78 (2007) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 14.01, MAUI COUNTY CODE, RELATING TO NATIVE HAWAIIAN WATER RIGHTS"
- BILL NO. 79 (2007) - "A BILL FOR AN ORDINANCE RELATING TO COUNTY COUNCIL COMMITTEES"

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

BILL NO. 80 (2007) - "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"

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.**