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COUNCIL OF THE COUNTY OF MAUI

A G E N D A

Regular Meeting of April 1, 2011
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@mauicounty.us

ORAL OR WRITTEN TESTIMONY

ORAL OR WRITTEN TESTIMONY on any agenda item will be accepted. Each testifier shall be allowed to speak for three minutes on each item. If additional time is requested, the testifier shall be allowed one minute to conclude the testimony on the item. No further oral testimony by the testifier on the item shall be permitted. An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.

If written testimony is submitted at the meeting, 15 copies are requested. If written testimony is e-mailed or faxed (808-270-7171), it must be received at least 24 hours prior to the meeting; provided, that if a meeting will be held on a Monday, written testimony shall be received by 12:00 noon on the business day preceding the meeting.

A. ROLL CALL

B. OPENING REMARKS: COUNCILMEMBER MICHAEL P. VICTORINO

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO._____ - "CONGRATULATING THE MAUI HIGH SCHOOL SCIENCE BOWL TEAM FOR WINNING THE 18TH ANNUAL 2011 HAWAII SCIENCE BOWL AND EXTENDING BEST WISHES AT THE NATIONAL SCIENCE BOWL"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

NONE.

H. COMMITTEE REPORTS:

NO. 11-25 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend Appendix A of the Fiscal Year 2011 Budget, relating to the Affordable Housing Fund, by adding a proviso that the Department of Housing and Human Concerns shall administer the distribution of a $200,000 grant to qualified applicants of the Helani Gardens Project in Hana for assistance with septic systems and financing costs; and

2. **FILING** of communication.

NO. 11-26 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2011 Budget by: (1) reducing the appropriation to the Emergency Fund by $1,000,000, from $2,000,000 to $1,000,000; (2) increasing the appropriation to the Department of Fire and Public Safety, Administration/Maintenance Program, by $250,000, from $1,797,729 to $2,047,729; and (3) increasing the appropriation to the Department of Fire and Public Safety, Fire/Rescue Operations Program, by $750,000, from $23,392,516 to $24,141,16; and

2. **FILING** of communication.

NO. 11-27 - LAND USE COMMITTEE:

Recommending **FILING** of communication to grant a request from Wilfred Tavares, Jr. for a Conditional Permit time extension to continue a commercial bottling, wholesale distribution, and storage of bottled water operation, known, as "Hana Tropical Water Works" at 195 Maia Road, Hana, Maui, Hawaii.

NO. 11-28 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill granting a request from the Jeanne McJannet on behalf of Maalaea Bay Realty & Rentals LLC, for a Conditional Permit time extension, to continue to operate a transient vacation rental office at the Hono Kai Resort, within the County A-2 Apartment District, for property situated at 280 Hauoli Street, Apartment A-9, Maalaea, Maui; and

2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):

NO. 11-29 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill granting a request from the Hale Hui Kai Association of Apartment Owners for a Community Plan Amendment from Single-Family to Hotel for approximately 45,690 square feet of property at 2994 South Kihei Road, Kihei, Maui, Hawaii, which will establish consistency with the property's current zoning, H-M Hotel District; and

2. **FILING** of communication.

NO. 11-30 - PLANNING COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill establishing solar energy facilities as permitted uses in the Agricultural Zoning District; and

2. **FILING** of communication.

NO. 11-31 - PLANNING COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Chapter 19.32, Maui County Code, relating to planned development;

2. **FIRST READING** of bill amending Chapter 19.36A, Maui County Code, relating to off-street parking and loading;

3. **FIRST READING** of bill amending Chapter 19.40, Maui County Code, relating to conditional permits;

4. **FIRST READING** of bill amending Chapter 19.45, Maui County Code, relating to Project District processing regulations; and

5. **FILING** of communication.

H. COMMITTEE REPORTS (continued):

NO. 11-32 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution approving the appointment of the following members to the Charter Commission (for terms expiring on the day after the election at which any proposed charter amendment is submitted to the voters):

a. Linda Kay Okamoto;
b. Stephanie Stacy Crivello;
c. Artemio Baxa;
d. David DeLeon;
e. Wayne Hedani;
f. Yuki Lei Sugimura;
g. Flo Wiger;
h. Clifford Hashimoto;
i. Frank De Rego, Jr.;
j. Susan Moikeha; and
k. Joshua Stone.

NO. 11-33 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution approving the appointment of Bill Mitchell to the Maui Redevelopment Agency (for a term expiring on March 31, 2016).

NO. 11-34 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution authorizing settlement of Michael Magliato, Individually and as Special Administrator of the Estate of Keone Anthony Magliato v. Forrest Taniguchi, et al., Civil No. 09-1-0043(3).

With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, 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.

NO. 11-35 - POLICY COMMITTEE:

Recommending **FILING** of correspondence dated March 9, 2011, from Department of the Corporation Counsel, regarding the status of The County of Maui v. Merrill Lynch, Pierce, Fenner & Smith Incorporated, Financial Industry Regulatory Authority Dispute Resolution Arbitration No. 10-006787.

With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, 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.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 11-97 - COUNCIL CHAIR, transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF A COUNCIL SERVICES CLERK 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.

NO. 11-98 - COUNCILMEMBER BAISA, transmitting a proposed resolution entitled "APPROVING A TIME EXTENSION FOR THE COUNCIL TO ENACT THE MAUI ISLAND PLAN" and informing of her intention to offer the following motions:

1. A motion to WAIVE the requirement of committee referral and report as provided for in Rule 7(E) of the Rules of the Council;

2. A motion to ADOPT the proposed resolution; and

3. A motion to FILE this communication.

NO. 11-99 - COUNCILMEMBER COCHRAN, transmitting a proposed resolution entitled "URGING SUPPORT OF THE INTENT OF HOUSE CONCURRENT RESOLUTION NO. 107, ESTABLISHING A JOINT LEGISLATIVE INVESTIGATING COMMITTEE TO INVESTIGATE THE STATUS OF EXECUTIVE AGREEMENTS KNOWN AS THE LILI`UOKALANI ASSIGNMENT AND THE AGREEMENT OF RESTORATION" and informing of her intention to offer the following motions:

1. A motion to ADOPT the proposed resolution; and

2. A motion to FILE this communication.

NO. 11-100 - MAYOR, transmitting the proposed Fiscal Year 2012 Budget and the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET FOR THE COUNTY OF MAUI FOR THE FISCAL YEAR JULY 1, 2011 TO JUNE 30, 2012";

2. A proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO THE CAPITAL IMPROVEMENT PROGRAM FOR THE FISCAL YEAR ENDING JUNE 30, 2012";

1. COUNTY COMMUNICATIONS (continued):

3. A proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE ISSUANCE OF THIRTY EIGHT MILLION FIVE HUNDRED EIGHTY NINE THOUSAND DOLLARS ($38,589,000) AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI FOR THE PURPOSE OF PROVIDING FUNDS TO PAY ALL OR A PART OF THE COST OF APPROPRIATIONS FOR PUBLIC IMPROVEMENTS OF AND FOR THE COUNTY OF MAUI; FIXING THE FORM, DENOMINATIONS AND CERTAIN OTHER FEATURES OF SUCH BONDS AND PROVIDING FOR THEIR SALE; AUTHORIZING THE DIRECTOR OF FINANCE TO DETERMINE CERTAIN DETAILS OF THE BONDS; AUTHORIZING THE ISSUANCE AND SALE OF A LIKE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE AND SALE OF SUCH BONDS; AND PROVIDING FOR OTHER ACTIONS RELATED TO THE ISSUANCE, SALE AND DELIVERY OF SAID BONDS";

4. A proposed bill entitled "A BILL FOR AN ORDINANCE DETERMINING THAT PART OF THE PROCEEDS OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI HERETOFORE ISSUED IS IN EXCESS OF THE AMOUNTS REQUIRED FOR THE PURPOSES FOR WHICH SUCH BONDS WERE INITIALLY ISSUED, OR MAY OR SHOULD NOT BE APPLIED TO THOSE PURPOSES, AND DIRECTING SUCH PROCEEDS TO OTHER PUBLIC IMPROVEMENTS OR AUTHORIZED PURPOSES OF THE COUNTY OF MAUI";

5. A proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A LOAN FROM THE DRINKING WATER TREATMENT REVOLVING LOAN FUND FOR THE OLINDA WATER TREATMENT PLANT-RELINING OF THE 8.5 MG SEDIMENTATION BASIN, MAKAWAO-PUKALANI-KULA COMMUNITY PLAN AREA, FISCAL YEAR 2012 BUDGET ORDINANCE";

6. A proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A LOAN FROM THE DRINKING WATER TREATMENT REVOLVING LOAN FUND FOR THE PIIHOLO WATER TREATMENT PLANT IMPROVEMENTS-ORGANIC CARBON REDUCTION, MAKAWAO-PUKALANI-KULA COMMUNITY PLAN AREA, FISCAL YEAR 2012 BUDGET ORDINANCE";

1. COUNTY COMMUNICATIONS (continued):

7. A proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A LOAN FROM THE DRINKING WATER TREATMENT REVOLVING LOAN FUND FOR THE IAO WELL PROJECT, WAILUKU-KAHULUI COMMUNITY PLAN AREA, FISCAL YEAR 2012 BUDGET ORDINANCE";

8. A proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A LOAN FROM THE DRINKING WATER TREATMENT REVOLVING LOAN FUND FOR THE KIHEI-MAKENA DISTRIBUTION SYSTEM IMPROVEMENTS, KIHEI-MAKENA COMMUNITY PLAN AREA, FISCAL YEAR 2012 BUDGET ORDINANCE";

9. A proposed bill entitled "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 KAHULUI FORCE MAIN REPLACEMENT, WAILUKU-KAHULUI COMMUNITY PLAN AREA, FISCAL YEAR 2012 BUDGET ORDINANCE";

10. A proposed bill entitled "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 FORCE MAIN REPLACEMENT (VALVE BOX TO WASTEWATER RECLAMATION FACILITY), WAILUKU-KAHULUI COMMUNITY PLAN AREA, FISCAL YEAR 2012 BUDGET ORDINANCE";

11. A proposed bill entitled "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, FISCAL YEAR 2012 BUDGET ORDINANCE"; and

12. A proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO INTERGOVERNMENTAL AGREEMENTS FOR A $37,000,000 USDA RURAL DEVELOPMENT LOAN FOR THE CONSTRUCTION OF A SOUTH MAUI POLICE STATION".

NO. 11-101 - BUDGET DIRECTOR, transmitting the revised Fiscal Year 2012 Appendix B, Revenues – Fees, Rates, Assessments and Taxes.

1. COUNTY COMMUNICATIONS (continued):

NO. 11-102 - DIRECTOR OF PARKS AND RECREATION, transmitting a proposed resolution entitled "AUTHORIZING THE ACCEPTANCE OF A DONATION OF PLAYGROUND EQUIPMENT FROM THE WAILUKU HEIGHTS COMMUNITY ASSOCIATION TO THE COUNTY OF MAUI, DEPARTMENT OF PARKS AND RECREATION, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE".

NO. 11-103 - PLANNING DIRECTOR, relating to an application submitted by A&B Properties, Inc., transmitting copies of documents and two proposed bills entitled:

1. "A BILL FOR AN ORDINANCE TO AMEND THE KIHEI-MAKENA COMMUNITY PLAN AND LAND USE MAP FROM AGRICULTURE TO MULTI-FAMILY, SINGLE-FAMILY AND COMMERCIAL FOR TAX MAP KEY NUMBERS (2) 3-8-004:002 (POR.), (2) 3-8-004:022 (POR.), AND (2) 3-8-004:030 (POR.), KIHEI, MAUI, HAWAII"; and

2. "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM AGRICULTURAL DISTRICT TO A-1 APARTMENT DISTRICT, A-2 APARTMENT DISTRICT, R-1 RESIDENTIAL DISTRICT, AND B-2 COMMUNITY BUSINESS DISTRICT (CONDITIONAL ZONING) FOR TAX MAP KEY NUMBERS (2) 3-8-004:002 (POR.), (2) 3-8-004:022 (POR.), AND (2) 3-8-004:030 (POR.), KIHEI, MAUI, HAWAII".

NO. 11-104 - PLANNING DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.22, MAUI COUNTY CODE, RELATING TO B-R RESORT COMMERCIAL DISTRICT", and minutes of the Maui, Molokai and Lanai Planning Commissions.

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 9 (2011) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.35, MAUI COUNTY CODE, REFLECTING AMENDMENTS TO REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, PERTAINING TO THE AFFORDABLE HOUSING FUND"

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

BILL NO. 10 (2011) - "A BILL FOR AN ORDINANCE AMENDING SECTION 14.12.030, MAUI COUNTY CODE, RELATING TO EXEMPTIONS FROM THE COUNTY'S WATER AVAILABILITY POLICY"

BILL NO. 11 (2011) - "A BILL FOR AN ORDINANCE AMENDING TITLE 14, MAUI COUNTY CODE, RELATING TO WATER SERVICES"

L. UNFINISHED BUSINESS:

NONE.

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.