

COUNCIL OF THE COUNTY OF MAUI

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A G E N D A

Regular Meeting of February 18, 2011
9:00 a.m.
Council Chamber
8th Floor, Kalana O Maui Building
200 South High Street, Wailuku, Hawaii

OFFICE OF THE
COUNTY CLERK

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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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.

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- A. ROLL CALL
 - B. OPENING REMARKS: COUNCILMEMBER DON COUCH
 - C. PLEDGE OF ALLEGIANCE
 - D. TESTIMONY ON CEREMONIAL RESOLUTIONS
 - E. CEREMONIAL RESOLUTIONS:

NONE
 - F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY
 - G. MINUTES:

Organizational Meeting of January 3, 2011

H. COMMITTEE REPORTS:

NO. 11-1 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending the Fiscal Year 2011 Budget by adding a \$1,175,000 appropriation for the Paia-Haiku Distribution System Improvements and increasing the existing Makawao-Pukalani-Kula Treatment Plant Improvements appropriation by \$668,000;
2. **FIRST READING** of bill authorizing the Mayor to enter into intergovernmental agreements for a \$1,175,000 loan from the State's Drinking Water Treatment Revolving Loan Fund for the Lower Paia Water Tank Replacement project;
3. **FIRST READING** of bill authorizing the Mayor to enter into intergovernmental agreements to increase the existing \$10,500,000 loan from the State's Drinking Water Treatment Revolving Loan Fund for the Lower Omaopio Road Tank Replacement project by \$668,000 so that the total loan shall not exceed \$11,168,000; and
4. **FILING** of communication.

NO. 11-2 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending the Fiscal Year 2011 Budget by increasing the State Homeland Security Grant Program award to the Civil Defense Agency by \$336,000, for a total grant of \$907,000; and
2. **FILING** of communication.

NO. 11-3 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending the Fiscal Year 2011 Budget by adding a \$3,700,000 appropriation from the Bond Fund for the Molokai Baseyard project;
2. **FIRST READING** of bill to increase the authorization for the issuance of general obligation bonds for the Molokai Baseyard project by \$3,700,000; and
3. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 11-4 - ECONOMIC DEVELOPMENT, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing the acceptance of a donation of real property from Hana Ranch Partners, L.L.C. of approximately 1.91 acres for the expansion of Paani Mai Park (TMK: (2) 1-4-06:001(por.)), Hana, to the Department of Parks and Recreation, pursuant to Chapter 3.44.015.C, Maui County Code; and
2. **FILING** of communication.

NO. 11-5 - INFRASTRUCTURE MANAGEMENT COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to establish a crosswalk on a portion of South Kihei Road in Kihei, Maui, Hawaii, fronting the Mana Kai Maui condominium, approximately 400 feet south of the intersection of Ala Koa Street and South Kihei Road; and
2. **FILING** of communication.

NO. 11-6 - POLICY COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving the appointment of John D. Kim as the Prosecuting Attorney;
2. **FILING** of resolution disapproving the appointment of John D. Kim as the Prosecuting Attorney; and
3. **FILING** of communication.

NO. 11-7 - POLICY COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving the appointment of David Taylor as the Director of the Department of Water Supply;
2. **FILING** of resolution disapproving the appointment of David Taylor as the Director of the Department of Water Supply; and
3. **FILING** of communication.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

- NO. 11-59 - DIRECTOR OF FINANCE, transmitting a report of short term investments for the quarter ended December 31, 2010.
- NO. 11-60 - CHIEF OF POLICE, informing of the Police Department's intent to expend \$3,794.21 in Federal Forfeiture Funds to pay for the federal share and United States Marshalls Service expenses related to acquiring a 2003 Ford F350.
- NO. 11-61 - CHIEF OF POLICE, informing of the receipt of \$25,271.32 in Forfeiture Funds from the U.S. Department of Justice, Drug Enforcement Agency.
- NO. 11-62 - COUNCILMEMBER PONTANILLA, transmitting a proposed bill entitled "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".
- NO. 11-63 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2011 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF ENVIRONMENTAL MANAGEMENT – RESIDENTIAL COLLECTION PROGRAM – SOLID WASTE MANAGEMENT FUND; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)" along with a "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2011".
- NO. 11-64 - COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MANAGER, transmitting a proposed resolution entitled "AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM".
- NO. 11-65 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2011 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF PUBLIC WORKS, HIGHWAYS ADMINISTRATION PROGRAM; KIHEI-MAKENA COMMUNITY PLAN AREA, ROAD IMPROVEMENTS, SOUTH MAUI WATERSHED SECTION 22 STUDY; TOTAL OPERATING APPROPRIATIONS; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)" along with a "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2011".

1. COUNTY COMMUNICATIONS (continued):

- NO. 11-66 - DIRECTOR OF FINANCE, transmitting copies of the Finance Director's Quarterly Report for Fiscal Year July 1, 2010 to June 30, 2011 as of December 31, 2010, and the Capital Improvement Project Report as of December 31, 2010.
- NO. 11-67 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2011 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF TRANSPORTATION – HIGHWAY FUND; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)" along a the "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2011".
- NO. 11-68 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2011 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; OPERATING BUDGET; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)" along with a "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2011".
- NO. 11-69 - COUNCILMEMBER VICTORINO, relating to the matter of prohibiting parking on Kahawai Street, from Market Street to Makua Lane, in Wailuku.
- NO. 11-70 - COUNCILMEMBER BAISA, transmitting a proposed resolution entitled "REFERRING TO THE LANAI, MAUI, AND MOLOKAI PLANNING COMMISSIONS A DRAFT BILL AMENDING TITLE 19, MAUI COUNTY CODE, RELATING TO SHORT-TERM RENTAL HOMES".
- NO. 11-71 - CHIEF OF POLICE, informing of the receipt of a 1997 Toyota T100 XtraCab 4x4 Pickup Truck from the State Department of the Attorney General.
- NO. 11-72 - CHIEF OF POLICE, transmitting a proposed resolution entitled "AUTHORIZING ACCEPTANCE OF A DONATION FROM THE MAUI POLICE RELIEF ASSOCIATION TO THE COUNTY OF MAUI, DEPARTMENT OF POLICE, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE".
- NO. 11-73 - DIRECTOR OF WATER SUPPLY, transmitting copies of the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ended January 2011.

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

NONE.

L. UNFINISHED BUSINESS:

COUNTY COMMUNICATION:

NO. 11-48 - CHAIR, ECONOMIC DEVELOPMENT, AGRICULTURE, AND RECREATION COMMITTEE, informing of his intention to offer the following motions:

1. A motion to DISCHARGE the Economic Development, Agriculture, and Recreation Committee from further consideration of County Communication No. 11-18, transmitting a proposed resolution entitled "URGING THE MAYOR TO TRANSMIT A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2011 BUDGET TO AUTHORIZE SUPPLEMENTAL FUNDING FOR THE MAUI VISITORS BUREAU";
2. A motion to WAIVE the requirement of committee referral and report as provided for in Rule 7(E) of the Rules of the Council;
3. A motion to ADOPT the proposed resolution;
4. A motion to FILE County Communication No. 11-18; and
5. A motion to FILE this communication.

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.