

# COUNCIL OF THE COUNTY OF MAUI

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

Regular Meeting of May 24, 2011  
10:00 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](mailto:county.clerk@mauicounty.us)

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### 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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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 ELLE COCHRAN
  - C. PLEDGE OF ALLEGIANCE
  - D. TESTIMONY ON CEREMONIAL RESOLUTIONS
  - E. CEREMONIAL RESOLUTIONS:  
  
NONE
  - F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

Regular Meeting of March 18, 2011  
Special Meeting of March 29, 2011

H. COMMITTEE REPORTS:

NO. 11-45 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to authorize the Mayor to enter into an intergovernmental agreement to finance the Olinda Water Treatment Plant–Relining project with State Drinking Water Treatment Revolving Loan Fund monies in a principal amount not to exceed \$1,500,000;
2. **FIRST READING** of bill to authorize the Mayor to enter into an intergovernmental agreement to finance the Kahului Force Main Replacement project with State Water Pollution Control Revolving Fund Loan monies in a principal amount not to exceed \$2,790,000;
3. **FIRST READING** of bill to authorize the Mayor to enter into an intergovernmental agreement to finance the Wailuku Force Main Replacement project with State Water Pollution Control Revolving Fund Loan monies in a principal amount not to exceed \$1,500,000;
4. **FIRST READING** of bill to authorize the Mayor to enter into an intergovernmental agreement to finance the Countywide Pump Station Renovations project with State Water Pollution Control Revolving Fund Loan monies in a principal amount not to exceed \$5,000,000;
5. **FIRST READING** of bill to authorize the Mayor to enter into an intergovernmental agreement to finance the Wailuku Well - Development Project with State Drinking Water Treatment Revolving Loan Fund monies in a principal amount not to exceed \$2,000,000;
6. **FIRST READING** of bill to authorize the Mayor to enter into an intergovernmental agreement to finance the Uluniu Road and Ewa Place Waterline Replacement Project with State Drinking Water Treatment Revolving Loan Fund monies in a principal amount not to exceed \$850,000;
7. **FIRST READING** of bill to authorize the issuance of \$18,555,497 of general obligation bonds for various capital improvement projects;
8. **FIRST READING** of bill to reauthorize the use of lapsed bond proceeds for a capital improvement project;

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H. COMMITTEE REPORTS (continued):

9. **FIRST READING** of bill to set forth the Capital Program for Fiscal Year 2012 through 2017;
10. **FIRST READING** of bill to appropriate estimated revenues for the operating and capital improvement budget for Fiscal Year July 1, 2011 to June 30, 2012;
11. **REFERRAL** of the matter relating to the fee structure for applications processed by the Department of Planning, including a document entitled "Final Report on the Fee Study and Cost Recovery Plan for the Department of Planning" prepared by Matrix Consulting Group, dated December 2, 2009, to the appropriate standing committee;
12. **REFERRAL** of the matter relating to fees for vendor concessions in County parks, including a proposed revised page 15 of Appendix B, received by the Committee on April 26, 2011, to the appropriate standing committee;
13. **REFERRAL** of the matter relating to the overall condition and operation of the Waiehu Municipal Golf Course, to the appropriate standing committee;
14. **REFERRAL** of the matter relating to a curbside recycling pilot project, to the appropriate standing committee;
15. **REFERRAL** of the matter relating to County grants and disbursements, including amendments to Chapter 3.36, Maui County Code, relating to the Maui County Grants Program, and the Budget and Finance Committee Chair's correspondence dated May 6, 2011, relating to the General Budget Provisions, to the appropriate standing committee;
16. **REFERRAL** of the matter relating to a performance evaluation of the County's Department of Transportation, to the appropriate standing committee;
17. **REFERRAL** of the matter relating to the circuit breaker tax credit for homeowners, to the appropriate standing committee;
18. **FILING** of proposed bill to authorize the Mayor to enter into an intergovernmental agreement to finance the Piiholo Water Treatment Plant Improvements-Organic Carbon Reduction project with State Drinking Water Treatment Revolving Loan Fund monies in a principal amount not to exceed \$5,000,000;

H. COMMITTEE REPORTS (continued):

19. **FILING** of proposed bill to authorize the Mayor to enter into intergovernmental agreements to finance the South Maui Police Station project with United States Department of Agriculture Rural Development Loan monies in a principal amount not to exceed \$37,000,000;
20. **FILING** of proposed bill to enter into an intergovernmental agreement to finance the Waikamoi Flume Improvements project with State Drinking Water Treatment Revolving Loan Fund monies in a principal amount not to exceed \$10,000,000; and
21. **FILING** of communications.

*With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(3), Hawaii Revised Statutes ("HRS"), to deliberate concerning the authority of persons designated by the County, the Council, or the Committee to conduct labor negotiations or to negotiate the acquisition of public property, or during the conduct of such negotiations; Section 92-5(a)(4), HRS, 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), HRS, 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. 11-46 - POLICY COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving the appointment of members to the Civil Service Commission and the Cost of Government Commission for terms expiring as indicated:
  - A. **CIVIL SERVICE COMMISSION**
    1. Blake Takayama (replacing David Hunkins), for a term expiring on March 31, 2015; and
  - B. **COST OF GOVERNMENT COMMISSION**
    1. Sunny Gutierrez (replacing Ivan Lay), for a term expiring on March 31, 2012; and
2. **ADOPTION** of resolution approving the appointment of the following members to the boards, committees, and commissions for the County of Maui for terms expiring as indicated:
  - A. **AFFIRMATIVE ACTION ADVISORY COUNCIL**
    1. Abelardo Corella (replacing Sherry Duong), for a term expiring on March 31, 2012;

H. COMMITTEE REPORTS (continued):

## B. BOARD OF CODE APPEALS

1. Joseph Blackburn, for a term expiring on March 31, 2016.

## C. COMMISSION ON CULTURE AND THE ARTS

1. Clifford Libed (replacing Teri Gorman), for a term expiring on March 31, 2012; and
2. Robin Kaye (replacing Veronica Yamanoha), for a term expiring on March 31, 2013;

## D. COMMISSION ON NAMING STREETS, PARKS, AND FACILITIES

1. Alysia Carlisle (replacing Gary Ohashi), for a term expiring on March 31, 2013;

## E. MAUI COUNTY COMMISSION ON PERSONS WITH DISABILITIES

1. Cesar Gaxiola (replacing Elsie Santos), for a term expiring on March 31, 2015;

## F. MAUI COUNTY GRANTS REVIEW COMMITTEE

1. Uvette Sakamoto (replacing Lehua Kalua), for a term expiring on March 31, 2015; and

## G. SALARY COMMISSION

1. Johanna Amorin (replacing Maureen Ross), for a term expiring on March 31, 2015.

NO. 11-47 - POLICY COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution disapproving the appointment of Glenn Keliikoa (replacing Marlene Young) to the Council on Aging, for a term expiring on March 31, 2013; and
2. **ADOPTION** of resolution approving the appointment of Heather Greenwood (replacing Masami Hironaka) to the Council on Aging, for a term expiring on March 31, 2016.

NO. 11-48 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution approving the appointment of Oliver DeGray Vanderbilt (replacing Napua Leong) to the Molokai Planning Commission, for a term expiring on March 31, 2014.

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I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

- NO. 11-144 - DIRECTOR OF PERSONNEL SERVICES, informing of the abolishment of positions in various County departments.
- NO. 11-145 - PROSECUTING ATTORNEY, informing of the receipt of \$25,959 in State Asset Forfeiture Funds from the Department of the Attorney General, State of Hawaii, for the 2011 Statewide Basic Trial Advocacy Training.
- NO. 11-146 - MAYOR, informing of a vacancy on the *Salary Commission* due to the resignation of Julie Higa.
- NO. 11-147 - MAYOR, informing of a vacancy on the *Civil Service Commission* due to the resignation of Barbara Haliniak.
- NO. 11-148 - DIRECTOR OF WATER SUPPLY, transmitting copies of the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ended April 2011.
- NO. 11-149 - BUDGET AND FINANCE CHAIR PONTANILLA, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, MAUI COUNTY CODE, RELATING TO THE MINIMUM REAL PROPERTY TAX" and informing of his intention to entertain 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 PASS ON FIRST READING AND ORDER TO PRINT the proposed bill; and
  3. A motion to FILE this communication.
- NO. 11-150 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3749 BILL NO. 37 (2010) RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI".
- NO. 11-151 - DIRECTOR OF FINANCE, transmitting copies of the Finance Director's Quarterly Report for Fiscal Year July 1, 2010 to June 30, 2011 as of March 31, 2011, and the Capital Improvement Project Report as of March 31, 2011.

1. COUNTY COMMUNICATIONS (continued):

- NO. 11-152 - MANAGING DIRECTOR, transmitting the Capital Improvement Projects Implementation Report for Fiscal Year 2011, Third Quarter ending March 31, 2011.
- NO. 11-153 - DIRECTOR OF PARKS AND RECREATION, transmitting the semiannual report regarding park dedications for each community plan area for the period October 1, 2010 through March 31, 2011 and the Finance Department's GL Summary indicating the park assessment balances as of March 31, 2011.
- NO. 11-154 - DIRECTOR OF PARKS AND RECREATION, transmitting a proposed resolution entitled "AUTHORIZING A GRANT OF A LICENSE OF COUNTY REAL PROPERTY TO MAUI NUI BOTANICAL GARDENS, INC."
- NO. 11-155 - COUNCILMEMBER COUCH, relating to commercial signs and transmitting a copy of Ordinance No. 3794, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 16.13, MAUI COUNTY CODE, RELATING TO COMMERCIAL SIGNS".
- NO. 11-156 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting the Annual Compliance Report for the Lanai Affordable Housing Project at TMK: (2) 4-9-002:058(por), Lanai City.

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

- BILL NO. 23 (2011) - "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2011 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2011, OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND SCENIC VIEWS PRESERVATION FUND, PAUKUKALO COASTAL WETLANDS"

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.**