

COUNCIL OF THE COUNTY OF MAUI

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A G E N D A

Regular Meeting of March 16, 2012
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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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 GLADYS C. BAISA
 - 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 February 3, 2012

H. COMMITTEE REPORTS:NO. 12-32 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing the Mayor to execute and file an application with the United States Department of Housing and Urban Development for a grant of \$1,444,070 under the Community Development Block Grant Program for the 2012 Program Year (Fiscal Year 2013); and
2. **FILING** of communication.

NO. 12-33 - INFRASTRUCTURE MANAGEMENT COMMITTEE:

Recommending **FILING** of communication relating to the Department of Public Works' annual report on new utility poles approved for installation for calendar year 2011.

NO. 12-34 - INFRASTRUCTURE MANAGEMENT COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution accepting the dedication from Lokahi Pacific of Road Widening Lot 9, consisting of 4,379 square feet, along Kenolio Road and Leilani Road in Kihei, Maui, Hawaii; and
2. **FILING** of communication.

NO. 12-35 - INFRASTRUCTURE MANAGEMENT COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution accepting the dedication from the Roman Catholic Church of Road Widening Lot 13-A-1-A-1, consisting of 2,912 square feet, along South Kihei Road, Kihei, Maui, Hawaii; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 12-36 - POLICY COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing a five-year extension, through May 19, 2017, of a lease of real property for maintenance purposes to Titan International, LLC for the 115-acre Lanai Affordable Housing Project Site, identified as TMK: (2) 4-9-02:058, pursuant to Section 3.40.180, Maui County Code; and
2. **FILING** of communication.

NO. 12-37 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution relating to the appointment of members to the boards, committees, and commissions for the County of Maui:

1. **APPROVE** the appointments of the following members to the boards, committees, and commissions for the County of Maui (for terms beginning on April 1, 2012 and expiring on March 31, 2017, unless otherwise indicated):
 - A. BOARD OF ETHICS
 1. Randol Leach;
 - B. CIVIL SERVICE COMMISSION
 1. Jon Santos (Reappointment);
 - C. HANA ADVISORY COMMITTEE
 1. Clayton Carvalho, Jr.; and
 - D. MAUI COUNTY OUTDOOR LIGHTING STANDARDS COMMITTEE
 1. Todd Sherman; and
2. **DISAPPROVE** the appointments of the following members to the boards, committees, and commissions for the County of Maui:
 - A. BOARD OF CODE APPEALS
 1. Todd Sherman;
 - B. LANAI PLANNING COMMISSION
 1. Ralph Black;
 2. James Clemens; and
 - C. LIQUOR CONTROL ADJUDICATION BOARD
 1. Patrick De Ponte.

H. COMMITTEE REPORTS (continued):NO. 12-38 - POLICY COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving the appointments of the following members to the Kula Agricultural Park Committee (for terms as noted):
 - a. Melanie Stephens (beginning on April 1, 2012 and expiring on March 31, 2017);
 - b. John Okamura (expiring on March 31, 2016); and
2. **ADOPTION** of resolution approving the appointments of the following members to the Urban Design Review Board (for terms as noted):
 - a. Robert Bowlus (Reappointment) (beginning on April 1, 2012 and expiring on March 31, 2017);
 - b. Andrew Carson (beginning on April 1, 2012 and expiring on March 31, 2017);
 - c. Wendy Fujinaka (expiring on March 31, 2015) (Alternate); and
 - d. Gerard Steiner (beginning on April 1, 2012 and expiring on March 31, 2017) (Alternate).

NO. 12-39 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution authorizing settlement of Maui Land & Pineapple Company, Inc. v. County of Maui, et al., Civil 08-00465 SOM/LEK.

*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. 12-40 - WATER RESOURCES COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Chapter 14.12, Maui County Code, relating to the Water Availability Policy; and
2. **FILING** of communication.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 12-52 - DIRECTOR OF FINANCE, transmitting 32 contracts/grants for January 2012.

NO. 12-53 - PROSECUTING ATTORNEY, transmitting a copy of a grant award letter from the Department of the Attorney General, State of Hawaii for the Sexual Assault Prosecution Program.

NO. 12-54 - DIRECTOR OF FINANCE, reporting on transfers from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of January 31, 2012.

NO. 12-55 - DIRECTOR OF WATER SUPPLY, transmitting copies of the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ended February 2012.

NO. 12-56 - COUNCILMEMBER PONTANILLA, transmitting a proposed resolution entitled "REFERRING TO THE MAUI PLANNING COMMISSION A PROPOSED BILL TO CHANGE ZONING FROM R-3 RESIDENTIAL DISTRICT TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT FOR PROPERTY SITUATED AT KAHULUI, MAUI, HAWAII" and informing of his 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. 12-57 - COUNCILMEMBER HOKAMA, transmitting a proposed resolution entitled "REFERRING TO THE LANAI PLANNING COMMISSION A PROPOSED BILL TO ESTABLISH A LANAI WATER ADVISORY COMMITTEE" and informing of his intention to offer the following motions:

1. A motion to ADOPT the proposed resolution; and
2. A motion to FILE this communication.

NO. 12-58 - MANAGING DIRECTOR, transmitting the Capital Improvement Projects Implementation Report for Fiscal Year 2012, Second Quarter ending December 31, 2011.

1. COUNTY COMMUNICATIONS (continued):

- NO. 12-59 - COUNCIL CHAIR, relating to the matter of the Fiscal Year 2013 Budget.
- NO. 12-60 - COUNCIL CHAIR, transmitting the County of Maui's Comprehensive Annual Financial Report (CAFR) and the Required Auditor's Communication for the Fiscal Year Ended June 30, 2011.
- NO. 12-61 - COUNCIL CHAIR, transmitting the County of Maui's Single Audit Report for the Fiscal Year Ended June 30, 2011.
- NO. 12-62 - COUNCIL CHAIR, transmitting the Department of Water Supply's Financial Statements and Supplemental Schedules for the Years Ended June 30, 2011 and June 30, 2010, and the Independent Auditor's Report.
- NO. 12-63 - DIRECTOR OF PARKS AND RECREATION, transmitting a proposed resolution entitled "AUTHORIZING THE ISSUANCE OF AN ENCROACHMENT AGREEMENT AND LICENSE TO THE MAUI FULL GOSPEL KOREAN CHURCH FOR THE ENCROACHMENT OF ITS WALL ONTO KE'OPUOLANI REGIONAL PARK".
- NO. 12-64 - DIRECTOR OF ENVIRONMENTAL MANAGEMENT, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 14.25A.130, MAUI COUNTY CODE, RELATING TO WASTEWATER".
- NO. 12-65 - COUNCIL CHAIR MATEO, relating to the Maui County Sister Cities Program.
- NO. 12-66 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a proposed resolution entitled "AUTHORIZING THE ACCEPTANCE OF A DEDICATION OF REAL PROPERTY FROM OLD STABLE, LLC TO THE COUNTY OF MAUI, PURSUANT TO CHAPTER 3.44.015.C, MAUI COUNTY CODE".

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

- BILL NO. 22 (2012) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2012 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; HANA COMMUNITY PLAN AREA, GOVERNMENT FACILITIES, NAHIKU COMMUNITY CENTER; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"
- BILL NO. 23 (2012) - "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3837, BILL NO. 31 (2011), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI (NAHIKU COMMUNITY CENTER)"
- BILL NO. 24 (2012) - "A BILL FOR AN ORDINANCE REPEALING CHAPTER 16.26A, MAUI COUNTY CODE, AND ESTABLISHING A NEW CHAPTER 16.26B, MAUI COUNTY CODE, RELATING TO THE BUILDING CODE"
- BILL NO. 25 (2012) - "A BILL FOR AN ORDINANCE REPEALING CHAPTER 16.08, MAUI COUNTY CODE, AND ESTABLISHING A NEW CHAPTER 16.08A, MAUI COUNTY CODE, RELATING TO THE RESIDENTIAL CODE"
- BILL NO. 26 (2012) - "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL DISTRICT TO RURAL DISTRICT (CONDITIONAL BOUNDARY AMENDMENT) FOR PROPERTY SITUATED AT 125 PAUWELA ROAD, HAIKU, MAUI, HAWAII"
- BILL NO. 27 (2012) - "A BILL FOR AN ORDINANCE TO ESTABLISH RU-0.5 RURAL DISTRICT ZONING (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT 125 PAUWELA ROAD, HAIKU, MAUI, HAWAII"
- BILL NO. 28 (2012) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2012 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; MAKAWAO-PUKALANI-KULA COMMUNITY PLAN AREA, WATER SUPPLY, WAIKAMOI FLUME REPLACEMENT; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

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

BILL NO. 29 (2012) - "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 WAIKAMOI FLUME REPLACEMENT PROJECT, MAKAWAO-PUKALANI-KULA COMMUNITY PLAN AREA, FISCAL YEAR 2012 BUDGET ORDINANCE"

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.