

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

August 3, 2012

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, ON FRIDAY, AUGUST 3, 2012, BEGINNING AT 9:07 A.M., WITH CHAIR DENNIS A. MATEO PRESIDING.

CHAIR MATEO: Council of the County of Maui regular meeting of August 3, 2012 will come to order.

Mr. Clerk, may we have the roll call please.

ROLL CALL

PRESENT: COUNCILMEMBERS GLADYS C. BAISA, ROBERT CARROLL, ELEANORA COCHRAN, DONALD G. COUCH JR., G. RIKI HOKAMA, MICHAEL P. VICTORINO, MICHAEL B. WHITE, VICE-CHAIR JOSEPH PONTANILLA, AND CHAIR DENNIS A. MATEO.

EXCUSED: NONE.

DEPUTY COUNTY CLERK LANCE TAGUCHI: Chairman, there are nine Members present, a quorum is present to conduct the business of the Council.

CHAIR MATEO: Thank you. Members, this morning our opening remarks will be provided by our colleague from West Maui who just blew in a few seconds ago.

Ms. Cochran, good morning.

OPENING REMARKS

The opening remarks were offered by Councilmember Elle Cochran.

CHAIR MATEO: Thank you, Ms. Cochran. Will everyone please rise and join us in reciting the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

The Members of the Council, and others in attendance, rose and recited the Pledge of Allegiance.

CHAIR MATEO: Mr. Clerk, has anyone signed up for testimony for ceremonial resolutions?

DEPUTY COUNTY CLERK: Chairman, we have received no requests from individuals who wish to offer testimony. Shall we proceed?

CHAIR MATEO: Proceed, please.

CEREMONIAL RESOLUTIONS

RESOLUTION
NO. 12-83

HONORING KRAIG MICHAEL KALEOLANI VICKERS,
SENIOR CHIEF EXPLOSIVE ORDNANCE DISPOSAL
TECHNICIAN, UNITED STATES NAVY, FOR HIS HEROISM

CHAIR MATEO: Mr. Victorino.

COUNCILMEMBER VICTORINO:

CHAIR, I MOVE THAT THE "HONORING OF KRAIG MICHAEL KALEOLANI VICKERS, SENIOR CHIEF EXPLOSIVE ORDNANCE DISPOSAL TECHNICIAN, UNITED STATES NAVY, FOR HIS HEROISM", RESOLUTION BE, BE MOVE, I MOVE TO PASS THAT RESOLUTION.

COUNCILMEMBER BAISA: Mr., Mr. Chair.

MR. CHAIR, I SECOND THE MOTION.

CHAIR MATEO: Thank, thank you. It's been moved by Mr. Victorino and second by Ms. Baisa to adopt the proposed resolution.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Chair. Would you allow the Clerk to read the resolution in its entirety, please?

CHAIR MATEO: Thank you.

Mr. Clerk, please read the resolution.

(The resolution was read in its entirety.)

CHAIR MATEO: Thank you.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Chair. My fellow Councilmembers, honored guests, this morning is a very special remembrance for a local hero who served our country with pride, with valor, and with his heart, and the true soul of Maui County.

One year ago we honored Senior Chief Kraig Vickers at the Wailuku First Friday and his family was there and it was a very touching moment; a very memorable event. But, Chair, like everything else, we honor Kraig, but it's his family who feels the most pain. His family will continue the legacy serving our community, our country. He fought for us, he gave us the opportunity to speak our minds like this morning, to have the opportunity to be free, to say what we feel. He didn't talk about it, he put his life on the line and paid the ultimate sacrifice.

And it's not easy to sit here today. We honor, but we've lost a true son of Maui. And for me and many of us out there, we say thank you. But it seems so, so small in comparison to the ultimate sacrifice. His family, his lovely wife Nani, and the children, his parents, his brothers, his sister, and the rest of the ohana don't have him at Christmas or Thanksgiving or at birthdays.

America, we are lucky, Maui County, we are lucky to have men and women who serve and protect and give us the freedom. Freedom is not free. And this is an example of the ultimate sacrifice. I ask all my colleagues today to please, please in your own way, pay tribute, honor our true hero. And every day, let us never forget Kraig Vickers and all the rest of the men and women in our, that serve our Country, gives us the rights and freedoms that sometimes we take for granted.

Again, I say thank you to the family for allowing us to bring this forward today, to have the opportunity to honor a true hero, a son of Maui. Mahalo, Mr. Chair.

CHAIR MATEO: Thank you, Mr. Victorino. Members, further discussion?

Mr. Pontanilla.

VICE-CHAIR PONTANILLA: Thank you, Chairman. I, I too share the same sentiments as my colleague, Member Victorino. You know, having served in the military, you know, I know how important it is that we keep countries free. I spent 18 months in Korea and I know, you know, what America does in, in regards to ensuring that countries that are weak, you know, can be free.

And to the Vickers family, you know, I want to thank you for, for having your husband, father, grandfather, serve in the military so that, you know, like Member Victorino has said, we as Americans are, are so passionate about world freedom. And, and I'm going to be supporting this resolution. Thank you.

CHAIR MATEO: Thank you, Mr., Mr. Pontanilla.

Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much, Chair. It's a very poignant moment this morning when we celebrate and honor, Mr. Vickers, and yet, we're filled with sorrow for his family. You know, I, I've been lucky. I have two sons who have never been in the military. I have three grandsons, four, actually four of them I'm sorry. I always think about the, forget the baby. We have four grandsons. Nobody's had to go into military. Nobody has, you know, been drafted or made to do that and so we're lucky.

We talk about, every day we read the newspaper, every day we watch TV and we read about how many people were lost, how many people were killed. And yes, we are sad and we feel sorry but we cannot, we cannot really have empathy cause this hasn't happened in our family.

We have lost fathers, and brothers, and sisters, and aunties, and uncles, that we all love, but this is a different kind of sacrifice. This is people laying down their lives for our freedom and that of the whole world. It's a really important moment.

We turn on the radio and we hear all the debates in Congress about military spending and we talk about the price. Billions of dollars being spent on the military. And some people feel it's right and other people feel it's wrong. But we're looking

today at the real price of conflict. The real price is the death of someone that we all care about and that is the true price. And there is no amount of money that we can spend or put a price tag on for a life, we all know that.

So I'm very proud to be here today. But I want the family to know that I understand a little bit about your loss. I can never understand what it is to, to experience what you have. But, you know, we've all experienced loss. And it's the loss, like Mr. Victorino says, of not being there at graduation, not being there at a birthday, not being there at the birth of a child, and that that's had to happen to this family. And so I want to, you know, give them my deepest, deepest sympathy and wish them all the best and thank them, thank them on behalf of my family and every family in this country. Thank you for your sacrifice.

CHAIR MATEO: Thank you, Ms. Baisa.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. I was fortunate enough to have met him and know him a very long time ago when he was young. And now that he's gone, I'm sorry that I never had an opportunity to know him better.

I too was in the service and I've seen many have gone, make the ultimate sacrifice as he has before him. I appreciated even more now than when I was young what people like Mr. Vickers have done for us. Now that I have children and grandchildren and great-grandchildren, I know that he was out there so they could have a life, so they could grow up, so they would have somebody they know that our country is defending them. There are no words to express my appreciation and my sorrow at his loss. Mahalo.

CHAIR MATEO: Thank you, Mr. Carroll. Members, further discussion?

Mr. White.

COUNCILMEMBER WHITE: Thank you, Mr. Chair. I, I'd like to echo the comments of my colleagues but I'd also like to add that while we honor Kraig today, the honor to me really goes to the family that made a Kraig because we have, we have so many challenges in the world today.

When I look at the, at the Vickers family, I see a family that is upstanding, I see a family that is strong, and I see a family that will come through this as well as any family could. I know that his wife Nani and the, and Kraig's parents will do an outstanding job of sharing the values of Kraig and their family with his four children. And it's, it's that which I feel we can honor today along with Kraig. Because it's, it's

families like the Vickers that make Maui a very special place. And they give us all the kind of hope that we need to have going forward.

And I'd just like to say I'm very proud to be a part of this, this ceremony and, and I give all my aloha to the Vickers family.

CHAIR MATEO: Thank you, Mr. White. Members, further discussion? All those in favor of the motion to adopt the resolution entitled "HONORING KRAIG MICHAEL KALEOLANI VICKERS, SENIOR CHIEF EXPLOSIVE ORDNANCE DISPOSAL TECHNICIAN, UNITED STATES NAVY, FOR HIS HEROISM", signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COCHRAN,
COUCH, HOKAMA, VICTORINO, WHITE,
VICE-CHAIR PONTANILLA, AND CHAIR MATEO.

CHAIR MATEO: Those opposed say "no".

NOES: NONE.

CHAIR MATEO: Motion is carried with nine "ayes".

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair. At this time, if the camera would scan the audience, I'd like to ask Nani Vickers, the wife of the late Kraig Vickers, along with his mom, Mary Vickers, to come forward to the podium. But I know in the audience, and if the camera would scan the audience, the gallery area, he has his brothers: Vance, Mark, Robert Jr., if they would all stand, and the rest of the ohana, grandma. Unfortunately, dad, Robert, is not here today. He had heart surgery and he's hopefully on the TV right now watching us. And if not, we'll make sure we get some, the tape of this program to him and we want to wish him Godspeed and get well soon. So if Nani and the mom would come forward, Mary, and the rest, would you all stand so that we can recognize you, the rest of the family.

CHAIR MATEO: Mr. Victorino.

COUNCILMEMBER VICTORINO: Yes, thank you, Chair. At this time, I would like to present the resolution to you, Nani. Thank you very much. And, would you, on behalf of the family, would you like to say a few words, please?

MS. NANI VICKERS: I just, the Vickers family and I just want to thank you guys. It means a lot to us, knowing that he was a, a true Maui boy. And he was looking forward to coming home to go and do all the fun things like poke fish and play with his kids in the water. But this really means a lot to us for what he did. And we just thank you all for honoring him today. Mahalo.

MS. MARY VICKERS: Also, on behalf of the family, we'd like to thank you all for what you do and for your considerations, your extensive work. We appreciate all you do and yes, we are very blessed to live on Maui. As you know we're, or maybe don't know, that we're, we moved over from Oahu in '76. As soon as Bob saw Maui in '69, he said this is where we got to live. And we're glad we made that move.

We'd like to let you know that you're on our prayers and look forward to what Maui County has to offer, not only presently, but in the future. As we've got, Nani, who chose, she's a Oahu girl, that she and Kraig had decided that when he's finished with his career in the military that they would be moving to Maui and she has fulfilled that wish. And we're just so thankful she's here for us. God bless you all and yes, count our blessings. Thank you.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair.

CHAIR MATEO: Thank you, Mr. Victorino.

Mr. Clerk, proceed.

DEPUTY COUNTY CLERK: For the record, RESOLUTION NO. 12-83.

Chairman, proceeding with the presentation of testimony on agenda items. We have received one request from an individual who wishes to offer testimony on agenda items. Shall we proceed?

CHAIR MATEO: Thank you. Before the Chair calls up the individual to provide testimony, Chair would just like to set the parameters. We welcome anyone wanting to provide comment to the Council this morning.

You will be allowed to speak for three minutes on any of the items posted on today's agenda. When your name is called, please advance to the podium, state your name for the record. If you represent a group or organization, please so state the name of that group or organization.

A lighting system on the podium is there to assist you with your testimony. At the start of your comments the green light will be lit. At the two minute thirty second mark, the yellow light will be lit letting you know you have thirty seconds to conclude. When the red light is lit, three minutes have concluded, you will need to, to close your remarks.

For those of us with cell phones or other noise-making devices, this would be a good time to either turn them off or set them on the silent mode. Decorum in this chamber will be maintained.

Mr. Clerk, call up our testifier, please.

DEPUTY COUNTY CLERK: Calling Shep Gordon. He will be testifying, excuse me, testifying on Bill 62.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MR. SHEP GORDON [testifying on Bill No. 62 (2012)]:

Thank you, Mr. Chair and Councilmembers. And thank you for approving the resolution last time. And I'm hoping that the same result happens this time. I'm here on behalf of the residents, in case there are any questions or any new topics you wanted to discuss. And I won't take more of your time, but if anyone has any questions, I'm happy to answer on behalf of the residents.

CHAIR MATEO: Thank you. Members, is there a need for clarification of the testimony? Seeing none, thank you very much.

MR. GORDON: Thank you.

CHAIR MATEO: Mr. Clerk.

DEPUTY COUNTY CLERK: Chairman, Mr. Gordon was the only person that signed up to testify.

CHAIR MATEO: Thank you. Members, there is no one else in the gallery. With no objections, we will close public testimony for the day. Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR MATEO: Thank you, so ordered.

Mr. Clerk, proceed.

DEPUTY COUNTY CLERK: Chairman, proceeding with minutes.

MINUTES

The minutes of the regular meetings of June 15, 2012 and July 6, 2012 were presented at this time.

CHAIR MATEO: Thank you.

Mr. Pontanilla.

VICE-CHAIR PONTANILLA: Thank you, Chairman.

I MOVE TO APPROVE THE MINUTES OF THE REGULAR
COUNCIL MEETINGS OF JUNE 15, AND JULY 6, 2012.

COUNCILMEMBER VICTORINO:

SECOND, MR. CHAIR.

CHAIR MATEO: It's been moved by Mr. Pontanilla, second by Mr. Victorino, to approve the minutes of the regular meetings of both June 15, and July 6, 2012.

Mr. Pontanilla, further discussion?

VICE-CHAIR PONTANILLA: No more discussion.

CHAIR MATEO: Thank you. Members, discussion? All those in favor of the motion to approve the minutes of the regular meeting of June 15, and July 6, 2012, signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COCHRAN,
COUCH, HOKAMA, VICTORINO, WHITE,
VICE-CHAIR PONTANILLA, AND CHAIR MATEO.

CHAIR MATEO: Those opposed say "no".

NOES: NONE.

CHAIR MATEO: Motion is carried with nine "ayes".

Mr. Clerk.

DEPUTY COUNTY CLERK: Chairman, proceeding with county communications.

COUNTY COMMUNICATIONS

NO. 12-158 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated July 18, 2012)

In accordance with Section 17 of Ordinance No. 3651, reporting on transfers from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of June 30, 2012.

CHAIR MATEO: Thank you.

Mr. Pontanilla.

VICE-CHAIR PONTANILLA: Thank you, Chairman.

MOVE TO FILE COUNTY COMMUNICATION NO. 12-158.

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR MATEO: It's been moved by Mr. Pontanilla and second by Mr. Hokama to file County Communication No. 12-158.

Mr. Pontanilla.

VICE-CHAIR PONTANILLA: Chairman, this communication from the Finance Director summarizes transfers from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of June 30, 2012.

The temporary transfers are used to complete CIP Projects and will be reimbursed from proceeds of the eventual issuance and sale of General Obligation Bonds during the second half of calendar year 2012. The communication requires no corresponding Committee action, therefore, I request its filing. Thank you.

CHAIR MATEO: Thank you, Mr. Pontanilla. Members, further discussion? All those in favor of the motion to file County Communication No. 12-158, signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COCHRAN,
COUCH, HOKAMA, VICTORINO, WHITE,
VICE-CHAIR PONTANILLA, AND CHAIR MATEO.

CHAIR MATEO: Those opposed say "no".

NOES: NONE.

CHAIR MATEO: Motion is carried with nine "ayes".

Mr. Clerk.

NO. 12-159 - JOHN D. KIM, PROSECUTING ATTORNEY,
(dated July 18, 2012)

Informing of the Department's intent to expend \$46,962.30 in State Asset Forfeiture Funds for training, computers and equipment.

CHAIR MATEO: Mr. Pontanilla.

VICE-CHAIR PONTANILLA: Thank you, Chairman.

I MOVE TO FILE COUNTY COMMUNICATION NO. 12-159.

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR MATEO: It's been moved by Mr. Pontanilla, second by Mr. Hokama, to file County Communication No. 12-159.

Mr. Pontanilla.

VICE-CHAIR PONTANILLA: Chairman, this communication from the Prosecuting Attorney informs Council of the Department's intent to expend a total of \$46,962.30 of acquired State Asset Forfeiture funds to fund training, computers and equipment for the Department. As no corresponding action from the Committee is required, I request filing of this communication.

CHAIR MATEO: Thank you. Members, further discussion? All those in favor of the motion to file County Communication No. 12-159, signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COCHRAN,
COUCH, HOKAMA, VICTORINO, WHITE,
VICE-CHAIR PONTANILLA, AND CHAIR MATEO.

CHAIR MATEO: Those opposed say "no".

NOES: NONE.

CHAIR MATEO: Motion is carried with nine "ayes".

Mr. Clerk.

NO. 12-160 - ALAN M. ARAKAWA, MAYOR
(dated July 19, 2012)

In accordance with Section 2.41.040, Maui County Code, informing of a vacancy on the Civil Service Commission due to the resignation of Ann M. Moe on July 19, 2012.

CHAIR MATEO: Thank you.

Mr. Pontanilla, excuse me, Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I would request the Clerk bring up Communications 161 and 162, please.

CHAIR MATEO: Mr. Clerk, please call up County Communication Nos. 12-161 and 12-162.

NO. 12-161 - ALAN M. ARAKAWA, MAYOR
(dated July 19, 2012)

In accordance with Section 2.41.040, Maui County Code, informing of a vacancy on the Board of Ethics due to the resignation of Frank Moe on July 19, 2012.

NO. 12-162 - ALAN M. ARAKAWA, MAYOR
(dated July 24, 2012)

In accordance with Section 2.80B.080(C), Maui County Code, informing of the appointment of Charles Kaukeano, Alberta de Jetley, Caron Green, and Jerod Barfield to the Lanai Community Plan Advisory Committee.

CHAIR MATEO: Thank you.

Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT THE COUNTY COMMUNICATIONS 12-160, 161, AND 162, BE FILED.

COUNCILMEMBER CARROLL:

SECOND.

CHAIR MATEO: It's been moved by Mr. Hokama and second by Mr. Carroll to file County Communication Nos. 12-161, 160, 161, and 162, excuse me.

Mr. Hokama.

COUNCILMEMBER HOKAMA: No further discussion, Chairman.

CHAIR MATEO: Members, discussion? All those in favor of the motion to file County Communication Nos. 12-160, 161, and 162, signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COCHRAN, COUCH, HOKAMA, VICTORINO, WHITE, VICE-CHAIR PONTANILLA, AND CHAIR MATEO.

CHAIR MATEO: Those opposed say "no".

NOES: NONE.

CHAIR MATEO: Motion is carried with nine "ayes". Thank you, Mr. Hokama.

Mr. Clerk, proceed.

DEPUTY COUNTY CLERK: Chairman, the following county communications are recommended for referral to the following Committees as noted:

NO. 12-163 - DANILO F. AGSALOG, FINANCE DIRECTOR,
(dated July 24, 2012)

In accordance with Resolution No. 99-26, transmitting a report of short term investments for the quarter ended June 30, 2012.

The recommended action is that County Communication No. 12-163 be referred to the Budget and Finance Committee.

NO. 12-164 - G. RIKI HOKAMA, COUNCILMEMBER,
(dated July 26, 2012)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO ESTABLISH PROCUREMENT STANDARDS FOR NON-SPECIALIZED VEHICLES PURCHASED OR LEASED BY THE COUNTY".

The recommended action is that County Communication No. 12-164 be referred to the Budget and Finance Committee.

NO. 12-165 - SANANDA K. BAZ, BUDGET DIRECTOR,
(dated July 26, 2012)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2013 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE – SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF FIRE AND PUBLIC SAFETY".

The recommended action is that County Communication No. 12-165 be referred to the Budget and Finance Committee.

NO. 12-166 - SANANDA K. BAZ, BUDGET DIRECTOR,
(dated July 27, 2012)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE AND SPECIFYING CERTAIN TERMS OF NOT TO EXCEED TWENTY-FOUR MILLION TWO HUNDRED FORTY-ONE THOUSAND FIVE HUNDRED SIXTY-EIGHT DOLLARS (\$24,241,568) AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS OF THE COUNTY OF MAUI FOR THE PURPOSE OF REFUNDING ALL OR A PART OF CERTAIN OUTSTANDING STATE REVOLVING FUND LOANS OF THE COUNTY; AUTHORIZING THE DIRECTOR OF FINANCE TO DETERMINE CERTAIN TERMS OF SUCH BONDS; PROVIDING FOR THE RETIREMENT OF THE STATE REVOLVING FUND LOANS TO BE REFUNDED; AND PROVIDING FOR OTHER ACTIONS RELATED TO THE ISSUANCE, SALE AND DELIVERY OF SUCH BONDS".

The recommended action is that County Communication No. 12-166 be referred to the Budget and Finance Committee.

NO. 12-167 - DAVID C. GOODE, DIRECTOR OF PUBLIC WORKS,
(dated July 17, 2012)

Transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF A ROAD WIDENING LOT FOR THE SEABURY HALL SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".

The recommended action is that County Communication No. 12-167 be referred to the Infrastructure Management Committee.

CHAIR MATEO: Thank you. Members, is there a request for consideration at this time? With no objections, each of the communications will be referred to the respective Committees as recognized by the Clerk. Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR MATEO: Thank you. So ordered.

Mr. Clerk, let's proceed.

DEPUTY COUNTY CLERK: Chairman, proceeding with ordinances. You have before you for second and final reading:

ORDINANCES

ORDINANCE NO. _____
BILL NO. 60 (2012)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2013 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO ESTIMATED REVENUES;
WAILUKU-KAHULUI COMMUNITY PLAN AREA, GOVERNMENT FACILITIES,
ACQUISITION OF REAL PROPERTY AT WAIKAPU;
TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

CHAIR MATEO: Thank you.

Mr. Pontanilla.

VICE-CHAIR PONTANILLA: Thank you, Chairman. Chairman, if I could, if the Clerk can bring up Bill No. 61. Both Bills 60 and 61 are, I want to do it in one motion.

CHAIR MATEO: Mr. Clerk, call up Bill No. 61 as well.

ORDINANCE NO. _____
BILL NO. 61 (2012)

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3954,
BILL NO. 46 (2012), RELATING TO THE ISSUANCE OF
GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI
(ACQUISITION OF REAL PROPERTY AT WAIKAPU)

CHAIR MATEO: Thank you.

Mr. Pontanilla.

VICE-CHAIR PONTANILLA: Thank you, Chairman.

AS BOTH BILLS ARE RELATED IN ACTION, I MOVE TO
PASS ON SECOND AND FINAL READING, BILLS NO. 60
AND 61.

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR MATEO: It's been moved by Mr. Pontanilla, second by Mr. Hokama, that Bills
No. 60 and 61 (2012) pass on second and final reading.

Mr. Pontanilla.

VICE-CHAIR PONTANILLA: Chairman, in collaboration, these bills facilitate amending the
Fiscal Year 2013 Budget to reflect an appropriation of \$2,710,000 in funding through
General Obligation Bonds for the acquisition and master planning of 100 acres of real
property at Waikapu.

The subject land has been identified as a possible location for future County
government facility use, and once improved, could result in long-term cost savings
through reducing the County's reliance of renting space to accommodate
departmental operations. I ask Members to support the second and final reading of
this, these bills. Thank you.

CHAIR MATEO: Thank you, Mr. Pontanilla. Members, further discussion? All those in
favor of the motion that Bills No. 60 (2012) and 61 (2012) pass on second and final
reading, signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COCHRAN,
COUCH, VICTORINO, WHITE, VICE-CHAIR
PONTANILLA, AND CHAIR MATEO.

CHAIR MATEO: Those opposed say "no".

NOES: COUNCILMEMBER HOKAMA.

CHAIR MATEO: Motion is carried. We have eight "ayes"; one "no", Mr. Hokama.

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 62 (2012)

A BILL FOR AN ORDINANCE AMENDING SECTION 10.48.040, MAUI COUNTY CODE,
PERTAINING TO PARKING PROHIBITIONS

CHAIR MATEO: Thank you.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

I MOVE TO PASS BILL 62 ON SECOND AND FINAL
READING.

COUNCILMEMBER COUCH:

SECOND.

CHAIR MATEO: It's been moved by Ms. Cochran and second by Mr. Couch that
Bill No. 62 (2012) pass on second and final reading.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, thank you, Chair. Your Infrastructure
Management Committee met on July 2, 2012 and recommended passage on first
reading of a bill to eliminate the parking prohibition on South Kihei Road near
Keawakapu Beach.

The proposed bill also reinstates general language preceding the list of regulated
areas. The proposed bill is supported by Department of Public Works and is at the
request of residents in the area.

Councilmember Couch in, transmitted the proposed bill to the Council on these
residents' behalf. So I therefore respectfully ask for this Council's full support of the
bill. Thank you, Chair.

CHAIR MATEO: Thank you, Ms. Cochran. Members, further discussion?

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And I want to thank Committee Chair Cochran for bringing this and seeing this through and I encourage that all Members to support this. Thank you.

CHAIR MATEO: Thank you, Mr. Couch. Members, further discussion? All those in favor of the motion that Bill No. 62 (2012) pass on second and final reading, signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COCHRAN,
COUCH, HOKAMA, VICTORINO, WHITE,
VICE-CHAIR PONTANILLA, AND CHAIR MATEO.

CHAIR MATEO: Those opposed say "no".

NOES: NONE.

CHAIR MATEO: Motion is carried with nine "ayes".

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 63 (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 1550 KOKOMO ROAD,
HAIKU, MAUI, HAWAII, FOR THE MAKAWAO CONGREGATION OF
JEHOVAH'S WITNESSES INC.

DEPUTY COUNTY CLERK: Chairman, the Office of the County Clerk has not received the recorded unilateral agreement attached to Bill 63 (2012) from the Bureau of Conveyances.

ORDINANCE NO. _____
BILL NO. 64 (2012)

A BILL FOR AN ORDINANCE TO ESTABLISH P-1
PUBLIC/QUASI-PUBLIC DISTRICT ZONING FOR PROPERTY
SITUATED AT 1550 KOKOMO ROAD, HAIKU, MAUI, HAWAII,
FOR THE MAKAWAO CONGREGATION OF JEHOVAH'S WITNESSES INC.

CHAIR MATEO: Thank you. Members, because we are not in receipt of the unilateral agreement at this time, if there's no objections, the Chair would like Bill No. 63 and 64, regarding the, both regarding the same subject matter to be postponed, date certain, August 21, our next Council meeting, 9:00 a.m. here in these chambers. Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR MATEO: Thank you. So ordered.

Mr. Clerk, proceed.

ORDINANCE NO. _____
BILL NO. 65 (2012)

A BILL FOR AN ORDINANCE GRANTING AMERON HAWAII
A CONDITIONAL PERMIT TO OPERATE A CONCRETE BATCHING PLANT
WITHIN THE COUNTY AGRICULTURAL DISTRICT FOR PROPERTY
LOCATED AT TAX MAP KEY NUMBERS (2) 4-4-001:108 (POR.) AND
(2) 4-4-003:001 (POR.), LAHAINA, MAUI, HAWAII

CHAIR MATEO: Thank you.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair.

MOVE TO PASS BILL 65 ON SECOND AND FINAL READING.

COUNCILMEMBER COCHRAN:

SECOND.

COUNCILMEMBER WHITE: Mr. Chair, I'd second.

CHAIR MATEO: It's been moved by Mr. Carroll, second by Ms. Baisa.

COUNCILMEMBER COUCH: Ms. Cochran.

CHAIR MATEO: Excuse me, Ms., Ms. Cochran. Thank you. To pass on second final reading Bill No. 65.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair.

Ameron Hawaii has been operating the concrete batching plant at Honokowai site for approximately 30 years. The Conditional Permit will allow the plant to continue to operate at existing location for another 20 years. Thank you.

CHAIR MATEO: Thank you, Mr., Mr. Carroll. Members, further discussion on this bill? Hearing none, all those in favor of the motion that Bill No. 65 (2012) pass on second and final reading, signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COCHRAN,
COUCH, HOKAMA, VICTORINO, WHITE,
VICE-CHAIR PONTANILLA, AND CHAIR MATEO.

CHAIR MATEO: Those opposed say "no".

NOES: NONE.

CHAIR MATEO: Motion is carried with nine "ayes". Thank you very much. The Chair apologize for that little error there.

Mr. Clerk, proceed.

DEPUTY COUNTY CLERK: Chairman, proceeding with unfinished business. You have before you for second and final reading:

UNFINISHED BUSINESS

RESOLUTIONS

RESOLUTION NO. 12-74

PROPOSING AN AMENDMENT TO THE REVISED
CHARTER OF THE COUNTY OF MAUI (1983), AS
AMENDED, RELATING TO
COUNTY COUNCIL TERM LIMITS

CHAIR MATEO: Thank you.

Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, MOVE TO RECOMMIT 12-74.

COUNCILMEMBER CARROLL:

SECOND.

CHAIR MATEO: Members, motion to recommit made by Mr. Hokama, second by Mr. Carroll.

Mr. Hokama.

COUNCILMEMBER HOKAMA: No, Chairman. I would recommend to my colleagues that, to allow this item to be recommitted back to Committee. And no, that's all I'll say for it at this time, Chairman. Thank you.

CHAIR MATEO: Thank you, Mr. Hokama. Members, further discussion? All those in favor of the motion to recommit item or Resolution No. 12-74, entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO COUNTY COUNCIL TERM LIMITS", please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COCHRAN,
COUCH, HOKAMA, VICTORINO, WHITE,
VICE-CHAIR PONTANILLA, AND CHAIR MATEO.

CHAIR MATEO: Those opposed say "no".

NOES: NONE.

CHAIR MATEO: Motion is carried. Item will be recommitted.

Mr. Clerk, proceed please.

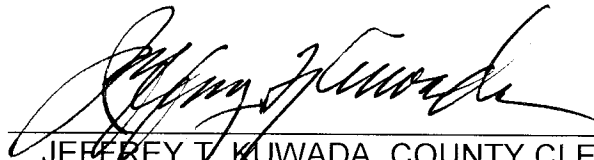
DEPUTY COUNTY CLERK: Chairman, nothing further is scheduled to come before the Council.

CHAIR MATEO: Thank you. Members, we've completed our business for the day. The Chair would like to acknowledge those individuals that continue to provide support to the Council: Mr. Pat Wong, our Corporation Counsel; Lance Taguchi, the Deputy County Clerk; Ken Fukuoka, the Director of Council Services; and our support staff, both Joyce Murashige and Theresa Valdez.

Members, thank you for your work this morning. The regular meeting of the Council of the County of Maui for August 3, 2012 is adjourned.

ADJOURNMENT

The regular meeting of August 3, 2012 was adjourned by the Chair at 9:49 a.m.



JEFFREY T. KUWADA, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII