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COUNCIL OF THE COUNTY OF MAUI

2012 SEP 28 PM 2: 44

A G E N D A

Regular Meeting of October 5, 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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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: VICE-CHAIR JOSEPH PONTANILLA
 - 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 September 7, 2012

H. COMMITTEE REPORTS:NO. 12-106 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to authorize the issuance and sale of up to \$22,148,500 of general obligation refunding bonds; and
2. **FILING** of communication.

NO. 12-107 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill granting a request from Munekiyo & Hiraga, Inc., on behalf of KG Maui Development, LLC, for a Community Plan Amendment from Park to Single-Family for 4.058 acres, and from Single-Family to Park for 3.784 acres, to allow for the development of a 13-lot single-family residential subdivision known as the Pulelehuakea residential subdivision, located along Aina Lani Drive, Pukalani, Maui, Hawaii (TMK: (2) 2-3-008:036(por.));
2. **FIRST READING** of bill granting a Change in Zoning from R-1 Residential District to R-3 Residential District for 0.245 acre, from D-1 Duplex District to R-3 Residential District for 1.737 acres, from PK-4 Golf Course Park District to R-3 Residential District for 4.021 acres, from R-1 Residential District to PK-4 Golf Course Park District for 7.404 acres, and from R-2 Residential District to PK-4 Golf Course Park District (Conditional Zoning) for 0.999 acre, to allow for the development of the proposed Pulelehuakea subdivision (TMK: (2) 2-3-008:036 (por.));
3. **RECORDATION** of the unilateral agreement; and
4. **FILING** of communication.

NO. 12-108 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill granting a request from Mark and Haunani Collins for a Change in Zoning from Urban Reserve District to Service Business Residential District to allow for a neighborhood-scale commercial fish-processing operation, and a three-bedroom transient vacation rental known as the Hana Bay Hale, on a 0.989-acre parcel situated at 4950 Uakea Road, Hana, Maui, Hawaii;
2. **RECORDATION** of the unilateral agreement; and
3. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 12-109 - PLANNING COMMITTEE:

Recommending **ADOPTION** of resolution referring a proposed bill amending Section 19.32.040, Maui County Code, relating to planned developments, and Section 19.37.010, Maui County Code, relating to transient vacation rentals, to the Maui Planning Commission.

NO. 12-110 - POLICY COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving the appointment of Yarrow Flower to the Civil Service Commission, for a term expiring on March 31, 2014; and
2. **ADOPTION** of resolution approving the appointment of Calmentina Gomes to the Cost of Government Commission, for a term expiring on March 31, 2014.

NO. 12-111 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution approving the appointments of Stuart Marlowe and Stacie Lee Koanui Nefalar to the Lanai Planning Commission, for terms expiring on March 31, 2017.

NO. 12-112 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution authorizing settlement of Troy Mattos, et al. v. Darren Agarano, et al., Civil No. 07-00220 DAE BMK.

With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(4), Hawaii Revised Statutes ("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. 12-113 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution authorizing settlement of Claim of Janet I. Nalda-Lyons, Claim 2011-035, for \$28,444.28.

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

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

- NO. 12-202 - DIRECTOR OF FINANCE, reporting on transfers from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of August 31, 2012.
- NO. 12-203 - CHIEF OF POLICE, informing of the receipt of \$5,401.16 in Forfeiture Funds from the Department of the Attorney General, State of Hawaii.
- NO. 12-204 - DIRECTOR OF FINANCE, transmitting 48 contracts/grants for August 2012.
- NO. 12-205 - DIRECTOR OF FINANCE, transmitting the "COUNTY OF MAUI SUMMARY OF TOTAL FUNDED INDEBTEDNESS OUTSTANDING AND UNPAID AS OF JULY 1, 2012 BASED UPON RECORDS OF THE DIRECTOR OF FINANCE".
- NO. 12-206 - COUNCIL VICE-CHAIR PONTANILLA, relating to Fiscal Year 2013 Budget appropriations for computer equipment and personnel in the Real Property Tax Division.
- NO. 12-207 - BUDGET DIRECTOR, transmitting 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 WEST MAUI RECYCLED WATER PROJECT, PHASE I – UV EXPANSION, FISCAL YEAR 2013 BUDGET ORDINANCE".
- NO. 12-208 - DIRECTOR OF FINANCE, transmitting copies of the Finance Director's Quarterly Report for Fiscal Year July 1, 2011 to June 30, 2012 as of June 30, 2012 and the Capital Improvement Project Report as of June 30, 2012.
- NO. 12-209 - BUDGET DIRECTOR, 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 FINANCE".
- NO. 12-210 - BUDGET DIRECTOR, 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 HOUSING AND HUMAN CONCERNS".

1. COUNTY COMMUNICATIONS (continued):

- NO. 12-211 - BUDGET DIRECTOR, transmitting a draft bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2013 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO REVENUES – FEES, RATES, ASSESSMENTS AND TAXES FOR THE DEPARTMENT OF WATER SUPPLY, WATER SHORTAGE RATES".
- NO. 12-212 - DIRECTOR OF PARKS AND RECREATION, transmitting the semiannual reports regarding park dedications for each community plan area for the periods of April 1, 2011 through September 30, 2011, and October 1, 2011 through March 31, 2012.
- NO. 12-213 - DIRECTOR OF ENVIRONMENTAL MANAGEMENT, transmitting a proposed resolution entitled "ACCEPTING GRANT OF EASEMENT FOR SEWERLINE PURPOSES AND APPROVING PARTIAL CANCELLATION OF EASEMENT FOR THE MAUI LANI SHOPPING CENTER, PURSUANT TO CHAPTER 3.44, MAUI COUNTY CODE".
- NO. 12-214 - COUNCIL VICE-CHAIR PONTANILLA, transmitting a proposed resolution entitled "URGING THE ADMINISTRATION TO ACQUIRE REAL PROPERTY TO BE USED FOR CURRENT AND FUTURE COUNTY OPERATIONS".
- NO. 12-215 - COUNCILMEMBER COCHRAN, transmitting a proposed resolution entitled "URGING THE 2013 HAWAII STATE LEGISLATURE TO REPEAL CHAPTER 171C, HAWAII REVISED STATUTES, TO ABOLISH THE PUBLIC LAND DEVELOPMENT CORPORATION".
- NO. 12-216 - DIRECTOR OF WATER SUPPLY, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO WATER METER ISSUANCE PROVISIONS FOR THE UPCOUNTRY WATER SYSTEM".
- NO. 12-217 - DIRECTOR OF WATER SUPPLY, transmitting a draft bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 14.06, MAUI COUNTY CODE, RELATING TO DECLARATION OF WATER SHORTAGES".

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 77 (2012) - "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, OFFICE OF THE MAYOR"

BILL NO. 78 (2012) - "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-3 RESIDENTIAL DISTRICT TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT FOR PROPERTY SITUATED AT KAHULUI, MAUI, HAWAII, FOR KAHULUI BAPTIST CHURCH, KAHULUI HONGWANJI MISSION, AND KAHULUI SEVENTH-DAY ADVENTIST CHURCH"

L. UNFINISHED BUSINESS:ORDINANCES - SECOND AND FINAL READING:

BILL NO. 75 (2012) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.80B, MAUI COUNTY CODE, AND SECTION 3.04.020, MAUI COUNTY CODE, RELATING TO IMPLEMENTATION OF THE GENERAL PLAN"

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.