

RECEIVED

COUNCIL OF THE COUNTY OF MAUI

2012 OCT 12 PM 2:48

A G E N D A

Regular Meeting of October 19, 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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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.

A. ROLL CALL

B. OPENING REMARKS: COUNCILMEMBER MICHAEL P. VICTORINO

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. _____ - "RECOGNIZING THE MONTH OF OCTOBER 2012 AS DOMESTIC VIOLENCE AWARENESS MONTH IN MAUI COUNTY"

NO. _____ - "RECOGNIZING THE MONTH OF OCTOBER 2012 AS NATIONAL BREAST CANCER AWARENESS MONTH"

NO. _____ - "CONGRATULATING COUNCILMEMBER G. RIKI HOKAMA ON HIS UNANIMOUS ELECTION AS SECOND VICE PRESIDENT OF THE NATIONAL ASSOCIATION OF COUNTIES"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

None.

H. COMMITTEE REPORTS:NO. 12-114 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to fix the real property tax paid by the unmarried surviving spouse of a veteran who died while on duty, or a veteran who has become totally disabled as a result of a service-connected injury while on duty, at \$150 per year;
2. **FIRST READING** of bill to amend Appendix B of the Fiscal Year 2013 Budget by adding a reference to Section 3.48.475, Maui County Code, as it pertains to the real property tax of unmarried surviving spouses of veterans who died while on duty and totally disabled veterans; and
3. **FILING** of communication.

NO. 12-115 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2013 Budget by (1) increasing the estimated revenue amount for Carryover/Savings in the Highway Fund by \$830,534, from \$15,618,291 to \$16,448,825; (2) adding a \$130,534 appropriation for Countywide Facility Building Improvements in the Highway Fund; and (3) increasing the appropriation for Countywide Road Resurfacing in the Highway Fund by \$700,000, from \$5,511,200 to \$6,211,200; and
2. **FILING** of communication.

NO. 12-116 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2013 Budget by (1) increasing the estimated revenue amount for Carryover/Savings in the General Fund by \$50,000, from \$33,856,857 to \$33,906,857; and (2) adding a \$50,000 appropriation for a Grant to Maui Economic Opportunity, Inc., for Veteran's One Call One-Click Program; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 12-117 - ECONOMIC DEVELOPMENT, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending **FILING** of communication relating to the proposed creation of a Parks Permit and Enforcement Program in the Department of Parks and Recreation.

NO. 12-118 - LAND USE COMMITTEE:

Recommending **ADOPTION** of resolution referring to the Maui Planning Commission proposed bills to amend the Paia-Haiku Community Plan and Land Use Map from Agricultural to Rural and to change the zoning from Agricultural District to RU-0.5 Rural District for 101 A, B, and C Kuau Place, Paia, Maui, Hawaii.

NO. 12-119 - PLANNING COMMITTEE:

Recommending **FILING** of communication relating to an annual status report provided by A&B Properties, Inc., for its residential subdivision in Haliimaile, Maui, Hawaii, as required by Condition 17 of Ordinance 3312 (2005).

NO. 12-120 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution approving the appointment of Clifford Hashimoto to the Council on Aging, for a term expiring on March 31, 2017.

NO. 12-121 - POLICY COMMITTEE:

Recommending **FILING** of communication relating to the status of land to be provided by Alexander & Baldwin, Inc., for the Maui Business Park Phase II project, pursuant to Condition 7 of Ordinance 3559 (2008).

NO. 12-122 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution authorizing settlement of William Revis, Anthony Levoy v. Kent R. Smith, et al., Civil 10-1-0672(1); and Kahakuloa Acres Private Water Company, Inc., et al. v. Kent R. Smith, et al., Civil 08-1-0617(3).

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.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

- NO. 12-218 - PROSECUTING ATTORNEY, transmitting a copy of a grant award letter from the State of Hawaii for Justice Reinvestment Initiative Program in the amount of \$127,786.00.
- NO. 12-219 - CHIEF OF POLICE, informing of the Police Department's intent to expend \$25,240.46 in Federal and State Forfeiture Funds for their Employee Development Program to be used to fund training and related expenses.
- NO. 12-220 - DIRECTOR OF PARKS AND RECREATION, transmitting the semiannual report regarding park dedications for each community plan area for the period April 1, 2012 through September 30, 2012.
- NO. 12-221 - DIRECTOR OF WATER SUPPLY, transmitting copies of the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ended September 2012.
- NO. 12-222 - BUDGET AND FINANCE COMMITTEE CHAIR PONTANILLA, relating to Council members' reports on the Mayor's presentations to bond rating agencies held on October 8, 9, and 10, 2012.
- NO. 12-223 - COUNCILMEMBER HOKAMA, transmitting a proposed resolution entitled "REFERRING TO THE LANAI, MAUI, AND MOLOKAI PLANNING COMMISSIONS A PROPOSED BILL AMENDING CHAPTER 19.40, MAUI COUNTY CODE, RELATING TO THE DURATION OF CONDITIONAL PERMITS".
- NO. 12-224 - PLANNING DIRECTOR, relating to the Maui County Repetitive Loss Properties Floodplain Management Plan annual status reports and transmitting the following:
1. Resolution No. 01-141 entitled "ADOPTING THE COUNTY OF MAUI REPETITIVE LOSS PROPERTIES FLOODPLAIN MANAGEMENT PLAN";
 2. County of Maui, Repetitive Loss Properties Floodplain Management Plan – Updated 2012; and
 3. County of Maui, Repetitive Loss Properties Floodplain Management Plan, Annual Evaluation Report, September 2012.

1. COUNTY COMMUNICATIONS (continued):

NO. 12-225 - DIRECTOR OF ENVIRONMENTAL MANAGEMENT, transmitting a proposed resolution entitled "AUTHORIZING THE PURCHASE OF LAND LOCATED AT PULEHU ROAD, KAHULUI, ISLAND AND COUNTY OF MAUI, PURSUANT TO CHAPTER 3.44, MAUI COUNTY CODE".

NO. 12-226 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed bill entitled, "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII FOR CONSTRUCTION OF THE KEAWE STREET EXTENSION PROJECT AND INTERSECTION IMPROVEMENTS LOCATED AT LAHAINA, MAUI, HAWAII."

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 79 (2012) - "A BILL FOR AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE AND SPECIFYING CERTAIN TERMS OF NOT TO EXCEED TWENTY-TWO MILLION ONE HUNDRED FORTY-EIGHT THOUSAND FIVE HUNDRED DOLLARS (\$22,148,500) 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"

BILL NO. 80 (2012) - "A BILL FOR AN ORDINANCE TO AMEND THE MAKAWAO-PUKALANI-KULA COMMUNITY PLAN AND LAND USE MAP FROM PARK TO SINGLE-FAMILY AND FROM SINGLE-FAMILY TO PARK FOR TAX MAP KEY NUMBER (2) 2-3-008:036 (POR.), PUKALANI, MAUI, HAWAII"

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

BILL NO. 81 (2012) - "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-1 RESIDENTIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT, FROM D-1 DUPLEX DISTRICT TO R-3 RESIDENTIAL DISTRICT, FROM PK-4 GOLF COURSE PARK DISTRICT TO R-3 RESIDENTIAL DISTRICT, FROM R-1 RESIDENTIAL DISTRICT TO PK-4 GOLF COURSE PARK DISTRICT, AND FROM R-2 RESIDENTIAL DISTRICT TO PK-4 GOLF COURSE PARK DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT TAX MAP KEY NO. (2) 2-3-008:036 (POR.), PUKALANI, MAUI, HAWAII"

BILL NO. 82 (2012) - "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM URBAN RESERVE DISTRICT TO SERVICE BUSINESS RESIDENTIAL DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT 4950 UAKEA ROAD, HANA, MAUI, HAWAII"

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.