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COUNCIL OF THE COUNTY OF MAUI

2012 NOV -9 PM 1: 36

A G E N D A

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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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

NO. _____ - "CONGRATULATING KIHEI PUBLIC CHARTER SCHOOL FOR RECEIVING THE UNITED STATES DEPARTMENT OF AGRICULTURE'S HEALTHIERUS SCHOOL CHALLENGE BRONZE AWARD OF DISTINCTION"

- F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

NONE.

H. COMMITTEE REPORTS:

NO. 12-126 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2013 Budget by deleting the \$3,500,000 appropriation for the West Maui Recycled Water System Expansion project in the West Maui Community Plan Area from the Bond Fund and adding the appropriation to the State Revolving Loan Fund;
2. **FIRST READING** of bill to amend the Fiscal Year 2013 general obligation bond authorization ordinance by deleting the \$3,500,000 appropriation for the West Maui Recycled Water System Expansion project in the West Maui Community Plan Area;
3. **FIRST READING** of bill to authorize the Mayor to enter into an intergovernmental agreement for a \$3,500,000 loan from the State Water Pollution Control Revolving Fund for the West Maui Recycled Water System Expansion project; and
4. **FILING** of communications.

NO. 12-127 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2013 Budget by adding a \$5,200,000 appropriation for the Waikamoi Flume Replacement project in the Makawao-Pukalani-Kula Community Plan Area;
2. **FIRST READING** of bill to amend the Fiscal Year 2013 general obligation bond authorization ordinance by adding \$5,200,000 for the Waikamoi Flume Replacement project in the Makawao-Pukalani-Kula Community Plan Area; and
3. **FILING** of communication.

NO. 12-128 - ECONOMIC DEVELOPMENT, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending **FILING** of communication relating to a request for an update on the County's current and long-range plans for film projects.

H. COMMITTEE REPORTS (continued):NO. 12-129 - ECONOMIC DEVELOPMENT, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to authorize parks security officers to issue citations for unauthorized activity within County parks; and
2. **FILING** of communication.

NO. 12-130 - INFRASTRUCTURE MANAGEMENT COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to accept the dedication of a perpetual, non-exclusive, sewerline easement for public purposes from HRT Realty, LLC, and approve the partial cancellation of an existing easement within the same parcel, situated in Wailuku, Maui, Hawaii, to enable the sewerline to be relocated; and
2. **FILING** of communication.

NO. 12-131 - PLANNING COMMITTEE:

Recommending **FILING** of communication relating to an annual compliance report provided by A&B Properties, Inc., for the Maui Business Park Phase II Project, as required by Condition 19 of Ordinance 3559 (2008).

NO. 12-132 - PLANNING COMMITTEE:

Recommending **FILING** of communication relating to an annual status report provided by Maui Electric Company, Ltd. for the Waena Power Generating Station, as required by Condition 6 of Ordinance 2879 (2000).

NO. 12-133 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution approving the appointment of E. Gayle Long to the Maui County Grants Review Committee, for a term expiring on March 31, 2015.

NO. 12-134 - POLICY COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution urging the 2013 Hawaii State Legislature to repeal Chapter 171C, Hawaii Revised Statutes, to abolish the Public Land Development Corporation; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):

NO. 12-135 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution authorizing settlement in the matter of the Tax Appeals of Kahana Partners I, LLC, Tax Appeals 10-1-0051 and 11-1-0036.

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. 12-136 - WATER RESOURCES COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Chapter 14.13, Maui County Code, relating to Upcountry water meter issuance provisions for applicants on the Upcountry Water Meter Priority List; and
2. **FILING** of communications.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 12-240 - DIRECTOR OF FINANCE, transmitting 71 contracts/grants for September 2012.

NO. 12-241 - BUDGET DIRECTOR, transmitting the Budget Implementation Report for Fiscal Year 2013, First Quarter ending September 30, 2012.

NO. 12-242 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a copy of the Department of Housing and Human Concerns' Affordable Housing Fund Annual Plan for Fiscal Year 2013.

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 87 (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 1813 BALDWIN AVENUE, TAX MAP KEY NO. (2) 2-5-004:007, MAKAWAO, 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.