

COUNCIL OF THE COUNTY OF MAUI

RECEIVED

2012 NOV 30 PM 2: 4

A G E N D A

Regular Meeting of December 7, 2012

9:00 a.m.

OFFICE OF THE
COUNTY CLERK

Meeting Site: Council Chamber, 8th Floor, 200 South High Street, Wailuku, Hawaii

Remote Testimony Sites: Hana Council District Office – Hana Community Center, 5091 Uakea Road, Hana, Hawaii
Lanai Council District Office – Lanai Community Center, 8th Street, Lanai City, Hawaii
Molokai Council District Office – 100 Ainoa Street, Kaunakakai, Hawaii

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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.

REMOTE TESTIMONY SITES: Oral testimony may be received by telephone from each of the Council district offices noted above. If the audio connection between the meeting site in the Council Chamber and any of the remote testimony sites is lost, the meeting in the Council Chamber will still continue. Members of the public interested in information about offering testimony on an agenda item from a remote testimony site may contact the Office of the County Clerk (808-270-7748) prior to the meeting. While oral testimony is being received the district offices cannot provide other services. The audio connection will be terminated after all oral testimony has been received.

If written testimony is submitted at the meeting site, 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 ROBERT CARROLL

 - C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONSE. CEREMONIAL RESOLUTIONS:

NO. _____ - "CONGRATULATING THE MAUI HIGH SCHOOL MARCHING BAND AND COLOR GUARD IN CAPTURING FIRST PLACE IN THE AAA DIVISION AT THE 2012 MILILANI TROJANS FESTIVAL OF BANDS"

NO. _____ - "CONGRATULATING HALAU KEKUAOKALA`AU`ALA`ILIAHI FOR ITS OUTSTANDING ACHIEVEMENTS AT THE 37TH ANNUAL QUEEN LILI`UOKALANI KEIKI HULA COMPETITION"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

Regular Meeting of October 5, 2012
Regular Meeting of October 19, 2012

H. COMMITTEE REPORTS:

NO. 12-137 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2013 Budget by adding a \$120,368 grant revenue appropriation to the Department of Finance for the "State Identification (SID) Program", and adding a proviso that disbursement of salaries and premium pay shall be limited to 2.0 Limited Term Appointment equivalent personnel for the Program; and
2. **FILING** of communication.

NO. 12-138 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2013 Budget by increasing the grant revenue appropriation to the Department of Housing and Human Concerns for the "Kupuna Care Program" by \$432,900, from \$680,283 to \$1,113,183; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 12-139 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2013 Budget by increasing the appropriation for Carryover/Savings in the General Fund by \$1,500,000, from \$33,906,857 to \$35,406,857, and by adding a \$1,500,000 appropriation for a grant to Heritage Hall, Inc.; and
2. **FILING** of communication.

NO. 12-140 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution approving, for inclusion in the 2013 Hawaii State Association of Counties Legislative Package, proposals relating to the following: (a) agricultural product branding; (b) increasing the gallonage tax on liquor; (c) easing visa restrictions for the People's Republic of China; (d) preserving the counties' share of the Transient Accommodations Tax; (e) the membership of the Board of Trustees of the Employer-Union Health Benefits Trust Fund; (f) the membership of the Board of Trustees of the Employees' Retirement System; (g) fines and forfeitures from traffic infractions; and (h) abolishing the Public Land Development Corporation.

NO. 12-141 - POLICY COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill authorizing the Mayor to enter into an intergovernmental agreement with the Hawaii Air National Guard, 292nd Combat Communications Squadron, for the use of the Department of Police's firing range at Ukumehame, Lahaina, Maui; and
2. **FILING** of communication.

NO. 12-142 - POLICY COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill authorizing the Mayor to enter into an intergovernmental agreement with the State Department of Transportation for construction of the Keawe Street extension project and intersection improvements in Lahaina, Maui; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 12-143 - POLICY COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing the purchase of Alexander & Baldwin, LLC's interest in Lot 1-A-1 of the Central Maui Sanitary Landfill Subdivision (TMK: (2) 3-8-003:019 (portion)), located at Pulehu Road, Kahului, Maui, for \$813,000, as a possible location for the extension of the Central Maui Landfill, pursuant to Chapter 3.44, Maui County Code; and
2. **FILING** of communication.

NO. 12-144 - POLICY COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving the inclusion in the 2013 Maui County Legislative Package, a proposed State bill to authorize County liquor commissions to provide funding for alcohol abuse treatment and prevention; and
2. **FILING** of communication.

NO. 12-145 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution authorizing the employment of Bingham McCutchen, LLP as special counsel in Hawaii Wildlife Fund, et al. v. County of Maui, Civil 12-00198 SOM BMK, for a total compensation not to exceed a flat fee of \$250,000.

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. 12-146 - WATER RESOURCES COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Chapter 14.06, Maui County Code, relating to declaration of water shortages and the application of water shortage rates; and
2. **FILING** of communication.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 12-243 - DIRECTOR OF FINANCE, informing of the sale of \$70,250,000 of General Obligation Bonds, 2012 Series A, B, C, and D.

NO. 12-244 - DIRECTOR OF FINANCE, transmitting the "COUNTY OF MAUI SUPPLEMENTAL SUMMARY OF TOTAL FUNDED INDEBTEDNESS OUTSTANDING AND UNPAID AS OF NOVEMBER 14, 2012 BASED UPON RECORDS OF THE DIRECTOR OF FINANCE".

NO. 12-245 - PROSECUTING ATTORNEY, transmitting a copy of a grant award letter from the Department of the Attorney General, State of Hawaii for Special Needs Advocacy Project (SNAP).

NO. 12-246 - DIRECTOR OF WATER SUPPLY, transmitting copies of the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ended October 2012.

NO. 12-247 - CHAIR, POLICY COMMITTEE, proposing an amendment to the proposed resolution entitled "APPROVING PROPOSALS FOR INCLUSION IN THE 2013 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE", attached to Policy Committee Report No. 12-140.

NO. 12-248 - CHAIR, BUDGET AND FINANCE COMMITTEE, informing of his intention to offer the following motions:

1. A motion to DISCHARGE the Budget and Finance Committee from further consideration of County Communication 11-314, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, MAUI COUNTY CODE, RELATING TO THE REAL PROPERTY TAX CLASSIFICATION OF CONDOMINIUM UNITS";
2. A motion to WAIVE the requirement of committee referral and report as provided for in Rule 7(E) of the Rules of the Council;
3. A motion to PASS ON FIRST READING AND ORDER TO PRINT the proposed bill;
4. A motion to FILE County Communication 11-314; and
5. A motion to FILE this communication.

1. COUNTY COMMUNICATIONS (continued):

NO. 12-249 - DIRECTOR OF FINANCE, transmitting copies of the Finance Director's Quarterly Report for Fiscal Year July 1, 2012 to June 30, 2013 as of September 30, 2012 and the Capital Improvement Project Report as of September 30, 2012.

NO. 12-250 - DIRECTOR OF WATER SUPPLY, transmitting copies of the water use reports for January – December 2011 and January – September 2012.

NO. 12-251 - PLANNING DIRECTOR, relating to an application submitted by Pacific Rim Land, Inc., transmitting copies of documents and three proposed bills entitled:

1. "A BILL FOR AN ORDINANCE TO AMEND THE KIHEI-MAKENA COMMUNITY PLAN AND LAND USE MAP FROM AGRICULTURE TO HEAVY INDUSTRIAL FOR PROPERTY SITUATED AT 500 EAST WELAKAHAO ROAD, KIHEI, MAUI, HAWAII";
2. "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL DISTRICT TO URBAN DISTRICT (CONDITIONAL BOUNDARY AMENDMENT) FOR PROPERTY SITUATED AT 500 EAST WELAKAHAO ROAD, KIHEI, MAUI, HAWAII, FOR THE KIHEI ROCK CRUSHING FACILITY AND RELATED IMPROVEMENTS, INCLUDING UPGRADE OF AN EXISTING WATERLINE"; and
3. "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM AGRICULTURAL DISTRICT TO M-2 HEAVY INDUSTRIAL DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT 500 EAST WELAKAHAO ROAD, KIHEI, MAUI, HAWAII".

NO. 12-252 - COUNCIL CHAIR MATEO, transmitting a letter from Ryan Churchill, President & Chief Operating Officer of Maui Land & Pineapple Company, Inc., submitting the Annual Compliance Report in accordance with Ordinance No. 3889, West Maui Project District 5 (Pulelehua), Unilateral Agreement and Declaration for Conditional Zoning for property situated at Mahinahina, Kahana, Lahaina, Maui, Hawaii.

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - FIRST READING:

BILL NO. ____ (2012) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.80B, MAUI COUNTY CODE, RELATING TO THE MAUI ISLAND PLAN"

ORDINANCES - SECOND AND FINAL READING:

BILL NO. 88 (2012) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2013 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; AND CAPITAL IMPROVEMENT PROJECT, WEST MAUI COMMUNITY PLAN AREA, SEWER, WEST MAUI RECYCLED WATER PROJECT, PHASE I – UV EXPANSION"

BILL NO. 89 (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 (WEST MAUI RECYCLED WATER SYSTEM EXPANSION)"

BILL NO. 90 (2012) - "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"

BILL NO. 91 (2012) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2013 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)"

BILL NO. 92 (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 (WAIKAMOI FLUME REPLACEMENT)"

BILL NO. 93 (2012) - "A BILL FOR AN ORDINANCE AMENDING TITLE 10, MAUI COUNTY CODE, AND TITLE 13, MAUI COUNTY CODE, AUTHORIZING PARKS SECURITY OFFICERS TO ISSUE CITATIONS AND PROHIBITING UNAUTHORIZED ACTIVITY IN PARKS"

ORDINANCES - SECOND AND FINAL READING (continued):

BILL NO. 94 (2012) - A BILL FOR AN ORDINANCE AMENDING CHAPTER 14.13, MAUI COUNTY CODE, RELATING TO WATER METER ISSUANCE PROVISIONS FOR THE UPCOUNTRY WATER SYSTEM "

L. UNFINISHED BUSINESS: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"

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.