

COUNCIL OF THE COUNTY OF MAUI

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A G E N D A

Regular Meeting of May 7, 2013
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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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.

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- A. ROLL CALL
 - B. OPENING REMARKS: COUNCILMEMBER ROBERT CARROLL
 - C. PLEDGE OF ALLEGIANCE
 - D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. _____ - "CONGRATULATING THE WARRIOR ELITE ALL-STARS CHEERLEADING TEAMS FOR CAPTURING TOP HONORS AT THE CONTEST OF CHAMPIONS 2013 NATIONALS COMPETITION IN ORLANDO, FLORIDA"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

NONE.

H. COMMITTEE REPORTS:

NO. 13-53 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving the appointment of Steve Aheong to the Cost of Government Commission, for a term expiring on March 31, 2018; and
2. **ADOPTION** of resolution disapproving the appointment of Anthony Edington to the Affirmative Action Advisory Council.

NO. 13-54 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution approving the appointment of Kaulana Mossman to the Liquor Control Adjudication Board, for a term expiring on March 31, 2016.

NO. 13-55 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution approving the appointment of Faraz Azizoltani to the Commission on Naming Streets, Parks, and Facilities, for a term expiring on March 31, 2014.

NO. 13-56 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution authorizing settlement of Maxine Andrade v. County of Maui, et al., Civil 11-1-0113 (1).

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.

H. COMMITTEE REPORTS (continued):

NO. 13-57 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution authorizing employment of special counsel Ortiz & Katano, A Law Corporation, in the Claim of Bridget Nakama against the County of Maui.

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. 13-58 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution authorizing settlement of Tracy Motelewski v. Maui Police Department, et al., Civil 11-00778 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.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 13-141 - DIRECTOR OF FINANCE, transmitting the Fiscal Year 2013-2014 certification of the net taxable real property value within the County of Maui.

NO. 13-142 - DIRECTOR OF FINANCE, transmitting two reports on settlement of claims as of March 31, 2013.

NO. 13-143 - DIRECTOR OF FINANCE, reporting on transfers from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of March 31, 2013.

NO. 13-144 - MAYOR, informing of a vacancy on the Cost of Government Commission due to the resignation of Adrienne Kawano.

1. COUNTY COMMUNICATIONS (continued):

- NO. 13-145 - ACTING MAYOR, informing of a vacancy on the Salary Commission due to the resignation of Agnes Terao-Guiala.
- NO. 13-146 - CHIEF OF POLICE, informing of the acquisition of a 2008 Chevy Suburban SUV from the United States Secret Service.
- NO. 13-147 - CHIEF OF POLICE, informing of the acquisition of a 2007 Toyota Tacoma pickup truck from the State Department of the Attorney General.
- NO. 13-148 - DIRECTOR OF WATER SUPPLY, transmitting copies of the water use reports for January - March 2013.
- NO. 13-149 - COUNCILMEMBER VICTORINO, transmitting a proposed resolution entitled "APPROVING THE FISCAL YEAR 2014 PROPOSED ANNUAL OPERATING BUDGET FOR THE HAWAII STATE ASSOCIATION OF COUNTIES" and informing of his intention to offer the following motions:
1. A motion to WAIVE the requirement of committee referral and report as provided for in Rule 7(E) of the Rules of the Council;
 2. A motion to ADOPT the proposed resolution; and
 3. A motion to FILE this communication.
- NO. 13-150 - MAYOR, vetoing Bill No. 16 (2013), entitled "A BILL FOR AN ORDINANCE REPEALING SECTION 3.48.780, MAUI COUNTY CODE, PERTAINING TO CIRCUIT BREAKER CREDIT, AND ESTABLISHING A NEW ARTICLE XIII, MAUI COUNTY CODE, PERTAINING TO CIRCUIT BREAKER TAX CREDIT".
- NO. 13-151 - MAYOR, relating to the vetoing of Bill No. 16 (2013), entitled "A BILL FOR AN ORDINANCE REPEALING SECTION 3.48.780, MAUI COUNTY CODE, PERTAINING TO CIRCUIT BREAKER CREDIT, AND ESTABLISHING A NEW ARTICLE XIII, MAUI COUNTY CODE, PERTAINING TO CIRCUIT BREAKER TAX CREDIT".
- NO. 13-152 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, relating to the Audit of Affordable Housing Fund Program Grantees.
- NO. 13-153 - DIRECTOR OF FINANCE, transmitting a report of short term investments for the quarter ended March 31, 2013.

1. COUNTY COMMUNICATIONS (continued):

NO. 13-154 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF A ROAD WIDENING LOT FOR THE WAIOHULI-KEOKEA BEACH HOMESTEADS SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".

NO. 13-155 - MANAGING DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 10.76, MAUI COUNTY CODE, RELATING TO PARKING LOTS AND PIERS".

NO. 13-156 - COUNCIL CHAIR BAISA, transmitting a letter from Charles Jencks, Honua`ula Partners, LLC, submitting an annual compliance report in accordance with Condition 29 of Ordinance No. 3554, establishing Kihei-Makena Project District 9 (Wailea 670) Conditional zoning for approximately 670 acres situated at Paehu, Palauea, Keauhou, Hawaii. (Honua`ula Project).

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 31 (2013) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2013 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART II, SPECIAL PURPOSE REVENUES - SCHEDULE OF REVOLVING/SPECIAL FUNDS, AFFORDABLE HOUSING FUND, FISCAL YEAR 2013 AFFORDABLE HOUSING PLAN, LOKELANI OHANA – HALE LOKELANI OHANA PROJECT"

BILL NO. 32 (2013) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2013 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART II, SPECIAL PURPOSE REVENUES - SCHEDULE OF REVOLVING/SPECIAL FUNDS, AFFORDABLE HOUSING FUND, FISCAL YEAR 2013 AFFORDABLE HOUSING PLAN, KA HALE A KE OLA HOMELESS RESOURCE CENTERS, INC. - HALE MAKANA O WAIALE RENTAL REHABILITATION PROJECT"

L. UNFINISHED BUSINESS:

COUNTY COMMUNICATION:

NO. 13-132 - COUNCIL CHAIR BAISA, transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF MARIA KATRINA C. ZULUETA AS A LEGISLATIVE ANALYST IN THE OFFICE OF COUNCIL SERVICES"; and requesting that the following motions be offered:

1. A motion to ADOPT the proposed resolution; and
2. A motion to FILE this communication.

ORDINANCES - SECOND AND FINAL READING:

BILL NO. 26 (2013) - "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"

BILL NO. 27 (2013) - "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"

BILL NO. 28 (2013) - "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"

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.