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COUNCIL OF THE COUNTY OF MAUI

2013 MAY 21 PM 3:15

A G E N D A

Regular Meeting of May 28, 2013
10:00 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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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 MICHAEL B. WHITE
- C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. _____ - "CONGRATULATING HANA HIGH & ELEMENTARY SCHOOL SENIORS DIANA NAIHE, LEIHULU OLIVEIRA, AND JORA MAY-ANN TOLENTINO-SMITH FOR BEING NAMED CLASS OF 2013 GATES MILLENNIUM SCHOLARS"

NO. _____ - "CONGRATULATING HAWAII ALL-STAR CHEERLEADERS FOR CAPTURING NATIONAL TITLES AT THE 2013 JAMFEST CHEER NATIONALS AND THE 18TH ANNUAL UNITED SPIRIT ASSOCIATION ALL-STAR CHAMPIONSHIPS"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

Regular Meeting of April 5, 2013
Regular Meeting of April 19, 2013
Public Hearing of April 24, 2013

H. COMMITTEE REPORTS:

NO. 13-59 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to authorize the Mayor to enter into an intergovernmental agreement to finance the West Maui Recycled Water System Expansion, Phase 1B project with funds from the State Water Pollution Control Revolving Fund Loan ("Water Pollution SRF loan") not to exceed \$1,160,684;
2. **FIRST READING** of bill to authorize the Mayor to enter into an intergovernmental agreement to finance the Kihei Wastewater Pump Station No. 10 Force Main Replacement project with funds from the Water Pollution SRF loan not to exceed \$1,620,000;
3. **FIRST READING** of bill to authorize the Mayor to enter into an intergovernmental agreement to finance the Olinda Water Treatment Facility – Organic Carbon Reduction project with funds from the State Drinking Water Treatment Revolving Loan Fund ("Drinking Water SRF loan") not to exceed \$500,000;

H. COMMITTEE REPORTS (continued):

4. **FIRST READING** of bill to authorize the Mayor to enter into an intergovernmental agreement to finance the Waikamoi Flume Repair/Replacement project with funds from the Drinking Water SRF loan not to exceed \$726,593;
5. **FIRST READING** of bill to authorize the Mayor to enter into an intergovernmental agreement to finance the Wailuku Well #2 Exploratory project with funds from the Drinking Water SRF loan not to exceed \$500,000;
6. **FIRST READING** of bill to authorize the Mayor to enter into an intergovernmental agreement to finance the Phase 6 Booster Pump Upgrades project with funds from the Drinking Water SRF loan not to exceed \$4,000,000;
7. **FIRST READING** of bill to authorize the Mayor to enter into an intergovernmental agreement to finance the Kula 200 #1 Tank Replacement project with funds from the Drinking Water SRF loan not to exceed \$1,200,000;
8. **FIRST READING** of bill to authorize the issuance of \$30,891,000 of general obligation bonds for various capital improvements projects and equipment;
9. **FIRST READING** of bill to reauthorize the use of \$529,000 in lapsed bond proceeds for the Public Safety Radio System Replacement capital improvement project;
10. **FIRST READING** of bill to set forth the Capital Program for Fiscal Years 2014 through 2019;
11. **FIRST READING** of bill to appropriate estimated revenues for the operating and capital improvement budget for Fiscal Year July 1, 2013 to June 30, 2014;
12. **REFERRAL** of the matter relating to random drug testing for County employees, to the Policy and Intergovernmental Affairs Committee;
13. **REFERRAL** of the matter relating to cost recovery of the helicopter service provided by the Department of Fire and Public Safety, to the Policy and Intergovernmental Affairs Committee;
14. **REFERRAL** of the matter relating to cost recovery of licenses and permits issued by County departments, to the Policy and Intergovernmental Affairs Committee;

H. COMMITTEE REPORTS (continued):

15. **REFERRAL** of the matter relating to the transfer of the functions of shoreline and ocean rescue and safety from the Department of Parks and Recreation to the Department of Fire and Public Safety, to the Policy and Intergovernmental Affairs Committee;
16. **REFERRAL** of the matter relating to a review of real property tax classifications, to the Budget and Finance Committee;
17. **REFERRAL** of the matter relating to rental assistance for renters of real property classified as Residential, to the Housing, Human Services, and Transportation Committee;
18. **REFERRAL** of the matter relating to the Animal Management Program, to the Housing, Human Services, and Transportation Committee;
19. **REFERRAL** of the matter relating to homelessness in Maui County, to the Housing, Human Services, and Transportation Committee;
20. **REFERRAL** of the matter relating to multi-family water service rates, to the Water Resources Committee;
21. **REFERRAL** of the matter relating to watershed management within Maui County, to the Water Resources Committee;
22. **REFERRAL** of the matter relating to the need for additional inspectors for the Plan Review, Permit Processing, and Inspection Program in the Department of Public Works, to the Infrastructure and Environmental Management Committee;
23. **REFERRAL** of the matter relating to the Pavement Preservation Program in the Department of Public Works, to the Infrastructure and Environmental Management Committee;
24. **REFERRAL** of the matter relating to Commercial Ocean Recreational Activity fees, fines, and penalties, to the Economic Development, Energy, Agriculture, and Recreation Committee;
25. **REFERRAL** of the matter relating to the schedule of fees and deposits charged for the use of park facilities, to the Economic Development, Energy, Agriculture, and Recreation Committee;

H. COMMITTEE REPORTS (continued):

26. **FILING** of County Communication 13-100; and

27. **FILING** of County Communication 13-124.

With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(3), Hawaii Revised Statutes ("HRS"), to deliberate concerning the authority of persons designated by the County, the Council, or the Committee to conduct labor negotiations or to negotiate the acquisition of public property, or during the conduct of such negotiations; Section 92-5(a)(4), 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; Section 92-5(a)(6), HRS, to consider sensitive matters relating to public safety or security; Section 92-5(a)(7), HRS, to consider matters relating to the solicitation and acceptance of private donations; 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. 13-60 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill granting a request from Lanai Resorts, LLC for a District Boundary Amendment from Agricultural District to Urban District for approximately 6.019 acres fronting Miki Road and identified as a portion of Tax Map Key (2) 4-9-002:001, Lanai, Maui, Hawaii, to expand the existing, adjacent 14-acre Miki Basin heavy industrial area;
2. **FIRST READING** of bill granting a request from Lanai Resorts, LLC for a Change in Zoning from Agricultural District to M-2 Heavy Industrial District for approximately 6.019 acres fronting Miki Road and identified as a portion of Tax Map Key (2) 4-9-002:001, Lanai, Maui, Hawaii, to expand the existing, adjacent 14-acre Miki Basin heavy industrial area;
3. **RECORDATION** of the unilateral agreements; and
4. **FILING** of communication.

NO. 13-61 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving the appointment of Andrew Valentine to the Maui County Commission on Persons with Disabilities, for a term expiring on March 31, 2016; and
2. **ADOPTION** of resolution approving the appointment of Kelly McHugh to the Commission on Culture and the Arts, for a term expiring on March 31, 2014.

H. COMMITTEE REPORTS (continued):NO. 13-62 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending ADOPTION of resolution approving the following Hawaii State Association of Counties ("HSAC") slate of officers and nominees to the National Association of Counties ("NACo") and Western Interstate Region ("WIR") Boards for Fiscal Year 2014:

HSAC Officers:

President: Councilmember Mel Rapozo, Kauai County Council
Councilmember Ross Kagawa (Alternate)

Vice President: Councilmember Dennis "Fresh" Onishi, Hawaii County Council
Councilmember Greggor Ilagan (Alternate)

Secretary: Councilmember Stanley Chang, Honolulu City Council
Councilmember Ikaika Anderson (Alternate)

Treasurer: Councilmember Michael P. Victorino, Maui County Council
Councilmember G. Riki Hokama (Alternate)

NACo Board of Directors:

Councilmember Michael P. Victorino (County of Maui)
Councilmember Gary L. Hooser (County of Kauai)

WIR Board of Directors:

Councilmember Dennis "Fresh" Onishi (County of Hawaii)
Councilmember Mel Rapozo (County of Kauai)

I. COMMUNICATIONS:1. COUNTY COMMUNICATIONS:

NO. 13-157 - CHAIR, SALARY COMMISSION, informing that the Salary Commission approved salary increases for County Council Members and the Council Chair.

NO. 13-158 - CHAIR, SALARY COMMISSION, informing that the Salary Commission approved a salary increase for the County Auditor.

NO. 13-159 - DIRECTOR OF FINANCE, transmitting 49 contracts/grants for March 31, 2013.

NO. 13-160 - CHIEF OF POLICE, informing of the receipt of \$1,608.88 in Forfeiture Funds from the Department of the Attorney General, State of Hawaii.

1. COUNTY COMMUNICATIONS (continued):

- NO. 13-161 - DIRECTOR OF FINANCE, reporting on transfers from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of April 30, 2013.
- NO. 13-162 - DIRECTOR OF WATER SUPPLY, transmitting copies of the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ended April 2013.
- NO. 13-163 - COUNCILMEMBER COCHRAN, relating to Council Members' reports on the light-emitting diode ("LED") street-lighting demonstration held on May 15, 2013.
- NO. 13-164 - DEPUTY CORPORATION COUNSEL, transmitting a proposed resolution entitled, "AUTHORIZING A GRANT OF A LEASE OF COUNTY OFFICE SPACE TO THE STATE OF HAWAII, OFFICE OF THE LIEUTENANT GOVERNOR".
- NO. 13-165 - COUNCILMEMBER VICTORINO, proposing amendments to the proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET FOR THE COUNTY OF MAUI FOR THE FISCAL YEAR JULY 1, 2013 TO JUNE 30, 2014", attached to Budget and Finance Committee Report No. 13-59.
- NO. 13-166 - BUDGET DIRECTOR, transmitting the Budget Implementation Report for Fiscal Year 2013, Third Quarter ending March 31, 2013.
- NO. 13-167 - MAYOR, transmitting the summary of cost items and a proposed resolution entitled "APPROVING COST ITEMS FOR BARGAINING UNIT 1, NON-SUPERVISORY, BLUE COLLAR EMPLOYEES".
- NO. 13-168 - MAYOR, transmitting the summary of cost items and a proposed resolution entitled "APPROVING COST ITEMS FOR UNIT 2, SUPERVISORY BLUE COLLAR EMPLOYEES, UNIT 3, NON-SUPERVISORY WHITE COLLAR EMPLOYEES, AND UNIT 4, SUPERVISORY WHITE COLLAR EMPLOYEES".
- NO. 13-169 - MAYOR, transmitting the summary of cost items and a proposed resolution entitled "APPROVING COST ITEMS FOR NON-SUPERVISORY WHITE COLLAR EMPLOYEES EXCLUDED FROM BARGAINING UNIT 3, AND SUPERVISORY WHITE COLLAR EMPLOYEES EXCLUDED FROM BARGAINING UNIT 4".

1. COUNTY COMMUNICATIONS (continued):

- NO. 13-170 - DIRECTOR OF FINANCE, transmitting copies of the Finance Director's Quarterly Report for Fiscal Year July 1, 2012 to June 30, 2013 as of March 31, 2013 and the Capital Improvement Project Report as of March 31, 2013.
- NO. 13-171 - 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 ESTIMATED REVENUES; DEPARTMENT OF PUBLIC WORKS, SPECIAL MAINTENANCE PROGRAM - GENERAL FUND; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)" along with the "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2013".
- NO. 13-172 - COUNCIL CHAIR BAISA, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO SALARIES OF EMPLOYEES OF THE LEGISLATIVE BRANCH".
- NO. 13-173 - COUNCIL CHAIR BAISA, transmitting a letter from Patricia Nishiyama, Na Kupuna O Maui, relating to Honokao`o Beach Park "Canoe Beach".
- NO. 13-174 - PLANNING DIRECTOR, relating to an application submitted by the Ing Law Firm on behalf of AOA O Wells Street Professional Center, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-1 RESIDENTIAL TO B-2 COMMUNITY BUSINESS DISTRICT FOR TAX MAP KEY NUMBER (2) 3-4-008:038, WAILUKU, MAUI, HAWAII", and related documents.
- NO. 13-175 - COUNCILMEMBER VICTORINO, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 14.07, MAUI COUNTY CODE, RELATING TO EXEMPTIONS FROM WATER SYSTEM DEVELOPMENT FEES".

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

NONE.

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.