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COUNCIL OF THE COUNTY OF MAUI

2013 JUN 28 PM 3: 01

A G E N D A

Regular Meeting of July 5, 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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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 G. RIKI HOKAMA
 - C. PLEDGE OF ALLEGIANCE
 - D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. _____ - "CONGRATULATING FRED RUGE FOR WINNING THE 2013 SALUTE TO SENIOR SERVICE CONTEST FOR THE STATE OF HAWAII"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

NONE.

H. COMMITTEE REPORTS:

NO. 13-71 - ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to rename the Waihee (Ball) Park located at Halewaiu Road and Kahekili Highway, Wailuku, Maui, Hawaii, to the Richard "Pablo" Caldito Park; and
2. **FILING** of communication.

NO. 13-72 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to accept the dedication of road widening Lot 2-A-2-D, consisting of 925 square feet, along South Kihei Road, Kihei, Maui, Hawaii, identified as TMK: (2) 3-9-01:151, from Joseph G. Kealoha, Jr., for public purposes; and
2. **FILING** of communication.

NO. 13-73 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to codify and establish an existing crosswalk fronting Paia Elementary School and amend the description of the crosswalk fronting the Alfred "Flako" Boteilho, Sr., Gym to reflect current geographic references; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):

NO. 13-74 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to update Title 18, Maui County Code, relating to Subdivisions, including clarifying which department has overall responsibility for subdivisions, and updating the procedure for processing applications; and
2. **FILING** of communication.

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. 13-75 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill granting a request from the Association of Apartment Owners of Wells Street Professional Center for a Change in Zoning from R-1 Residential District to B-2 Community Business District for approximately 7,568 square feet of property located at Tax Map Key (2) 3-4-008:038, Wailuku, Maui, Hawaii, to allow for the continued use of the property as a parking lot; and
2. **FILING** of communication.

NO. 13-76 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution approving the appointment of Michael Kawagishi to the Affirmative Action Advisory Council, for a term expiring on March 31, 2018.

NO. 13-77 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving the appointment of Yuki Lei Sugimura to the Cost of Government Commission, for a term expiring on March 31, 2018; and
2. **ADOPTION** of resolution approving the appointment of Ray Tsuchiyama to the Salary Commission, for a term expiring on March 31, 2015.

H. COMMITTEE REPORTS (continued):

NO. 13-78 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution authorizing the Policy and Intergovernmental Affairs Committee to conduct a formal investigation of the Department of Management; Department of Finance; Budget Office, Office of the Mayor; Department of Public Works; and Department of the Corporation Counsel into the potential misuse of County funds appropriated for rehabilitation of the Old Wailuku Post Office.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 13-196 - CHIEF OF POLICE, informing of the receipt of \$3,243.60 in Forfeiture Funds from the Drug Enforcement Agency.

NO. 13-197 - CHIEF OF POLICE, informing of the receipt of \$8,793.25 in Forfeiture Funds from the Department of the Attorney General, State of Hawaii.

NO. 13-198 - MAYOR, informing of a vacancy on the Committee on the Status of Women due to the resignation of Dennyse Grace.

NO. 13-199 - COUNCIL CHAIR BAISA, transmitting a proposed resolution entitled "APPOINTING THE DEPUTY COUNTY CLERK"; and requesting that the following motions be offered:

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

NO. 13-200 - BUDGET DIRECTOR, transmitting the following proposed bills entitled:

1. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2014 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; WAILUKU-KAHULUI COMMUNITY PLAN AREA, GOVERNMENT FACILITIES, OLD WAILUKU POST OFFICE DEMOLITION; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"; and
2. "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4041, BILL NO. 40 (2013), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI (OLD WAILUKU POST OFFICE DEMOLITION)".

1. COUNTY COMMUNICATIONS (continued):

NO. 13-201 - BUDGET DIRECTOR, transmitting the following proposed bills entitled:

1. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2014 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; WAILUKU-KAHULUI COMMUNITY PLAN AREA, GOVERNMENT FACILITIES, KALANA O MAUI CAMPUS EXPANSION MASTER PLANNING AND DESIGN; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"; and
2. "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4041, BILL NO. 40 (2013), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI (KALANA O MAUI CAMPUS EXPANSION MASTER PLANNING AND DESIGN)".

NO. 13-202 - BUDGET DIRECTOR, transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2014 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; WEST MAUI COMMUNITY PLAN AREA, OTHER PROJECTS, WEST MAUI LAND ACQUISITION; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)";
2. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4041, BILL NO. 40 (2013), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI (WEST MAUI LAND ACQUISITION)"; and
3. A proposed resolution entitled "APPROVING THE ACQUISITION OF REAL PROPERTIES AT LAUNIUPOKO, MAUI, HAWAII".

NO. 13-203 - COUNCILMEMBER COUCH, transmitting a letter and petition from John Miller regarding the rules of practice and procedure for commercial ocean activity permits at Kalama and Cove Parks, Kihei.

NO. 13-204 - COUNCILMEMBER CRIVELLO, relating to the operation and management of the Ka Hale A Ke Ola Homeless Resource Centers, Inc.

NO. 13-205 - PLANNING DIRECTOR, transmitting a proposed resolution entitled "APPROVING A TIME EXTENSION FOR THE LANAI COMMUNITY PLAN ADVISORY COMMITTEE TO REVIEW THE DRAFT LANAI COMMUNITY PLAN".

1. COUNTY COMMUNICATIONS (continued):

NO. 13-206 - COUNCIL CHAIR BAISA, submitting a copy of the "ANNUAL COMPLIANCE REPORT, CHANGE IN ZONING CONDITIONS FOR MAKENA RESORT AREA" submitted by Keaka LLC for Hawaii Development LLC, in accordance with Condition 22 of Ordinance No. 3613.

NO. 13-207 - COUNCILMEMBER COUCH, transmitting a proposed resolution entitled "REFERRING TO THE LANAI, MAUI, AND MOLOKAI PLANNING COMMISSIONS A PROPOSED BILL AMENDING TITLE 19, MAUI COUNTY CODE, RELATING TO SHORT-TERM RENTAL HOMES".

NO. 13-208 - CHIEF OF POLICE, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT BETWEEN IMMIGRATION AND CUSTOMS ENFORCEMENT HOMELAND SECURITY INVESTIGATIONS AND MAUI POLICE DEPARTMENT FOR THE REIMBURSEMENT OF JOINT OPERATIONS EXPENSES FROM THE TREASURY FORFEITURE FUND".

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 51 (2013) - "A BILL FOR AN ORDINANCE RELATING TO SALARIES OF EMPLOYEES OF THE LEGISLATIVE BRANCH"

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.