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COUNCIL OF THE COUNTY OF MAUI

2013 JUL 18 PM 2: 55

A G E N D A

Regular Meeting of July 25, 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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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: COUNCIL VICE-CHAIR ROBERT CARROLL
- C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NONE.

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

Regular Meeting of June 6, 2013
Special Meeting of June 19, 2013
Regular Meeting of June 25, 2013
Special Meeting of June 26, 2013

H. COMMITTEE REPORTS:

NO. 13-79 - BUDGET AND FINANCE COMMITTEE:

Recommending **FILING** of communication relating to the sale of \$70,250,000 of general obligation bonds on November 1, 2012.

NO. 13-80 - BUDGET AND FINANCE COMMITTEE:

Recommending **FILING** of communication relating to the proposed creation of a Treasury Program and transfer of real property tax collections from the Real Property Tax Division to the Treasury Program.

NO. 13-81 - BUDGET AND FINANCE COMMITTEE:

Recommending **FILING** of communication relating to the County's supplemental summary of total funded indebtedness outstanding and unpaid as of November 14, 2012.

NO. 13-82 - BUDGET AND FINANCE COMMITTEE:

Recommending **FILING** of communication relating to an update of ongoing union negotiations and arbitration awards.

NO. 13-83 - BUDGET AND FINANCE COMMITTEE:

Recommending **FILING** of communication relating to appropriations made for computer equipment and equivalent personnel for the Department of Finance, Real Property Tax Division, in the Fiscal Year 2013 Budget.

H. COMMITTEE REPORTS (continued):

NO. 13-84 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution to correct the terms for Cost of Government Commission members Gregory Evans and Sunny Gutierrez from two-year to five-year terms, expiring on March 31, 2018, to conform with Section 3-9.3 of the Revised Charter of the County of Maui (1983), as amended.

NO. 13-85 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing the acceptance of a donation of weightlifting equipment valued at \$5,000 from Susan Moulton to the Department of Police, for use by the Molokai District office, pursuant to Section 13-8, Revised Charter of the County of Maui (1983), as amended, and Chapter 3.56, Maui County Code; and
2. **FILING** of communication.

NO. 13-86 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution urging the President and Congress of the United States to preserve the current tax-exempt status of municipal bonds; and
2. **FILING** of communication.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 13-209 - CHIEF OF POLICE, informing of the receipt of \$6,284.50 in Forfeiture Funds from the Department of the Attorney General, State of Hawaii.

NO. 13-210 - PROSECUTING ATTORNEY, informing of the Department's intent to expend approximately \$80,000 in State Forfeiture Funds for training, computers and equipment.

NO. 13-211 - PROSECUTING ATTORNEY, transmitting a copy of a grant award letter from the Department of Budget and Finance, State of Hawaii, for the Defendant/Witness Trial Program.

NO. 13-212 - DIRECTOR OF FINANCE, transmitting 30 contracts/grants for May 2013.

1. COUNTY COMMUNICATIONS (continued):

NO. 13-213 - DIRECTOR OF WATER SUPPLY, transmitting copies of the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ended June 2013.

NO. 13-214 - 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; CAPITAL IMPROVEMENT PROJECTS RELATING TO THE DEPARTMENT OF WATER SUPPLY; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)";
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 (MAKAWAO-PUKALANI-KULA DISTRIBUTION SYSTEM IMPROVEMENTS, MAKAWAO-PUKALANI-KULA TREATMENT PLANT IMPROVEMENTS, WEST MAUI DISTRIBUTION SYSTEM IMPROVEMENTS, AND WEST MAUI SOURCE IMPROVEMENTS FOR WATER SUPPLY)"; and
3. "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A LOAN FROM THE STATE OF HAWAII'S DRINKING WATER TREATMENT REVOLVING LOAN FUND FOR THE MAHINAHINA WELL #1 DEVELOPMENT PROJECT, WEST MAUI COMMUNITY PLAN AREA, FISCAL YEAR 2014 BUDGET ORDINANCE".

NO. 13-215 - 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; WEST MAUI COMMUNITY PLAN AREA, SEWER, WEST MAUI RECYCLED WATER SYSTEM EXPANSION, PHASE 1B; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"; and
2. "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4034, BILL NO. 33 (2013), RELATING TO 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 SYSTEM EXPANSION, PHASE 1B, WEST MAUI COMMUNITY PLAN AREA, FISCAL YEAR 2014 BUDGET ORDINANCE".

1. COUNTY COMMUNICATIONS (continued):

- NO. 13-216 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2014 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES - SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2014, AFFORDABLE HOUSING FUND, FISCAL YEAR 2014 AFFORDABLE HOUSING PLAN, KULAMALU AFFORDABLE HOUSING PROJECT".
- NO. 13-217 - ACTING MAYOR, transmitting the summary of cost items and a proposed resolution entitled "APPROVING COST ITEMS FOR BARGAINING UNIT 12, POLICE OFFICERS".
- NO. 13-218 - ACTING MAYOR, transmitting the summary of cost items and a proposed resolution entitled "APPROVING COST ITEMS FOR EMPLOYEES EXCLUDED FROM BARGAINING UNIT 12, POLICE OFFICERS".
- NO. 13-219 - ACTING MAYOR, transmitting a proposed resolution entitled "AUTHORIZING THE GRANT OF A LEASE OF COUNTY REAL PROPERTY TO NA MAMO O MU'OLEA".
- NO. 13-220 - COUNCIL VICE CHAIR CARROLL, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 12.24A, MAUI COUNTY CODE, RELATING TO LANDSCAPE PLANTING AND BEAUTIFICATION".
- NO. 13-221 - COUNCILMEMBER CRIVELLO, relating to a review of the Residential Workforce Housing Policy, Chapter 2.96, Maui County Code.
- NO. 13-222 - CHIEF OF POLICE, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE REPEALING SECTION 10.52.260, MAUI COUNTY CODE, RELATING TO MOBILE ELECTRONIC DEVICES".
- NO. 13-223 - COUNCIL VICE CHAIR CARROLL, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 19.36A.070, MAUI COUNTY CODE, RELATING TO LANDSCAPING REQUIREMENTS UNDER THE OFF-STREET PARKING AND LOADING ORDINANCE".
- NO. 13-224 - COUNCIL VICE CHAIR CARROLL, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.52, MAUI COUNTY CODE, RELATING TO REGULATIONS ON BUILDINGS AND USES WITHIN HISTORIC DISTRICTS".

1. COUNTY COMMUNICATIONS (continued):

NO. 13-225 - COUNCIL CHAIR BAISA, transmitting a letter from Grant Chun, Vice President, Maui, A&B Properties, Inc., submitting the 2013 Annual Compliance Report in accordance with Condition 19 of Ordinance No. 3559, change in zoning from Agricultural, M-2 Heavy Industrial, and R-1 Residential Districts to M-1 Light Industrial District, Conditional zoning, for property situated at Kahului, Maui, Hawaii. (Maui Business Park Phase II Project).

NO. 13-226 - COUNCILMEMBER HOKAMA, relating to cybersecurity, including the County's role in cybersecurity and its current practices in dealing with cybersecurity issues.

NO. 13-227 - COUNCIL CHAIR BAISA, relating to Aha Moku O Maui and the Aha Moku System.

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 52 (2013) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 12.40, MAUI COUNTY CODE, TO RENAME WAIHEE (BALL) PARK IN WAILUKU TO THE RICHARD 'PABLO' CALDITO PARK"

BILL NO. 53 (2013) - "A BILL FOR AN ORDINANCE AMENDING SECTION 10.60.042, MAUI COUNTY CODE, TO ESTABLISH A CROSSWALK ON BALDWIN AVENUE FRONTING PAIA ELEMENTARY SCHOOL AND TO AMEND THE DESCRIPTION OF THE CROSSWALK ON BALDWIN AVENUE FRONTING ALFRED 'FLAKO' BOTEILHO, SR., GYM"

BILL NO. 54 (2013) - "A BILL FOR AN ORDINANCE AMENDING TITLE 18, MAUI COUNTY CODE, RELATING TO SUBDIVISIONS"

BILL NO. 55 (2013) - "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-1 RESIDENTIAL DISTRICT TO B-2 COMMUNITY BUSINESS DISTRICT FOR TAX MAP KEY NUMBER (2) 3-4-008:038, WAILUKU, 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.