

COUNCIL OF THE COUNTY OF MAUI

A G E N D A

Regular Meeting of August 20, 2013
9:00 a.m.

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

RECEIVED
2013 AUG 13 PM 3:10

OFFICE OF THE
COUNTY CLERK

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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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 DON S. GUZMAN
 - C. PLEDGE OF ALLEGIANCE
 - D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. _____ - "CONGRATULATING REESE GUZMAN FOR PLACING THIRD IN THE GIRLS 10-12 DIVISION OF THE OPTIMIST INTERNATIONAL JUNIOR GOLF CHAMPIONSHIPS"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

Regular Meeting of July 25, 2013

H. COMMITTEE REPORTS:

NO. 13-92 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill granting a request from Dr. Roger Kehler for a Change in Zoning from R-3 Residential District to B-2 Community Business District for the Kihei Veterinary Clinic property located at 1476 South Kihei Road, Kihei, Maui, Hawaii;
2. **RECORDATION** of unilateral agreement; and
3. **FILING** of communication.

NO. 13-93 - PLANNING COMMITTEE:

Recommending **FILING** of communication relating to the Department of Planning's transmittal of quarterly reports to the Council on any unfulfilled conditions of zoning as required by Section 19.510.050, Maui County Code ("MCC"), within the specified time limitations.

NO. 13-94 - PLANNING COMMITTEE:

Recommending **FILING** of communication relating to the Department of Planning's transmittal of quarterly reports to the Council on any unfulfilled conditions of State Land Use District Boundary amendments as required by Section 19.68.040, Maui County Code ("MCC"), within a maximum of three years if no time limitation is established by the Council.

NO. 13-95 - PLANNING COMMITTEE:

Recommending **FILING** of communication relating to the Mayor's authority to select and remove the chair of each general plan advisory committee and each community plan advisory committee.

H. COMMITTEE REPORTS (continued):

NO. 13-96 - PLANNING COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving a time extension for the Lanai Community Plan Advisory Committee to Review the Draft Lanai Community Plan; and
2. **FILING** of communication.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 13-241 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a copy of a grant award letter from the Executive Office on Aging, State of Hawaii, for Federal funds through the Older Americans Act.

NO. 13-242 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a copy of a grant award letter from the Executive Office on Aging, State of Hawaii, for State funds for Kupuna Care services and services to older adults who are at risk of elder abuse.

NO. 13-243 - PROSECUTING ATTORNEY, transmitting a copy of a grant award letter from the Department of the Attorney General, State of Hawaii, for the Criminal Justice Information System Program.

NO. 13-244 - PROSECUTING ATTORNEY, informing of the Department's intent to expend \$47,139.68 in State Asset Forfeiture funds.

NO. 13-245 - COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MANAGER, transmitting a copy of the ANNUAL ACTION PLAN OF THE CONSOLIDATED PLAN FOR PROGRAM YEAR 2013 (JULY 1, 2013 THROUGH JUNE 30, 2014).

NO. 13-246 - DIRECTOR OF FINANCE, transmitting two reports on settlement of claims as of June 30, 2013.

NO. 13-247 - DIRECTOR OF FINANCE, transmitting 97 contracts/grants for June 2013.

NO. 13-248 - DIRECTOR OF WATER SUPPLY, transmitting copies of the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ended July 2013.

1. COUNTY COMMUNICATIONS (continued):

NO. 13-249 - COUNCIL CHAIR BAISA, transmitting a proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2014 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A BILL TO ENABLE COUNCIL MEMBERS TO FREELY ATTEND COMMUNITY AND EDUCATIONAL MEETINGS" and informing of her 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. 13-250 - CHAIR, POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE, informing of his intention to offer the following motions:

1. A motion to DISCHARGE the Policy and Intergovernmental Affairs Committee from further consideration of a correspondence dated August 2, 2013, transmitting the following proposed resolutions entitled:
 - a. "APPROVING FOR INCLUSION IN THE 2014 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE HOUSE BILL 230 AUTHORIZING COUNTY LIQUOR COMMISSIONS TO PROVIDE FUNDING FOR ALCOHOL ABUSE TREATMENT AND PREVENTION"; and
 - b. "APPROVING FOR INCLUSION IN THE 2014 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO ENABLE GOVERNMENTAL AGENCIES TO MAINTAIN ROADS IN LIMBO";
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 ADOPT the proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2014 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE HOUSE BILL 230 AUTHORIZING COUNTY LIQUOR COMMISSIONS TO PROVIDE FUNDING FOR ALCOHOL ABUSE TREATMENT AND PREVENTION";
4. A motion to ADOPT the proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2014 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO ENABLE GOVERNMENTAL AGENCIES TO MAINTAIN ROADS IN LIMBO";
5. A motion to FILE the correspondence dated August 2, 2013; and
6. A motion to FILE this communication.

1. COUNTY COMMUNICATIONS (continued):

NO. 13-251 - CHAIR, POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE,
informing of his intention to offer the following motions:

1. A motion to DISCHARGE the Policy and Intergovernmental Affairs Committee from further consideration of a correspondence dated July 2, 2013, transmitting a proposed resolution entitled "APPOINTMENT OF A MEMBER TO THE MAUI COUNTY CULTURAL RESOURCES COMMISSION";
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 ADOPT the proposed resolution;
4. A motion to AMEND the proposed resolution by placing the nominee's name and term on Exhibit "B" for approval or Exhibit "C" for disapproval, as appropriate;
5. A motion to FILE the correspondence dated July 2, 2013; and
6. A motion to FILE this communication.

NO. 13-252 - CHAIR, POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE,
informing of his intention to offer the following motions:

1. A motion to DISCHARGE the Policy and Intergovernmental Affairs Committee from further consideration of a correspondence dated July 23, 2013, transmitting a proposed resolution entitled "AUTHORIZING SETTLEMENT OF MARIE J. KOSEGARTEN V. THE DEPARTMENT OF THE PROSECUTING ATTORNEY, COUNTY OF MAUI, BENJAMIN M. ACOB, AND TIMOTHY T. TATE, CIVIL NO. CV 10-00321 LEK/KSC";
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 ADOPT the proposed resolution;
4. A motion to CONVENE an executive meeting 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 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;
5. A motion to FILE the correspondence dated July 23, 2013; and
6. A motion to FILE this communication.

1. COUNTY COMMUNICATIONS (continued):

- NO. 13-253 - CHAIR, POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE, informing of his intention to offer the following motions:
1. A motion to DISCHARGE the Policy and Intergovernmental Affairs Committee from further consideration of a correspondence dated July 22, 2013, transmitting a proposed resolution entitled "AUTHORIZING SETTLEMENT OF AMERICAN CIVIL LIBERTIES UNION OF HAWAII, ET AL. V. COUNTY OF MAUI, CIVIL NO. CV13-00307 LEK KSC";
 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 ADOPT the proposed resolution;
 4. A motion to CONVENE an executive meeting 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;
 5. A motion to FILE the correspondence dated July 23, 2013; and
 6. A motion to FILE this communication.
- NO. 13-254 - DIRECTOR OF FINANCE, transmitting a report of short term investments for the quarter ended June 30, 2013.
- NO. 13-255 - BUDGET DIRECTOR, transmitting the Budget Implementation Report for Fiscal Year 2013, Fourth Quarter ending June 30, 2013.
- NO. 13-256 - COUNCILMEMBER WHITE, relating to the status of Kihei Police Station construction expenditures.
- NO. 13-257 - COUNCILMEMBER WHITE, relating to the status of all projects funded through the Affordable Housing Fund.
- NO. 13-258 - CORPORATION COUNSEL and PROSECUTING ATTORNEY, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.44.015, MAUI COUNTY CODE, RELATING TO SALARIES OF DEPUTIES CORPORATION COUNSEL AND DEPUTIES PROSECUTING ATTORNEY", and related documents.
- NO. 13-259 - COUNCIL CHAIR BAISA, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO SALARIES OF EMPLOYEES OF THE LEGISLATIVE BRANCH".

1. COUNTY COMMUNICATIONS (continued):

NO. 13-260 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2014 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE – SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF PARKS AND RECREATION (WAR MEMORIAL STADIUM)".

NO. 13-261 - BUDGET DIRECTOR, transmitting 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; MAKAWAO-PUKALANI-KULA COMMUNITY PLAN AREA, ROAD IMPROVEMENTS, BALDWIN AVENUE RESURFACING, PHASE I; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)" along with the "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2014".

NO. 13-262 - BUDGET DIRECTOR, transmitting 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; DEPARTMENT OF FINANCE, COUNTYWIDE COSTS, INSURANCE PROGRAMS AND SELF INSURANCE; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)".

NO. 13-263 - PLANNING DIRECTOR, relating to an application submitted by Waiko Industrial Investment, LLC, transmitting copies of documents and two proposed bills entitled:

1. "A BILL FOR AN ORDINANCE TO AMEND THE WAILUKU-KAHULUI COMMUNITY PLAN AND LAND USE MAP FROM AGRICULTURAL TO M-1 LIGHT INDUSTRIAL FOR PROPERTY SITUATED AT WAILUKU, MAUI, HAWAII, TAX MAP KEY NUMBER (2) 3-8-007:102"; and
2. "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM AGRICULTURAL DISTRICT TO M-1 LIGHT INDUSTRIAL DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT WAILUKU, MAUI, HAWAII, TAX MAP KEY NUMBER (2) 3-8-007:102".

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 56 (2013) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2014 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE - SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF PLANNING (UNIVERSITY OF HAWAII SEA GRANT COLLEGE PROGRAM)"

BILL NO. 57 (2013) - "A BILL FOR AN ORDINANCE AMENDING SECTION 3.48.130, MAUI COUNTY CODE, RELATING TO NOTICE OF ASSESSMENTS"

BILL NO. 58 (2013) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 10.76, MAUI COUNTY CODE, RELATING TO PARKING LOTS AND PIERS"

BILL NO. 59 (2013) - "A BILL FOR AN ORDINANCE AMENDING SECTION 10.48.040, MAUI COUNTY CODE, RELATING TO STOPPING, STANDING AND PARKING ON ONAONA STREET, WAILUKU"

BILL NO. 60 (2013) - "A BILL FOR AN ORDINANCE AMENDING SECTION 10.48.040, MAUI COUNTY CODE, RELATING TO STOPPING, STANDING AND PARKING IN LAHAINA DISTRICT"

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.