

**COUNCIL OF THE COUNTY OF MAUI**

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**A G E N D A**

Regular Meeting of September 20, 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](mailto:county.clerk@mauicounty.us)

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**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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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 KING KAMEHAMEHA III ELEMENTARY SCHOOL ON ITS CENTENNIAL"

NO. \_\_\_\_\_ - "CONGRATULATING HAWAIIAN CANOE CLUB FOR WINNING THE 2013 HAWAIIAN CANOE RACING ASSOCIATION STATE CHAMPIONSHIP, AAAA DIVISION"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

Regular Meeting of August 20, 2013

H. COMMITTEE REPORTS:

NO. 13-115 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2014 Budget by adding a \$920,000 appropriation for a grant from the State of Hawaii for improvements to the War Memorial Stadium; and
2. **FILING** of communication.

NO. 13-116 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2014 Budget by (1) increasing the estimated revenue amount for Carryover/Savings in the Highway Fund by \$340,000 from \$7,627,552 to \$7,967,552; and (2) adding a \$340,000 appropriation from the Highway Fund in the Makawao-Pukalani-Kula Community Plan Area for the Baldwin Avenue Resurfacing, Phase 1; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):

NO. 13-117 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2014 Budget as follows: (1) for the West Maui Community Plan Area, adding a \$9,000,000 appropriation of State Revolving Loan Funds for the Mahinahina Well #1 Development project, adding a \$200,000 appropriation of Unrestricted Water Funds for West Maui Distribution System Improvements, deleting the \$1,000,000 appropriation of Unrestricted Water Funds for West Maui Source Improvements, and deleting \$4,200,000 of Bond Fund appropriations for West Maui Distribution System and Source Improvements; (2) for the Makawao-Pukalani-Kula Community Plan Area, increasing the appropriation of Unrestricted Water Funds for Distribution System Improvements by \$200,000, from \$6,000,000 to \$6,200,000, adding a \$600,000 appropriation of Unrestricted Water Funds for Treatment Plant Improvements, deleting the \$200,000 appropriation of Bond Funds for Distribution System Improvements, and decreasing the appropriation of Bond Funds for Treatment Plant Improvements by \$600,000, from \$1,300,000 to \$700,000; and (3) for Countywide, adding a \$4,000,000 appropriation of Restricted Water Funds for Countywide Source Development/Acquisition and for West Maui Community Plan Area, deleting the \$4,000,000 appropriation of Restricted Water Funds for West Maui Source Improvements;
2. **FIRST READING** of bill to amend Ordinance 4041, Bill 40 (2013) by: (1) deleting the \$200,000 appropriation for the Makawao-Pukalani-Kula Distribution System Improvements project in the Makawao-Pukalani-Kula Community Plan Area; (2) reducing the appropriation for the Makawao-Pukalani-Kula Treatment Plant Improvements project by \$600,000, from \$1,300,000 to \$700,000; and (3) deleting from the West Maui Community Plan Area the \$200,000 appropriation for the West Maui Distribution System Improvements project and the \$4,000,000 appropriation for the West Maui Source Improvements project;
3. **FIRST READING** of bill to authorize the Mayor to enter into an intergovernmental agreement to finance the Mahinahina Well #1 Development project with funds from the State of Hawaii's Drinking Water Treatment Revolving Loan Fund not to exceed \$9,000,000; and
4. **FILING** of communication.

H. COMMITTEE REPORTS (continued):

NO. 13-118 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to revise Section 2.44.015, Maui County Code, as it pertains to the salaries of deputies in the Department of the Corporation Counsel and Department of the Prosecuting Attorney, effective retroactive to July 1, 2013; and
2. **FILING** of communication.

NO. 13-119 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to revise Section 2.08.060, Maui County Code, as it pertains to the salaries of employees within the legislative branch, effective retroactive to July 1, 2013; and
2. **FILING** of communication.

NO. 13-120 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to prohibit parking on a portion of Wailani Street in Wailuku, between East Vineyard Street and Nani Street; and
2. **FILING** of communication.

NO. 13-121 - WATER RESOURCES COMMITTEE:

Recommending **FILING** of communication relating to Pulama Lanai's presentation on the proposed desalination facility for the island of Lanai.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 13-288 - CHIEF OF POLICE, informing of the receipt of \$2,875.95 in Forfeiture Funds from the U.S. Marshals Service.

NO. 13-289 - DIRECTOR OF FINANCE, transmitting 99 contracts/grants for July 2013.

1. COUNTY COMMUNICATIONS (continued):

- NO. 13-290 - MAYOR, informing of a vacancy on the Board of Ethics due to the resignation of Donald Sheridan.
- NO. 13-291 - MAYOR, informing of a vacancy on the Cost of Government Commission due to the resignation of Victoria Johnson.
- NO. 13-292 - DIRECTOR OF WATER SUPPLY, transmitting copies of the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending August 2013.
- NO. 13-293 - DIRECTOR OF PARKS AND RECREATION, transmitting a proposed resolution entitled "AUTHORIZING ACCEPTANCE OF A DONATION OF A DREAMCOURT TO THE DEPARTMENT OF PARKS AND RECREATION, COUNTY OF MAUI, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE".
- NO. 13-294 - DIRECTOR OF PARKS AND RECREATION, requesting Council action on the proposed resolution entitled "AUTHORIZING ACCEPTANCE OF A DONATION OF A DREAMCOURT TO THE DEPARTMENT OF PARKS AND RECREATION, COUNTY OF MAUI, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE".
- NO. 13-295 - CHAIR, BUDGET AND FINANCE COMMITTEE, informing of his intention to offer the following motions:
1. A motion to DISCHARGE the Budget and Finance Committee from further consideration of a correspondence dated September 9, 2013, transmitting a proposed resolution entitled "AUTHORIZING THE COUNCIL CHAIR TO CONTRACT FOR AN APPRAISAL OF APPROXIMATELY 186 ACRES AT LAUNIUPOKO, MAUI, HAWAII";
  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 FILE the correspondence dated September 9, 2013; and
  5. A motion to FILE this communication.

1. COUNTY COMMUNICATIONS (continued):

- NO. 13-296 - CHAIR, BUDGET AND FINANCE COMMITTEE, informing of his intention to offer the following motions:
1. A motion to DISCHARGE the Budget and Finance Committee from further consideration of a correspondence dated September 10, 2013, transmitting a proposed resolution entitled "AUTHORIZING THE COUNCIL CHAIR TO CONTRACT FOR A REVISED APPRAISAL OF APPROXIMATELY 186 ACRES AT LAUNIUPOKO, MAUI, HAWAII";
  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 FILE the correspondence dated September 10, 2013; and
  5. A motion to FILE this communication.
- NO. 13-297 - DIRECTOR OF FINANCE, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.44.030, MAUI COUNTY CODE, RELATING TO BOND COVERAGES REQUIRED".
- NO. 13-298 - COUNCILMEMBER VICTORINO, relating to the Maui County Spay/Neuter Incentive Program.
- NO. 13-299 - COUNCILMEMBER COUCH, relating to the review of the grants management process.
- NO. 13-300 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 10.56A.010, MAUI COUNTY CODE, RELATING TO LOADING ZONES".
- NO. 13-301 - DIRECTOR OF PUBLIC WORKS, transmitting the following proposed resolutions entitled:
1. "ACCEPTING DEDICATION OF A ROADWAY LOT IN THE MAUI LANI (LARGE-LOT) SUBDIVISION NO. 7, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE"; and
  2. "ACCEPTING DEDICATION OF ROADWAY LOTS IN THE MAUI LANI VMX (C-R) SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".

1. COUNTY COMMUNICATIONS (continued):

NO. 13-302 - DIRECTOR OF ENVIRONMENTAL MANAGEMENT, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF SEWERLINE EASEMENT FOR THE KEHALANI SHOPPING CENTER, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".

NO. 13-303 - COUNCILMEMBER COCHRAN, transmitting a proposed resolution entitled "URGING SUPPORT FOR 'OLA NA PAPA I MALAMAIA: A PRACTICAL PLAN FOR THE TECHNICAL AND CULTURAL RESTORATION OF MAUI'S CORAL REEFS".

NO. 13-304 - CHIEF OF POLICE, transmitting the following proposed resolutions entitled:

1. "AUTHORIZING ACCEPTANCE OF DONATION OF A 2013 KAWASAKI PRAIRIE 360 4X4 ALL TERRAIN VEHICLE TO THE COUNTY OF MAUI, DEPARTMENT OF POLICE, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE"; and
2. "AUTHORIZING ACCEPTANCE OF DONATION OF SIX (6) TREK BICYCLES TO THE COUNTY OF MAUI, DEPARTMENT OF POLICE, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE".

2. GENERAL COMMUNICATIONS:

NO. 13-1 - SHARON M. SUZUKI, MAUI ELECTRIC COMPANY, LTD., transmitting the "THIRTEENTH ANNUAL STATUS REPORT" in accordance with Condition No. 6 of Ordinance No. 2879, New Central Maui Generation Site Subdivision, Waena Generating Plant.

NO. 13-2 - GRANT Y. M. CHUN, A&B PROPERTIES, INC., submitting an annual status report in accordance with Condition 17 of Ordinance No. 3312, change in zoning from Interim District to R-1 Residential District and PK-1 Neighborhood Park District, Conditional zoning, for property situated at Haliimaile, Maui, Hawaii. (Haliimaile Subdivision)

J. RESOLUTIONS - SECOND AND FINAL READING:

NO. 13-98 - "AUTHORIZING PROCEEDINGS IN EMINENT DOMAIN FOR THE ACQUISITION OF REAL PROPERTY INTERESTS AT WAILUKU, MAUI, HAWAII"

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**K. ORDINANCES - SECOND AND FINAL READING:**

- BILL NO. 61 (2013) - "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-3 RESIDENTIAL DISTRICT TO B-2 COMMUNITY BUSINESS DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT 1476 SOUTH KIHEI ROAD, KIHEI, MAUI, HAWAII"  
Draft 1
- BILL NO. 62 (2013) - "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"
- BILL NO. 63 (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 HOUSING AND HUMAN CONCERNS (CONGREGATE MEALS AND HOME DELIVERED MEALS PROGRAMS)"
- BILL NO. 64 (2013) - "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)"
- BILL NO. 65 (2013) - "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"
- BILL NO. 66 (2013) - "A BILL FOR AN ORDINANCE REPEALING SECTION 10.52.260, MAUI COUNTY CODE, RELATING TO MOBILE ELECTRONIC DEVICES"
- BILL NO. 67 (2013) - "A BILL FOR AN ORDINANCE AMENDING SECTION 19.32.040, MAUI COUNTY CODE, RELATING TO PLANNED DEVELOPMENTS, AND SECTION 19.37.010, MAUI COUNTY CODE, RELATING TO TRANSIENT VACATION RENTALS"



K. ORDINANCES - SECOND AND FINAL READING (continued):

BILL NO. 68 (2013) - "A BILL FOR AN ORDINANCE AMENDING SECTION 14.03.020, MAUI COUNTY CODE, RELATING TO WATER CONSERVATION PLAN DEADLINES"

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.**