

RECEIVED

COUNCIL OF THE COUNTY OF MAUI

2013 SEP 27 PM 1: 52

A G E N D A

Regular Meeting of October 4, 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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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 MICHAEL P. VICTORINO
 - C. PLEDGE OF ALLEGIANCE
 - D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. _____ - "RECOGNIZING THE MONTH OF OCTOBER 2013 AS DOMESTIC VIOLENCE AWARENESS MONTH IN MAUI COUNTY"

NO. _____ - "RECOGNIZING OCTOBER 17, 2013 AS CONFLICT RESOLUTION DAY IN THE COUNTY MAUI"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

NONE.

H. COMMITTEE REPORTS:

NO. 13-122 - ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend Chapter 12.40, Maui County Code, to name the proposed Nahiku Community Center in Nahiku, Maui, Hawaii, the David Kanaloa Kaho`okele Jr. Nahiku Community Center; and
2. **FILING** of communication.

NO. 13-123 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to accept the dedication of road widening Lot 3, consisting of 0.043 acre, along Laie Drive, Makawao, Maui, Hawaii, identified as a portion of TMK: (2) 2-4-009:010, for public purposes; and
2. **FILING** of communication.

NO. 13-124 - LAND USE COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving with modification Waikapu Gardens Phase II, pursuant to Section 201H-38, Hawaii Revised Statutes;
2. **FILING** of resolution approving Waikapu Gardens Phase II, pursuant to Section 201H-38, Hawaii Revised Statutes; and
3. **FILING** of resolution disapproving Waikapu Gardens Phase II, pursuant to Section 201H-38, Hawaii Revised Statutes.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

- NO. 13-305 - DIRECTOR OF FINANCE, reporting on transfers from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of August 31, 2013.
- NO. 13-306 - CHIEF OF POLICE, informing of the Police Department's intent to expend \$50,000 in Federal and State Forfeiture Funds for their Employee Development Program to be used to fund training and related expenses.
- NO. 13-307 - MAYOR, informing of a vacancy on the Cost of Government Commission due to the resignation of Sunny Gutierrez.
- NO. 13-308 - CHAIR, ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE, AND RECREATION COMMITTEE, transmitting the following:
1. County Communication No. 13-293, from the 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"; and
 2. A revised 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. 13-309 - COUNCILMEMBER VICTORINO, transmitting a proposed resolution entitled "NOMINATING A COUNCIL MEMBER TO BE THE HAWAII STATE ASSOCIATION OF COUNTIES REPRESENTATIVE ON THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND TASK FORCE".
- NO. 13-310 - COUNCIL CHAIR BAISA, transmitting a letter from William Tavares, Co-Chairman of the Committee for More Equitable Taxation ("COMET"), relating to the circuit breaker tax credit.
- NO. 13-311 - 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 THE DEPARTMENT OF WATER SUPPLY, ADMINISTRATION PROGRAM".

1. COUNTY COMMUNICATIONS (continued):

NO. 13-312 - 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, FAMILY LIFE CENTER, INC. - FLC LOWER MAIN STREET PROJECT".

NO. 13-313 - DIRECTOR OF ENVIRONMENTAL MANAGEMENT, transmitting a proposed resolution entitled "ACCEPTING GRANT OF EASEMENT FOR SEWERLINE PURPOSES FOR THE WAILUKU FORCE MAIN PROJECT, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".

NO. 13-314 - CHIEF OF POLICE, transmitting a copy of the Memorandum of Agreement between the County of Maui and the County of Kauai to share the 800-MHz frequencies in the NPSPAC frequency range for public safety trunked radio system operations.

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS - SECOND AND FINAL READING:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 69 (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 PARKS AND RECREATION (WAR MEMORIAL STADIUM)"

BILL NO. 70 (2013) - "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)"

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

- BILL NO. 71 (2013) - "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)"
- BILL NO. 72 (2013) - "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)"
- BILL NO. 73 (2013) - "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"
- BILL NO. 74 (2013) - "A BILL FOR AN ORDINANCE AMENDING SECTION 2.44.015, MAUI COUNTY CODE, RELATING TO SALARIES OF DEPUTIES CORPORATION COUNSEL AND DEPUTIES PROSECUTING ATTORNEY"
- BILL NO. 75 (2013) - "A BILL FOR AN ORDINANCE RELATING TO SALARIES OF EMPLOYEES OF THE LEGISLATIVE BRANCH"
- BILL NO. 76 (2013) - "A BILL FOR AN ORDINANCE AMENDING SECTION 10.48.040, MAUI COUNTY CODE, RELATING TO STOPPING, STANDING AND PARKING ON WAILANI STREET, WAILUKU"

L. UNFINISHED BUSINESS:

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"
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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.