

COUNCIL OF THE COUNTY OF MAUI

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A G E N D A

Regular Meeting of October 18, 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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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:

NONE.

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

Regular Meeting of September 6, 2013

H. COMMITTEE REPORTS:NO. 13-125 - 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 General Fund by \$50,000, from \$27,764,126 to \$27,814,126; and
(2) increasing the appropriation for the Department of Finance, Countywide Costs, General Costs, by \$50,000, from \$880,126 to \$930,126, which funds would be used to award a contract to Pacific Concrete Cutting & Coring, Inc. for the demolition and disposal of property located at the Montana Beach Condominium, Apartment A, Paia, Hawaii (TMK: (2) 2-5-005:014-0001), and miscellaneous other costs; and
2. **FILING** of communication.

NO. 13-126 - 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 General Fund by \$73,378, from \$27,814,126 to \$27,887,504; and
(2) increasing the appropriation for the Department of Finance, Countywide Costs, Insurance Programs and Self Insurance, by \$73,378, from \$8,000,000 to \$8,073,378; and
2. **FILING** of communication. (Department of Police)

NO. 13-127 - PLANNING COMMITTEE:Recommending **FILING** of communication relating to Maui Electric Company's 13th annual compliance report, pursuant to Ordinance 2879 (2000) (Waena Power Generating Station located at Pulehu Nui, Wailuku, Hawaii).NO. 13-128 - PLANNING COMMITTEE:Recommending **FILING** of communication relating to A&B Properties, Inc.'s, annual compliance report dated September 4, 2013, pursuant to Condition 17 of Ordinance 3312 (2005) (residential subdivision in Haliimaile, Maui, Hawaii).

H. COMMITTEE REPORTS (continued):

NO. 13-129 - PLANNING COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Chapter 19.12, Maui County Code, relating to Apartment District, by establishing accessory uses, consolidating and clarifying development standards, deleting the requirement of Conditional Permits for townhouses, and providing the Planning Director with rule-making authority; and
2. **FILING** of communication.

NO. 13-130 - PLANNING COMMITTEE:

Recommending **FIRST READING** of bill amending Chapter 19.10, Maui County Code, relating to Two-Family (Duplex) District, by establishing D-1 and D-2 zoning districts and accessory uses, consolidating and clarifying development standards, and providing the Planning Director with rule-making authority.

NO. 13-131 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **FILING** of communication relating to the acquisition of a 2008 Chevy Suburban sport utility vehicle from the United States Secret Service, with an estimated value of \$30,000.

NO. 13-132 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **FILING** of communication relating to the acquisition of a 2007 Toyota Tacoma pickup truck from the State Department of the Attorney General, with an estimated value of \$17,107.

NO. 13-133 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving the appointment of Fiona van Ammers to the Urban Design Review Board, for a term expiring on March 31, 2017;
2. **ADOPTION** of resolution approving the appointment of Francis Skowronski to the Maui County Cultural Resources Commission, for a term expiring on March 31, 2014; and
3. **ADOPTION** of resolution approving the appointment of Noel Ching-Johnson to the Council on Aging, for a term expiring on March 31, 2017.

H. COMMITTEE REPORTS (continued):NO. 13-134 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution approving, for inclusion in the 2014 Hawaii State Association of Counties Legislative Package, proposals relating to the following: (a) liability protection for the State and county governments relating to the duty to warn the public of dangers on improved public lands and the actions of county lifeguards; (b) increasing the annual cap on the counties' share of the transient accommodations tax revenues from \$93 million to \$186 million; and (c) appropriating \$2.8 million of general revenue funds in Fiscal Year 2014-2015 for the Hawaii Health Systems Corporation's primary-care training program at Hilo Medical Center.

NO. 13-135 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing the acceptance of various gym equipment and associated shipping, valued at approximately \$28,500, from The Brown Development/BD Properties Hawaii to the Department of Fire and Public Safety, for use by fire fighters at the Lahaina Fire Station, pursuant to Chapter 3.56, Maui County Code; and
2. **FILING** of communication.

NO. 13-136 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill establishing a Public Works Commission and eliminating the Traffic Safety Council; Commission on Naming Streets, Parks, and Facilities; Subdivision Engineering Standards Committee; and Maui County Outdoor Lighting Standards Committee; and
2. **FILING** of communication.

NO. 13-137 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill repealing Chapter 2.37, Maui County Code, and Section 2.40.200, Maui County Code, to eliminate the Commission on Culture and the Arts; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):

NO. 13-138 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution authorizing settlement of Claim of Vincent Passeti and Michelle Passeti, Claim 2013-1056-10.

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. 13-139 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution authorizing settlement of Taataai Ioane v. County of Maui, Case 7-08-00877.

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; and Section 92-5(a)(8), Hawaii Revised Statutes, to deliberate or make a decision 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.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 13-315 - DIRECTOR OF FINANCE, transmitting 76 contracts/grants for August 2013.

NO. 13-316 - DIRECTOR OF WATER SUPPLY, transmitting copies of the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending September 2013.

NO. 13-317 - DIRECTOR OF WATER SUPPLY, transmitting copies of the water use reports for July 2013 received from Hawaiian Commercial and Sugar Company Lot F-1 LCC, Wailuku Water Company and the Department of Water Supply.

NO. 13-318 - COUNCIL CHAIR BAISA, transmitting a proposed resolution entitled "RESCHEDULING THE COUNCIL'S JANUARY 3 AND JANUARY 17, 2014 MEETINGS".

1. COUNTY COMMUNICATIONS (continued):

- NO. 13-319 - DIRECTOR OF FINANCE, transmitting copies of the Finance Director's Quarterly Report for Fiscal Year July 1, 2012 to June 30, 2013 as of June 30, 2013 and the Capital Improvement Projects Report as of June 30, 2013.
- NO. 13-320 - DIRECTOR OF FINANCE, transmitting the Summary of Total Funded Indebtedness Outstanding and Unpaid as of July 1, 2013.
- NO. 13-321 - BUDGET DIRECTOR, transmitting the report of the State of Hawaii's Sequestration Impact Response Team (SIRT).
- NO. 13-322 - 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 HOUSING AND HUMAN CONCERNS (CARE TRANSITION PROGRAM)".
- NO. 13-323 - 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, OFFICE OF THE MAYOR (COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM)".
- NO. 13-324 - 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 HOUSING AND HUMAN CONCERNS, ANIMAL MANAGEMENT PROGRAM".
- NO. 13-325 - COUNCILMEMBER GUZMAN, relating to the County landscape planting plan.
- NO. 13-326 - COUNCILMEMBER GUZMAN, relating to the Economic Development Revolving Fund.
- NO. 13-327 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting the following proposed resolutions entitled:
1. "APPROVING THE ACQUISITION OF REAL PROPERTY AT THE WAIKAPU GARDENS SUBDIVISION, WAILUKU, MAUI, HAWAII (199 INI'INIKI STREET, LOT 275)"; and
 2. "APPROVING THE GRANT OF REAL PROPERTY AT THE WAIKAPU GARDENS SUBDIVISION, WAILUKU, MAUI, HAWAII (199 INI'INIKI STREET, LOT 275) TO NA HALE O MAUI".

1. COUNTY COMMUNICATIONS (continued):

NO. 13-328 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL LEGAL AID SOCIETY OF HAWAII WITH RESPECT TO PROVIDING LEGAL SERVICES FOR THE DEPARTMENT OF HOUSING AND HUMAN CONCERNS".

NO. 13-329 - COUNCILMEMBER COUCH, relating to noise control.

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 77 (2013) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 12.40, MAUI COUNTY CODE, TO NAME THE PROPOSED NAHIKU COMMUNITY CENTER IN NAHIKU THE DAVID KANALOA KAHO'OKELE JR. NAHIKU COMMUNITY CENTER"

L. UNFINISHED BUSINESS:COMMITTEE REPORTS:

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.

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.