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**COUNCIL OF THE COUNTY OF MAUI**  
2013 OCT 25 PM 3:31

**A G E N D A**

Regular Meeting of November 1, 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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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 DON S. GUZMAN
  - C. PLEDGE OF ALLEGIANCE
  - D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NONE.

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

NONE.

H. COMMITTEE REPORTS:NO. 13-140 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2014 Budget by adding (1) a \$1,500,000 appropriation for Bond Funds in the Wailuku-Kahului Community Plan Area for the design of Phase IA; and (2) a proviso to clarify the Council does not intend to ratify any or all prior acts, actions, omissions, expenditures, and/or related events regarding the demolition of the Old Wailuku Post Office building or the master planning of the expansion project; and
2. **FIRST READING** of bill to amend the Fiscal Year 2014 Budget general obligation bond authorization ordinance by adding (1) a \$1,500,000 appropriation for the design of Phase IA in the Wailuku-Kahului Community Plan Area; and (2) a proviso to clarify the Council does not intend to ratify any or all prior acts, actions, omissions, expenditures, and/or related events regarding the demolition of the Old Wailuku Post Office building or the master planning of the expansion project.

NO. 13-141 - ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing the execution of a park assessment agreement, pursuant to Section 18.16.320, Maui County Code, between the County of Maui, Department of Parks and Recreation, and developers of the Moana Estates Subdivision and the Ke Alii Ocean Villas for the dedication of approximately 3.727 acres (TMK: (2) 3-9-060:093), Kamaole, Kihei, Maui, Hawaii, for park and playground purposes; and
2. **FILING OF** communication.

NO. 13-142 - HOUSING, HUMAN SERVICES, AND TRANSPORTATION COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to add new definitions and amend existing definitions relating to animal control; amend regulations relating to animals, dangerous dogs, and impoundment; and amend the membership requirement for the Animal Control Board; and
2. **FILING** of communication.

NO. 13-143 - LAND USE COMMITTEE:

1. Recommending **FILING** of communication relating to notification to the Council of unfulfilled conditions of zoning and the imposition of annual compliance reports as a condition of zoning.

NO. 13-144 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill granting a request from Amy Wisthoff-Martin and Dan Martin for a Conditional Permit, through March 31, 2018, to host and conduct weddings at an approved bed and breakfast home known as Ho'oilo House, on property within the County Agricultural District located at 138 Awaiku Street, Lahaina, Maui, Hawaii; and
2. **FILING** of communication.

NO. 13-145 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving the appointment of Lei Fagan to the Board of Ethics, for a term expiring on March 31, 2014; and
2. **ADOPTION** of resolution approving the appointment of George Shimada to the Cost of Government Commission, for a term expiring on March 31, 2014.

NO. 13-146 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution authorizing settlement of Kasey L. Balco and Dean J. Balco v. County of Maui, et al., Civil 12-1-0780(3).

*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. 13-330 - DIRECTOR OF FINANCE, transmitting report on settlement of claims

NO. 13-331 - DIRECTOR OF FINANCE, reporting on transfers from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of September 30, 2013.

NO. 13-332 - CHIEF OF POLICE, informing of the receipt of \$19,936.01 in Forfeiture Funds from the U.S. Marshals Service.

NO. 13-333 - COUNCILMEMBER WHITE, transmitting a proposed resolution entitled "EMPHASIZING THE COUNCIL'S INTENT RELATING TO FUNDING FOR THE DESIGN OF PHASE IA OF THE KALANA O MAUI CAMPUS EXPANSION".

NO. 13-334 - COUNCIL CHAIR BAISA, relating to Council members' reports on Hawaii Water Works Association 2013 Conference.

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- NO. 13-335 - 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; COUNTYWIDE, OTHER PROJECTS, PUBLIC SAFETY RADIO SYSTEM REPLACEMENT; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS;" and
  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 (PUBLIC SAFETY RADIO SYSTEM REPLACEMENT)".
- NO. 13-336 - MAYOR, transmitting a proposed resolution entitled "APPROVING COST ITEMS FOR UNIT 13, PROFESSIONAL AND SCIENTIFIC EMPLOYEES".
- NO. 13-337 - MAYOR, transmitting a proposed resolution entitled "APPROVING COST ITEMS FOR PROFESSIONAL AND SCIENTIFIC EMPLOYEES EXCLUDED FROM BARGAINING UNIT 13".
- NO. 13-338 - COUNCILMEMBER WHITE, transmitting a proposed bill entitled "AMENDING CHAPTER 3.44, MAUI COUNTY CODE, RELATING TO APPRAISAL REQUIREMENTS FOR PROPOSED COUNTY PURCHASES OF REAL PROPERTY".
- NO. 13-339 - DIRECTOR OF FINANCE, transmitting a report of short-term investments for the quarter ended September 30, 2013.
- NO. 13-340 - DIRECTOR OF PARKS AND RECREATION, transmitting a proposed resolution entitled "APPROVING AND AUTHORIZING THE EXECUTION OF A PARK ASSESSMENT AGREEMENT FOR THE WAILUKU-KAHULUI PROJECT DISTRICT 1, PURSUANT TO SECTION 18.16.320, MAUI COUNTY CODE".
- NO. 13-341 - COUNCILMEMBER GUZMAN, relating to Department of Parks and Recreation – Parks Survey 2013.
- NO. 13-342 - DIRECTOR OF PARKS AND RECREATION, transmitting the semiannual report regarding park dedications for each community plan area for the period of April 1, 2013 through September 30, 2013.
- NO. 13-343 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a copy of the first annual report for the Lanai Affordable Housing Project.

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1. COUNTY COMMUNICATIONS (continued):

- NO. 13-344 - COUNCILMEMBER WHITE, relating to a grant of a license of County Real Property to Tri-Isle Resource Conservation and Development Council, Inc. (Lahaina).
- NO. 13-345 - COUNCILMEMBER HOKAMA, relating to residential housing on Lanai.
- NO. 13-346 - COUNCILMEMBER COCHRAN, relating to pollution reductions projects in West Maui.
- NO. 13-347 - PLANNING DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING GRACE PACIFIC LLC A CONDITIONAL PERMIT TO REESTABLISH A HOT MIX ASPHALT PLANT OPERATION WITHIN THE COUNTY AGRICULTURAL DISTRICT FOR PROPERTY LOCATED AT TAX MAP KEY NUMBER (2) 5-2-011:030 (POR.), HOOLEHUA, MOLOKAI, HAWAII" and related documents.
- NO. 13-348 - CHIEF OF POLICE, transmitting a copy of the Memorandum of Agreement between the County of Maui and the State of Hawaii Department of Accounting and General Services, Office of Information Management and Technology, to share the 700-MHz channels for public safety trunked radio repeater operations in Pu'u Mahoe, Maui.
- NO. 13-349 - CHIEF OF POLICE, transmitting a proposed resolution entitled "AUTHORIZING THE ACCEPTANCE OF PROPERTY SEIZED PURSUANT TO THE FEDERAL LAW".
- NO. 13-350 - DIRECTOR OF ENVIRONMENTAL MANAGEMENT, transmitting a proposed resolution entitled "SUPPORTING THE IMPLEMENTATION OF THE COUNTY OF MAUI'S 2009 INTEGRATED SOLID WASTE MANAGEMENT PLAN THROUGH THE INTEGRATED WASTE CONVERSION AND ENERGY PROJECT".
- NO. 13-351 - COUNCIL CHAIR BAISA, transmitting a proposed resolution entitled "SETTING THE SALARIES OF THE COUNTY CLERK AND THE DEPUTY COUNTY CLERK".

2. GENERAL COMMUNICATIONS:

- NO. 13-4 - CLAYTON NISHIKAWA, KULA RIDGE LLC, transmitting a status update on the project as required by Modification No. 13

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 78 (2013) - "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, GENERAL COSTS; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)".

BILL NO. 79 (2013) - "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)".

BILL NO. 80 (2013) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.12, MAUI COUNTY CODE, RELATING TO APARTMENT DISTRICT".

BILL NO. 81 (2013) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.10, MAUI COUNTY CODE, RELATING TO TWO-FAMILY (DUPLEX) DISTRICT".

BILL NO. 82 (2013) - " A BILL FOR AN ORDINANCE 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".

BILL NO. 83 (2013) - "A BILL FOR AN ORDINANCE REPEALING CHAPTER 2.37, MAUI COUNTY CODE, AND SECTION 2.40.200, MAUI COUNTY CODE, RELATING TO COMMISSION ON CULTURE AND THE ARTS".

L. UNFINISHED BUSINESS:

**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.**