

RECEIVED

COUNCIL OF THE COUNTY OF MAUI

2014 JAN 17 PM 2:47

A G E N D A

Regular Meeting of January 24, 2014
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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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 B. WHITE
- C. PLEDGE OF ALLEGIANCE
- D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NONE.

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

Regular Meeting of October 4, 2013
Regular Meeting of October 18, 2013
Regular Meeting of November 1, 2013

H. COMMITTEE REPORTS:NO. 14-4 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2014 Budget as it pertains to the grant appropriation for the Office of the Mayor, Community Development Block Grant (CDBG) Program, by (1) increasing the Lanai Community Health Center Infrastructure project appropriation by \$156,728, from \$168,256 to \$324,984; and (2) increasing the CDBG Program Administration appropriation by \$14,316, from \$288,814 to \$303,130; and
2. **FILING** of communication.

NO. 14-5 - 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 \$87,000, from \$27,887,504 to \$27,974,504; and (2) increasing the appropriation for the Department of Parks and Recreation, Aquatics Program, by \$87,000, from \$5,907,309 to \$5,994,309; and
2. **FILING** of communication.

NO. 14-6 - 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 for Carryover/Savings in the General Fund by \$190,000, from \$27,974,504 to \$28,164,504; and (2) adding a \$190,000 appropriation for the Hana Ballfield, Hana Community Plan Area; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 14-7 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2014 Budget by (1) increasing the Bond/Lapsed Bond Fund by \$48,000, from \$34,420,000 to \$34,468,000; and (2) adding a \$48,000 appropriation for the Central Maui Landfill Wind Turbine, Wailuku-Kahului Community Plan Area;
2. **FIRST READING** of bill to amend the Fiscal Year 2014 Budget general obligation bond authorization ordinance by adding \$48,000 for the Central Maui Landfill Wind Turbine project in the Wailuku-Kahului Community Plan Area; and
3. **FILING** of communication.

NO. 14-8 - ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to authorize the acceptance of one custom replacement cover for the existing tent frame at the Lahaina Aquatic Center to the County of Maui, Department of Parks and Recreation; and
2. **FILING** of communication.

NO. 14-9 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to authorize the purchase of an electrical easement of approximately 1,950 square feet located on a portion of land identified as TMK: (2) 4-3-006:041 with an appraised value of \$205,000, to accommodate the relocation of existing utilities due to road improvements for the Lower Honoapiilani Road Improvements Project in Lahaina, Maui; and
2. **FILING** of communication.

NO. 14-10 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to authorize the purchase of a drainage easement of approximately 14,875 square feet located on a portion of land identified as TMK: (2) 2-7-020:009 with an appraised value of \$102,430, to allow for improvements to the Haiku Road culvert in Haiku, Maui; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 14-11 - PLANNING COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Section 19.510.040, Maui County Code, relating to change of zoning protests, clarifying how the percentage of owners or lessees protesting a change of zoning is to be calculated; and
2. **FILING** of communications.

NO. 14-12 - PLANNING COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Chapter 19.14, Maui County Code, relating to Hotel Districts, by amending the accessory uses, consolidating and amending development standards, and providing the planning director with rule-making authority; and
2. **FILING** of communication.

NO. 14-13 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution approving the appointment of Mary-Doreen Alborano to the Maui County Commission on Persons with Disabilities, for a term expiring on March 31, 2017.

NO. 14-14 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to authorize the Mayor to enter into an intergovernmental agreement with the State Department of Health for settlement of alleged violations at the Central Maui Municipal Solid Waste Landfill, relating to Notice and Finding of Violation and Order in Docket 13-SHW-SWS-002, through the payment of a \$50,000 cash penalty and performance of approved supplemental environmental projects at a cost of at least \$70,000; and
2. **FILING** of communication.

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.

H. COMMITTEE REPORTS (continued):NO. 14-15 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to authorize the Mayor to enter into an intergovernmental agreement with the State Department of Health for settlement of alleged violations at the Molokai Integrated Solid Waste Management Facility, relating to Notice and Finding of Violation and Order in Docket 13-SHW-SWS-003, through the payment of a \$20,000 cash penalty; and
2. **FILING** of communication.

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.

I. COMMUNICATIONS:1. COUNTY COMMUNICATIONS:

- NO. 14-12 - DIRECTOR OF FINANCE, transmitting 47 contracts/grants for November 2013.
- NO. 14-13 - DIRECTOR OF FINANCE, reporting on transfers from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of December 31, 2013.
- NO. 14-14 - MAYOR, informing of a vacancy on the Maui County Arborist Committee due to the resignation of Gerald Yoza.
- NO. 14-15 - DIRECTOR OF WATER SUPPLY, transmitting copies of the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending December 2013.
- NO. 14-16 - COUNCILMEMBER VICTORINO, transmitting a proposed resolution entitled "NOMINATING KAUAI COUNTY COUNCILMEMBER MEL RAPOZO TO THE NATIONAL ASSOCIATION OF COUNTIES BOARD OF DIRECTORS".
- NO. 14-17 - COUNTY AUDITOR, transmitting the plan of audits proposed to be conducted during the remaining six months of Fiscal Year 2014.

1. COUNTY COMMUNICATIONS (continued):

NO. 14-18 - 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 POLICE (PRIVATE CONTRIBUTION (HONUA'ULA PARTNERS, LLC) FOR KIHEI POLICE STATION)".

NO. 14-19 - 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, COUNTYWIDE EQUIPMENT; 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 (COUNTYWIDE EQUIPMENT)".

NO. 14-20 - DIRECTOR OF ENVIRONMENTAL MANAGEMENT, transmitting a copy of the "COUNTY OF MAUI, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, WASTEWATER RECLAMATION DIVISION, USEPA/DOH CONSENT DECREE, QUARTERLY PROGRESS REPORT #58, OCTOBER 2013 THROUGH DECEMBER 2013".

NO. 14-21 - DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply water use report for October 2013, and copies of water use reports received from Hawaiian Commercial and Sugar Company, Lot F-1 LCC, and Wailuku Water Company for the same period.

2. GENERAL COMMUNICATIONS:

NO. 14-1 - GWEN OHASHI HIRAGA, MUNEKIYO & HIRAGA, INC., submitting a copy of the "ANNUAL COMPLIANCE REPORT, CHANGE IN ZONING CONDITIONS FOR MAKENA RESORT AREA, JANUARY 6, 2014" in accordance with Condition 22 of Ordinance No. 3613.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

NONE.

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.