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COUNCIL OF THE COUNTY OF MAUI

2014 JAN 31 PM 3:12

A G E N D A

Regular Meeting of February 7, 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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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 G. RIKI HOKAMA
- C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONSE. CEREMONIAL RESOLUTIONS:

NONE.

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

Regular Meeting of November 15, 2013
Regular Meeting of December 6, 2013

H. COMMITTEE REPORTS:NO. 14-16 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving cost items for Bargaining Unit 11, Fire Fighters represented by the Hawaii Fire Fighters Association, for Fiscal Years 2012, 2013, 2014, 2015, 2016, and 2017;
2. **ADOPTION** of resolution approving cost items for Fire Fighters excluded from Bargaining Unit 11, represented by the Hawaii Fire Fighters Association, for Fiscal Years 2012, 2013, 2014, 2015, 2016, and 2017; and
3. **FILING** of communication.

NO. 14-17 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2014 Budget by appropriating \$1,152,365 of additional revenue to the Department of Environmental Management, Department of Finance, Department of Liquor Control, Department of Public Works, and Department of Water Supply for cost increases in salaries and wages, and fringe benefits for employees in Bargaining Units 01,02, 03, 04, and 13; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):**NO. 14-18 - 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 \$864,000, from \$28,164,504 to \$29,028,504; (2) increasing the estimated revenue for Interfund Transfers by \$864,000 from \$35,519,088 to \$36,383,088; (3) increasing the appropriation for the Department of Environmental Management, Solid Waste Operations Program – Solid Waste Management Fund, by \$864,000, from \$13,838,933 to \$14,702,933; and (4) increasing the appropriation for the Department of Finance, Countywide Costs, Supplemental Transfer to the Solid Waste Management Fund by \$864,000, from \$5,151,790 to \$6,015,790; and
2. **FILING** of communication.

NO. 14-19 - ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE, AND RECREATION COMMITTEE:Recommending **FILING** of communication relating to a semiannual report of park dedications.**NO. 14-20 - LAND USE COMMITTEE:**

Recommending the following:

1. **ADOPTION** of resolution approving with modification the Kahoma Village Project, located on Front Street, Lahaina, Maui, Hawaii (Tax Map Key (2) 4-5-008:001), pursuant to Section 201H-38, Hawaii Revised Statutes;
2. **FILING** of resolution approving the Kahoma Village Project, pursuant to Section 201H-38, Hawaii Revised Statutes; and
3. **FILING** of resolution disapproving the Kahoma Village Project, pursuant to Section 201H-38, Hawaii Revised Statutes.

NO. 14-21 - PLANNING COMMITTEE:Recommending **FILING** of communication providing written notice of the reorganization of the Department of Planning.**NO. 14-22 - PLANNING COMMITTEE:**Recommending **ADOPTION** of resolution referring to the Lanai, Maui, and Molokai Planning Commissions, a proposed bill amending Section 19.12.020, Maui County Code, and Section 19.37.010, Maui County Code, pertaining to transient vacation rentals in the Apartment District.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

- NO. 14-22 - DIRECTOR OF FINANCE, transmitting two reports on settlement of claims as of December 31, 2013.
- NO. 14-23 - MAYOR, informing of a vacancy on the Maui County Arborist Committee due to the resignation of Kalani Ho-Nikaido.
- NO. 14-24 - MAYOR, informing of the appointment of Sheila Kelley, Leigh Fitzgerald, and Calmentina Gomes to the Committee on the Status of Women.
- NO. 14-25 - COUNCIL CHAIR BAISA, transmitting a proposed resolution entitled "RESCHEDULING THE COUNCIL'S MARCH 7 AND MARCH 21, 2014 MEETINGS".
- NO. 14-26 - COUNCILMEMBER HOKAMA, transmitting a proposed resolution entitled "URGING THE STATE LEGISLATURE AND GOVERNOR TO SUPPORT NAMING THE NEW PUBLIC HIGH SCHOOL IN KIHEI AS THE PATSY TAKEMOTO MINK HIGH SCHOOL".
- NO. 14-27 - DIRECTOR OF FINANCE, transmitting a report of short term investments for the quarter ended December 31, 2013.
- NO. 14-28 - COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MANAGER, transmitting a proposed resolution entitled "AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM", and related documents.
- NO. 14-29 - 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, CIVIL DEFENSE AGENCY (PORT SECURITY GRANT PROGRAM)".
- NO. 14-30 - BUDGET DIRECTOR, transmitting the Budget Implementation Report for Fiscal Year 2014, Second Quarter ending December 31, 2013.
- NO. 14-31 - COUNCIL CHAIR BAISA, relating to the matter of the Fiscal Year 2015 Budget.

1. COUNTY COMMUNICATIONS (continued):

- NO. 14-32 - COUNCIL CHAIR BAISA, transmitting a proposed resolution entitled "TRANSFERRING FUNDS FROM THE COUNCIL SERVICES PROGRAM TO THE COUNTY AUDITOR PROGRAM WITHIN THE OFFICE OF THE COUNTY COUNCIL".
- NO. 14-33 - COUNCILMEMBER WHITE, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 13.04.020, MAUI COUNTY CODE, TO AMEND THE DEFINITION OF OCEAN RECREATIONAL ACTIVITY BY ADDING TO THE LIST OF ACTIVITIES TO BE INCLUDED".
- NO. 14-34 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed resolution entitled "AUTHORIZING THE GRANTING OF AN EASEMENT TO ATC MAKENA LAND SF2 LLC".
- NO. 14-35 - MANAGING DIRECTOR, transmitting a copy of the proposed County of Maui Policy regarding Electronic Smoking Device Use.
- NO. 14-36 - COUNCILMEMBER VICTORINO, relating to Na Wai Eha and East Maui water resources.

2. GENERAL COMMUNICATIONS:

- NO. 14-2 - ROBERT E. SUTOR, TAM YAU ESTATES, LLC, submitting a copy of the "ANNUAL COMPLIANCE REPORT" in accordance with Condition 7 of Ordinance No. 3717.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

- BILL NO. 1 (2014) - "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)"

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

- BILL NO. 2 (2014) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2014 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF PARKS AND RECREATION, AQUATICS PROGRAM; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"
- BILL NO. 3 (2014) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2014 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; HANA COMMUNITY PLAN AREA, PARKS AND RECREATION, HANA BALLFIELD; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"
- BILL NO. 4 (2014) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2014 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; WAILUKU-KAHULUI COMMUNITY PLAN AREA, SANITATION, CENTRAL MAUI LANDFILL WIND TURBINE; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"
- BILL NO. 5 (2014) - "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 (CENTRAL MAUI LANDFILL WIND TURBINE)"
- BILL NO. 6 (2014) - "A BILL FOR AN ORDINANCE AMENDING SECTION 19.510.040, MAUI COUNTY CODE, RELATING TO CHANGE OF ZONING PROTESTS"
- BILL NO. 7 (2014) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.14, MAUI COUNTY CODE, RELATING TO HOTEL DISTRICTS"
- BILL NO. 8 (2014) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII FOR THE SETTLEMENT OF ALLEGED VIOLATIONS AT THE CENTRAL MAUI MUNICIPAL SOLID WASTE LANDFILL RELATING TO NOTICE AND FINDING OF VIOLATION AND ORDER, STATE OF HAWAII DEPARTMENT OF HEALTH DOCKET NO. 13-SHW-SWS-002"

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

BILL NO. 9 (2014) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII FOR THE SETTLEMENT OF ALLEGED VIOLATIONS AT THE MOLOKAI INTEGRATED SOLID WASTE MANAGEMENT FACILITY RELATED TO NOTICE OF FINDING AND VIOLATION AND ORDER, STATE OF HAWAII DEPARTMENT OF HEALTH DOCKET NO. 13-SHW-SWS-003"

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.