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COUNCIL OF THE COUNTY OF MAUI

2014 MAY 20 PM 2: 58

A G E N D A

OFFICE OF THE
COUNTY CLERK

Regular Meeting of May 27, 2014
10:00 a.m.

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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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:

NO. _____ - "CONGRATULATING CHEF SHELDON SIMEON FOR WINNING 'BEST NEW CHEF' FOR THE NORTHWEST AND PACIFIC REGION IN FOOD & WINE MAGAZINE'S 2014 PEOPLE'S CHOICE AWARDS"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

Regular Meeting of April 4, 2014

H. COMMITTEE REPORTS:

NO. 14-60 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to authorize the Mayor to enter into intergovernmental agreements to finance the following wastewater projects from the State of Hawaii's Water Pollution Control Revolving Fund Loans: Paia Wastewater Pump Station Force Main Replacement, with funds not to exceed \$5,100,000; South Maui Recycled Water Distribution System Expansion, with funds not to exceed \$1,044,000; and Waiehu Wastewater Pump Station Force Main Replacement, with funds not to exceed \$1,300,000;
2. **FIRST READING** of bill to authorize the Mayor to enter into intergovernmental agreements to finance the following water projects from the State of Hawaii's Drinking Water Treatment Revolving Loan Fund: Omaopio 2.1 MG Tank Replacement, with funds not to exceed \$4,000,000; Lahainaluna Road Booster-Phase 1, with funds not to exceed \$1,700,000; Wailuku Heights Tank 30 Booster, with funds not to exceed \$1,200,000; Source Generator Installation-4 sites, with funds not to exceed \$1,200,000; Kualapuu MCC Upgrades, with funds not to exceed \$500,000; and Honokahua Well C Exploratory Well Construction, with funds not to exceed \$2,000,000;
3. **FIRST READING** of bill to update voter registration computer tape fees and other obsolete references in Chapter 2.68, Maui County Code, and incorporate other clarifications;
4. **FIRST READING** of bill to authorize the issuance of \$21,823,000 of general obligation bonds for various capital improvement projects;

H. COMMITTEE REPORTS (continued):

5. **FIRST READING** of bill to reauthorize the use of lapsed bond proceeds of \$1,210,000 for the Public Safety Radio System Replacement and \$3,500,000 for the Molokai Baseyard capital improvement projects;
6. **FIRST READING** of bill to set forth the Capital Program for Fiscal Years 2015 through 2020;
7. **FIRST READING** of bill to appropriate estimated revenues for the operating and capital improvement budget for Fiscal Year July 1, 2014 to June 30, 2015;
8. **REFERRAL** of the matter relating to reallocation, reassignment, and creation of positions, to the Budget and Finance Committee;
9. **REFERRAL** of the matter relating to additional emergency medical services funding from the State, to the Budget and Finance Committee;
10. **REFERRAL** of the matter relating to a potential redesign of the South Maui gymnasium in Kihei to a multi-purpose center, to the Economic Development, Energy, Agriculture, and Recreation Committee;
11. **REFERRAL** of the matter relating to an evaluation of the Maui Community Correctional Center Work Line Program, Department of Parks and Recreation, to the Economic Development, Energy, Agriculture, and Recreation Committee;
12. **REFERRAL** of the matter relating to volunteer agreements for park maintenance, to the Economic Development, Energy, Agriculture, and Recreation Committee;
13. **REFERRAL** of the matter relating to animal management revolving fund fees and their use, to the Housing, Human Services, and Transportation Committee;
14. **REFERRAL** of the matter relating to equitably spreading the cost of animal control services to animal owners, to the Housing, Human Services, and Transportation Committee;
15. **REFERRAL** of the matter relating to an evaluation of the Waiko Road Subdivision sewer system project, including community outreach regarding costs and impacts to homeowners, to the Infrastructure and Environmental Management Committee;
16. **REFERRAL** of the matter relating to bridge-design bundling and related cost efficiencies, to the Infrastructure and Environmental Management Committee;

H. COMMITTEE REPORTS (continued):

17. **REFERRAL** of the matter relating to conversion of the Wailuku Municipal Parking Lot to a paid or metered system, to the Infrastructure and Environmental Management Committee;
18. **REFERRAL** of the matter relating to the County's information technology infrastructure, including updates from the Management Information Systems program and development of the County's computer security preparedness plan, to the Infrastructure and Environmental Management Committee;
19. **REFERRAL** of the matter relating to universal trash pickup fees and associated cost recovery considerations, to the Infrastructure and Environmental Management Committee;
20. **REFERRAL** of the matter relating to "sustainability", how it is defined, and its relationship to Section 8-15.3(4) of the Revised Charter of the County of Maui (1983), as amended, to the Infrastructure and Environmental Management Committee;
21. **REFERRAL** of the matter relating to expansion positions for the Solid Waste Division, Department of Environmental Management, to the Infrastructure and Environmental Management Committee;
22. **REFERRAL** of the matter relating to requirements imposed on the County for compliance with Federal Metropolitan Planning Organization obligations, to the Planning Committee;
23. **REFERRAL** of the matter relating to form-based codes and their efficacy, to the Planning Committee;
24. **REFERRAL** of the matter relating to "cyber breach" insurance as a part of the County's risk management activities, to the Policy and Intergovernmental Affairs Committee;
25. **REFERRAL** of the matter relating to cost recovery for rescues, to the Policy and Intergovernmental Affairs Committee;
26. **REFERRAL** of the matter relating to water flow requirements for fire control in rural areas, to the Policy and Intergovernmental Affairs Committee;
27. **REFERRAL** of the matter relating to optimizing the \$12,600,000 investment in countywide mainline and water infrastructure improvements, to the Water Resources Committee;
28. **REFERRAL** of the matter relating to categories of agricultural water rates, to the Water Resources Committee;

H. COMMITTEE REPORTS (continued):

29. **REFERRAL** of the matter relating to water system development fee adjustments, including possible subsidies, availability of affordable housing fund assistance, minimizing impacts on real estate speculation, and rates for Molokai residents and applicants on the Upcountry priority list, to the Water Resources Committee;
30. **FILING** of County Communication 14-31; and
31. **FILING** of County Communication 14-82.

With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(3), Hawaii Revised Statutes ("HRS"), to deliberate concerning the authority of persons designated by the County, the Council, or the Committee to conduct labor negotiations or to negotiate the acquisition of public property, or during the conduct of such negotiations; Section 92-5(a)(4), HRS, 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; Section 92-5(a)(6), HRS, to consider sensitive matters relating to public safety or security; Section 92-5(a)(7), HRS, to consider matters relating to the solicitation and acceptance of private donations; and Section 92-5(a)(8), HRS, 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.

NO. 14-61 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill granting a request for a Community Plan Amendment from Agriculture to Public/Quasi-Public for approximately 29.175 acres situated in Kihei, Maui, Hawaii, to facilitate the development of a new high school on State-owned property fronting Piilani Highway (TMK: (2) 2-2-002:081(por.));
2. **FIRST READING** of bill granting a request for a Change in Zoning from Agricultural District to P-1 Public/Quasi-Public District for approximately 77.182 acres situated at Kihei, Maui, Hawaii, to facilitate the development of a new high school on State-owned property fronting Piilani Highway (TMK: (2) 2-2-002:081);
3. **RECORDATION** of the unilateral agreement; and
4. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 14-62 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving the appointment of Peter Davis to the Real Property Tax Review Board, for a term expiring on March 31, 2015;
2. **ADOPTION** of resolution approving the appointment of Henry Kauka, Jr. to the Liquor Control Adjudication Board, for a term expiring on March 31, 2016;
3. **ADOPTION** of resolution disapproving the appointment of Bradley Bunn to the Lanai Planning Commission, for a term expiring on March 31, 2017;
4. **ADOPTION** of resolution approving the appointment of Scott Matsuura to the Board of Variances and Appeals, for a term expiring on March 31, 2015;
5. **ADOPTION** of resolution approving the appointment of Thomas White to the Affirmative Action Advisory Council, for a term expiring on March 31, 2017; and
6. **ADOPTION** of resolution approving the appointment of Dale Thompson to the Cost of Government Commission, for a term expiring on March 31, 2018.

NO. 14-63 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. **FIRST READING** of resolution to place on the next General Election ballot the question of whether Section 9-20 of the Revised Charter of the County of Maui (1983), as amended, shall be amended to extend by six years, or until 2021, the requirement that a minimum of two per cent of the certified real property tax be appropriated to the Affordable Housing Fund; and
2. **FILING** of communication.

I. COMMUNICATIONS:1. COUNTY COMMUNICATIONS:

NO. 14-115 - CHIEF OF POLICE, informing of the receipt of \$11,760.97 in Forfeiture Funds from the U.S. Marshals Service.

1. COUNTY COMMUNICATIONS (continued):

- NO. 14-116 - CHIEF OF POLICE, informing of the receipt of \$7,558.25 in Forfeiture Funds from the Department of the Attorney General.
- NO. 14-117 - DIRECTOR OF FINANCE, transmitting 74 contracts/grants for March 2014.
- NO. 14-118 - DIRECTOR OF FINANCE, reporting on transfers from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of April 30, 2014.
- NO. 14-119 - MAYOR, informing of a vacancy on the Maui County Commission on Persons with Disabilities due to the resignation of Cesar Gaxiola.
- NO. 14-120 - DIRECTOR OF WATER SUPPLY, transmitting copies of the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending April 2014.
- NO. 14-121 - DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply water use report for March 2014, and copies of water use reports received from Hawaiian Commercial and Sugar Company, Wailuku Water Company, and Hawaii Water Service Company for the same period.
- NO. 14-122 - BUDGET DIRECTOR, transmitting a revised Fiscal Year 2015 Budget for the County of Maui as it pertains to Appendix A, Part II, Special Purpose Revenues – Schedule of Revolving/Special Funds for Fiscal Year 2015.
- NO. 14-123 - COUNCILMEMBER WHITE, proposing amendments to the proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET FOR THE COUNTY OF MAUI FOR THE FISCAL YEAR JULY 1, 2014 TO JUNE 30, 2015", attached to Budget and Finance Committee Report No. 14-60.
- NO. 14-124 - BUDGET DIRECTOR, transmitting the Budget Implementation Report for Fiscal Year 2014, Third Quarter ending March 31, 2014.
- NO. 14-125 - COUNCILMEMBER GUZMAN, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND CHAPTER 3.48, MAUI COUNTY CODE, RELATING TO THE CIRCUIT BREAKER TAX CREDIT".

1. COUNTY COMMUNICATIONS (continued):

- NO. 14-126 - DIRECTOR OF PARKS AND RECREATION, transmitting a proposed resolution entitled, "AUTHORIZING ACCEPTANCE OF A DONATION OF A BATTING CAGE TO THE DEPARTMENT OF PARKS AND RECREATION, COUNTY OF MAUI, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE".
- NO. 14-127 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF A ROAD WIDENING LOT FOR THE LAHAINA PLACE ANNEX, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".
- NO. 14-128 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed bill entitled "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 IMPLEMENTATION OF COUNTY FEDERAL-AID HIGHWAY PROJECTS AND PROGRAMS AND TO INDEMNIFY THE STATE OF HAWAII UNDER CERTAIN CIRCUMSTANCES".
- NO. 14-129 - COUNCILMEMBER HOKAMA, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.41, MAUI COUNTY CODE, TO REQUIRE SPECIFIED COUNTY BOARDS AND COMMISSIONS TO INCLUDE MEMBERS FROM LANAI AND MOLOKAI".
- NO. 14-130 - COUNCILMEMBER VICTORINO, relating to the National Association of Counties Dental and Health Discount Programs.
- NO. 14-131 - MAYOR, requesting consideration of the removal of Autumn Arase from the Council on Aging due to concerns regarding her attendance record.
- NO. 14-132 - COUNCILMEMBER VICTORINO, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 14.01.040, MAUI COUNTY CODE, RELATING TO THE DEFINITION OF INFILL DEVELOPMENT".

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 29 (2014) - "A BILL FOR AN ORDINANCE ADOPTING THE MAUI ISLAND PLAN IMPLEMENTATION PROGRAM"

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.