2012 APR -3 PM 3: 22

COUNCIL OF THE COUNTY OF MAUI

A G E N D A

Regular Meeting of April 10, 2012
9:00 a.m.
Council Chamber
8th Floor, Kalana O Maui Building
200 South High Street, Wailuku, 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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.

If written testimony is submitted at the meeting, 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.

A. ROLL CALL

B. OPENING REMARKS: COUNCILMEMBER ROBERT CARROLL

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO._____ - "CONGRATULATING SCOTT FISHER FOR BEING NAMED SUNSET MAGAZINE'S 2012 ENVIRONMENTAL HERO UNDER THE AGE OF 40"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

Regular Meeting of February 2, 2012
Regular Meeting of February 17, 2012
Regular Meeting of March 2, 2012

H. COMMITTEE REPORTS:

NO. 12-41 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2012 Budget, relating to the Open Space, Natural Resources, Cultural Resources, and Scenic Views Preservation Fund, by adding a proviso for the purchase of approximately 63.701 acres identified as TMK: (2) 3-3-01:001, situated at Ka`ehu Bay in Paukukalo, Wailuku, Maui, Hawaii, for $996,000;

2. **ADOPTION** of resolution to authorize the acquisition of approximately 63.701 acres identified as TMK: (2) 3-3-01:001, situated at Ka`ehu Bay in Paukukalo, Wailuku, Maui, Hawaii, for $996,000; and

3. **FILING** of communication.

With reference to this agenda item, one or more executive meetings pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, are anticipated 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. 12-42 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2012 Budget by adding a $5,435,000 appropriation for the Waikapu Fire Warehouse facility;

2. **FIRST READING** of bill to amend the Fiscal Year 2012 Budget general obligation bond authorization ordinance by adding $5,435,000 for the property in the Wailuku-Kahului Community Plan area;

3. **ADOPTION** of resolution to approve the acquisition of 40,155 square feet of real property located at 313 Manea Place, Wailuku; and

4. **FILING** of communication.

With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(6), Hawaii Revised Statutes, to consider sensitive matters related to public safety or security.

H. COMMITTEE REPORTS (continued):

NO. 12-43 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2012 Budget by increasing the appropriation for Carryover/Savings in the Solid Waste Management Fund by $440,000, from $2,421,399 to $2,861,399 and by increasing the appropriation for the Solid Waste Management Fund in the Solid Waste Operations Program by $440,000, from $14,819,043 to $15,259,043 for a curbside recycling project; and

2. **FILING** of communication.

NO. 12-44 - PLANNING COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution relating to establishing a Complete Streets policy for the County of Maui; and

2. **FILING** of communication.

NO. 12-45 - PLANNING COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill establishing procedures to permit short-term rental homes in certain areas, subject to appropriate restrictions and standards; and

2. **FILING** of communication.

NO. 12-46 - POLICY COMMITTEE:

Recommending **ADOPTION** of resolution approving the appointment of Harold Davis (replacing Joshua Lindsey) to the Real Property Tax Review Board, for a term expiring on March 31, 2014.

NO. 12-47 - POLICY COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution disapproving the appointment of Warren Watanabe to the Kula Agricultural Park Committee; and

2. **ADOPTION** of resolution disapproving the appointment of John Noble to the Maui Redevelopment Agency.

H. COMMITTEE REPORTS (continued):

NO. 12-48 - POLICY COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill authorizing the Mayor of the County of Maui to enter into a three-year intergovernmental agreement with the United States Air Force for mutual aid in routine and emergency response assistance for the Maui Space Surveillance Complex at the summit of Mount Haleakala, Maui, Hawaii; and

2. **FILING** of communication.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 12-67 - DIRECTOR OF FINANCE, reporting on transfers from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of February 29, 2012.

NO. 12-68 - DIRECTOR OF FINANCE, transmitting 32 contracts/grants for February 2012.

NO. 12-69 - COUNCIL CHAIR MATEO, transmitting a proposed resolution entitled "RESCHEDULING THE COUNCIL'S APRIL 20, MAY 4, AND JUNE 1, 2012 MEETINGS" and informing of his intention to entertain the following motions:

1. A motion to WAIVE the requirement of committee referral and report as provided for in Rule 7(E) of the Rules of the Council;

2. A motion to ADOPT the proposed resolution; and

3. A motion to FILE this communication.

NO. 12-70 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3928 AND REPEALING ORDINANCE NO. 3903, RELATING TO THE BUILDING CODE".

1. COUNTY COMMUNICATIONS (continued):

NO. 12-71 - COUNCILMEMBER COCHRAN, relating to a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3928 AND REPEALING ORDINANCE NO. 3903, RELATING TO THE BUILDING CODE" and informing of her intention to entertain the following motions:

1. A motion to WAIVE the requirement of committee referral and report as provided for in Rule 7(E) of the Rules of the Council;

2. A motion to PASS ON FIRST READING AND ORDER TO PRINT the proposed bill; and

3. A motion to FILE the County Communication dated March 27, 2012, from the Director of Public Works; and

4. A motion to FILE this communication.

NO. 12-72 - MAYOR, relating to the proposed Fiscal Year 2013 Budget including the following:

1. Mayor's Operating Budget and Capital Budget Proposals;

2. A proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET FOR THE COUNTY OF MAUI FOR THE FISCAL YEAR JULY 1, 2012 TO JUNE 30, 2013";

3. A proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO THE CAPITAL IMPROVEMENT PROGRAM FOR THE FISCAL YEAR ENDING JUNE 30, 2013";

4. A proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE ISSUANCE OF THIRTY FIVE MILLION TWO HUNDRED ONE THOUSAND DOLLARS ($35,201,000) AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI FOR THE PURPOSE OF PROVIDING FUNDS TO PAY ALL OR A PART OF THE COST OF APPROPRIATIONS FOR PUBLIC IMPROVEMENTS OF AND FOR THE COUNTY OF MAUI; FIXING THE FORM, DENOMINATIONS AND CERTAIN OTHER FEATURES OF SUCH BONDS AND PROVIDING FOR THEIR SALE; AUTHORIZING THE DIRECTOR OF FINANCE TO DETERMINE CERTAIN DETAILS OF THE BONDS; AUTHORIZING THE ISSUANCE AND SALE OF A LIKE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE AND SALE OF SUCH BONDS; AND PROVIDING FOR OTHER ACTIONS RELATED TO THE ISSUANCE, SALE AND DELIVERY OF SAID BONDS";

1. COUNTY COMMUNICATIONS (continued):

5. A proposed bill entitled "A BILL FOR AN ORDINANCE DETERMINING THAT PART OF THE PROCEEDS OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI HERETOFORE ISSUED IS IN EXCESS OF THE AMOUNTS REQUIRED FOR THE PURPOSES FOR WHICH SUCH BONDS WERE INITIALLY ISSUED, OR MAY OR SHOULD NOT BE APPLIED TO THOSE PURPOSES, AND DIRECTING SUCH PROCEEDS TO OTHER PUBLIC IMPROVEMENTS OR AUTHORIZED PURPOSES OF THE COUNTY OF MAUI";

6. A proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A STATE WATER POLLUTION CONTROL REVOLVING FUND LOAN FOR THE LAHAINA WASTEWATER PUMP STATION NUMBER 2 MODIFICATIONS, WEST MAUI COMMUNITY PLAN AREA, FISCAL YEAR 2013 BUDGET ORDINANCE";

7. A proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A STATE WATER POLLUTION CONTROL REVOLVING FUND LOAN FOR THE SOUTH MAUI RECYCLED WATER DISTRIBUTION SYSTEM EXPANSION, SOUTH MAUI COMMUNITY PLAN AREA, FISCAL YEAR 2013 BUDGET ORDINANCE";

8. A proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A LOAN FROM THE STATE OF HAWAII'S DRINKING WATER TREATMENT REVOLVING LOAN FUND FOR THE PAIA-KUAU WATER SYSTEM IMPROVEMENTS PROJECT, PAIA-HAIKU COMMUNITY PLAN AREA, FISCAL YEAR 2013 BUDGET ORDINANCE";

9. A proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A LOAN FROM THE STATE OF HAWAII'S DRINKING WATER TREATMENT REVOLVING LOAN FUND FOR THE MAUI MEADOWS BOOSTER PUMP STATION #18 IMPROVEMENTS PROJECT, KIHEI-MAKENA COMMUNITY PLAN AREA, FISCAL YEAR 2013 BUDGET ORDINANCE";

10. A proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A LOAN FROM THE STATE OF HAWAII'S DRINKING WATER TREATMENT REVOLVING LOAN FUND FOR THE KAUNAKAKAI-KAWELA WELL STATION NO. 2 PROJECT, MOLOKAI COMMUNITY PLAN AREA, FISCAL YEAR 2013 BUDGET ORDINANCE";

1. COUNTY COMMUNICATIONS (continued):

11. A proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A LOAN FROM THE STATE OF HAWAII'S DRINKING WATER TREATMENT REVOLVING LOAN FUND FOR THE WAKIU WELL REPLACEMENT DEVELOPMENT PROJECT, HANA COMMUNITY PLAN AREA, FISCAL YEAR 2013 BUDGET ORDINANCE";

12. A proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A LOAN FROM THE STATE OF HAWAII'S DRINKING WATER TREATMENT REVOLVING LOAN FUND FOR THE PIIHOLO WATER TREATMENT PLANT IMPROVEMENTS-ORGANIC CARBON REDUCTION PROJECT, MAKAWAO-PUKALANI-KULA COMMUNITY PLAN AREA, FISCAL YEAR 2013 BUDGET ORDINANCE"; and

13. A proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A LOAN FROM THE STATE OF HAWAII'S DRINKING WATER TREATMENT REVOLVING LOAN FUND FOR HALIIMAILE TANK REPLACEMENT PROJECT, MAKAWAO-PUKALANI-KULA COMMUNITY PLAN AREA, FISCAL YEAR 2013 BUDGET ORDINANCE";

14. Budget Proposal Synopsis; and

15. CD of the Fiscal Year 2013 Budget Proposal.

NO. 12-73 - PLANNING DIRECTOR, relating to an application submitted by Mark and Haunani Collins, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM URBAN RESERVE DISTRICT TO SERVICE BUSINESS RESIDENTIAL DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT HANA, MAUI, HAWAII", and related documents.

NO. 12-74 - PLANNING DIRECTOR, transmitting a summary of the Maui, Molokai, and Lanai Planning Commissions' comments to a draft bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, AND SECTION 3.48.305, MAUI COUNTY CODE, RELATING TO HOME-BASED BUSINESSES", and minutes of the commissions.

1. COUNTY COMMUNICATIONS (continued):

NO. 12-75 - CHAIR, MAUI COUNTY CHARTER COMMISSION, transmitting a copy of the "2011-2012 MAUI COUNTY CHARTER COMMISSION FINAL REPORT, MARCH 30, 2012".

NO. 12-76 - COUNCILMEMBER CARROLL, transmitting a proposed resolution entitled "URGING THE ADMINISTRATION TO NEGOTIATE FOR THE ACQUISITION OF LAND WITHIN THE HONOLUA WATERSHED, WEST MAUI".

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 30 (2012) - "A BILL FOR AN ORDINANCE RELATING TO THE WATER AVAILABILITY POLICY"

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.