

COUNCIL OF THE COUNTY OF MAUI

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A G E N D A

Regular Meeting of September 6, 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

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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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 DONALD G. COUCH, JR.
- C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. _____ - "CONGRATULATING NAPILI CANOE CLUB FOR CAPTURING THE 2013 A DIVISION HAWAIIAN CANOE RACING ASSOCIATION STATE CHAMPIONSHIP"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

Regular Meeting of August 2, 2013

H. COMMITTEE REPORTS:

NO. 13-97 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to approve the cost items for Bargaining Unit 12, Police Officers represented by the State of Hawai'i Organization of Police Officers union, for Fiscal Years 2012, 2013, 2014, 2015, 2016, and 2017;
2. **ADOPTION** of resolution to approve the cost items for Police Officers excluded from Bargaining Unit 12, represented by the State of Hawai'i Organization of Police Officers union, for Fiscal Years 2012, 2013, 2014, 2015, 2016, and 2017; and
3. **FILING** of communications.

NO. 13-98 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2014 Budget relating to the Affordable Housing Fund, by revising the proviso for the Kulamalu Affordable Housing Project of the County of Maui as follows: (1) to increase the appropriation by \$259,216, from \$615,000 to \$874,216; and (2) to clarify the project description by explicitly allowing for design review and sewer assessment fee; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 13-99 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2014 Budget as it relates to the Department of Housing and Human Concerns, by increasing the Limited Term Appointment equivalent personnel count in the Home Delivered Meals Program by 0.4, from 6.0 to 6.4, and decreasing the Limited Term Appointment equivalent personnel count in the Congregate Meals Program by 0.4, from 7.9 to 7.5; and
2. **FILING** of communication.

NO. 13-100 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2014 Budget by increasing the appropriation for the West Maui Recycled Water System Expansion, Phase 1B, project by \$2,000,000, from \$1,160,684 to \$3,160,684;
2. **FIRST READING** of bill to authorize the Mayor to enter into an intergovernmental agreement to finance the West Maui Recycled Water System Expansion, Phase 1B, project with funds from the State Water Pollution Control Revolving Fund Loan not to exceed \$3,160,684; and
3. **FILING** of communication.

NO. 13-101 - ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending **FILING** of communication requesting the opportunity for I Aloha Molokai, a community organization, to make a presentation of its video entitled "Our Molokai".

NO. 13-102 - ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to approve the acquisition of approximately 209 acres of real property located at Kahului, Maui, Hawaii, identified as TMK: (2) 3-8-05:023 (por.), at an agreed-upon purchase price of \$5,226,075, for a park and other County purposes; and
2. **FILING** of communication. (Alexander & Baldwin, LLC)

H. COMMITTEE REPORTS (continued):

- NO. 13-103 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:
 Recommending **FILING** of communication transmitting a proposed bill to allow the installation of crosswalks on Kanaloa Avenue fronting Baseball Field 2 of the War Memorial Complex and on Wells Street in the vicinity of the tennis courts at Wells Park, Wailuku, Maui, Hawaii.
- NO. 13-104 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:
 Recommending the following:
1. **FIRST READING** of resolution to authorize proceedings in eminent domain to acquire a perpetual, non-exclusive subsurface easement for sewer line purposes on a portion of TMK: (2) 3-4-043-001, consisting of approximately 671 square feet, as part of the Consent Decree Sewer Rehabilitation Project in Wailuku, Maui, Hawaii; 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.*
- NO. 13-105 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:
 Recommending the following:
1. **FIRST READING** of bill to repeal Section 10.52.260, Maui County Code, relating to mobile electronic devices, in its entirety; and
 2. **FILING** of communication.
- NO. 13-106 - PLANNING COMMITTEE:
 Recommending **FILING** of communication relating to a proposed bill to limit the duration of Conditional Permits, including extensions, to a five-year period.
- NO. 13-107 - PLANNING COMMITTEE:
 Recommending **FILING** of communication relating to A&B Properties, Inc., transmitting an annual compliance report pursuant to Condition 19 of Ordinance 3559 (2008), Change in Zoning from Agricultural, M-2 Heavy Industrial and R-1 Residential Districts to M-1 Light Industrial District (Conditional Zoning) for the Maui Business Park Phase II Project, Kahului, Maui, Hawaii.

H. COMMITTEE REPORTS (continued):

NO. 13-108 - PLANNING COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Section 19.32.040, Maui County Code, relating to Planned Developments, and Section 19.37.010, Maui County Code, relating to Transient Vacation Rentals; and
2. **FILING** of communication.

NO. 13-109 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution authorizing settlement of Claim of Piilani Gardens, LLC, Claim 2012-011.

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.

NO. 13-110 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution authorizing settlement of Claim of James J. Stone, Attorney At Law, on behalf of Waiehu Golf Shop, Inc., Claim 2012-1000-15.

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.

NO. 13-111 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution authorizing settlement of Claim of State Farm Mutual Insurance Company on behalf of its insured, Eleanor Kondo and Gary Kondo, Claim 2012-058.

With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(4), Hawaii Revised Statutes ("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, 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.

H. COMMITTEE REPORTS (continued):**NO. 13-112 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:**

Recommending **ADOPTION** of resolution authorizing settlement of Kay Burke v. County of Maui, Civil 09-1-0127(1).

With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(4), Hawaii Revised Statutes ("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, 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. 13-113 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing settlement of Claim of Liberty Mutual Fire Insurance Company on behalf of its insured, Eric Stevenson, Claim 2012-1022-21; and
2. **REFERRAL** of the matter relating to on-street parking to the Infrastructure and Environmental Management Committee.

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.

NO. 13-114 - WATER RESOURCES COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Section 14.03.020, Maui County Code, to extend the deadline to enact a water conservation plan to August 29, 2014; and
2. **FILING** of communication.

I. COMMUNICATIONS:**1. COUNTY COMMUNICATIONS:**

NO. 13-264 - CHIEF OF POLICE, informing of the receipt of \$31,508.19 in Forfeiture Funds from the Drug Enforcement Agency.

NO. 13-265 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a copy of the Program Agreement from the Centers for Medicare & Medicaid Services for the Community-based Care Transitions Program.

1. COUNTY COMMUNICATIONS (continued):

- NO. 13-266 - DIRECTOR OF PARKS AND RECREATION, transmitting a list of permits and activities which are co-sponsored by the County and/or exceed three consecutive days for Fiscal Year 2013.
- NO. 13-267 - PLANNING DIRECTOR, relating to a request for a Maui Island Plan Protected Area Exemption for a Hawaii Revised Statutes, Chapter 201H Affordable Housing Project, the Waikapu Gardens Phase 2.
- NO. 13-268 - MAYOR, informing of a vacancy on the Council on Aging due to the resignation of Clifford Hashimoto.
- NO. 13-269 - DIRECTOR OF WATER SUPPLY, transmitting copies of the water use reports for May - June 2013.
- NO. 13-270 - COUNCILMEMBER VICTORINO, relating to Council Members' reports on meetings regarding County and State responsibilities, held on August 19, 2013 and August 29, 2013.
- NO. 13-271 - COUNCILMEMBER HOKAMA, transmitting a proposed resolution entitled "AUTHORIZING THE OMISSION OF THE DEPARTMENT OF THE CORPORATION COUNSEL FROM THE POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE'S INVESTIGATION PURSUANT TO RESOLUTION 13-83" and informing of his intention to offer 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. 13-272 - CHAIR, PLANNING COMMITTEE, informing of his intention to offer the following motions:
1. A motion to DISCHARGE the Planning Committee from further consideration of County Communication No. 13-224, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.52, MAUI COUNTY CODE, RELATING TO REGULATIONS ON BUILDINGS AND USES WITHIN HISTORIC DISTRICTS";
 2. A motion to REFER the proposed bill to the Land Use Committee; and
 3. A motion to FILE this communication.

1. COUNTY COMMUNICATIONS (continued):

- NO. 13-273 - CHAIR, PLANNING COMMITTEE, informing of his intention to offer the following motions:
1. A motion to DISCHARGE the Planning Committee from further consideration of County Communication No. 13-223, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 19.36A.070, MAUI COUNTY CODE, RELATING TO LANDSCAPING REQUIREMENTS UNDER THE OFF-STREET PARKING AND LOADING ORDINANCE";
 2. A motion to REFER the proposed bill to the Land Use Committee; and
 3. A motion to FILE this communication.
- NO. 13-274 - COUNCILMEMBER WHITE, relating to the budgetary impact of expansion positions for the Office of Council Services.
- NO. 13-275 - 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 ESTIMATED REVENUES; DEPARTMENT OF FINANCE, TREASURY PROGRAM; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)" along with the "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2014".
- NO. 13-276 - 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 FIRE AND PUBLIC SAFETY (MONSANTO GRANT PROGRAM)".
- NO. 13-277 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 12.40, MAUI COUNTY CODE, TO NAME THE PROPOSED NAHIKU COMMUNITY CENTER IN NAHIKU THE DAVID KANALOA KAHO'OKELE JR. NAHIKU COMMUNITY CENTER", and related documents.
- NO. 13-278 - DIRECTOR OF PARKS AND RECREATION, transmitting a proposed resolution entitled "APPROVING AND AUTHORIZING THE EXECUTION OF A PARK ASSESSMENT AGREEMENT FOR THE KE ALII KAI II SUBDIVISION, KAMAOLE, KIHEI, MAUI, HAWAII, PURSUANT TO SECTION 18.16.320, MAUI COUNTY CODE".

1. COUNTY COMMUNICATIONS (continued):

- NO. 13-279 - COUNCILMEMBER COUCH, relating to vendor licenses pursuant to Chapter 5.12, Maui County Code.
- NO. 13-280 - DIRECTOR OF ENVIRONMENTAL MANAGEMENT, transmitting a copy of the Plastic Bag Reduction Ordinance Report.
- NO. 13-281 - COUNCILMEMBER COCHRAN, transmitting a letter from Jeff Stark, Maui Recycling Group, regarding solid waste management policies, programs and technologies.
- NO. 13-282 - CHAIR, PLANNING COMMITTEE, relating to the matter requiring notification to the Council of unfulfilled conditions of zoning.
- NO. 13-283 - PLANNING DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.12, MAUI COUNTY CODE, RELATING TO APARTMENT DISTRICT", and related documents.
- NO. 13-284 - PLANNING DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.10, MAUI COUNTY CODE, RELATING TO TWO-FAMILY (DUPLEX) DISTRICT", and related documents.
- NO. 13-285 - PLANNING DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.14, MAUI COUNTY CODE, RELATING TO HOTEL DISTRICTS", and related documents.
- NO. 13-286 - MAYOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE REPEALING CHAPTER 2.37, MAUI COUNTY CODE, RELATING TO COMMISSION ON CULTURE AND THE ARTS".
- NO. 13-287 - FIRE CHIEF, transmitting a proposed resolution entitled "AUTHORIZING ACCEPTANCE OF DONATION OF ONE (1) HOIST PEC FLY/REAR DELT (HD/HDG-2200), ONE (1) HOIST MULTI PRESS (HD/HDG-1500), ONE HOIST BICEPS CURL/TRICEPS EXTENSION (HD-3100), ONE (1) AB CRUNCH (HS/HSG-1310), ONE (1) STAR TRAC COMMERCIAL TREADMILL, ONE (1) HOIST CD2700, AND ONE (1) PRECOR EFX 546i COMMERCIAL ELLIPTICAL TO THE DEPARTMENT OF FIRE AND PUBLIC SAFETY, COUNTY OF MAUI, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE".

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 61 (2013) - "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-3 RESIDENTIAL DISTRICT TO B-2 COMMUNITY BUSINESS DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT 1476 SOUTH KIHEI ROAD, KIHEI, MAUI, HAWAII"

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.