

COUNCIL OF THE COUNTY OF MAUI

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A G E N D A

Regular Meeting of December 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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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.

A. ROLL CALL

B. OPENING REMARKS: COUNCILMEMBER DONALD G. COUCH JR.

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONSE. CEREMONIAL RESOLUTIONS:

NO. _____ - "CONGRATULATING UPTOWN SERVICE, INC. FOR BEING NAMED MAUI RETAIL BUSINESS OF THE YEAR AT THE RETAIL MERCHANTS OF HAWAII'S 2013 HO'OKELA AWARDS"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

NONE.

H. COMMITTEE REPORTS:

NO. 13-153 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend Section 2.44.030, Maui County Code, to add "crime insurance policy" coverage for certain County employees; and include the County Auditor as a position covered by the County's "performance blanket position bond" or crime insurance policy; and
2. **FILING** of communication.

NO. 13-154 - HOUSING, HUMAN SERVICES, AND TRANSPORTATION COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to approve the acquisition of an affordable housing unit by the County at the Waikapu Gardens Subdivision, Wailuku, Maui, Hawaii (199 Ini`Iniki Street, Lot 275) under the buyback option of the Affordable Housing Agreement with Spencer Homes, Inc., dated March 24, 2006;
2. **ADOPTION** of resolution to authorize the grant of the property to Na Hale O Maui; and
3. **FILING** of communication.

H. COMMITTEE REPORTS (continued):

NO. 13-155 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to accept from Maui Lani Community Association a Roadway Lot 11-D-1-A-1-F-1, consisting of 13.594 acres, located within the Maui Lani (Large-Lot) Subdivision No. 7, identified as TMK: (2) 3-8-007:155, for public purposes;
2. **ADOPTION** of resolution to accept from Maui Lani Village Center, Inc., Roadway Lots 77 (1.256 acres), 78 (1.448 acres), 79 (39,192) square feet, 80 (3.501 acres), and 81 (14,747 square feet), located within the Maui Lani VMX (C-R) Subdivision, identified as TMK: (2) 3-8-097:077-081, for public purposes; and
3. **FILING** of communication.

NO. 13-156 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to accept the dedication from RCFC Kehalani, LLC, of a perpetual, non-exclusive sewerline easement consisting of 724 square feet, along Waiale Road, Wailuku, Maui, and located within a portion of TMK: (2) 3-5-001:063, for sewerline purposes; and
2. **FILING** of communication.

NO. 13-157 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to accept from Alexander & Baldwin, LLC, a perpetual, non-exclusive grant of easement for sewerline purposes, within property situated in Kahului, Maui, Hawaii, and identified as TMK: (2)-3-7-001:005, (2) 3-7-001:016, (2) 3-7-003:003, (2) 3-7-003:027, and (2) 3-7-008:008; and
2. **FILING** of communication.

NO. 13-158 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill granting Grace Pacific LLC a 20-year Conditional Permit to reestablish a hot mix asphalt plant operation on approximately 3 acres of a 264-acre parcel it owns within the County Agricultural District (TMK: (2) 5-2-011:030 (por.)); and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):**NO. 13-159 - LAND USE COMMITTEE:**

Recommending **ADOPTION** of resolution to refer to the Maui Planning Commission a proposed bill to enhance the protection of significant trees (trees with a trunk circumference of 36 inches or more) within Historic Districts 1 and 2 in Lahaina, Maui, and Historic District 3 in Wailuku, Maui.

NO. 13-160 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing the acceptance of a 2013 Honda Rancher ES 4X4 all-terrain vehicle valued at \$7,695.89 from the Maui Hotel & Lodging Association to the Department of Police, to patrol the shoreline from Makena to Maalaea, pursuant to Chapter 3.56, Maui County Code;
2. **ADOPTION** of resolution authorizing the acceptance of six Trek police model bicycles valued at \$5,321.45 from the Maui Hotel & Lodging Association to the Department of Police, Lahaina District, pursuant to Chapter 3.56, Maui County Code; and
3. **FILING** of Communication.

NO. 13-161 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing the employment of Legal Aid Society of Hawaii as special counsel to provide legal services to qualified elderly people on behalf of the Department of Housing and Human Concerns through the Maui County Office on Aging and the Older Americans Act Title III Federal Program, for total compensation for two years not to exceed \$73,200 per year; 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. 13-364 - PROSECUTING ATTORNEY, transmitting a copy of a grant award letter from the Department of the Attorney General, State of Hawaii, for the Career Criminal Prosecution Program and Victim Witness Assistance Program for the period July 1, 2013 to June 30, 2015.**

1. COUNTY COMMUNICATIONS (continued):

- NO. 13-365 - DIRECTOR OF FINANCE, reporting on transfers from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of October 31, 2013.
- NO. 13-366 - COUNCIL CHAIR, relating to the matter of the new independent appraisal of approximately 186 acres at Launiupoko, Maui, Hawaii (Tax Map Keys (2) 4-7-001:030 and (2) 4-7-001:026 (por.)), as authorized by the Council pursuant to Resolution 13-131.
- NO. 13-367 - COUNCIL CHAIR, transmitting correspondence from Gregory J. Garneau and Craig G. Nakamura, Carlsmith Ball, LLP, relating to the matter of appraisals and condemnation value of property at Launiupoko, Maui, Hawaii.
- NO. 13-368 - CHAIR, CIVIL SERVICE COMMISSION, transmitting the Performance Evaluation of the Director of Personnel Services.
- NO. 13-369 - MAYOR, informing of a vacancy on the Maui County Commission on Persons with Disabilities due to the resignation of Gayle Burton.
- NO. 13-370 - COUNCIL CHAIR, transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF JORDAN MOLINA AS A LEGISLATIVE ANALYST IN THE OFFICE OF COUNCIL SERVICES".
- NO. 13-371 - COUNCIL CHAIR, transmitting a proposed resolution entitled "APPOINTING THE COUNTY CLERK".
- NO. 13-372 - CHAIR, BUDGET AND FINANCE COMMITTEE, transmitting the following:
1. County Communication 13-310, from Council Chair Gladys C. Baisa, transmitting correspondence dated September 6, 2013, from William D. Tavares, Co-Chair, Committee for More Equitable Taxation (COMET), relating to recent revisions to the circuit breaker tax credit;
 2. County Communication 13-363, from Council Chair Gladys C. Baisa, transmitting correspondence dated October 25, 2013, from John Blumer-Buell and William D. Tavares, Co-Chair, COMET, relating to the circuit breaker tax credit; and
 3. Correspondence dated November 22, 2013, from the Chair of the Budget and Finance Committee, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, MAUI COUNTY CODE, RELATING TO THE CIRCUIT BREAKER TAX CREDIT".

1. COUNTY COMMUNICATIONS (continued):

NO. 13-373 - BUDGET DIRECTOR, transmitting a proposed bill entitled "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 (KALANA O MAUI CAMPUS EXPANSION DESIGN OF PHASE IA)".

NO. 13-374 - COUNCIL VICE-CHAIR, relating to County Communication 13-202, transmitting the following:

1. 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; WEST MAUI COMMUNITY PLAN AREA, OTHER PROJECTS, WEST MAUI LAND ACQUISITION; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)";
2. A proposed bill entitled "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 (WEST MAUI LAND ACQUISITION)"; and
3. A proposed resolution entitled "APPROVING THE ACQUISITION OF REAL PROPERTIES AT LAUNIUPOKO, MAUI, HAWAII".

NO. 13-375 COUNCIL VICE-CHAIR, transmitting the following:

1. A revised 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; WEST MAUI COMMUNITY PLAN AREA, OTHER PROJECTS, WEST MAUI LAND ACQUISITION; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)";
2. A revised proposed bill entitled "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 (WEST MAUI LAND ACQUISITION)"; and
3. A revised proposed resolution entitled "APPROVING THE ACQUISITION OF APPROXIMATELY 186 ACRES IDENTIFIED AS TAX MAP KEY (2) 4-7-001:030 AND TAX MAP KEY (2) 4-7-001:026 (POR.), LAUNIUPOKO, MAUI, HAWAII".

NO. 13-376 - DIRECTOR OF FINANCE, transmitting the Finance Director's Quarterly Report for Fiscal Year July 1, 2013 to June 30, 2014 and the Capital Improvement Project Report as of September 30, 2013.

1. COUNTY COMMUNICATIONS (continued):

- NO. 13-377 - MANAGING DIRECTOR, transmitting a proposed resolution entitled "AUTHORIZING THE FIRST AMENDMENT TO LICENSE THE 100 ACRE PARCEL IDENTIFIED AS TAX MAP KEY NUMBER (2) 3-6-002:004, PURSUANT TO SECTION 3.40.180, MAUI COUNTY CODE".
- NO. 13-378 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed resolution entitled "APPROVING THE ACQUISITION OF REAL PROPERTY AT MAALAEA, ISLAND OF MAUI, HAWAII FOR THE HAUOLI STREET DRAINAGE IMPROVEMENTS PROJECT".
- NO. 13-379 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed resolution entitled "APPROVING THE ACQUISITION OF REAL PROPERTY (ELECTRICAL EASEMENT E-1) AT LAHAINA, ISLAND OF MAUI, HAWAII FOR LOWER HONOAPI`ILANI ROAD IMPROVEMENTS PROJECT".
- NO. 13-380 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed resolution entitled "APPROVING THE ACQUISITION OF REAL PROPERTY (DRAINAGE EASEMENT D-2) AT HAIKU, HAMAKUALOA, ISLAND OF MAUI, HAWAII FOR THE HAIKU ROAD CULVERT REPLACEMENT PROJECT".
- NO. 13-381 - COUNCIL MEMBER COCHRAN, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 20, MAUI COUNTY CODE, RELATING TO PESTICIDES AND GENETICALLY MODIFIED ORGANISMS".
- NO. 13-382 - PLANNING DIRECTOR, relating to the Maui County Repetitive Loss Properties Floodplain Management Plan annual status reports and transmitting the following:
1. Resolution No. 01-141, entitled, "ADOPTING THE COUNTY OF MAUI REPETITIVE LOSS PROPERTIES FLOODPLAIN MANAGEMENT PLAN";
 2. County of Maui, Repetitive Loss Properties Floodplain Management Plan-Updated 2013; and
 3. County of Maui, Repetitive Loss Properties Floodplain Management Plan, Annual Evaluation Report, September 2013.
- NO. 13-383 - PLANNING DIRECTOR, relating to the reorganization of the Department of Planning.

1. COUNTY COMMUNICATIONS (continued):

- NO. 13-384 - DEPUTY CORPORATION COUNSEL THOMSON, 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 SETTLEMENT OF ALLEGED VIOLATIONS AT THE CENTRAL MAUI MUNICIPAL SOLID WASTE LANDFILL".

- NO. 13-385 - DEPUTY CORPORATION COUNSEL THOMSON, 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 SETTLEMENT OF ALLEGED VIOLATIONS AT THE MOLOKAI INTEGRATED SOLID WASTE MANAGEMENT FACILITY".

- NO. 13-386 - COUNCIL VICE-CHAIR, transmitting a proposed resolution entitled "URGING THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY TO REDUCE GREENHOUSE GAS POLLUTION UNDER THE CLEAN AIR ACT".

- NO. 13-387 - DIRECTOR OF WATER SUPPLY, transmitting copies of water use reports for August and September 2013, received from Hawaiian Commercial and Sugar Company, Lot F-1 LCC, and Wailuku Water Company.

2. GENERAL COMMUNICATIONS:

- NO. 13-5 - SHANE FUKUDA, ACM CONSULTANTS, INC., transmitting an appraisal report which determines the market value of a 148.409 Acre Vacant Land Parcel, TMK (2) 4-7-1-30; and a 37.731 Acre Portion of Vacant Land Parcel, TMK (2) 4-7-1-26 located at Launiupoko, Lahaina, Maui, Hawaii.

- NO. 13-6 - RYAN CHURCHILL, MAUI LAND & PINEAPPLE COMPANY, INC., submitting the Annual Compliance Report in accordance with Ordinance No. 3889, West Maui Project District 5 (Pulelehua), Unilateral Agreement and Declaration for Conditional Zoning for property situated at Mahinahina, Kahana, Lahaina, Maui, Hawaii; TMK (2) 4-3-01:82 (Lot 1) and TMK (2) 4-3-01:83 (Lot 2).

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

- BILL NO. 88 (2013) - "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)"

- BILL NO. 89 (2013) - "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2014 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2014, AFFORDABLE HOUSING FUND, FISCAL YEAR 2014 AFFORDABLE HOUSING PLAN, FAMILY LIFE CENTER, INC. – FLC LOWER MAIN STREET PROJECT"

- BILL NO. 90 (2013) - "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 HOUSING AND HUMAN CONCERNS (CARE TRANSITION PROGRAM)"

- BILL NO. 91 (2013) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.22, MAUI COUNTY CODE, RELATING TO B-R RESORT COMMERCIAL DISTRICT"

- BILL NO. 92 (2013) - "A BILL FOR AN ORDINANCE AMENDING SECTION 19.04.040, MAUI COUNTY CODE, AND CHAPTER 19.18, MAUI COUNTY CODE, RELATING TO B-2 COMMUNITY BUSINESS DISTRICT"

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.