

RECEIVED

COUNCIL OF THE COUNTY OF MAUI

2014 MAR 28 PM 2: 27

A G E N D A

Regular Meeting of April 4, 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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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 ELLE COCHRAN
- C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONSE. CEREMONIAL RESOLUTIONS:

NO. _____ - "RECOGNIZING THE MONTH OF APRIL AS NATIONAL COUNTY GOVERNMENT MONTH"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

Regular Meeting of February 21, 2014

H. COMMITTEE REPORTS:

NO. 14-47 - ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending **ADOPTION** of resolution referring to the Lanai, Maui, and Molokai Planning Commissions, a proposed bill amending Section 19.04.040 and Chapter 19.30A, Maui County Code, relating to commercial agricultural structures in the Agricultural District.

NO. 14-48 - ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Chapter 13.04, Maui County Code, to prohibit tobacco use and tobacco products at County of Maui parks; and
2. **FILING** of communication.

NO. 14-49 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to grant a non-exclusive perpetual easement of 586 square feet, under, along, and through a portion of Makena-Keoneoio Road, identified as TMK: (2) 2-1-007:999 (portion), near its intersection with Honoiki Street. The proposed sewerline will benefit property identified as TMK: (2) 2-1-007:092; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 14-50 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to grant a Conditional Permit for ten years to allow client visitations and commercial sales at a 480-square-foot ceramics studio located on a 0.959-acre parcel at 45-575 Hana Highway, within the County Agricultural District, Hana, Maui, Hawaii (TMK: (2) 1-5-008:010); and
2. **FILING** of communication.

NO. 14-51 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving the appointment of Douglas Wright to the Kula Agricultural Park Committee, for a term expiring on March 31, 2019;
2. **ADOPTION** of resolution approving the appointment of Jonathan Starr to the Maui Redevelopment Agency, for a term expiring on March 31, 2019; and
3. **ADOPTION** of resolution approving the appointment of Hunton Conrad to the Urban Design Review Board, for a term expiring on March 31, 2019.

NO. 14-52 - WATER RESOURCES COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Chapter 14.07, Maui County Code, to exempt certain applicants from paying the full amount of the generally applicable water system development fee if specifically set forth in the annual budget; and
2. **FILING** of communication.

I. COMMUNICATIONS:1. COUNTY COMMUNICATIONS:

- NO. 14-81 - COUNCILMEMBER WHITE, transmitting a proposed resolution entitled "URGING THE HAWAII STATE LEGISLATURE TO PASS HOUSE BILL 1671 TO INCREASE TRANSIENT ACCOMMODATIONS TAX REVENUE TO THE COUNTIES".

1. COUNTY COMMUNICATIONS (continued):

NO. 14-82 - MAYOR, relating to the proposed Fiscal Year 2015 Budget including the following:

1. Mayor's Budget Proposal;
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, 2014 TO JUNE 30, 2015";
3. A proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO THE CAPITAL PROGRAM FOR THE FISCAL YEAR ENDING JUNE 30, 2015";
4. A proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE ISSUANCE OF FORTY-EIGHT MILLION SIX HUNDRED FIFTY-NINE THOUSAND DOLLARS (\$48,659,000) 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";
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 INTERGOVERNMENTAL AGREEMENTS FOR LOANS FROM THE STATE OF HAWAII'S WATER POLLUTION CONTROL REVOLVING FUND FOR VARIOUS WASTEWATER PROJECTS, FISCAL YEAR 2015 BUDGET ORDINANCE";

1. COUNTY COMMUNICATIONS (continued):

7. A proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO INTERGOVERNMENTAL AGREEMENTS FOR LOANS FROM THE STATE OF HAWAII'S DRINKING WATER TREATMENT REVOLVING LOAN FUND FOR VARIOUS WATER PROJECTS, FISCAL YEAR 2015 BUDGET ORDINANCE";
8. Mayor's Budget Proposal Synopsis; and
9. CD of the Fiscal Year 2015 Mayor's Budget Proposal.

NO. 14-83 - MAYOR, 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; COUNTYWIDE, GOVERNMENT FACILITIES, MAUI BUSINESS PARK II 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 (MAUI BUSINESS PARK II LAND ACQUISITION)";
3. A proposed resolution entitled "APPROVING THE ACQUISITION OF 7 LOTS IN THE MAUI BUSINESS PARK II AT KAHULUI, MAUI, HAWAII AND THE DEDICATION OF 35.55 ACRES IN PAIA, MAUI, HAWAII";
4. 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; COUNTYWIDE, GOVERNMENT FACILITIES, KEHALANI VILLAGE CENTER LAND ACQUISITION; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)";
5. 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 (KEHALANI VILLAGE CENTER LAND ACQUISITION)"; and
6. A proposed resolution entitled "APPROVING THE ACQUISITION OF 3 UNITS IN THE KEHALANI VILLAGE CENTER AT WAILUKU, MAUI, HAWAII AND THE DEDICATION OF 14.416 ACRES IN WAILUKU, MAUI, HAWAII".

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 22 (2014) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2014 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE DEPARTMENT OF PARKS AND RECREATION, ADMINISTRATION PROGRAM; PAIA-HAIKU COMMUNITY PLAN AREA, PARKS AND RECREATION, KALAKUPUA PLAYGROUND; TOTAL OPERATING APPROPRIATIONS; AND TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS"

BILL NO. 23 (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, DEPARTMENT OF HOUSING AND HUMAN CONCERNS (AGING AND DISABILITY RESOURCE CENTER (ADRC) EXPANSION)"

L. UNFINISHED BUSINESS:COMMITTEE REPORTNO. 14-46 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution authorizing the employment of Marr Jones & Wang A Limited Liability Law Partnership as special counsel in Neldon Mamuad v. County of Maui, Civil CV14-00102 JMS BMK, because of a conflict of interest, for a total compensation not to exceed \$50,000.

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; and Section 92-5(a)(2), Hawaii Revised Statutes, to consider the hire, evaluation, dismissal, or discipline of an officer or employee or of charges brought against the officer or employee, where consideration of matters affecting privacy will be involved; provided that if the individual concerned requests an open meeting, an open meeting shall be held.

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.