

RECEIVED

COUNCIL OF THE COUNTY OF MAUI

2014 APR 29 PM 3:02

A G E N D A

Regular Meeting of May 6, 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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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 DONALD G. COUCH JR.
 - C. PLEDGE OF ALLEGIANCE
 - D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. _____ - "RECOGNIZING MAY 2014 AS COMMUNITY ACTION MONTH IN THE COUNTY OF MAUI"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

Regular Meeting of March 25, 2014

H. COMMITTEE REPORTS:

NO. 14-56 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving the appointment of Stephanie Stucky to the Real Property Tax Review Board, for a term expiring on March 31, 2019; and
2. **ADOPTION** of resolution approving the appointment of Jerrybeth De Mello to the Liquor Control Adjudication Board, for a term expiring on March 31, 2019.

NO. 14-57 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing the employment of Hawkins Delafield & Wood LLP as special counsel to represent the County on bond and disclosure matters relating to the 2014 general obligation bond issuance, for a total compensation not to exceed \$19,000 and expenses not to exceed \$750; and
2. **FILING** of communication.

NO. 14-58 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution authorizing \$300,000 in additional compensation for the firm of Hunton and Williams LLP as special counsel in Hawaii Wildlife Fund, et al. v. County of Maui, Civil 12-00198 SOM BMK, for a total compensation not to exceed \$550,000.

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.

H. COMMITTEE REPORTS (continued):

NO. 14-59 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution authorizing settlement of Neldon Mamuad v. County of Maui, Civil CV14-00102 JMS BMK.

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.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 14-101 - DIRECTOR OF FINANCE, transmitting the Fiscal Year 2014-2015 certification of the net taxable real property value within the County of Maui.

NO. 14-102 - DIRECTOR OF FINANCE, transmitting two reports on settlement of claims as of March 31, 2014.

NO. 14-103 - DIRECTOR OF FINANCE, reporting on transfers from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of March 31, 2014.

NO. 14-104 - MAYOR, informing of a vacancy on the Affirmative Action Advisory Council due to the resignation of Abelardo Corella.

NO. 14-105 - MAYOR, informing of a vacancy on the Maui County Commission on Persons with Disabilities due to the resignation of Joseph Felipe.

NO. 14-106 - MAYOR, informing of a vacancy on the Lanai Planning Commission due to the resignation of Priscilla Felipe.

NO. 14-107 - MAYOR, informing of a vacancy on the Maui County Commission on Persons with Disabilities due to the resignation of Charlotte Smith.

1. COUNTY COMMUNICATIONS (continued):

- NO. 14-108 - MAYOR, informing of the appointment of William Myrter (replacing Gerald Yoza) to the Maui County Arborist Committee.
- NO. 14-109 - DIRECTOR OF FINANCE, transmitting a report of short term investments for the quarter ended March 31, 2014.
- NO. 14-110 - DIRECTOR OF PARKS AND RECREATION, transmitting the semiannual report regarding park dedications for each community plan area for the period of October 1, 2013 through March 31, 2014.
- NO. 14-111 - COUNCILMEMBER VICTORINO, transmitting a proposed resolution entitled "URGING THE MAYOR TO CREATE AN AD HOC TASK FORCE TO STUDY AND MAKE RECOMMENDATIONS TO RESOLVE THE PROBLEMS CAUSED BY FERAL CHICKENS IN MAUI COUNTY".
- NO. 14-112 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE APPROVING THE RENAMING OF WAIKOLOA ROAD, HANA, MAUI, HAWAII", and related documents.
- NO. 14-113 - COUNCILMEMBER GUZMAN, transmitting the "CENTRAL MAUI PEDESTRIAN & BICYCLE MASTER PLAN FOR 2030" prepared by the State of Hawaii, Department of Health, Healthy Hawaii Initiative.
- NO. 14-114 - COUNCILMEMBER VICTORINO, transmitting a proposed resolution entitled "REFERRING TO THE MAUI PLANNING COMMISSION A PROPOSED BILL TO CHANGE ZONING FROM R-3 RESIDENTIAL DISTRICT TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT FOR PROPERTY SITUATED AT TAX MAP KEY (2) 3-8-046:016, WAILUKU, MAUI, HAWAII".

2. GENERAL COMMUNICATIONS:

- NO. 14-4 - CHARLES JENCKS, HONUUA'ULA PARTNERS, LLC, submitting an annual compliance report in accordance with Condition 29 of Ordinance No. 3554, establishing Kihei-Makena Project District 9 (Wailea 670) Conditional zoning for approximately 670 acres situated at Paehu, Palauea, Keauhou, Hawaii. (Honua'ula Project).

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 27 (2014) - "A BILL FOR AN ORDINANCE AMENDING SECTION 13.04.020, MAUI COUNTY CODE, TO AMEND THE DEFINITION OF OCEAN RECREATIONAL ACTIVITY BY ADDING TO THE LIST OF ACTIVITIES TO BE INCLUDED"

BILL NO. 28 (2014) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 12.40, MAUI COUNTY CODE, TO RENAME THE EDDIE TAM COMPLEX FIELD #6 IN MAKAWAO TO THE WILLIAM 'BLEE' AMORAL SR. FIELD"

BILL NO. 30 (2014) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 12.40, MAUI COUNTY CODE, TO RENAME THE KAHULUI POOL IN KAHULUI TO THE COACH SPENCER SHIRAIISHI MEMORIAL POOL"

L. UNFINISHED BUSINESS:**COUNTY COMMUNICATIONS:**

NO. 14-84 - DIRECTOR OF FINANCE, transmitting 88 contracts/grants for February 2014.

ORDINANCES - SECOND AND FINAL READING:

BILL NO. 26 (2014) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 14.07, MAUI COUNTY CODE, RELATING TO WATER SYSTEM DEVELOPMENT FEES"

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.