

COUNCIL OF THE COUNTY OF MAUI

RECEIVED

2014 SEP 26 PM 2: 58

A G E N D A

Regular Meeting of October 3, 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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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 DON S. GUZMAN
 - C. PLEDGE OF ALLEGIANCE
 - D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. _____ - "CONGRATULATING AND HONORING MAUI COUNTY COUNCILMEMBER RIKI HOKAMA ON HIS ELECTION AS PRESIDENT OF THE NATIONAL ASSOCIATION OF COUNTIES"

NO. _____ - "CONGRATULATING HAWAIIAN CANOE CLUB FOR WINNING THE 2014 HAWAIIAN CANOE RACING ASSOCIATION STATE CHAMPIONSHIP, AAAA DIVISION"

NO. _____ - "RECOGNIZING THE MONTH OF OCTOBER 2014 AS DOMESTIC VIOLENCE AWARENESS MONTH IN MAUI COUNTY"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

Regular Meeting of July 22, 2014
Regular Meeting of August 1, 2014
Regular Meeting of August 19, 2014

H. COMMITTEE REPORTS:

NO. 14-117 - BUDGET AND FINANCE COMMITTEE:

Recommending **ADOPTION** of resolution to approve the acquisition of seven lots in the Maui Business Park II at Kahului, Maui, Hawaii and accepting the dedication of approximately 29.36 acres in Paia, Maui, Hawaii.

NO. 14-118 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FILING** of communication relating to the transfer of appropriations from Countywide Costs, Fringe Benefits to the following departments: (1) Department of the Corporation Counsel, (2) Department of Finance, (3) Department of Fire and Public Safety, (4) Department of Housing and Human Concerns, (5) Department of Management, (6) Office of the Mayor, (7) Department of Police, (8) Department of the Prosecuting Attorney, and (9) Department of Public Works; and
2. **FILING** of communication relating to the transfer of appropriations from Countywide Costs, Fringe Benefits to the following: (1) Department of Police, (2) Department of Fire and Public Safety, (3) Department of Parks and Recreation – General Fund, (4) Department of Parks and Recreation – Golf Fund, and (5) Department of Environmental Management – Solid Waste Fund.

H. COMMITTEE REPORTS (continued):NO. 14-119 - ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE AND RECREATION COMMITTEE:

Recommending **FILING** of communication relating to an evaluation of the Maui Community Correctional Center Work Line Program.

NO. 14-120 - HOUSING, HUMAN SERVICES, AND TRANSPORTATION COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to authorize the grant of a lease of two parcels of real property, identified as TMK: (2) 2-5-004:005 (por.) and (2) 2-5-004:006, Makawao, Hawaii, to Maui Youth and Family Services, Inc.; and
2. **FILING** of communication.

NO. 14-121 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to convert the mauka intersection of Haiku Road and Kauhikoa Road in Haiku, Maui, Hawaii, from a two-way to a four-way stop; and
2. **FILING** of communication.

NO. 14-122 - LAND USE COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving the Hale Mahaolu Ewalu Senior Residential Housing Project, on approximately four acres in Kulamalu, Pukalani, Maui, Hawaii (TMKs: (2) 2-3-066:019 and (2) 2-3-066:020), pursuant to Sections 201H-38 and 201H-44, Hawaii Revised Statutes;
2. **FILING** of resolution approving with modification the Hale Mahaolu Ewalu Senior Residential Housing Project, pursuant to Sections 201H-38 and 201H-44, Hawaii Revised Statutes; and
3. **FILING** of resolution disapproving the Hale Mahaolu Ewalu Senior Residential Housing Project, pursuant to Section 201H-38, Hawaii Revised Statutes.

NO. 14-123 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution approving the appointment of Paul Wickman to the Council on Aging, for a term expiring on March 31, 2016.

H. COMMITTEE REPORTS (continued):

NO. 14-124 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution indemnifying Gary Yabuta, the former Chief of Police, in Marvin Kalani Miles v. Maui Police Chief Gary Yabuta, et al., Civil 14-00278 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.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

- NO. 14-237 - DIRECTOR OF FINANCE, transmitting 58 contracts/grants for July 2014.
- NO. 14-238 - PROSECUTING ATTORNEY, transmitting a copy of a grant award letter from the U.S. Department of Justice, for the Edward Byrne Memorial Justice Assistance Grant in the amount of \$67,060.
- NO. 14-239 - MAYOR, informing of a vacancy on the Maui County Commission on Persons with Disabilities due to the passing of Mary-Doreen Alborano.
- NO. 14-240 - MAYOR, informing of a vacancy on the Committee on the Status of Women due to the resignation of Calmentina Gomes.
- NO. 14-241 - DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply water use report for July 2014, and copies of water use reports received from Hawaiian Commercial and Sugar Company and Wailuku Water Company for the same period.
- NO. 14-242 - COUNCILMEMBER VICTORINO, relating to the delegation from Fukuyama City in recognition of the 6th Anniversary of the Sister City Relationship with the County of Maui.
- NO. 14-243 - COUNCILMEMBER VICTORINO, relating to Council Member's report on the Kula Community Association meeting, held on September 17, 2014, at the Kula Community Center.
- NO. 14-244 - COUNCILMEMBER WHITE, relating to Council Member's report on the Maui Disability Alliance Legislative Forum, held on September 24, 2014, at the University of Hawaii Maui College.

1. COUNTY COMMUNICATIONS (continued):

NO. 14-245 - CHAIR, POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE, transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF STEPHEN RONALD FERGUSON AS A MEMBER OF THE LANAI PLANNING COMMISSION".

NO. 14-246 - BUDGET DIRECTOR, transmitting the following proposed bills entitled:

1. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; WAILUKU-KAHULUI COMMUNITY PLAN AREA, GOVERNMENT FACILITIES, COUNTY SERVICE CENTER; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"; and
2. "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4130, BILL NO. 34 (2014), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI (COUNTY SERVICE CENTER)".

NO. 14-247 - COUNCILMEMBER COUCH, relating to real property use classifications for planned developments with allowed transient vacation rentals.

NO. 14-248 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed resolution entitled "AUTHORIZING THE ACCEPTANCE OF ACCESS EASEMENT AT WAINEE STREET, LAHAINA, ISLAND AND COUNTY OF MAUI, STATE OF HAWAII".

NO. 14-249 - COUNCILMEMBER WHITE, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 10.48.040, MAUI COUNTY CODE, RELATING TO STOPPING, STANDING AND PARKING ON ALENUI STREET AND LANA STREET, KUAU".

NO. 14-250 - COUNCIL CHAIR BAISA, relating to the matter of illegal vacation rental accommodations.

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

- BILL NO. 66 (2014) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF PARKS AND RECREATION, ADMINISTRATION PROGRAM; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"
- BILL NO. 67 (2014) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2015 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)"
- BILL NO. 68 (2014) - "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4130, BILL NO. 34 (2014), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI (MAUI BUSINESS PARK II LAND ACQUISITION)"
- BILL NO. 69 (2014) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, MAUI COUNTY CODE, RELATING TO THE COMPOSITION OF THE REAL PROPERTY TAX REVIEW BOARD"

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.