

COUNCIL OF THE COUNTY OF MAUI

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A G E N D A

Regular Meeting of January 16, 2015
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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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 RESOLUTIONSE. CEREMONIAL RESOLUTIONS:

NONE.

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

Regular Meeting of November 21, 2014

H. COMMITTEE REPORTS:

NONE.

I. COMMUNICATIONS:1. COUNTY COMMUNICATIONS:

NO. 15-7 - PROSECUTING ATTORNEY, transmitting a copy of a grant award letter from the Department of the Attorney General, State of Hawaii, for the Special Needs Advocacy Project.

NO. 15-8 - DIRECTOR OF FINANCE, reporting on transfers from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of November 30, 2014.

NO. 15-9 - DIRECTOR OF PUBLIC WORKS, transmitting the annual report on new utility poles approved for installation by the Director of Public Works for calendar year 2014.

NO. 15-10 - ACTING MAYOR, informing of the appointment of Heather Heath (replacing Kalani Ho-Nikaido) to the Maui County Arborist Committee.

NO. 15-11 - DIRECTOR OF WATER SUPPLY, transmitting copies of the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending December 2014.

NO. 15-12 - COUNCIL CHAIR WHITE, relating to Council Member's report on the West Maui Taxpayers Association annual meeting, held on January 8, 2015, at the Lahaina Civic Center.

1. COUNTY COMMUNICATIONS (continued):

- NO. 15-13 - COUNCIL CHAIR WHITE, transmitting a proposed resolution entitled "RESCHEDULING THE COUNCIL'S FEBRUARY 20, 2015 MEETING".
- NO. 15-14 - COUNCIL CHAIR WHITE, relating to matters from the 2013-2015 Council term that were referred to the Council Chair for the 2015-2017 term at the Council meetings of December 5, 2014, and December 19, 2014.
- NO. 15-15 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; OFFICE OF THE MAYOR, ECONOMIC DEVELOPMENT PROGRAM; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)" along with the "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2015".
- NO. 15-16 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed resolution entitled "AUTHORIZING THE GRANTING OF A NON-EXCLUSIVE EASEMENT FOR UNDERGROUND PRIVATE WATERLINE PURPOSES TO MAUI LAND & PINEAPPLE COMPANY, INC.".
- NO. 15-17 - DIRECTOR OF PUBLIC WORKS, 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 IMPLEMENTATION OF COUNTY FEDERAL-AID HIGHWAY PROJECTS AND PROGRAMS, AND TO INDEMNIFY THE STATE OF HAWAII UNDER CERTAIN LIMITED CIRCUMSTANCES".
- NO. 15-18 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 20.35, MAUI COUNTY CODE, RELATING TO OUTDOOR LIGHTING STANDARDS".
- NO. 15-19 - COUNCIL CHAIR WHITE, relating to the review and enforcement of Chapter 16.13, Maui County Code, Commercial Signs.
- NO. 15-20 - COUNCILMEMBER GUZMAN, relating to a proposed leach field at Kapueokahi Bay.

1. COUNTY COMMUNICATIONS (continued):

NO. 15-21 - PLANNING DIRECTOR, relating to an application submitted by Krausz Companies Inc., transmitting copies of documents and two proposed bills entitled:

1. "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 2641 (1998), THE KIHEI-MAKENA COMMUNITY PLAN AND LAND USE MAP FROM BUSINESS/COMMERCIAL (B) TO HOTEL (H) FOR TAX MAP KEY NUMBER (2) 3-9-002:030 (POR.), AND TO ALLOW A HEIGHT LIMIT OF SIXTY (60) FEET ON A PORTION OF TAX MAP KEY NUMBER (2) 3-9-002:076, KIHEI, MAUI, HAWAII, FOR THE PROPOSED DOWNTOWN KIHEI PROJECT"; and
2. "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-3 RESIDENTIAL TO H-M HOTEL DISTRICT, FROM R-3 RESIDENTIAL DISTRICT TO B-2 COMMUNITY BUSINESS DISTRICT, FROM R-3 RESIDENTIAL DISTRICT TO OS-1 OPEN SPACE DISTRICT, FROM R-3 RESIDENTIAL DISTRICT TO B-2 COMMUNITY BUSINESS DISTRICT, FROM R-3 RESIDENTIAL TO OS-1 OPEN SPACE DISTRICT, FROM R-3 RESIDENTIAL DISTRICT TO B-2 COMMUNITY BUSINESS DISTRICT FOR TAX MAP KEY NUMBERS (2) 3-9-002:030, (2) 3-9-002:076, (2) 3-9-002:080, AND (2) 3-9-002:158, PROPERTY SITUATED AT KIHEI, MAUI, HAWAII, FOR THE PROPOSED DOWNTOWN KIHEI PROJECT".

NO. 15-22 - MAYOR, transmitting a draft resolution entitled "APPOINTMENT OF A MEMBER TO THE AFFIRMATIVE ACTION ADVISORY COUNCIL" submitting the nomination of Diana DeLouise (replacing Dorothy Buck) to the Affirmative Action Advisory Council.

NO. 15-23 - MAYOR, transmitting a draft resolution entitled "APPOINTMENT OF A MEMBER TO THE PUBLIC WORKS COMMISSION FOR TERM ENDING ON MARCH 31, 2019" submitting the nomination of Cynthia Santiago (replacing June Davis) to the Public Works Commission.

NO. 15-24 - MAYOR, transmitting a draft resolution entitled "APPOINTMENT OF A MEMBER TO THE PUBLIC WORKS COMMISSION FOR TERM ENDING ON MARCH 31, 2016" submitting the nomination of Flordeline Vila (replacing Alan Fernandez) to the Public Works Commission.

NO. 15-25 - ACTING MAYOR, transmitting a draft resolution entitled "APPOINTMENT OF A MEMBER TO THE COUNCIL ON AGING" submitting the nomination of Valerie Janikowski (replacing Garrett Toma) to the Council on Aging.

1. COUNTY COMMUNICATIONS (continued):

NO. 15-26 - MAYOR, transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF PATRICK K. WONG AS THE CORPORATION COUNSEL".

NO. 15-27 - MAYOR, transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF JOHN D. KIM AS THE PROSECUTING ATTORNEY".

NO. 15-28 - MAYOR, transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF DAVID TAYLOR AS THE DIRECTOR OF THE DEPARTMENT OF WATER SUPPLY".

NO. 15-29 - DIRECTOR OF WATER SUPPLY, 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 HONOLULU BOARD OF WATER SUPPLY".

NO. 15-30 - BOARD OF REVIEW, transmitting a copy of the 2014 Annual Report of the Real Property Assessment Division, Board of Review.

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 87 (2014) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2015 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 PUBLIC WORKS (MAUI TIMESHARE VENTURE, LLC)"

BILL NO. 88 (2014) - "A BILL FOR AN ORDINANCE TO AMEND ORDINANCE NO. 3737 (2010), RELATING TO EXCEPTIONAL TREES IN THE COUNTY OF MAUI, BY DELETING ITEM M-1, A MORETON BAY FIG LOCATED AT THE OLD BALDWIN MANOR"

K. ORDINANCES - SECOND AND FINAL READING (continued):

- BILL NO. 89 (2014) - "A BILL FOR AN ORDINANCE TO AMEND ORDINANCE NO. 3737 (2010), RELATING TO EXCEPTIONAL TREES IN THE COUNTY OF MAUI, BY DELETING ONE OF THE TWO TRUE KAMANI TREES LISTED IN ITEM M-17"
- BILL NO. 90 (2014) - "A BILL FOR AN ORDINANCE TO AMEND ORDINANCE NO. 3737 (2010), RELATING TO EXCEPTIONAL TREES IN THE COUNTY OF MAUI, BY DELETING ONE OF THE TWO PODOCARPUS TREES LISTED IN ITEM M-21"
- BILL NO. 91 (2014) - "A BILL FOR AN ORDINANCE TO AMEND ORDINANCE NO. 3737 (2010), RELATING TO EXCEPTIONAL TREES IN THE COUNTY OF MAUI, BY ADDING A STAND OF FOUR MONKEYPOD TREES LOCATED ON SOUTH KIHEI ROAD"
- BILL NO. 92 (2014) - " A BILL FOR AN ORDINANCE TO AMEND ORDINANCE NO. 3737 (2010), RELATING TO EXCEPTIONAL TREES IN THE COUNTY OF MAUI, BY ADDING AN INDIA RUBBER TREE LOCATED ON BALDWIN AVENUE"
- BILL NO. 93 (2014) - "A BILL FOR AN ORDINANCE TO AMEND ORDINANCE NO. 3737 (2010), RELATING TO EXCEPTIONAL TREES IN THE COUNTY OF MAUI, BY ADDING A BERMUDA JUNIPER LOCATED ON BALDWIN AVENUE"
- BILL NO. 94 (2014) - "A BILL FOR AN ORDINANCE TO AMEND ORDINANCE NO. 3737 (2010), RELATING TO EXCEPTIONAL TREES IN THE COUNTY OF MAUI, BY ADDING AN OHIA TREE LOCATED IN THE WAIKAMOI PRESERVE"
- BILL NO. 95 (2014) - "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)"
- BILL NO. 96 (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 (COUNTY SERVICE CENTER)"

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.