

RECEIVED

COUNCIL OF THE COUNTY OF MAUI

2015 JAN 30 PM 3:00

A G E N D A

Regular Meeting of February 6, 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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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 STACY CRIVELLO
- C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONSE. CEREMONIAL RESOLUTIONS:

NONE.

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

Regular Meeting of December 5, 2014
Regular Meeting of December 19, 2014

H. COMMITTEE REPORTS:NO. 15-1 - LAND USE COMMITTEE:

Recommending the **FILING** of communication relating to a Change in Zoning application submitted by Maria Kato for the Kato Commercial Center at 1156 and 1164 South Kihei Road and 12 Nohokai Street, Kihei, Maui, Hawaii.

NO. 15-2 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill granting a request from Hawaiian Cement for a 20-year Conditional Permit to allow the continued operation of a concrete batching plant on 1.182 acres located in Honokowai, Lahaina, Maui; and
2. **FILING** of communication.

NO. 15-3 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving the appointment of Diana DeLouise to the Affirmative Action Advisory Committee, for a term expiring March 31, 2018;
2. **ADOPTION** of resolution approving the appointment of Valerie Janikowski to the Council on Aging, for a term expiring March 31, 2019; and
3. **FILING** of communications.

H. COMMITTEE REPORTS (continued):NO. 15-4 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving the appointment of Flordeline Vila to the Public Works Commission, for a term expiring March 31, 2016; and
2. **FILING** of communication.

NO. 15-5 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving the appointment of Patrick K. Wong as the Corporation Counsel;
2. **FILING** of correspondence dated January 16, 2015, from the Department of the Corporation Counsel, transmitting a resolution disapproving the appointment of Patrick K. Wong as the Corporation Counsel; and
3. **FILING** of communication.

With reference to this agenda item, one or more executive meetings are anticipated pursuant to 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.

NO. 15-6 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving the appointment of David Taylor as the Director of Water Supply;
2. **FILING** of correspondence dated January 16, 2015, from the Department of the Corporation Counsel, transmitting a resolution disapproving the appointment of David Taylor as the Director of Water Supply; and
3. **FILING** of communication.

With reference to this agenda item, one or more executive meetings are anticipated pursuant to 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.

H. COMMITTEE REPORTS (continued):

NO. 15-7 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution amending the Rules of the Council.

NO. 15-8 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **FILING** of correspondence dated February 11, 2014, from Councilmember Riki Hokama, relating to amending the Rules of the Council regarding oral testimony.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 15-31 - DIRECTOR OF FINANCE, transmitting 33 contracts/grants for November 2014.

NO. 15-32 - DIRECTOR OF FINANCE, reporting on transfers from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of December 31, 2014.

NO. 15-33 - DIRECTOR OF FINANCE, transmitting two reports on settlement of claims as of September 30, 2014.

NO. 15-34 - ACTING MAYOR, informing of a vacancy on the Board of Ethics due to the resignation of Lilah Inaba.

NO. 15-35 - DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply water use report for October 2014, and copies of water use reports received from Hawaiian Commercial and Sugar Company and Wailuku Water Company for the same period.

NO. 15-36 - COUNCIL CHAIR WHITE, transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF COUNCIL VICE-CHAIR DON S. GUZMAN AS A MEMBER OF THE KULA AGRICULTURAL PARK COMMITTEE".

NO. 15-37 - 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 APPENDIX A, PART I, GRANT REVENUE – SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, OFFICE OF THE MAYOR (HAWAII STATE ENERGY OFFICE)".

1. COUNTY COMMUNICATIONS (continued):

- NO. 15-38 - 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 APPENDIX A, PART I, GRANT REVENUE – SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF PUBLIC WORKS (FEDERAL HIGHWAY ADMINISTRATION/INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT (ISTEA) HIGHWAY AND OTHER TRANSPORTATION GRANTS)".
- NO. 15-39 - COUNCILMEMBER HOKAMA, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, MAUI COUNTY CODE, RELATING TO REAL PROPERTY TAX".
- NO. 15-40 - COUNTY AUDITOR, transmitting the County of Maui's Comprehensive Annual Financial Report (CAFR) for the Fiscal Year Ended June 30, 2014.
- NO. 15-41 - COUNCIL CHAIR WHITE, relating to the Fiscal Year 2016 Budget.
- NO. 15-42 - COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MANAGER, transmitting a proposed resolution entitled "AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM", and related documents.
- NO. 15-43 - BUDGET DIRECTOR, transmitting a proposed resolution entitled "AUTHORIZING THE TRANSFER OF AN UNENCUMBERED APPROPRIATION BALANCE WITHIN THE DEPARTMENT OF FINANCE FISCAL YEAR 2015 BUDGET".
- NO. 15-44 - DIRECTOR OF FINANCE, transmitting a report of short term investments for the quarter ended December 31, 2014.
- NO. 15-45 - DIRECTOR OF FINANCE, transmitting a proposed resolution entitled "AUTHORIZING THE DISPOSITION OF GOVERNMENT REMNANT PARCEL HUI ROAD "G" SITUATED AT NAPILI, MAUI, HAWAII, PURSUANT TO CHAPTER 3.44, MAUI COUNTY CODE".
- NO. 15-46 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed resolution entitled "AUTHORIZING THE GRANTING OF AN EASEMENT TO WARMENHOVEN SPIRIT TRUST".

1. COUNTY COMMUNICATIONS (continued):

NO. 15-47 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed resolution entitled "AUTHORIZING THE EXCHANGE OF REAL PROPERTY SITUATED AT KAUPILI ROAD, ISLAND OF LANAI, COUNTY OF MAUI, STATE OF HAWAII, PURSUANT TO SECTION 3.44.060, MAUI COUNTY CODE".

NO. 15-48 - DIRECTOR OF ENVIRONMENTAL MANAGEMENT, transmitting a copy of the "COUNTY OF MAUI, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, WASTEWATER RECLAMATION DIVISION, USEPA/DOH CONSENT DECREE, QUARTERLY PROGRESS REPORT #62, OCTOBER 2014 THROUGH DECEMBER 2014".

NO. 15-49 - COUNCILMEMBER COCHRAN, transmitting a proposed resolution entitled "URGING THE MAYOR AND THE DIRECTOR OF PARKS AND RECREATION TO ENTER INTO A SUPPLEMENTAL AGREEMENT WITH THE HAWAII GOVERNMENT EMPLOYEES ASSOCIATION TO COMPENSATE OCEAN SAFETY EMPLOYEES FOR WATER CRAFT OPERATIONS".

NO. 15-50 - DIRECTOR OF WATER SUPPLY, transmitting a draft bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, TO ESTABLISH A WELLHEAD PROTECTION OVERLAY DISTRICT".

2. GENERAL COMMUNICATIONS:

NO. 15-1 - MARK ALEXANDER ROY, MUNEKIYO & HIRAGA, INC., submitting a copy of the "ANNUAL COMPLIANCE REPORT, CHANGE IN ZONING CONDITIONS FOR MAKENA RESORT AREA, JANUARY 5, 2015" in accordance with Condition 22 of Ordinance No. 3613.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

NONE.

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.