

COUNCIL OF THE COUNTY OF MAUI

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2015 APR 28 PM 3:35

AGENDA

Regular Meeting of May 5, 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 may be allowed to speak for three minutes on each item. If approved by the presiding officer and announced prior to any oral testimony being taken, 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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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.

A. ROLL CALL

B. OPENING REMARKS: COUNCILMEMBER RIKI HOKAMA

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONSE. CEREMONIAL RESOLUTIONS:

NO. _____ - "CONGRATULATING SEDONA ESTOMO, HAWAII'S 2015 BOYS & GIRLS CLUBS 'YOUTH OF THE YEAR'"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

Regular Meeting of February 18, 2015
Special Meeting of March 3, 2015
Regular Meeting of March 6, 2015
Special Meeting of March 30, 2015

H. COMMITTEE REPORTS:

NO. 15-43 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing the transfer, within the Fiscal Year 2015 Budget for the Department of Environmental Management, Solid Waste Management Fund, of the following unencumbered appropriations: (1) \$150,000 from the Solid Waste Administration Program – Solid Waste Management Fund, Administrative Overhead Charge, to the Solid Waste Operations Program – Solid Waste Management Fund; and (2) \$70,000 from the Solid Waste Administration Program – Solid Waste Management Fund, Contribution to General Fund – Employees' Retirement System (ERS) and Federal Insurance Contributions Act (FICA) to the Solid Waste Operations Program – Solid Waste Management Fund, to address projected budgetary shortfalls; and
2. **FILING** of communication.

NO. 15-44 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2015 Budget by (1) increasing Carryover/Savings in the General Fund by \$2,305,000; and (2) amending Section 3.B.4.f., Department of Finance, Countywide Costs, by increasing the appropriation for the Transfer to the Post-Employment Obligations Fund by \$2,305,000, from \$13,000,000 to \$15,305,000;

H. COMMITTEE REPORTS (continued):

2. **FIRST READING** of bill to amend the Fiscal Year 2015 Budget, Appendix A, Part II, Special Purpose Revenues – Schedule of Revolving/Special Funds for Fiscal Year 2015 as it pertains to the Post-Employment Obligations Fund, by: (1) decreasing the Estimated Balance as of June 30, 2014, by \$97,222,413; (2) increasing the Anticipated Revenues for FY 2015 by \$2,305,000; (3) decreasing the Total for FY 2015 by \$94,917,413; and (4) adding a proviso that \$15,305,000 shall be disbursed to the Hawaii Employer-Union Health Benefits Trust Fund ("EUTF") for payment of the County's post-employment benefit obligations; and
3. **FILING** of communication.

NO. 15-45 - COMMITTEE OF THE WHOLE:

Recommending **FILING** of correspondence dated April 10, 2015, from the Department of the Corporation Counsel, requesting consideration of the possible settlement of Stratford Goodhue and Doreen Goodhue v. County of Maui, et al., Civil 14-00006 ACK/KSC.

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)(8), Hawaii Revised Statutes, to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order.

NO. 15-46 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill granting a request from the Planning Director, on behalf of Newport Hospital Corporation, for an amendment to the text of the West Maui Community Plan to allow for industrial, business, and healthcare uses in the 310-acre West Maui Project District 3 (Kaanapali-North Beach Mauka);
2. **FIRST READING** of bill granting a request from the Planning Director, on behalf of Newport Hospital Corporation, for a District Boundary Amendment from Agricultural to Urban for approximately 14.99 acres located along Kakaalaneo Drive, mauka of its intersection with Honoapiilani Highway, Honokowai, Maui, Hawaii, TMK: (2) 4-4-002:052, to facilitate the development of the proposed West Maui Hospital and Medical Center;

H. COMMITTEE REPORTS (continued):

3. **FIRST READING** of bill granting a request from the Planning Director, on behalf of Newport Hospital Corporation, to establish permissible land uses and development standards for a 14.99-acre health and wellness district within the 310-acre West Maui Project District 3 (Kaanapali-North Beach Mauka);
4. **FIRST READING** of bill granting a request from the Planning Director, on behalf of Newport Hospital Corporation, for a Change in Zoning from R-3 Residential District to West Maui Project District 3 (Kaanapali-North Beach Mauka) for approximately 14.99 acres located along Kakaalaneo Drive, mauka of its intersection with Honoapiilani Highway, Honokowai, Maui, Hawaii, TMK: (2) 4-4-002:052, to facilitate the development of the proposed West Maui Hospital and Medical Center;
5. **RECORDATION** of the unilateral agreement; and
6. **FILING** of communication.

NO. 15-47 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill granting a request from the Planning Director, on behalf of Newport Hospital Corporation, for a Community Plan Amendment from Public/Quasi-Public to Agriculture for approximately 14.95 acres at Lahaina, Maui, Hawaii, TMK: (2) 4-4-006:070 (por.) ("property"), because the property will no longer be used for the proposed West Maui hospital;
2. **FIRST READING** of bill granting a request from the Planning Director, on behalf of Newport Hospital Corporation, for a District Boundary Amendment from Urban to Agricultural for the property because it will no longer be used for the proposed West Maui hospital;
3. **FIRST READING** of bill granting a request from the Planning Director, on behalf of Newport Hospital Corporation, for a Change in Zoning from P-1 Public/Quasi-Public District to Agricultural District for the property because it will no longer be used for the proposed West Maui hospital; and
4. **FILING** of communication.

H. COMMITTEE REPORTS (continued):

NO. 15-48 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution approving the appointment of Jarrett Wong to the Maui County Cultural Resources Commission, for a term expiring on March 31, 2020.

NO. 15-49 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution approving the appointments of Juanita Reyher-Colon and Max Kincaid Jr. to the Board of Variances and Appeals, for terms expiring on March 31, 2020.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 15-118 - DIRECTOR OF FINANCE, transmitting the Fiscal Year 2015-2016 certification of the net taxable real property valuations within the County of Maui.

NO. 15-119 - DIRECTOR OF PARKS AND RECREATION, transmitting the semiannual report regarding park dedications for each community plan area for the period of October 1, 2014 through March 31, 2015.

NO. 15-120 - MAYOR, informing of a vacancy on the Cultural Resources Commission due to the resignation of Gaylord C. Kubota.

NO. 15-121 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES - SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2015, ECONOMIC DEVELOPMENT REVOLVING FUND".

NO. 15-122 - DIRECTOR OF FINANCE, reporting on transfers from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of February 28, 2015.

NO. 15-123 - DIRECTOR OF FINANCE, transmitting a report of short term investments for the quarter ended March 31, 2015.

1. COUNTY COMMUNICATIONS (continued):

- NO. 15-124 - DIRECTOR OF PERSONNEL SERVICES, informing of the abolishment of positions in various County departments.
- NO. 15-125 - PRESIDING OFFICER PRO TEMPORE VICTORINO, transmitting a proposed resolution entitled "AUTHORIZING THE COUNCIL CHAIR TO CONTRACT FOR A PERFORMANCE AUDIT OF THE DEPARTMENT OF THE PROSECUTING ATTORNEY".
- NO. 15-126 - PRESIDING OFFICER PRO TEMPORE VICTORINO, transmitting a proposed resolution entitled "REQUESTING MAUI COUNTY'S CONGRESSIONAL DELEGATION TO SUPPORT AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES TO PERMIT CONGRESS AND THE STATES TO REGULATE THE INFLUENCE OF CORPORATE POWER ON THE POLITICAL SYSTEM".
- NO. 15-127 - EMERGENCY MANAGEMENT OFFICER, transmitting a proposed resolution entitled "APPROVING THE SITING OF SIRENS IN MAUI COUNTY RELATING TO THE HAWAII STATE EMERGENCY OUTDOOR SIREN WARNING SYSTEM".

2. GENERAL COMMUNICATIONS:

- NO. 15-3 - 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. 15 (2015) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; WEST MAUI COMMUNITY PLAN AREA, PARKS AND RECREATION, MOKUHINIA ECOSYSTEM RESTORATION PROJECT; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

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

BILL NO. 16 (2015) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF FINANCE, DEPARTMENT OF PUBLIC WORKS, AND DEPARTMENT OF WATER SUPPLY; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

BILL NO. 17 (2015) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, DEPARTMENT OF FINANCE, DEPARTMENT OF PARKS AND RECREATION, DEPARTMENT OF PUBLIC WORKS, AND DEPARTMENT OF WATER SUPPLY; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

BILL NO. 18 (2015) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF FIRE AND PUBLIC SAFETY; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

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.