

**COUNCIL OF THE COUNTY OF MAUI**

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**A G E N D A**

Regular Meeting of July 7, 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](mailto:county.clerk@mauicounty.us)

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**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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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.

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- A. ROLL CALL
  
  - B. OPENING REMARKS: COUNCILMEMBER ROBERT CARROLL
  
  - C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. \_\_\_\_\_ - "CONGRATULATING THE LAHAINALUNA HIGH SCHOOL GIRLS WRESTLING TEAM"

NO. \_\_\_\_\_ - "CONGRATULATING THE LAHAINALUNA HIGH SCHOOL BOYS WRESTLING TEAM"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

Regular Meeting of May 5, 2015  
Public Hearing of May 15, 2015 (Fuel Tax)  
Public Hearing of May 15, 2015 (Vehicle Weight Tax)

H. COMMITTEE REPORTS:

NO. 15-61 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to approve the cost items for Supervisory Blue Collar Employees included within Bargaining Unit 2 represented by the Hawaii Government Employees Association union, for Fiscal Years 2016 and 2017;
2. **ADOPTION** of resolution to approve the cost items for Non-Supervisory White Collar Employees included within Bargaining Unit 3, and Supervisory White Collar Employees included within Bargaining Unit 4, all of whom are represented by the Hawaii Government Employees Association union, for Fiscal Years 2016 and 2017;
3. **ADOPTION** of resolution to approve the cost items for Non-Supervisory White Collar Employees excluded from Bargaining Unit 3, and Supervisory White Collar Employees excluded from Bargaining Unit 4, all of whom are represented by the Hawaii Government Employees Association union, for Fiscal Years 2016 and 2017; and
4. **FILING** of communications.

H. COMMITTEE REPORTS (continued):NO. 15-62 - ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to authorize the grant of a 14-year lease, for \$100 a year, of County recreational space consisting of approximately 6,470 square feet at Kanaha Beach Park, identified as TMK: (2) 3-8-001:119 (por.), in Kahului, Maui, Hawaii, to Lae'ula O Kai, a nonprofit organization, for the purposes of perpetuating Hawaiian cultural practices and other related canoe club activities; and
2. **FILING** of communication.

NO. 15-63 - HOUSING, HUMAN SERVICES, AND TRANSPORTATION COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Chapter 2.96, Maui County Code, relating to the Residential Workforce Housing Policy credits and foreclosures;
2. **FIRST READING** of bill amending Chapter 2.96, Maui County Code, relating to the Residential Workforce Housing Policy and Chapter 201H, Hawaii Revised Statutes, projects; and
3. **FILING** of communication.

NO. 15-64 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution granting Haleakala Ranch Company, Kaonoulu Ranch LLLP, and Maui Land & Pineapple Company, Inc. non-exclusive easements for private waterline purposes, affecting Piihola Road, Olinda Road, and Hanamu Road, Makawao, Maui, Hawaii; and
2. **FILING** of communication.

NO. 15-65 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution granting Maui Land & Pineapple Company, Inc. two non-exclusive easements for private waterline purposes, affecting Makawao Avenue and Makani Road, Makawao, Maui, Hawaii; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 15-66 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution accepting from Peahi Hui LLC, roadway lots containing Hookili Road and Leleaka Place (Lots 3-T, 3-U, and 3-W), and a road-widening lot affecting Kekoanui Place (Lot 3-V), located within the Peahi Hui Land Subdivision, Haiku, Maui, Hawaii; and
2. **FILING** of communication.

NO. 15-67 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution accepting from Lanai Resorts, LLC, a sewerline easement containing an existing 8-inch sewerline and sewer manhole, located adjacent to the Lāna`i Culture & Heritage Center, 730 Lanai Avenue, Lanai City, Lanai, Hawaii; and
2. **FILING** of communication.

NO. 15-68 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution accepting from The Maui Lani Community Association, roadway lots in Kahului, Maui, Hawaii, comprising portions of Kamehameha Avenue between Meheu Street and Kuualoha Street (Lots 11-D-1-A-6, 11-D-1-A-7, 76, and 77), portions of Maui Lani Parkway between Kamehameha Avenue and Kuihelani Highway (Lots 11-D-1-A-8 and 11-C-5), and the intersection of Kamehameha Avenue and Maui Lani Parkway (Lot 11-C-4); and
2. **FILING** of communication.

NO. 15-69 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving water source development agreement granting certain source and transmission credits to RCFC Kehalani, LLC, in exchange for development of a new water well and appurtenances constructed at the sole cost of the RCFC Kehalani, LLC, and dedicated to the County; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 15-70 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution approving the appointment of Timothy Bailey to the Maui County Cultural Resources Commission for a term expiring on March 31, 2017.

NO. 15-71 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill authorizing the Mayor to enter into an intergovernmental agreement with the Hawaii Employer-Union Health Benefits Trust Fund ("EUTF") for a confidentiality agreement to continue to receive monthly reports containing information EUTF views as protected by the Health Insurance Portability and Accountability Act; and
2. **FILING** of communication.

I. COMMUNICATIONS:1. COUNTY COMMUNICATIONS:

NO. 15-188 - DIRECTOR OF FINANCE, reporting on transfers from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of May 31, 2015.

NO. 15-189 - CHAIR, COMMITTEE OF THE WHOLE, transmitting the following proposed resolutions entitled:

1. "AUTHORIZING AN INCREASE IN FUNDING RELATED TO THE EMPLOYMENT OF SPECIAL COUNSEL HUNTON & WILLIAMS LLP, IN HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI, CIVIL NO. 12-00198 SOM BMK"; and
2. "AUTHORIZING THE SETTLEMENT IN HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI, CIVIL NO. 12-00198 SOM BMK".

NO. 15-190 - COUNTY AUDITOR, transmitting the plan of audits proposed to be conducted during Fiscal Year 2016.

1. COUNTY COMMUNICATIONS (continued):

- NO. 15-191 - DIRECTOR OF FINANCE, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE AND SPECIFYING CERTAIN TERMS OF NOT TO EXCEED SEVEN MILLION NINE HUNDRED TWENTY-NINE THOUSAND FOUR HUNDRED EIGHTY-FIVE DOLLARS (\$7,929,485) AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS OF THE COUNTY OF MAUI FOR THE PURPOSE OF REFUNDING ALL OR A PART OF CERTAIN OUTSTANDING USDA RURAL DEVELOPMENT LOAN OF THE COUNTY; AUTHORIZING THE DIRECTOR OF FINANCE TO DETERMINE CERTAIN TERMS OF SUCH BONDS; PROVIDING FOR THE RETIREMENT OF THE USDA RURAL DEVELOPMENT LOAN TO BE REFUNDED; AND PROVIDING FOR OTHER ACTIONS RELATED TO THE ISSUANCE, SALE AND DELIVERY OF SAID BONDS".
- NO. 15-192 - COUNCILMEMBER VICTORINO, relating to the public use of County gymnasiums for recreational purposes.
- NO. 15-193 - DIRECTOR OF ENVIRONMENTAL MANAGEMENT, transmitting a proposed resolution entitled "ACCEPTING GRANT OF EASEMENT FOR SEWERLINE PURPOSES FOR THE WAILUKU-KAHULUI FORCE MAIN REPLACEMENT PROJECT, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".
- NO. 15-194 - DIRECTOR OF ENVIRONMENTAL MANAGEMENT, transmitting a proposed resolution entitled "ACCEPTING A GRANT OF EASEMENT FOR SEWERLINE PURPOSES AND SEWER SYSTEM IMPROVEMENTS FOR THE MAUI LANI PHASE 6 SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".
- NO. 15-195 - DIRECTOR OF ENVIRONMENTAL MANAGEMENT, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF SEWERLINE EASEMENT AND SEWER SYSTEM IMPROVEMENTS, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".
- NO. 15-196 - COUNCILMEMBER CARROLL, transmitting a proposed resolution entitled "REFERRING TO THE LANAI, MAUI, AND MOLOKAI PLANNING COMMISSIONS DRAFT BILLS AMENDING CHAPTERS 19.08 AND 19.35, MAUI COUNTY CODE, RELATING TO RESIDENTIAL DISTRICTS AND ACCESSORY DWELLINGS, RESPECTIVELY".

1. COUNTY COMMUNICATIONS (continued):

NO. 15-197 - COUNCIL CHAIR WHITE, transmitting a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO ARTICLE 11, INITIATIVE, REGARDING THE TIME FRAME TO REVIEW SUPPLEMENTAL PETITION SIGNATURES".

2. GENERAL COMMUNICATIONS:

NO. 15-6 - GRANT CHUN, VICE PRESIDENT, MAUI, A&B PROPERTIES, INC., submitting the 2015 Annual Compliance Report in accordance with Condition 3 of Ordinance No. 4146, Kihei Residential Project change in zoning.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 45 (2015) - "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 2641 (1998), THE KIHEI-MAKENA COMMUNITY PLAN AND LAND USE MAP, FROM BUSINESS/COMMERCIAL TO HOTEL FOR TAX MAP KEY NUMBER (2) 3-9-002:030 (POR.), AND TO ALLOW A HEIGHT LIMIT OF SIXTY FEET ON A PORTION OF TAX MAP KEY NUMBER (2) 3-9-002:076, KIHEI, MAUI, HAWAII, FOR THE PROPOSED DOWNTOWN KIHEI PROJECT"

BILL NO. 46 (2015) - "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-3 RESIDENTIAL TO H-M HOTEL DISTRICT, B-2 COMMUNITY BUSINESS DISTRICT, AND OS-1 OPEN SPACE 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, KIHEI, MAUI, HAWAII, FOR THE PROPOSED DOWNTOWN KIHEI PROJECT"  
Draft 1

**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.