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**COUNCIL OF THE COUNTY OF MAUI**

2015 JUL 17 PM 3:43

**A G E N D A**

Regular Meeting of July 24, 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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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 ELLE COCHRAN
- C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. \_\_\_\_\_ - "CONGRATULATING THE 2015 HAWAII ACADEMY OF RECORDING ARTS  
NA HOKU HANO HANO AND LIFETIME ACHIEVEMENT AWARD WINNERS  
FROM MAUI COUNTY"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

Public Hearing of May 26, 2015

H. COMMITTEE REPORTS:

NO. 15-72 - BUDGET AND FINANCE COMMITTEE:

Recommending **FILING** of Contract C5666, between the County of Maui and Cornerstone Environmental Group, LLC, for landfill-related professional services for the Department of Environmental Management, Solid Waste Division.

NO. 15-73 - BUDGET AND FINANCE COMMITTEE:

Recommending **FILING** of Contract C5742, between the County of Maui and A-Mehr Incorporation, for professional services for the preparation of closure and post-closure maintenance plans for the Waikapu, Olowalu, Makani, and Kalamaula closed landfills for the Department of Environmental Management, Solid Waste Division.

NO. 15-74 - BUDGET AND FINANCE COMMITTEE:

Recommending **ADOPTION** of resolution to authorize the Mayor to execute and file an application with the U.S. Department of Housing and Urban Development for a grant of \$1,711,591 under the Community Development Block Grant Program for Program Year 2015 (Fiscal Year 2016).

H. COMMITTEE REPORTS (continued):NO. 15-75 - COMMITTEE OF THE WHOLE:

Recommending **ADOPTION** of resolution to authorize settlement of Coulson Joy v. County of Maui, Disability Compensation Division Case 7-11-01426.

*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. 15-76 - COMMITTEE OF THE WHOLE:

Recommending **ADOPTION** of resolution to authorize settlement of In the Matter of the Grievance Arbitration Between State of Hawaii Organization of Police Officers, on Behalf of Marvin Kalani Miles, and County of Maui, Maui Police Department, SHOPO Case M-2012-004; and Marvin Kalani Miles v. Maui Police Chief Gary Yabuta, et al., Civil 14-1-0345(2).

*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.*

NO. 15-77 - COMMITTEE OF THE WHOLE:

Recommending **ADOPTION** of resolution to authorize settlement of County of Maui v. Michael Baskin, et al., Consolidated Appeals BVAA 2014-0008; Seashore Properties, LLC, et al. v. Rhonda I.L. Loo, SCPW-14-0000773; County of Maui v. Seashore Properties, LLC, et al., Civil 14-1-0064(1); and Michael Baskin, et al. v. County of Maui, Civil 14-1-00194 LEK-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.*

H. COMMITTEE REPORTS (continued):NO. 15-78 - COMMITTEE OF THE WHOLE:

Recommending the following:

1. **ADOPTION** of resolution to authorize settlement of Tremaine Balberdi v. County of Maui, Disability Compensation Division Case 5-14-00322;
2. **ADOPTION** of resolution to authorize settlement of James A.Q. Giroux v. County of Maui, Disability Compensation Division Case 5-14-00345;
3. **ADOPTION** of resolution to authorize settlement of Kathleen Kern v. County of Maui, Disability Compensation Division Case 5-14-00330;
4. **ADOPTION** of resolution to authorize settlement of Mark A. King v. County of Maui, Disability Compensation Division Case 5-14-00348; and
5. **ADOPTION** of resolution to authorize settlement of Douglas Miller v. County of Maui, Disability Compensation Division Case 5-14-00526.

*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. 15-79 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending **FILING** of communication transmitting quarterly progress report (October through December 2014) for wastewater consent decree between the County of Maui and the U.S. Environmental Protection Agency and State Department of Health, filed November 8, 1999.

NO. 15-80 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution accepting donations of real property from Kaanapali Land Management Corp. (Lots 1-A-1-B and 2-B) and A.N.C. Construction, Inc. (Lots 1-A-2, 1-A-3, and 1-A-4), containing portions of Puukoolii Road, Lahaina, Maui, Hawaii; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 15-81 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution accepting Roadway Lot 10 from KLD Holdings, LLC, containing the portion of Eha Street located between the Wailuku Post Office and the Iao Parkside Subdivision, Wailuku, Maui, Hawaii, pursuant to the requirements of the Eha Street Extension Subdivision;
2. **ADOPTION** of resolution accepting Roadway Lots 8, 9, and 35 from Iao Partners, containing the portion of Eha Street located between the Wailuku Parkside Subdivision and the Wailuku Industrial Park Subdivision, and the portion of Waena Street fronting the Velma McWayne Santos Community Center, pursuant to the requirements of the Iao Parkside Subdivision; and
3. **FILING** of communication.

NO. 15-82 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending the hours when one-way conditions are in effect on Ukiu Road, Makawao, Maui, Hawaii; and
2. **FILING** of communication.

NO. 15-83 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill allowing the placement of signs, posters, and other nontransparent materials that do not obstruct the driver's view of the road or intersections, on the side wings, side windows, or rear windows of motor vehicles; and
2. **FILING** of communication.

NO. 15-84 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing the acceptance of a MorphoTrak LiveScan digital fingerprinting, photographing, and imaging machine, valued at \$25,586.38, from the Hawaii Criminal Justice Data Center, to the Department of Police; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 15-85 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing the acceptance of six tablet computers and accessories, valued at \$4,677.96, from the State Department of Health, to the Department of Police; and
2. **FILING** of communication.

NO. 15-86 - WATER RESOURCES COMMITTEE:

Recommending **FILING** of communication relating to the Department of Water Supply auditor's report for Fiscal Years 2013 and 2014.

NO. 15-87 - WATER RESOURCES COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution granting a non-exclusive easement for electrical purposes to Maui Electric Company, Limited, through and under County property located at Honuaula, Wailea, Maui, Hawaii, identified as TMK: (2) 2-1-008:096; and
2. **FILING** of communication.

I. COMMUNICATIONS:1. COUNTY COMMUNICATIONS:

NO. 15-198 - DIRECTOR OF FINANCE, transmitting 51 contracts/grants for the month ending May 2015.

NO. 15-199 - DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending June 2015.

NO. 15-200 - DIRECTOR OF WATER SUPPLY, transmitting the State of Hawaii's Commission on Water Resources Management water use reports for May 2015 for all registered well reporters in the County of Maui.

NO. 15-201 - DIRECTOR OF TRANSPORTATION, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 11, MAUI COUNTY CODE, RELATING TO ADVERTISING INSIDE COUNTY TRANSIT BUSES".

1. COUNTY COMMUNICATIONS (continued):

- NO. 15-202 - DIRECTOR OF FINANCE, transmitting a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL HAWKINS DELAFIELD & WOOD LLP, FOR THE COUNTY OF MAUI 2015 GENERAL OBLIGATION BOND ISSUANCE".
- NO. 15-203 - MAYOR, relating to the purchase of the 267 acre North Shore parcel at Kuiaha (Haiku Sugar East Subdivision).
- NO. 15-204 - COUNCIL CHAIR WHITE, relating to the Haleakala Trail in Upcountry, Maui.
- NO. 15-205 - PRESIDING OFFICER PRO TEMPORE VICTORINO, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 8.20, MAUI COUNTY CODE, RELATING TO PROHIBITING SMOKING AT BUS STOPS".
- NO. 15-206 - COUNCILMEMBER COUCH, relating to "tiny houses" on trailers.

2. GENERAL COMMUNICATIONS:

- NO. 15-7 - KATHRYN S. MATAYOSHI, SUPERINTENDENT, DEPARTMENT OF EDUCATION, STATE OF HAWAII, submitting the 2015 Annual Report in accordance with Condition 3 of Ordinance No. 4135, Kihei High School change in zoning.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

- BILL NO. 47 (2015) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.96, MAUI COUNTY CODE, RELATING TO THE RESIDENTIAL WORKFORCE HOUSING POLICY CREDITS AND FORECLOSURES"
- BILL NO. 48 (2015) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.96, MAUI COUNTY CODE, RELATING TO THE RESIDENTIAL WORKFORCE HOUSING POLICY AND CHAPTER 201H, HAWAII REVISED STATUTES, PROJECTS "

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

BILL NO. 49 (2015) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND, STATE OF HAWAII"

**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.