

COUNCIL OF THE COUNTY OF MAUI

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A G E N D A

Regular Meeting of August 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

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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. _____ - "CONGRATULATING FLECHA TOVAR FOR BEING CROWNED MS. HAWAII AMERICA 2015"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

Regular Meeting of May 26, 2015

H. COMMITTEE REPORTS:

NO. 15-88 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to authorize the issuance, sale, and delivery of general obligation refunding bonds for the purpose of prepaying the United States Department of Agriculture Rural Development Loan for the Kihei Police Station in advance of the loan's maturity date; and
2. **FILING** of communication.

NO. 15-89 - COMMITTEE OF THE WHOLE:

Recommending the following:

1. **ADOPTION** of resolution to authorize the employment of Legal Aid Society of Hawaii as special counsel to provide legal services to qualified individuals, pursuant to Section 3-6(6) of the Revised Charter of the County of Maui (1983), as amended, administered through the Office on Aging, with total compensation for the two-year period not to exceed \$70,000 per year; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 15-90 - COMMITTEE OF THE WHOLE:

Recommending the following:

1. **FILING** of correspondence dated May 18, 2012, from the Department of the Corporation Counsel, relating to the tax appeal of Kaheawa Wind Power, LLC, Tax Appeal 10-1-1246; and
2. **FILING** of correspondence dated June 1, 2015, from the Department of the Corporation Counsel, relating to the tax appeal of Auwahi Wind Energy LLC, Tax Appeal 13-1-0302.

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. 15-91 - ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to allow as accessory uses and special uses within the County Agricultural District, commercial agricultural structures for the display and selling of agricultural products, including value-added agricultural products, subject to appropriate restrictions and standards; and
2. **FILING** of communication.

NO. 15-92 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution accepting sewer line easement encompassing 26,031 square feet from Alexander & Baldwin, LLC, near the intersection of Amala Place and Hobron Avenue, Kahului, Maui, Hawaii; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 15-93 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution accepting sewer line easement encompassing 2.665 acres, a 12-inch sewer line, and related appurtenances from the developers of the Maui Lani Phase 6 Subdivision, also known as The Parkways of Maui Lani in Kahului, Maui, Hawaii; and
2. **FILING** of communication.

NO. 15-94 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution accepting sewer line easement encompassing 15,525 square feet, an eight-inch sewer line, and related appurtenances from RCFC Kehalani, LLC in an area near Wailuku Elementary School, Wailuku, Maui, Hawaii; and
2. **FILING** of communication.

NO. 15-95 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to extend, by three years, the deadline for outdoor lighting fixtures to comply with the County's outdoor lighting standards and to allow the use of different types of streetlights; and
2. **FILING** of communication.

NO. 15-96 - LAND USE COMMITTEE:

Recommending **FILING** of communication relating to a request from Hana Community Health Center, Inc. for a District Boundary Amendment from Agricultural to Rural for 9.501 acres, identified for real property tax purposes as a portion of tax map key (2) 1-4-003:022, and a Change in Zoning from Interim District to P-1 Public/Quasi-Public District for 12.108 acres, identified for real property tax purposes as tax map keys (2) 1-4-003:022 and 024, to allow for the expansion of the existing Hana Community Health Center in Hana, Maui, Hawaii, to be known as the Hana Community Health and Wellness Village.

H. COMMITTEE REPORTS (continued):NO. 15-97 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to grant a request from Ka Lima O Maui, Ltd., for a Change in Zoning from R-3 Residential District to P-1 Public/Quasi-Public District for approximately two acres of County-owned land on Mahalani Street, Wailuku, Maui, Hawaii, identified for real property tax purposes as tax map key (2) 3-8-046:016, to facilitate the renovation of a 2,500-square-foot building, the development of a new office building, and the development of affordable housing; and
2. **FILING** of communication.

I. COMMUNICATIONS:1. COUNTY COMMUNICATIONS:

- NO. 15-207 - DIRECTOR OF FINANCE, transmitting 124 contracts/grants for the month ending June 2015.
- NO. 15-208 - MAYOR, informing of a vacancy on the Civil Service Commission due to the resignation of Carol Reimann.
- NO. 15-209 - DIRECTOR OF WATER SUPPLY, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 14.10.010, MAUI COUNTY CODE, RELATING TO WATER RATES FOR AGRICULTURAL CONSUMERS".
- NO. 15-210 - DIRECTOR OF FINANCE, reporting on transfers from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of June 30, 2015.
- NO. 15-211 - DIRECTOR OF FINANCE, transmitting a report of short term investments for the quarter ended June 30, 2015.
- NO. 15-212 - BUDGET DIRECTOR, transmitting the Budget Implementation Report as of June 30, 2015 (Fiscal Year 2015 Fourth Quarter).

1. COUNTY COMMUNICATIONS (continued):

- NO. 15-213 - DIRECTOR OF PARKS AND RECREATION, transmitting a proposed resolution entitled "AUTHORIZING ACCEPTANCE OF A DONATION OF A BATTING CAGE TO THE DEPARTMENT OF PARKS AND RECREATION, COUNTY OF MAUI, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE".
- NO. 15-214 - DIRECTOR OF PARKS AND RECREATION, transmitting a draft copy of the "MAUI COUNTY PLANTING PLAN, THIRD EDITION".
- NO. 15-215 - COUNCILMEMBER CRIVELLO, transmitting a proposed resolution entitled "REFERRING TO THE MOLOKAI PLANNING COMMISSION A PROPOSED BILL TO CHANGE ZONING FROM INTERIM TO AGRICULTURAL FOR 14.59 ACRES AT KAWELA, MOLOKAI, HAWAII".
- NO. 15-216 - DIRECTOR OF ENVIRONMENTAL MANAGEMENT, transmitting the following proposed bills entitled:
1. "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE U.S. DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE SERVICE, FOR THE SETTLEMENT OF ALLEGED VIOLATIONS AT THE WAILUKU-KAHULUI WASTEWATER RECLAMATION FACILITY"; and
 2. "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE U.S. DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE SERVICE, FOR THE SETTLEMENT OF ALLEGED VIOLATIONS AT THE LANAI WASTEWATER TREATMENT FACILITY".

2. GENERAL COMMUNICATIONS:

- NO. 15-8 - SHARON M. SUZUKI, MAUI ELECTRIC, transmitting the "FIFTEENTH ANNUAL STATUS REPORT" in accordance with Condition No. 6 of Ordinance No. 2879, New Central Maui Generation Site Subdivision, Waena Generating Plant.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 50 (2015) - "A BILL FOR AN ORDINANCE AMENDING THE MAUI TRAFFIC CODE RELATING TO ONE-WAY CONDITIONS ON UKIU ROAD, MAKAWAO, MAUI, HAWAII"

BILL NO. 51 (2015) - "A BILL FOR AN ORDINANCE AMENDING THE MAUI TRAFFIC CODE TO ALLOW SIGNS, POSTERS, AND OTHER NONTRANSPARENT MATERIALS ON VEHICLE WINDOWS"

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.