

COUNCIL OF THE COUNTY OF MAUI

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A G E N D A

Regular Meeting of August 25, 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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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.

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- A. ROLL CALL

 - B. OPENING REMARKS: COUNCILMEMBER GLADYS C. BAISA

 - C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONSE. CEREMONIAL RESOLUTIONS:

NONE.

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

Regular Meeting of June 5, 2015
Regular Meeting of June 19, 2015
Special Meeting of June 22, 2015

H. COMMITTEE REPORTS:NO. 15-98 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing the employment of Hawkins, Delafield & Wood LLP as special counsel to represent the County on bond and disclosure matters relating to issuance of the 2015 general obligation bonds, for a total compensation not to exceed \$70,000 and expenses not to exceed \$2,500; and
2. **FILING** of communication.

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. 15-99 - BUDGET AND FINANCE COMMITTEE:

Recommending **FIRST READING** of bill authorizing the disbursement of \$14,930,000 from the Post-Employment Obligations Fund to the Hawaii Employer-Union Health Benefits Trust Fund, for payment of the County's health benefit obligations for Fiscal Year 2016.

H. COMMITTEE REPORTS (continued):NO. 15-100 - COMMITTEE OF THE WHOLE:

Recommending **FILING** of correspondence dated February 25, 2015, from the Department of the Corporation Counsel, relating to the proposed settlement of Alvin F. Jardine, III v. State of Hawaii, et al., Civil 13-1-0062(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; 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. 15-101 - COMMITTEE OF THE WHOLE:

Recommending **ADOPTION** of resolution to authorize settlement of Claim 1843115 of Eleanor Kondo.

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. 15-102 - COMMITTEE OF THE WHOLE:

Recommending **ADOPTION** of resolution to authorize settlement of Kyoko Armstrong-Nishioka v. County of Maui, Disability Compensation Division Case 7-11-01318.

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.

H. COMMITTEE REPORTS (continued):NO. 15-103 - COMMITTEE OF THE WHOLE:

Recommending **ADOPTION** of resolution to authorize settlement of John M. Newell v. County of Maui, Disability Compensation Division Case 7-13-01509.

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. 15-104 - COMMITTEE OF THE WHOLE:

Recommending **ADOPTION** of resolution to raise the compensation limit for the employment of special counsel in Hawaii Wildlife Fund, et al. v. County of Maui, Civil 12-00198 SOM BMK, by an additional \$500,000 for trial preparation, motions, trial, and appeal, for a total compensation not to exceed \$2,750,000.

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. 15-105 - ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to authorize the grant of a 50-year lease for \$50 per year, of 73.25 acres, cumulatively identified as tax map keys (2) 1-5-007:001 and 012, in Hana, Maui, Hawaii, to Na Mamō O Mu`olea, a nonprofit organization, for the purposes of managing, restoring, and maintaining the natural, cultural, historic, and marine resources of the subject property; and
2. **FILING** of communication.

NO. 15-106 - ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending **FILING** of communication relating to the Upcountry Dog Park in Makawao, Maui, Hawaii.

H. COMMITTEE REPORTS (continued):NO. 15-107 - HOUSING, HUMAN SERVICES, AND TRANSPORTATION COMMITTEE:

Recommending **ADOPTION** of resolution authorizing forgiveness of Ka Hale A Ke Ola Homeless Resource Centers, Inc.'s outstanding debt related to the construction of the Hale Makana O`Waiale affordable housing rental project.

NO. 15-108 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill granting a request from Hula Maui LLC for a Change in Zoning from R-1 Residential District to SBR Service Business Residential District for a parcel consisting of 11,117 square feet at 2241 West Vineyard Street, Wailuku, Maui, Hawaii, to make the subject property's zoning consistent with the Wailuku-Kahului Community Plan; and
2. **FILING** of communication.

NO. 15-109 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution disapproving the appointment of Timothy Riley to the Molokai Planning Commission.

NO. 15-110 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill authorizing the Mayor to enter into an intergovernmental agreement with the State Department of Accounting and General Services to establish a sewer line maintenance and repair program at the Lahaina Civic and Recreation Center; and
2. **FILING** of communication.

NO. 15-111 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing the grant of six leases to the State for the installation of emergency outdoor warning sirens at: (a) Kenolio Park, Kihei; (b) Richard "Pablo" Caldito Park, Waihee; (c) Airport-Kanaha Beach, Kahului; (d) Paia Youth and Cultural Center, Paia; (e) Papohaku Beach Park, Molokai; and (f) One Alii Park, Molokai; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 15-112 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill authorizing the Mayor to enter into an intergovernmental agreement with the State of Hawaii Employees' Retirement System relating to the acquisition of a Governmental Accounting Standards Board Statement 68 report; and
2. **FILING** of communication.

NO. 15-113 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill authorizing the Mayor to enter into an intergovernmental agreement with the State Office of the Auditor to audit the schedule of allocations of the State of Hawaii Employees' Retirement System; and
2. **FILING** of communication.

I. COMMUNICATIONS:1. COUNTY COMMUNICATIONS:

NO. 15-217 - DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending July 2015.

NO. 15-218 - CHAIR, ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE, AND RECREATION COMMITTEE, transmitting a floor amendment to the resolution entitled "AUTHORIZING THE GRANT OF A LEASE OF COUNTY REAL PROPERTY KNOWN AS MU'OLEA POINT, HANA, MAUI, HAWAII TO NA MAMO O MU'OLEA", attached to Committee Report No. 15-105.

NO. 15-219 - COUNCIL CHAIR WHITE, transmitting the following proposed resolutions entitled:

1. "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL IN CHRISTOPHER SALEM V. COUNTY OF MAUI, ET AL."; and
2. "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL FOR PATRICK WONG, IN HIS INDIVIDUAL CAPACITY, IN CHRISTOPHER SALEM V. COUNTY OF MAUI, ET AL."

1. COUNTY COMMUNICATIONS (continued):

NO. 15-220 - COUNCILMEMBER COUCH, transmitting a proposed resolution entitled "REFERRING TO THE PLANNING COMMISSIONS A PROPOSED BILL RELATING TO TRANSIENT VACATION RENTALS IN PLANNED DEVELOPMENTS".

NO. 15-221 - COUNCILMEMBER COCHRAN, transmitting a proposed resolution entitled "URGING THE BOARD OF DIRECTORS FOR THE MAUI REGION OF HAWAII HEALTH SYSTEMS CORPORATION TO REQUIRE TRANSPARENCY REGARDING RATE SETTING FOR PATIENT SERVICES".

2. GENERAL COMMUNICATIONS:

NO. 15-9 - GRANT CHUN, VICE PRESIDENT, A&B PROPERTIES, INC., submitting an annual status report in accordance with Condition 17 of Ordinance No. 3312, change in zoning from Interim District to R-1 Residential District and PK-1 Neighborhood Park District, Conditional zoning, for property situated at Haliimaile, Maui, Hawaii. (Haliimaile Subdivision)

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 52 (2015) - "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 SUCH BONDS (KIHEI POLICE STATION)"

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

BILL NO. 53 (2015) - "A BILL FOR AN ORDINANCE AMENDING THE OUTDOOR LIGHTING STANDARDS RELATING TO COMPLIANCE DEADLINES, SHIELDING REQUIREMENTS, AND USAGE RESTRICTIONS"

BILL NO. 54 (2015) - "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-3 RESIDENTIAL DISTRICT TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT FOR APPROXIMATELY TWO ACRES OF COUNTY-OWNED PROPERTY ON MAHALANI STREET, WAILUKU, MAUI, HAWAII, LEASED TO KA LIMA O MAUI, LTD."

L. UNFINISHED BUSINESS:COMMITTEE REPORT:

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.

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.