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COUNCIL OF THE COUNTY OF MAUI

2015 SEP 29 PM 3: 39

A G E N D A

Regular Meeting of October 6, 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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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 from each of the Council district offices noted above. If the 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 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 STACY CRIVELLO
- C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. _____ - "RECOGNIZING THE MONTH OF OCTOBER AS DOMESTIC VIOLENCE AWARENESS MONTH IN MAUI COUNTY"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

Regular Meeting of August 7, 2015.

H. COMMITTEE REPORTS:

NO. 15-139 - COMMITTEE OF THE WHOLE:

Recommending the following:

1. **FIRST READING** of bill to authorize the Mayor to enter into an intergovernmental agreement with the United States Department of the Interior, Fish and Wildlife Service, to settle alleged violations regarding the take of endangered birds and migratory birds, nests, or eggs in violation of the federal Migratory Bird Treaty Act at the Wailuku-Kahului Wastewater Reclamation Facility during September 2014; and
2. **FIRST READING** of bill to authorize the Mayor to enter into an intergovernmental agreement with the United States Department of the Interior, Fish and Wildlife Service, to settle alleged violations regarding the take of endangered birds and migratory birds, nests, or eggs in violation of the federal Endangered Species Act and Migratory Bird Treaty Act at the Lanai Wastewater Treatment Facility during February 2012 and September 2014 to January 2015.

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. 15-140 - ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending **REFERRAL** of the Complaint filed in County of Maui v. Maui Kupono Builders LLC, et al., Civil 15-1-0421(1), to the Committee of the Whole.

NO. 15-141 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution approving the appointment of Ivy Waller to the Civil Service Commission for a term expiring on March 31, 2020.

NO. 15-142 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution requesting the County of Maui's congressional delegation to support amending the United States Constitution to regulate campaign contributions by corporations; and
2. **FILING** of communication.

NO. 15-143 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing the grant and disposition of real property to the Hawaii Health Systems Corporation, for the Maui Memorial Medical Center at 221 Mahalani Street, Wailuku, Maui, Hawaii; and
2. **FILING** of communication.

NO. 15-144 - WATER RESOURCES COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving acquisition of 4.31879 acres, and related easements, for expansion of the Iao Water Treatment Facility and development of Wailuku Well 1; and
2. **FILING** of communication.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

- NO. 15-243 - DIRECTOR OF FINANCE, transmitting 83 contracts/grants for August 2015.
- NO. 15-244 - COUNCILMEMBER COCHRAN, transmitting a proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2016 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL PROHIBITING SMOKING IN MOTOR VEHICLES OCCUPIED BY MINORS".
- NO. 15-245 - COUNCILMEMBER COCHRAN, transmitting a proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2016 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO INCREASE THE MINIMUM WAGE TO \$15.00 PER HOUR IN 2019".
- NO. 15-246 - COUNCILMEMBER COCHRAN, transmitting a proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2016 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO ALLOW PERSONS WITH DISABILITIES TO INDICATE ON THEIR IDENTIFICATION CARDS THEIR DISABILITY".
- NO. 15-247 - COUNCIL CHAIR WHITE, transmitting a proposed resolution entitled "ESTABLISHING A SPECIAL COMMITTEE ON COUNTY GOVERNANCE".
- NO. 15-248 - COUNCILMEMBER CARROLL, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, MAUI COUNTY CODE, RELATING TO AFFORDABLE RENTAL HOUSING TAX EXEMPTION".
- NO. 15-249 - DIRECTOR OF FINANCE, transmitting the Finance Director's Quarterly Report for the Fiscal Year July 1, 2014 to June 30, 2015 as of June 30, 2015 and the Capital Improvement Project as of June 30, 2015.
- NO. 15-250 - DIRECTOR OF FINANCE, informing of the ratings of the 2015 General Obligation Bonds.
- NO. 15-251 - COUNCILMEMBER HOKAMA, relating to contracts for the County's telephone system.
- NO. 15-252 - COUNCILMEMBER CRIVELLO, relating to building affordable homes.

1. COUNTY COMMUNICATIONS (continued):

NO. 15-253 - PLANNING DIRECTOR, transmitting a proposed resolution entitled, "ADOPTING COUNTRY TOWN DESIGN GUIDELINES FOR THE MAKAWAO-PUKALANI- KULA AREA".

NO. 15-254 - COUNCIL CHAIR WHITE, relating to the State of Hawaii's Transient Accommodations Tax.

NO. 15-255 - PRESIDING OFFICER PRO TEMPORE VICTORINO, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTERS 8.20 AND 13.04, MAUI COUNTY CODE, RELATING TO SMOKING PROHIBITIONS".

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 69 (2015) - "A BILL FOR AN ORDINANCE GRANTING HE-MAN LANDSCAPING LLC A CONDITIONAL PERMIT FOR THE USE OF A LANDSCAPING BASEYARD WITHIN THE COUNTY AGRICULTURAL DISTRICT, FOR PROPERTY SITUATED AT 4260 HINE WAY, LAHAINA, MAUI, HAWAII"

BILL NO. 70 (2015) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 14.13 AND SECTION 18.20.040, MAUI COUNTY CODE, RELATING TO WATER METER ISSUANCE PROVISIONS FOR THE UPCOUNTRY WATER SYSTEM"

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.