

RECEIVED

COUNCIL OF THE COUNTY OF MAUI

2015 NOV 27 PM 2: 32

A G E N D A

Regular Meeting of December 4, 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://co.mauhi.us/Archive.aspx?AMID=226>
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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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 DON COUCH
 - C. PLEDGE OF ALLEGIANCE
 - D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. _____ - "CONGRATULATING HALAU KEKUAOKALA`AU`ALA`ILIAHI FOR ITS ACHIEVEMENTS AT THE 40TH ANNUAL QUEEN LILI`UOKALANI KEIKI HULA COMPETITION"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

Regular Meeting of October 6, 2015.
Regular Meeting of October 16, 2015.

H. COMMITTEE REPORTS:

NO. 15-164 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending the Fiscal Year 2016 Budget by (1) increasing the Bond/Lapsed Bond Fund by \$1,220,000, from \$25,782,372 to \$27,002,372; and (2) adding a \$1,220,000 appropriation from the Bond Fund for the Wailuku-Kahului Community Plan Area, Government Facilities, for the acquisition of real property at 2154 Kaohu Street, Wailuku, Hawaii;
2. **FIRST READING** of bill amending the Fiscal Year 2016 general obligation bond authorization ordinance by adding a \$1,220,000 appropriation for the Wailuku-Kahului Community Plan Area, Government Facilities, for the acquisition of real property at 2154 Kaohu Street, Wailuku, Hawaii; and
3. **ADOPTION** of resolution authorizing the acquisition of real property at 2154 Kaohu Street, Wailuku, Hawaii, comprising 17,666 square feet and two dwellings, from the KM Revocable Living Trust for \$1,200,000, for the Kalana O Maui Campus Expansion project.

H. COMMITTEE REPORTS (continued):NO. 15-165 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending the Fiscal Year 2016 Budget by appropriating \$5,000,000 of grant revenue from the State of Hawaii for the Kula Agricultural Park Expansion;
2. **FIRST READING** of bill amending the Fiscal Year 2016 Budget by (1) increasing Bond/Lapsed Bond revenues by \$1,000,000, from \$27,002,372 to \$28,002,372; and (2) adding an appropriation of \$1,000,000, from the Bond Fund, Makawao-Pukalani-Kula Community Plan Area, Other Projects, for the Kula Agricultural Park Expansion;
3. **FIRST READING** of bill amending the Fiscal Year 2016 general obligation bond authorization ordinance by adding \$1,000,000 for the Makawao-Pukalani-Kula Community Plan Area, for the Kula Agricultural Park Expansion;
4. **ADOPTION** of resolution authorizing the acquisition of 148.338 acres, identified for real property tax purposes as tax map key (2) 2-3-002:007, for \$2,900,000, for the Kula Agricultural Park Expansion;
5. **ADOPTION** of resolution authorizing the acquisition of 224.8 acres, identified for real property tax purposes as tax map keys (2) 2-5-001:003 and 004, for \$3,100,000, for the Kula Agricultural Park Expansion; and
6. **FILING** of communication.

NO. 15-166 - ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to repeal outdated transitional provisions in Section 7 of Ordinance 3143, relating to Ocean Recreational Activity Business Permits, and to allow the Department of Parks and Recreation the ability to issue new permits without the requirement of an environmental assessment; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 15-167 - HOUSING, HUMAN SERVICES, AND TRANSPORTATION COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution encouraging the development of entitled residential-housing projects; and
2. **FILING** of communication.

NO. 15-168 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution terminating an unused license for drain and sewer line purposes, in favor of the County of Maui, on three lots identified for real property tax purposes as tax map keys (2) 2-3-029:031, (2) 2-3-029:033, and (2) 2-3-030:043, in Pukalani, Maui, Hawaii; and
2. **FILING** of communication.

NO. 15-169 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution granting Hospice Maui, Inc. easements in Wailuku, Maui, Hawaii, allowing for its facility to connect to the County's wastewater system; and
2. **FILING** of communication.

NO. 15-170 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing the acceptance of a scent-tracking dog, valued at \$5,000, from Friends of the Missing Child Center-Hawaii, to the Department of Police, pursuant to Chapter 3.56, Maui County Code; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 15-171 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution establishing a Special Committee on County Governance, composed of the following voting members:
 - a. East Maui - Jonathan Starr;
 - b. Kahului - Renee Kehau Filimoe`atu;
 - c. Lanai - Linda Kay Okamoto (a.k.a. Kay Okamoto);
 - d. Makawao-Haiku-Paia - James J.C. Haynes III (a.k.a. Kimo Haynes);
 - e. Molokai - Paula Friel;
 - f. South Maui - Ray Phillips;
 - g. Upcountry - Doreen Pua Canto (a.k.a. Pua Canto);
 - h. Wailuku-Waihee-Waikapu - Anthony Takitani (a.k.a. Tony Takitani);
 - i. West Maui - Tamara Paltin;
 - j. At-large - Madge Schaefer; and
 - k. At-large - David DeLeon (a.k.a. Dave DeLeon); and
2. **FILING** of communication.

I. COMMUNICATIONS:1. COUNTY COMMUNICATIONS:

NO. 15-287 - DIRECTOR OF FINANCE, transmitting 70 contracts/grants for October 2015.

NO. 15-288 - BUDGET AND FINANCE COMMITTEE CHAIR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4128, BILL NO. 32 (2014), AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO INTERGOVERNMENTAL AGREEMENTS FOR LOANS FROM THE STATE OF HAWAII'S DRINKING WATER TREATMENT REVOLVING LOAN FUND FOR VARIOUS WATER PROJECTS, FISCAL YEAR 2015 BUDGET ORDINANCE".

NO. 15-289 - COUNCIL CHAIR WHITE, transmitting a proposed resolution entitled "RESCHEDULING THE COUNCIL'S JANUARY 1, JANUARY 15 AND FEBRUARY 19, 2016 MEETINGS".

1. COUNTY COMMUNICATIONS (continued):

NO. 15-290 - DIRECTOR OF FINANCE, transmitting the Finance Director's Quarterly Report for Fiscal Year July 1, 2015 to June 30, 2016 as of September 30, 2015 and the Capital Improvement Projects Report as of September 30, 2015.

NO. 15-291 - COUNCILMEMBER COUCH, transmitting a proposed resolution entitled "APPROVING THE ISSUANCE BY THE PUBLIC FINANCE AUTHORITY OF REVENUE BONDS FOR SOUTH MAUI LEARNING OHANA FOR THE BENEFIT OF KIHEI CHARTER SCHOOL".

NO. 15-292 - COUNCILMEMBER BAISA, relating to Coqui Frog Eradication Project grants.

NO. 15-293 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a status update on the project as required by Modification No. 13, of Resolution 10-57, on behalf of Clayton Nishikawa, Managing Member of Kula Ridge, LLC.

NO. 15-294 - DIRECTOR OF TRANSPORTATION, transmitting two proposed bills entitled:

1. "A BILL FOR AN ORDINANCE AMENDING TITLE 2, MAUI COUNTY CODE, TO ESTABLISH THE MAUI METROPOLITAN PLANNING ORGANIZATION"; and
2. "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII TO ESTABLISH THE MAUI METROPOLITAN PLANNING ORGANIZATION TO FULFILL FEDERAL AND STATE TRANSPORTATION PLANNING REQUIREMENTS".

NO. 15-295 - PRESIDING OFFICER PRO TEMPORE VICTORINO, transmitting a proposed resolution entitled "URGING COMPETITION FOR INTERISLAND AIR TRAVEL".

1. COUNTY COMMUNICATIONS (continued):

NO. 15-296 - MAYOR, transmitting the following proposed bills entitled:

1. "A BILL FOR AN ORDINANCE AMENDING TITLE 8, MAUI COUNTY CODE, BY ADDING A PROHIBITION MAKING IT UNLAWFUL TO DEFECATE OR URINATE IN OR ON PUBLIC PLACES";
2. "A BILL FOR AN ORDINANCE AMENDING CHAPTER 8.21, MAUI COUNTY CODE, RELATING TO LIQUOR IN COUNTY PARKING LOTS AND OTHER PUBLIC AREAS;
3. "A BILL FOR AN ORDINANCE AMENDING TITLE 8, MAUI COUNTY CODE, BY ADDING PROHIBITIONS RELATING TO LYING DOWN ON PUBLIC SIDEWALKS";
4. "A BILL FOR AN ORDINANCE AMENDING TITLE 8, MAUI COUNTY CODE, BY ADDING PROHIBITIONS RELATING TO THE TAKING OR ABANDONMENT OF SHOPPING CARTS; and
5. "A BILL FOR AN ORDINANCE AMENDING TITLE 8, MAUI COUNTY CODE, BY ADDING A PROHIBITION THAT MAKES IT UNLAWFUL TO SOLICIT IN AN AGGRESSIVE MANNER IN PUBLIC PLACES".

NO. 15-297 - COUNCILMEMBER BAISA, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO AUTHORIZE AGRICULTURAL WATER RATES FOR PROPERTIES OWNED, OPERATED, OR MANAGED BY THE UNIVERSITY OF HAWAII COLLEGE OF TROPICAL AGRICULTURE AND HUMAN RESOURCES".

2. GENERAL COMMUNICATIONS:

NO. 15-10 - TIM T. ESAKI, MAUI LAND & PINEAPPLE COMPANY, INC., submitting the Annual Compliance Report in accordance with Ordinance No. 3889, West Maui Project District 5 (Pulelehua), Unilateral Agreement and Declaration for Conditional Zoning for property situated at Mahinahina, Kahana, Lahaina, Maui, Hawaii; TMK (2) 4-3-01:82 (Lot 1) and TMK (2) 4-3-01:83 (Lot 2).

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 79 (2015) - "A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 19.27A, MAUI COUNTY CODE, RELATING TO PARK DISTRICTS, AND REPEALING CHAPTERS 19.27 AND 19.615, MAUI COUNTY CODE, RELATING TO MAUI CENTRAL PARK DISTRICT AND PARK DISTRICTS"

L. UNFINISHED BUSINESS:

NONE.

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.