

**COUNCIL OF THE COUNTY OF MAUI**

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**A G E N D A**

Regular Meeting of February 26, 2016  
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.maui.hi.us/Archive.aspx?AMID=226>  
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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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 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 ELLE COCHRAN
  
  - C. PLEDGE OF ALLEGIANCE
  
  - D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NONE.

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

Regular Meeting of January 22, 2016.

H. COMMITTEE REPORTS:NO. 16-22 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to grant Alexander & Baldwin, LLC, an extension of its License Agreement with the County, through December 31, 2016, or sooner if the full period is not needed, to complete the harvest of its existing sugar cane crop on 100 acres in Waikapu, Maui, identified for real property tax purposes as tax map key (2) 3-6-002:004; and
2. **FILING** of communication.

NO. 16-23 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend Appendix B of the Fiscal Year 2016 Budget by adding fees for issuance of temporary and replacement Disabled Persons Parking Placards;
2. **FIRST READING** of bill to amend Appendix A of the Fiscal Year 2016 Budget by adding \$11,504 for a grant to the Department of Finance for the State Disability and Communications Access Board Program and adding 0.3 Limited Term Appointment equivalent personnel; and
3. **FIRST READING** of bill to amend Chapter 10.48, Maui County Code, to reference the relevant Hawaii Revised Statutes for parking for disabled persons and to allow the Director of Finance to charge fees related to disabled persons parking placards.

H. COMMITTEE REPORTS (continued):NO. 16-24 - COMMITTEE OF THE WHOLE:

Recommending **ADOPTION** of resolution to authorize settlement of In the Matter of the Grievance Arbitration Between the State of Hawaii Organization of Police Officers, on Behalf of Clinton Gouveia and County of Maui, Maui Police Department, SHOPO Case M-2014-009.

*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 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, pursuant to Section 92-5(a)(8), Hawaii Revised Statutes.*

NO. 16-25 - ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to accept a donation of materials and supplies valued at \$3,000 from the McPherson Foundation to install three backboards at the tennis courts at Kalama Park, in Kihei, Maui, Hawaii; and
2. **FILING** of communication.

NO. 16-26 - HOUSING, HUMAN SERVICES, AND TRANSPORTATION COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend Title 2, Maui County Code, to establish the Maui Metropolitan Planning Organization;
2. **FIRST READING** of bill to authorize the Mayor to enter into an agreement, in the form attached as Exhibit "A" to the bill, relating to the Maui Metropolitan Planning Organization; and
3. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 16-27 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to prohibit parking on the south side of Kahawai Street, between Market Street and Makua Street, where indicated by signs, to eliminate unsafe traffic conditions; and
2. **FILING** of communication.

NO. 16-28 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to authorize the installation of utility poles by Stanford Carr Development, LLC for the Kahoma Village Project in Lahaina, Maui, replacing eight existing poles with a total of eleven taller poles; and
2. **FILING** of communication.

NO. 16-29 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of a bill granting a request from Lawrence and Crystal Schmitt of Maui Dragon Fruit Farm LLC for a two-year Conditional Permit to conduct agricultural-related activities, sell non-agricultural-related items and agricultural products not grown on the property, and conduct special events on a three-acre portion of property within the County Agricultural District at 833 Punakea Loop, Lahaina, Maui, Hawaii; and
2. **FILING** of communication.

NO. 16-30 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution urging the State Legislature to provide the counties with the same share of Transient Accommodations Tax Revenue as the State.

H. COMMITTEE REPORTS (continued):NO. 16-31 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving the appointment of Barbara Potopowitz (reappointment) to the Affirmative Action Advisory Council for a term beginning April 1, 2016, and expiring March 31, 2021;
2. **ADOPTION** of resolution approving the appointments of Rachel Phillips and Allen Souza to the Board of Ethics for terms beginning April 1, 2016, and expiring March 31, 2021;
3. **ADOPTION** of resolution approving the appointments of Raymond Sung (reappointment) and Ralph Masuda to the Board of Variances and Appeals for terms beginning April 1, 2016, and expiring March 31, 2021;
4. **ADOPTION** of resolution approving the appointment of Linda Fujitani to the Civil Service Commission for a term beginning April 1, 2016, and expiring March 31, 2021;
5. **ADOPTION** of resolution approving the appointments of Paul Wickman (reappointment), Lois Prey, Helene Sato, Louise Corpuz, and Walter O'Brien to the Council on Aging for terms beginning April 1, 2016, and expiring March 31, 2021;
6. **ADOPTION** of resolution approving the appointment of Medigale Badillo to the Lanai Planning Commission for a term beginning April 1, 2016, and expiring March 31, 2021;
7. **ADOPTION** of resolution approving the appointments of Zachary Helm (reappointment) and Gwen Ueoka to the Liquor Control Adjudication Board for terms beginning April 1, 2016, and expiring March 31, 2021;
8. **ADOPTION** of resolution approving the appointments of Brenda Lee and Nane Aluli to the Liquor Control Commission for terms beginning April 1, 2016, and expiring March 31, 2021;
9. **ADOPTION** of resolution approving the appointment of Whitney Apo to the Maui County Cultural Resources Commission for a term beginning April 1, 2016, and expiring March 31, 2021;
10. **ADOPTION** of resolution approving the appointments of Stephen Castro and Lawrence Carnicelli to the Maui Planning Commission for terms beginning April 1, 2016, and expiring March 31, 2021;

H. COMMITTEE REPORTS (continued):

11. **ADOPTION** of resolution approving the appointments of Flordeline Vila (reappointment) and Uvette Sakamoto as members, and Harry Hecht (reappointment) and Brooks Aoki as alternates, to the Public Works Commission for terms beginning April 1, 2016, and expiring March 31, 2021; and
12. **ADOPTION** of resolution approving the appointments of Harold Ames and Kelly Swanson to the Salary Commission for terms beginning April 1, 2016, and expiring March 31, 2021.

NO. 16-32 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving the appointment of Trevor Tokishi to the Kula Agricultural Park Committee for a term expiring March 31, 2020;
2. **ADOPTION** of resolution approving the appointment of Ashley Lindsey to the Maui Redevelopment Agency for a term beginning April 1, 2016 and expiring March 31, 2021; and
3. **ADOPTION** of resolution approving the appointment of Harry Hecht to the Urban Design Review Board for a term expiring March 31, 2019.

I. COMMUNICATIONS:1. COUNTY COMMUNICATIONS:

NO. 16-23 - DIRECTOR OF FINANCE, transmitting 141 contracts/grants for the month ending December 2015.

NO. 16-24 - CHAIR, CIVIL SERVICE COMMISSION, transmitting the performance evaluation of the Director of Personnel Services.

NO. 16-25 - MAYOR, informing of the vacancies on the Committee of the Status of Women, due to the resignation of Jennifer "Mino" McLean and on the Cost of Government Commission, due to the resignation of Gabriel Hoeffken.

1. COUNTY COMMUNICATIONS (continued):

- NO. 16-26 - DIRECTOR OF WATER SUPPLY, transmitting the State of Hawaii's Commission on Water Resources Management water use reports for October and November 2015 for all registered well reporters in the County of Maui.
- NO. 16-27 - DIRECTOR OF WATER SUPPLY, transmitting copies of the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending January 2016.
- NO. 16-28 - COUNCIL CHAIR WHITE, relating to the Department of Environmental Management staff shortages leading to missed refuse pickups.
- NO. 16-29 - COUNCIL CHAIR WHITE, relating to the Fiscal Year 2017 Budget.
- NO. 16-30 - BUDGET DIRECTOR, relating to transferring the Ocean Safety Program to the Department of Fire and Public Safety from the Department of Parks and Recreation and its impact on the annual budget.
- NO. 16-31 - BUDGET DIRECTOR, transmitting the Budget Implementation Report for the Fiscal Year 2016, Second Quarter ending December 31, 2015.
- NO. 16-32 - DIRECTOR OF FINANCE, transmitting a report of short term investments for the quarter ended December 31, 2015.
- NO. 16-33 - DIRECTOR OF FINANCE, transmitting the Finance Director's Quarterly Report for Fiscal Year July 1, 2015 to June 30, 2016 as of December 31, 2015 and the Capital Improvement Projects Report as of December 31, 2015.
- NO. 16-34 - DIRECTOR OF PARKS AND RECREATION, transmitting a proposed resolution entitled "AUTHORIZING THE MAYOR TO ENTER INTO A LEASE OF REAL PROPERTY WITH ALEXANDER & BALDWIN, LLC".
- NO. 16-35 - DIRECTOR OF PARKS AND RECREATION, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF LAND AND NATURAL RESOURCES, RELATIVE TO THE MAINTENANCE AND USE OF THE COMPLETED PHASES OF THE CENTRAL MAUI REGIONAL SPORTS COMPLEX".

1. COUNTY COMMUNICATIONS (continued):

NO. 16-36 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a proposed resolution entitled "AUTHORIZING THE FIRST AMENDMENT TO THE UNIVERSITY OF HAWAII, MAUI COLLEGE, STUDENT HOUSING LEASE".

NO. 16-37 - COUNCILMEMBER COCHRAN, relating to integrated pest and environmental management on county property.

NO. 16-38 - COUNCIL CHAIR WHITE, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 10.48.040, MAUI COUNTY CODE, RELATING TO STOPPING, STANDING AND PARKING ON KEALAKAI PLACE, PAIA".

NO. 16-39 - PLANNING DIRECTOR, relating to Change in Zoning and Community Plan Amendment applications submitted by Kahana Sunset AOA, transmitting copies of documents and two proposed bills entitled:

1. "A BILL FOR AN ORDINANCE TO AMEND THE WEST MAUI COMMUNITY PLAN AND LAND USE MAP FROM SINGLE-FAMILY TO HOTEL FOR PROPERTY SITUATED AT LAHAINA, MAUI, HAWAII, AND IDENTIFIED AS TAX MAP KEY (2) 4-3-003:015, FOR THE KAHANA SUNSET AOA"; and
2. "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-3 RESIDENTIAL DISTRICT TO H-M HOTEL DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT LAHAINA, MAUI, HAWAII, AND IDENTIFIED AS TAX MAP KEY (2) 4-3-003:015, FOR THE KAHANA SUNSET AOA".

NO. 16-40 - DIRECTOR OF WATER SUPPLY, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 14.04, MAUI COUNTY CODE, RELATING TO WATER SERVICES".

2. GENERAL COMMUNICATIONS:

NONE

J. RESOLUTIONS:

NONE.



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K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 7 (2016) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE – SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF FIRE AND PUBLIC SAFETY (UNITED STATES DEPARTMENT OF AGRICULTURE (USDA) FOREST SERVICE)"

BILL NO. 8 (2016) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; HANA COMMUNITY PLAN AREA, ROAD IMPROVEMENTS, KEANAE ROAD SAFETY IMPROVEMENTS; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

BILL NO. 9 (2016) - "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4228, BILL NO. 35 (2015), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI (KEANAE ROAD SAFETY IMPROVEMENTS)"

BILL NO. 10 (2016) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; KIHEI-MAKENA COMMUNITY PLAN AREA, ROAD IMPROVEMENTS, SOUTH MAUI REGIONAL TRAFFIC MASTER PLAN; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

BILL NO. 11 (2016) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE – SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF PUBLIC WORKS (FEDERAL HIGHWAY ADMINISTRATION, FEDERAL-AID AND OTHER TRANSPORTATION GRANTS)"

BILL NO. 12 (2016) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, DEPARTMENT OF FINANCE, DEPARTMENT OF LIQUOR CONTROL, DEPARTMENT OF PARKS AND RECREATION, DEPARTMENT OF PUBLIC WORKS, DEPARTMENT OF WATER SUPPLY; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

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

- BILL NO. 13 (2016) - "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2016, PLAN REVIEW, PERMIT PROCESSING, AND INSPECTION REVOLVING FUND"
- BILL NO. 14 (2016) - "A BILL FOR AN ORDINANCE AMENDING TITLE 11, MAUI COUNTY CODE, RELATING TO ADVERTISING INSIDE COUNTY TRANSIT BUSES"
- BILL NO. 15 (2016) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2016 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; WAILUKU-KAHULUI COMMUNITY PLAN AREA, SEWER, WAILUKU-KAHULUI WASTEWATER RECLAMATION FACILITY FILTER MODIFICATION; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"
- BILL NO. 16 (2016) - "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4226, BILL NO. 33 (2015), RELATING TO AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO INTERGOVERNMENTAL AGREEMENTS FOR LOANS FROM THE STATE OF HAWAII'S WATER POLLUTION CONTROL REVOLVING FUND FOR VARIOUS WASTEWATER PROJECTS, FISCAL YEAR 2016 BUDGET ORDINANCE"

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.**