M I N U T E S

of the

COUNCIL OF THE COUNTY OF MAUI

August 5, 2016

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, ON FRIDAY, AUGUST 5, 2016, BEGINNING AT 9:01 A.M., WITH CHAIR MICHAEL B. WHITE PRESIDING.

CHAIR WHITE: This meeting of the Council of the County of Maui will please come to order.

Mr. Clerk, please call the roll.

ROLL CALL

PRESENT: COUNCILMEMBERS GLADYS C. BAISA, ROBERT CARROLL, ELEANORA COCHRAN, DONALD G. COUCH JR., S. STACY CRIVELLO, G. RIKI HOKAMA, VICE-CHAIR DONALD S. GUZMAN, AND CHAIR MICHAEL B. WHITE.

EXCUSED: COUNCILMEMBER MICHAEL P. VICTORINO.

DEPUTY COUNTY CLERK JOSIAH NISHITA: Mr. Chair, there are eight Members "present" and one Member "excused". A quorum is present to conduct the business of the Council.

CHAIR WHITE: Thank you, Mr. Clerk.

And for this morning's opening remarks, we have those from Member Don Couch.

OPENING REMARKS

The opening remarks were offered by Councilmember Don Couch.

CHAIR WHITE: Thank you, Mr. Couch.

Will you all please rise and join me in the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

The Members of the Council, and others in attendance, rose and recited the Pledge of Allegiance.

CHAIR WHITE: Thank you very much. And if you would all please turn your phones to silent mode, I would appreciate that.

Mr. Clerk, let's please proceed.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with the presentation of testimony on agenda items. We have established limited interactive communication that enables individuals from Hana, Lanai, and Molokai, to provide testimony from our District Offices.

Individuals who wish to offer testimony from Hana, Lanai, and Molokai should now sign up with District Office staff. Individuals who wish to offer testimony in the chamber, please sign up at the desk located in the eighth floor lobby just outside the chamber door.

Testimony at all locations is limited to the items listed on today's agenda. Pursuant to the Rules of the Council, each testifier may be allowed to testify for up to three minutes. When testifying, please state your name and the name of any organization you represent.

Mr. Chair, we have been notified from the District Offices that currently there are no testifiers out there.

We have four individuals who have signed up to testify in the Council chamber. The first person to testify in the chamber is John Colson, testifying on Bill 76. Mr. Colson will be followed by Russell Adkins.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MR. JOHN COLSON, KIHEI CHARTER SCHOOL [testifying on Bill No. 76 (2016)]:

Good morning.

CHAIR WHITE: Good morning.

MR. COLSON: My name is John Colson. I am the Executive Director of Kihei Charter School. And I thank you for the opportunity this morning to speak on behalf of the 575 students and families of Kihei Charter that are asking your support of Bill 76.

I spent the last 40 years in education, mostly on the Big Island; most notably at Kamehameha Schools and at Hawaii Preparatory Academy where I was, I served for 25 years and was head for 12.

In 2014, I received a call that there was an opening at Kihei Charter School. When I took a look at the opening, I realized that this is where I needed to be because Kihei Charter School does things differently. And so I left the Big Island after all those years to come to Maui with this hopefully being my last position. And, what I found was a school that focuses on twenty-first century skills; most notably communication, problem-solving, self-direction, civic-engagement, and so much more.

We're project-based where students develop projects that they present to the public. Our faculty are current and stay, stay directed through professional development. We just finished three days with the Buck Institute, which is the leading provider of services through project-based learning. And in, in reality, we are, we are aware the State wants to be, and we do what the DOE hopes to do in the future.

Last time I was with you was when Sedona Estomo was named Student of the Year in 2015. And I'd like you to recall just how powerful Sedona was, and how confident she was as a Kihei Charter School student. She graduated this past year as a member of the Class of 2016. And she, along with her classmates, earned over 500 college credits at Maui College during her high school tenure. They're off to colleges now across the country, including Joey Baldwin who's heading for Harvard University.

I don't know if you've ever been on YouTube and taken a look at the video called "Shift Happens", and that's S-H-I-F-T Happens. And it talks about how fast the world is changing, okay. It talks about how fast the world is changing, and there's three bullets that I think are important. And one is, we're preparing students for jobs that

don't exist today. They will be using technologies that don't exist today. And they'll be solving problems that we don't even know are problems. And so, the point is, Kihei Charter School believes that we are preparing the kids for these challenges, but we need a home. Thank you.

CHAIR WHITE: Thank you very much, Mr. Colson.

Members, any need for clarification? Thank you for your testimony this morning, Mr. Colson.

MR. COLSON: Thank you. Thank you very much.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Russell Adkins, testifying on Bills 74, 75 and 76. He will be followed by Jim Smith.

MR. RUSSELL ADKINS [testifying on Bill Nos. 74, 75, and 76 (2016)]:

Aloha everyone. My name is Russell Adkins. I am the CFO for Maui Brewing Company. Thank you for the opportunity to provide testimony in support of the Maui Research and Technology Park's masterplan update, more particularly Bill 74, 75, and 76.

As you are aware, we own and operate a brewery. And South Kihei, or Kihei will soon have a brewpub in the Maui Research and Technology Park. We are one of the, if not, the largest of Maui's larger manufacturers and exporters. We export beer to 18, and soon to be 20 States and 9 Countries. We currently employ 45 employees at our Kihei location, and we are currently planning on expanding the brewery in order to increase our capacity from 60,000 barrels to 100,000 per year. A barrel of beer is 31-gallons, just for reference. In order to allow for the future expansion, the new ordinance would allow us to effectively and efficiently plan for the future expansion with absolute certainty.

We are intending on expanding the brewery immediately, which will result in hiring an additional 10 to 15 employees and increase production by over 66 percent. This expansion cannot take place until the new R&T ordinance is passed.

Additionally, we are committed to self-sustainability, and are working towards beginning, becoming 100 percent off-grid by the first quarter of 2018, via photovoltaic expansion and battery storage. In order to allow this plan to be viable, we need the

ordinance to pass in order to allow for effective and efficient installation of carports and awnings so that we can add additional PV to the lot in the building that is already maxed out. The system that we're intending on installing is one mega-watt worth of power, and will have three mega-watt-hours worth of storage.

By passing the ordinance, you're allowing our manufacturing business to increase capacity and therefore increase our exports. This results in bringing in funds from outside of Hawaii, into Maui County, and thus adding to our local economy, rather than depleting it. You're also supporting Hawaii's goals of becoming 100 percent energy efficient.

Ultimately, our standpoint is by supporting us, we believe that you're supporting the local economy, job growth, as well as alternative energy. And for those reasons, we respectfully urge that you pass the ordinance today as is without adding any further conditions. Additional conditions will require drafting a new unilateral agreement which will further delay the project. We thank you very much for your time.

CHAIR WHITE: Thank you, Mr. Adkins.

Members, any need for clarification? Thank you for being here this morning.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Jim Smith, testifying on Resolution 16-96 and 16-97, as well as Bill 74 and 75. Mr. Smith will be followed by Jordan Hart.

(Councilmember Baisa was excused from the meeting at 9:12 a.m.)

MR. JIM SMITH [testifying on Resolution Nos. 16-96 and 16-97, and Bill Nos. 74 and 75 (2016)]:

Aloha, Mr. Chair, Members of the Council.

CHAIR WHITE: Good morning.

MR. SMITH: My name is Jim Smith. I, I would like to first address the proposed resolutions regarding our Charter, okay. And one of the important things to recognize is that our Charter provides for a separation of equal power, okay; equal power. And that means this Council's power is equal to the executive branch. And these proposed

resolutions increase the power of legislative branch, and therefore, restructures our government.

What you are doing with this by changing 3.8.1, is you're taking a citizen's charter commission out of the game, because this, by inserting "except as provided in the Charter", puts your power the same as theirs, okay. And if your power is the same as theirs, then their power is diminished. And you're taking from the citizens the ability to put a new Charter forward, and you're giving them your own gloriousness, your own wonderful power that today you want to take and approve, because it feels good but it isn't good.

(Councilmember Baisa returned to the meeting at 9:13 a.m.)

MR. SMITH: If your problem is a director or a mayor, it's solvable. If you take the word "aid" out of managing director, in our existing Charter, it's solved; that's all. We have a managing director. It says he does this and that with a budget, all right. It also says he's an aid. So, he can sit on his hands or he can do something, and that seems as though the managing director has sat on his hands. So, we change the Charter because of that, to give yourselves more power, more than the executive?

Please, recommit this. Please recommit it to, to the Committee so that at least you can give it time. Look, they wanted to change the structure, because that felt good. You did the right thing by not doing it, but you're doing the wrong thing if you think a side-changing of your own power to increase doesn't restructure our government. And we don't want it restructured. So, I, I don't want it restructured. I don't speak for anyone but myself. But, please, please take this back, that's what you're doing. We can't do that. You get too much power if you do that. Thank you. That, that's my first series. Please.

The second one has to do with this, hard to say what it is. You have a masterplan that you want to replace land use zoning with, okay. And you think it's a wonderful thing, and they come to you and tell you how much money they're making. But, you're destroying the Wailuku Community Plan, because you're eliminating citizen advisory committees from setting boundaries, and giving it to a development group master plan, okay.

That makes no sense. There's no EA. There's no notice with the Office of Environmental Quality on, on traffic, on drainage, on sewage; none of that for you to consider whether or not to change zoning, or whether or not to change a community plan boundary, that incidentally is being created as we speak that you'll have to do it at the same time. It makes no, no, no sense in our current structure of government.

Now, you have a school, bravo; next to a brewery, bravo; next to a, going to be cafes, probably a bar. It's so wonderful. They got the property. They're going to do this, but you know we have a State statute that says when you put a school next to a brewery, you got to do some things with your Liquor Commission. You just can't let that happen, because there's a red flag. Well, you got to look at that, cause you're us. It's got to be in the public interest. It's got to be good for everyone, because equal power means equal people.

And you're eliminating that when you do this wonderful form zoning, which is really breaking law. You're breaking regulatory agency law so that you can give the development people that flexibility to make money. And you don't hold them to any standards for the people around, and you don't listen to anyone like Jim Smith because they take too much time. And you need to get this done now.

And the phasing is amazing on this. One is the housing. You know you're going to have 500 people there, now going into it already employed. Seven hundred students going in and coming out without the housing. Where's that traffic mitigation that you must know to approve this bill to do the right thing, to know what's going on before you give to these people this wonderful vision that's a money maker.

So, I'd ask you, this is, refer that back to Committee, both of those bills or file them. And wait for them to come forward to you. Form zoning breaks law, period. Don't embrace that in a chamber, where public interest and making law is the name of the game. Please, I'm voting. Give it some power. Thank you very much.

CHAIR WHITE: Thank you, Mr. Smith. Does that conclude your testimony?

MR. SMITH: Yes.

CHAIR WHITE: Thank you. Members, any need for clarification? Thank you very much for bringing your passion once again into our chamber.

MR. SMITH: Passion has nothing to do with it. Please, don't reference passion, okay.

CHAIR WHITE: Okay.

MR. SMITH: Urgency, maybe. Passion's a different thing.

CHAIR WHITE: Thank you.

MR. SMITH: Thank you.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Jordan Hart, testifying on Bill 74, 75, and 76. Following Mr. Hart, we'll take testimony from our Molokai District Office.

MR. JORDAN HART, CHRIS HART & PARTNERS [testifying on Bill Nos. 74, 75, and 76 (2016)]:

Thank you, Mr. Chair, for the opportunity to speak. My name is Jordan Hart. I'm a land use planner with Chris Hart & Partners, and I'm here to speak on behalf of the Maui Research and Technology Park.

I would like to add just a few comments to the prior testimony. The first thing I'd like to bring up is that the Liquor Commission does review and approve all liquor applications as well as liquor application renewals. And so, I think that any kind of conflict of uses in the context of consumption of alcohol is going to addressed on a case by case basis by that body.

The other thing I would like to just clearly state is that form-based code is not breaking the law, certainly, if it's going to be reviewed and adopted by this body.

The other thing I wanted to speak in, to focus on is that at first reading there was a series of, of questions that were asked. And there was conversation on those items, but there wasn't really an opportunity for the project to refocus on how those items that were brought up had been addressed in the environmental impact statement that was prepared by the project before the review and decision by the State Land Use Commission, by the review of the Maui Planning Commission, and then the review of the Council Land Use Committee.

So, some of the things that were brought up was timing of infrastructure and how that would be implemented for the project. The State Land Use Commission Decision and Order includes a timeframe for the installation of backbone infrastructure, and that must be completed by 2028. So, that basically requires that all infrastructure for the project, within the bounds of the project, are completed by that time.

There was a discussion on whether or not drainage and flooding was being properly accommodated. And I would like to bring up that there is a comprehensive drainage mitigation strategy for the project. It incorporates significant greenspace that goes

throughout the project site. And it's including low-impact development standards which are a forward thinking method of development that the Department of Public Works strongly supports.

Another thing that was brought up was whether or not traffic accommodations, significantly regional traffic accommodations were being addressed. The project's traffic impact assessment report does include a series of recommendations by our project's traffic engineers. The State Land Use Commission Decision and Order requires that the project enter into a memorandum of agreement with the State Department of Transportation prior to the first subdivision approval. And what that would establish is that the recommendations that are provide, or the recommendations that are being made by our traffic engineer and any others that may be required by the State Department of Transportation are agreed to and executed in a document that's recorded against the property for the completion of the, those infrastructure pieces.

Another issue that was brought up was affordable housing. With the development of residential units, this project triggers a requirement for 313 residential workforce housing units. As per the current ordinance, those units are required to be provided concurrently with market-rate development. The Council Land Use Committee also included a condition for 100-rental units which is going to be included in the project.

The final issue is compliance with the community plan. The project includes a community plan amendment for the specific purpose of establishing compliance with this proposed project and the Kihei-Makena Community Plan. Thank you.

CHAIR WHITE: Thank you very much, Mr. Hart.

Members, any need for clarification of his testimony? Seeing none, thank you for being here this morning.

MR. HART: Thank you.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Molokai District Office, please introduce your first testifier.

MS. TINA THOMPSON: The person to testify here is Teena Rasmussen, and she will be testifying on Bill 74, 75, 76.

MS. TEENA RASMUSSEN, ECONOMIC DEVELOPMENT DIRECTOR [testifying on Bills 74, 75, and 76 (2016)]:

Good morning, Chair White, Members of the Council. I'm very grateful I could testify this morning from Molokai. We have our team over here at the Molokai Business Conference Center, doing a grants workshop, so thank you very much for opening up this office over here to testify remotely.

I'm testifying today on behalf of Bill 74, 75, 76, the Maui Research and Technology Park. The Office of Economic Development is very much in favor of this project going forward with no further revisions. We believe and commend all the partners of the project of all the amazing amount of due diligence they have done, all the work they had done, all the planning they had done, and going through all the proper channels, all the proper agencies.

We are very supportive of this, because as you know, and I'm sure have been told, that the tech park of the 1990's is not the same model today. And as you know, we never did fulfill the complete buildout of our tech park. It has been underutilized. There have been some great successes in there, but it has been underutilized.

And the way that the young, next generation worker wants to work, is they want, they want to have this live, work, shop situation where it's more of a village, and it creates inspiration, collaboration, it keeps people there sometime after work. They can collaborate, they can meet, it really does help the creative and innovative forces that go on; that are needed today in this very social, mobile world that we're living in now.

And so, we're very much in favor of this new regeneration of this property. It's a beautiful property, and we are completely supportive of the plan. And we urge your passing today on the second and final reading. Thank you very much.

CHAIR WHITE: Thank you, Ms. Rasmussen.

Members, any need for clarification?

Seeing none, Mr. Clerk.

DEPUTY COUNTY CLERK: Molokai District Office, do you have any further testifiers?

MS. THOMPSON: No further testimony available.

DEPUTY COUNTY CLERK: Thank you.

The next person to testify in the chamber is Jeanne Skog, testifying on Bills 74, 75, and 76. She will be followed by Rory Frampton.

(Councilmember Hokama was excused from the meeting at 9:25 a.m.)

MS. JEANNE SKOG, MAUI ECONOMIC DEVELOPMENT BOARD [testifying on Bill Nos. 74, 75, and 76 (2016)]:

Good morning--

CHAIR WHITE: Good morning.

MS. SKOG: --Chair and Committee Members, Councilmembers, I'm sorry.

I'm Jeanne Skog. I'm President and CEO of the Maui Economic Development Board, which by the way was one of the creators of the Maui Research and Technology Park, and I'm testifying on Bill 74, 75, and 76.

The Maui R&T Park has been rooted in the vision of a prosperous and dynamic future for our families and our children. A future filled with possibilities of new kinds of businesses, startups, and living wage jobs. It would give our residents and our children the choice to work and live on Maui, the choice to stay on Maui or return to Maui. All that effort to create a fast-track place for innovation was and continues to be fueled by collective community action to prepare our residents with the skills to embrace those opportunities as employees or entrepreneurs.

Fast forward, this has all happened. The businesses, the workforce, our children finding fulfilled, fulfilling jobs at home.

It's been a 34-year journey to here. The 34 years since the Park was conceived have taught us many lessons. The fruits of those hard won lessons are, are contained in the bills you have before you.

The Master Plan update is a result of years of research and extensive scrutiny by the State and the Council's Land Use Committee. It provides a closely regulated framework for development that responds to what companies and entrepreneurs are looking for today and affords the community the best chance to continue the vibrancy of the park.

I experienced firsthand the many challenges that come with building in the Park. We tackled the multiple layers of requirements built into the R&T Park ordinance; design guidelines; and Covenants, Conditions, and Restrictions, otherwise known as CC&R's; not to mention securing funding and financing and overcoming those hurdles. The process is complex and formidable. It is important to remember that even with hoped-for passage of these bills, the layers of oversight and regulation will remain. But, taken together these three bills in their current form represent the best chance for the R&T Park to evolve, thrive, and fulfill its mission to continue to serve our community as a hotbed for innovation and business development.

MEDB understands the concerns expressed about infrastructure needs and are pleased to see the bills in their current form address those issues. The Master Plan update also employs a form-based zoning coding, which will allow for important amenities accentuate community living within the park.

In light of recent events with the loss of 1,000 jobs in ag and visitor industry, the plan is really a vivid reminder that the task of economic diversification, which is essential to our community's well-being is ongoing. Thank you very much.

CHAIR WHITE: Thank you, Ms. Skog.

Members, any need for clarification? Seeing none, thank you for being here this morning and sharing your thoughts.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Rory Frampton, testifying on Bills 74, 75, and 76. He will be followed by Albert Perez.

MR. RORY FRAMPTON, HALEAKALA RANCH [testifying on Bill Nos. 74, 75, and 76 (2016)]:

Good morning, Chairman and Councilmembers.

My name is Rory Frampton.

CHAIR WHITE: Good morning.

MR. FRAMPTON: I'm a land use planning consultant and I represent Haleakala Ranch. Haleakala Ranch is a owner within the project area. They do own some land in

there. There's been a lot of good things said about this project. And I think most of you are aware of the history of the project being supported by the County, by the State, and by the, our national leaders for generations now. And most of those, a lot of those leaders who originally thought of this project are no longer here today.

But, it's been a project that's been in the community plan since its first inception in the 1980's. It was, this project area that we're looking at now was incorporated for the most part in the Community Plan update in the 90's.

The, what's being asked of you today is not to expand the project area in the project district, except to make some conformance with the lines. But, what's really being asked is to adopt this new thought process of having the living units within the R&T Park so you can live next to your homes, I mean, live next to your workplace. It establishes an incredible pattern of circulation for pedestrians and for cars, and it's really the up to date kind of thinking when it comes to zoning, state of the art.

One of the important things that when this law gets passed, it's, there's no, there's a prohibition on short-term rentals. So that's very, very important in terms of the housing. This is not a luxury housing project. Most of the housing that are going to be up there, Jordan mentioned a requirement for a certain percentage of workforce housing. I suspect that most of the units that are, quote not, are market, are probably going to be workforce just because of where it's located, because of this requirement that there's no short-term housing allowed.

There, there were concerns last time brought up about the traffic. There's a very detailed traffic assessment that requires improvements, not in lieu fees, but pro rata share of improvements. And there's some major improvements that need to made on the highway intersections, in and out of the project. There's also a condition that the project can't be built beyond a certain level if the North-South Collector Road doesn't get built.

The project zoning is being adopted at the same time as the community plan; that's by definition, almost consistent. I don't know how you can get more consistent with that. The project is going to be built out in phases. It will require subdivisions, just like Wailuku and Maui Lani requires subdivisions as you go along. At every point of the, when those, when there's a subdivision you have to be consistent with the community plan by law. There's many opportunities to make sure the project is consistent with the community plan, and they can be conditions. In fact, the Planning Director is required to put conditions on the project to make sure that it's consistent with the community plan.

So, there are multiple layers of review ahead of this project. There's requirements for infrastructure improvements. You know, the project, and I can conclude in about ten seconds if that's okay. The project has been through the full gamut of current environmental review, district boundary amendment, change in zoning. It's a 30-year old project, but now it has up to date zoning, and up to date environmental impact statement, and all kinds of conditions and requirement that might actually kill it if it's, if we're not too careful.

So, I urge you to continue your support of this project, and to pass it out today. Thank you.

CHAIR WHITE: That's a little more than ten seconds.

But, Members, any need for clarification? Seeing none, thank you for being here this morning.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Albert Perez, testifying on Bill 76. He will be followed by Tamara Paltin.

MR. ALBERT PEREZ, MAUI TOMORROW FOUNDATION [testifying on Bill No. 76 (2016)]:

Good morning, Chair White, Councilmembers.

CHAIR WHITE: Good morning.

MR. PEREZ: Albert Perez, hi. I'm Director of Maui Tomorrow Foundation. Maui Tomorrow Foundation supports the intent of this project, and we hope it succeeds. We want it to work without adversely affecting the community.

So we are, we have several concerns. And we have submitted some proposed amendments to the conditions that you have, and two additional conditions that I actually found in the A&B Maui Business Park Phase II, and adopted them to this project. So, I think they're quite reasonable.

Point out that this project is now not going to be a project district. So, it won't be coming back for that level of review. And so, this will be your last chance, basically, to take a look at it.

Concerned with the enforcement of the Land Use Commission conditions. They have not historically been enforced by the County. In fact, the County has, at times, raised objections to enforcing the Land Use Commission conditions. So, we're suggesting, on the last page of, of our testimony, we're suggesting that you add some language to say that they're required, that the Maui Research and Tech Partners is required to comply with the Land Use conditions and will cooperate with efforts by the County to enforce those conditions. And that would, that would make it much more likely that that would occur.

As far as the infrastructure concurrency, as you know, the Kihei-Makena Community Plan requires that infrastructure be built concurrently with the proposed development. And upon adoption of the plan, it's required that adequate facilities and infrastructure will be built concurrent, and the land use designations are not an assertion that infrastructure will be provided, but that it should be. So, that's a policy.

Since you don't have another opportunity to look at that, this is your last chance to condition that appropriately. There's similar requirements in the Maui County Code, Chapter 19.510.

And, we note that although the Land Use Commission staff was concerned with the traffic impacts, the Commission did not adopt anything specific. So, the concept of clocks is not actually in there. So, we're suggesting that the Council should not approve this project until they have reviewed and approved of the memorandum of agreement that the Department of Transportation is going to be coming up with, and that you should be approving that and not just trusting that planners in Honolulu for DOT will be reflecting the concerns of Maui County.

They specific, DOT specifically said that there was some level of service standards that were not going to be met.

CHAIR WHITE: Could, could you, I've given you as much time as I gave Mr. Frampton.

MR. PEREZ: Okay.

CHAIR WHITE: If you could please conclude.

MR. PEREZ: Ten more seconds. So, the--

CHAIR WHITE: But, not Frampton's ten.

MR. PEREZ: Right.

CHAIR WHITE: Thank you.

MR. PEREZ: The, the other two conditions five and six, we're saying that Phase 2 shouldn't start until the infrastructure for Phase 2 has been completed. And you have my written comments. So, thank you for your consideration. This is basically what they did for A&B's Business Park, and--

DEPUTY COUNTY CLERK: Four minutes.

CHAIR WHITE: Okay.

MR. PEREZ: Thank you.

CHAIR WHITE: Thank you very much. And, yea, we do have your written comments; appreciate that.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Tamara Paltin, testifying on Committee Report 16-119. She will be followed by Lucienne de Naie.

MS. TAMARA PALTIN (testifying on Committee Report 16-119):

Aloha kakou, Chairman White. Thank you for hearing my testimony this morning.

Just for the record, I'm in complete support with the previous testifier, his oral comments and his written comments.

I just wanted to testify on this amendment to the West Maui Community Plan designation from park to business. You know, I have, I believe in our community plans should be the, the highest thing and not, I don't like to see them amended. I know this is for such a small area, and the purpose is to make it into a more contiguous park.

But, I just have some concerns. You know, it sounds like a six-foot square parcel, and I wonder like, what is the purpose to take it out of park and put it into business? Is it going to be like a kiosk or something? And if, if there's another way to achieve that without taking it out of park designation and putting it into business, you know. I, I think that on the West Side our population is growing so fast and if we got to fight for every six-foot square acreage to keep it in park then that's what we got to do.

You know, there's, it benefits the hotels, and like that to have more land in park. And I don't, I don't appreciate it that it, they want to change it out of park to business. And if, if it does happen, in order to create the contiguous beach park, what protection do we have on the park that eventually down the road, it won't take that park and take it and make it into a business?

So, just wanted to state my concerns. And I take the changing of community plan amendments very seriously. If it's .049 acres or if it's one-acre or 20-acres, or whatever, I think our community plan should be respected. And, and not everybody has time and resources to come down here and stand up for the community plans. So I think if there's another way to do this without changing the community plans, that should be investigated fully. Mahalo.

CHAIR WHITE: Thank you, Ms. Paltin.

Members, any need for clarification? Seeing none, thank you for being here this morning.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Lucienne de Naie, testifying on Bill 76, Committee Report 16-121, County Communication 16-170, and 16-173, and Resolution 16-96, and 16-97. She will be followed by Daniel Kanahele.

MS. LUCIENNE DE NAIE, [testifying on Committee Report 16-121, County Communication Nos. 16-170 and 16-173, Resolution Nos. 16-96 and 16-97, and Bill 76 (2016)]:

Good morning, Chair White.

CHAIR WHITE: Good morning.

MS. DE NAIE: And good morning, Councilmembers. I'm testifying on behalf of myself as an individual. And yes, it's a busy morning.

So, 16-121, filing of the correspondence related to a Charter amendment to have each planning commission include members with an exhibited interest and commitment to a Hawaiian Cultural Preservation, Environmental Protection and so forth. I'll tell you, you'd have a lot less lawsuits if you had somebody who actually could address these things during the Planning Commission discussion. Because our planning commissions, as a person who's sat there for many years, are often told

by their Corp. Counsel that yea, you don't have to really do this now, it can be done later.

Whereas, every single agency of the State has an affirmative duty to look at environmental impacts, cultural impacts. And if there's nobody with any expertise on that commission to bring that up for their fellow members, it really is short-sided. So, the commission does a better job when accidentally there might be someone on who does have this perspective.

The Land Use Commission does require someone with some Hawaiian knowledge be appointed as one of the nine commissioners. And it really has made a difference and we've had some, you know, we've had some meaningful discussions there because of that. So it's, it's a shame that this is not, you know, being considered as something that seriously needs to happen.

Onto the next item, 16-170. Just have to say, yes, yes, yes, please authorize a grant of a lease to the Boys and Girls Club of Maui for their Haiku Clubhouse. These folks have a terrific program there. As President of the community association, our association, and the Haiku School, and the PTA, are all working very, very closely with the Boys and Girls Club. It's a real success story for our community. So, please support these folks by continuing to give them a space at our community center. It's also nice to have them there because they keep an eye on the place. You know, it's nice to have an ongoing program that's there every day.

And, I do have to say our historical society really appreciates having their space every year at the Ho`olaulea. We use it to put up our historical display too. So, they're very gracious about that.

Onto a new topic, 16-173. And, this is about having planning commission training. And, boy, this is really needed. I mean, the planning commission gets an orientation. And I served on a planning commission, the GPAC, and we got an orientation, and then we had two years' worth of questions after that. It could have been a little bit more in-depth. You know, our poor Corp. Counsel was kept working overtime, because we, we just had many, many questions about the purview, even though we were given laws to review and so forth and so on. I think the more training we could give our volunteers that serve on these boards and commissions, the better the results we would get.

Onto 16-96. This is the second and final reading of the proposed amendment to the Charter to require Council approval of the Mayor's appointments and department directors, and allow additional qualifications for department directors to be

established by ordinance. Well, I think every person sitting here knows that this is long overdue.

We are a major corporation here in the County, and we certainly need to define and define clearly the level of expertise and skills that we need, and the people that we're entrusting with the important implementation of the policies that this body works so hard and meticulously to create. So, it's no use having good laws if when they get to the desk that's supposed to implement them, the person just simply doesn't mean ill, but lacks the qualifications to do the kind of job that is needed. So, please pass this on second and final reading.

Onto the next topic, 16-97, proposing amendment to the revised Charter relating to attorneys within the Office of Council Services. I believe I testified upon this last time as well. You know, you folks really do need your own legal counsel who answers to you. And, everyone who's served for a while here knows the reasons for that. They're just simply come up matters where the interest of the Council and the interest of the Administration may have two perfectly legitimate different tracks. And there needs to be clear representation for both so the best decision can be reached. So, I would also urge you to pass this resolution on its second and final reading.

And then moving onto the last item I signed up for, which is Bill 76. This is the actual change in zoning for the Kihei Research and Technology Park. And of course, everyone agrees it's a great idea to have a project like this to really try something new. But, as Ms. Rasmussen said, we all thought it was a great idea for the original plan. We all thought it was, you know, going to be the cat's meow. And it certainly has done some good, but it didn't do everything that it thought it was going to do.

So, I guess the point is plans change. So I think that because plans change, like everyone's committed to low-impact design, that may or may not happen on this project as it goes along. We of course hope it will. So it's good to have clear guidelines so that the people who are sitting in your place in the future, the people who are sitting in the Planning Department and Public Works have a clear idea of what is expected of them.

Now, we have heard that the LUC conditions are really, you know, robust here so that the Council doesn't have to worry. But you should know that LUC has absolutely no power to enforce its condition. The only power it has is to remove the designation and revert it to agriculture. They do not do that. In fact, they've done it once, and they got sued, and they lost. So, they have good conditions, it's true.

But, the County selectively enforces these. In fact, Maui Tomorrow can tell you they, they went to the LUC for the Piilani case and they said the County didn't enforce your

conditions, and the LUC agreed with them. They said, yea, they didn't. And the County said, it's not our purview to do those, we didn't make those conditions, we looked at the zoning, that's all we had to do. So, that happens. It happens in real time.

So the question is, is this a complicated plan? Yes, it is. During the agency comments, when you read the EIS, one of the agency says, this really needs to go to the Urban Design Review Board and it will probably take several meetings because it's so complicated. So, the, making sure that we get what's promised, we really need the clearest and best language. I'm glad that Mr. Perez researched what other developments have had as their conditions. I think that that's a worth, worthwhile direction to take.

But, just for your information, like all LUC conditions specify that a pro-rata share of traffic costs be borne, this is a standard condition. This is nothing specific to this project. So, the, the memorandum of understanding with the, you know, that's going to deal with the traffic, none of us have seen it. So, we don't really know exactly. I'm, I'm sure the applicants, you know, are working on that. But, we need to make sure that the Council conditions are clear. And once it leaves this body, there is no obligation to enforce the policies of the community plan.

Of course, the maps of the community plan will be something that the director looks at, but the policies do not need to be looked at. And once again, that's what happened at the Piilani promenade. There were specific policies in the community plan, and the director just said, well, zoning trumps those, we don't need to look at those. So, this is a last chance to get it clear. I urge you to follow the recommendations that have been made. Thank you.

CHAIR WHITE: Thank you, Ms. de Naie.

Members, any need for clarification on any of those items? Thank you for being here this morning.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Daniel Kanahele, testifying on Bills 74, 75, and 76. Mr. Kanahele will be followed by Rosemary Robbins.

MR. DANIEL KANAHELE [testifying on Bill Nos. 74, 75, and 76 (2016)]:

Good morning, Chair White--

CHAIR WHITE: Good morning.

MR. KANAHELE: --and County Councilmembers. My name is Daniel Kanahele. I am the President of the Maui Meadows Neighborhood Association, and I am testifying on behalf of the board of directors and the association. And before I begin, good luck in the Primary and General Elections.

One of the concerns we have as an association is land use out basing infrastructure. And, you know, we've experienced that, particularly with transportation and drainage infrastructure in the South Maui region. You know, the Maui R&T Park is, has been characterized as a forward thinking project, and I'm not going to argue the merits of that.

But, our concerns are, is this land use going to impact our transportation infrastructure in a way that's going to impact our quality of life as, as residents, cause we as a, as a neighborhood depend heavily upon the Piilani Highway, and this project is going to empty onto the Piilani Highway. And so, we're concerned as to whether or not you folks are going to make sure that this project is going to have adequate transportation infrastructure. And it would make us feel a whole lot better if we knew that this was somehow, the conditions for rezoning this project, would somehow tie to the North-South Collector Road and the completion of that road. And I read the conditions and it's, they're very brief and there's nothing specific about that.

And it would be really nice if there was something in the conditions for zoning that would tie this project to the completion of Liloa, the extension from Kaonoulu, I guess Kaonoulu to Kanani Street. Cause, if you live in Kihei and you drive Kihei, Piilani Highway and Kihei Road, you have seen over the years how that's becoming more and more crowded. I mean, it's at Level of Service C, you know, it's not going to get better, it's going to get worse. It's going to head towards Level of Service F at some point in time in the future.

And this project is going to bring a lot of traffic onto that highway. I mean, if you have a buildout of 1250 homes, that's a lot of cars. And then you add a couple more stoplights, and then you know, it's not, it's not Piilani Highway, it's Piilani Boulevard, or Piilani parking lot.

So, this is one of the concerns we have as an association. We hope you folks can address our concerns in some shape or fashion. Look at the conditions, maybe you can tweak the conditions to tie it to the North-South Collector Road. I mean, it makes sense to me. This is a smart project, why not make it a smart development in terms of the transportation infrastructure. Thank you so much for your time; appreciate it.

CHAIR WHITE: Thank you, Mr. Kanahele.

Members, any need for clarification of his testimony? Seeing none, thanks for sharing your thoughts this morning.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Rosemary Robbins, testifying on Resolutions 16-96 and 16-97. Ms. Robbins is the last individual who has signed up to testify at our District Offices or Council chamber.

MS. ROSEMARY ROBBINS (testifying on Resolution Nos. 16-96 and 16-97):

Good morning, everybody. Rosemary Robbins, concerned citizen. Glad to be here this morning. There's been a lot of work that went into this agenda, so I truly appreciate all of that, and we want goodness to come out of it.

My first address this morning is on Resolution No. 16-97, that's on page 8 of today's agenda. It's titled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO ATTORNEYS WITHIN THE OFFICE OF COUNCIL SERVICES".

The second ago, previous testifier gave a lot of good information on this. I would like to address the resolution itself. Resolution No. 16-97, and I'm sure, I hope, that when, bless you, that when the Councilors are actually addressing this this morning, that will be fully read. But, reading from just one paragraph on page 1 of this 7, of this 4-page resolution, it says, "WHEREAS, permitting attorneys within the Office of Council Services to serve as legal advisors to the Council and its members". This proposal "will allow the Council and its members to have access to independent legal advice when there is an actual or potential conflict of disagreement between the executive and legislative branches".

This is not a case of getting rid of the Councilors who are dealing with the executive part of our three tier government. This is a case of adding additional expertise to that. So, reading over on that, I do hope that you will pass this resolution as stated. It looks good to me.

The second item that I'd like to address this morning is the one above it on the same page; page 8 of our agenda this morning. And this has to do, 16-96, "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI

(1983), AS AMENDED, TO REQUIRE COUNCIL APPROVAL OF THE MAYOR'S APPOINTMENT OF DEPARTMENT DIRECTORS AND ALLOW ADDITIONAL QUALIFICATIONS FOR DEPARTMENT DIRECTORS TO BE ESTABLISHED BY ORDINANCE".

Certainly, in that statement on the agenda this morning, very much in agreement. However, when I went back and took a look at the seven-page resolution, it talks about that's applying to everything with the exception of the Water Director in terms of all of those other areas. And it's saying that the directors of any of those has to have had, he or she, is to be able to apply and be employed, and paid for by the public at large, or you and me; folks at home, hit the ground running.

For the Water Director and the Deputy Director, all it says is that one of them has to be an engineer. Something's hugely omissive in that. So, while I certainly endorse the intention of that, it needs to have a little finesse. And one of the previous testifiers here this morning mentioned, it's not a case of just somebody has an engineering credential. If it's not related to water, too flimsy to be passed in its situation.

With so many of the meetings that we've had under this ceiling, we have seen folks from the Council Services really get busy and write within the same meeting, which is what I'm recommending this morning, that you go over and amend that recommended amendment to be able to say that the person has, applying for this job, has to have already had the background so that he, she, will hit the ground running, which it doesn't say now. So, we need to make sure that it does say that.

So, if you would busy up and get that done this morning, there are lots of people out there that would be very happy to see this pass. Remembering that two Charter amendment groups ago, during those elections, sad to say there was a need to ask for pono in our operations. Glad to say that indeed it was in there. So, let's do that with pono, clean it up this morning, and get it passed. Thank you.

CHAIR WHITE: Thank you, Ms. Robbins.

Members, any need for clarification? Seeing none, thank you for sharing your thoughts this morning.

MS. ROBBINS: You're welcome.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Steve Perkins, testifying on Bills 74, 75, and 76. He will be followed by Gene Zarro.

MR. STEVE PERKINS [testifying on Bills 74, 75, and 76 (2016)]:

Good morning, Mr. Chair, Members of the Council.

CHAIR WHITE: Good morning.

MR. PERKINS: My name is Steve Perkins. And I am the Manager of the Maui R&T Park. This body voted unanimously at first reading three weeks ago to move this project forward at second reading.

The unilateral agreement has been recorded with the Bureau of Conveyances against the property by all landowners in the park.

This project has a total of 34 comprehensive conditions of development imposed on it now. Those conditions, I'm here to tell you, are all that the project can bear. Additional conditions are going to impact bank financing, investment of the park, sales, and economic development efforts.

The developer of the park, along with the other owners in the park, would respectfully request you pass this updated ordinance today, as presented to you without any additional conditions. There's about $30 million in construction projects that are backed-up behind the passage of this. As soon as we're able to get past this step, those, we'll be able to pull building permits and we'll be able to get to work on the charter school and some business expansion.

I'm happy to answer any questions you may have. And thank you for this opportunity to testify.

CHAIR WHITE: Thank you, Mr. Perkins.

Members, any need for clarification? Seeing none, thank you for being here this morning.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Gene Zarro, testifying on Bills 74, 75, and 76. He will be followed by Sam Small.

MR. GENE ZARRO, SOUTH MAUI LEARNING OHANA [testifying on Bill Nos. 74, 75, and 76 (2016)]:

Good morning, Councilmembers. Good morning, Council Chair. My name is Gene Zarro. I'm the CEO of the South Maui Learning Ohana, which is one of the property owners up at the Maui Research and Tech Park. As, as you know, I'm not a stranger to this body.

It is, and I sent the letter out to all of you explaining my serious concerns about getting our project, our building project started on time, as a component of a Federal grant that is bringing 19 preschools to the State of Hawaii in charter schools. We are the one charter school on Maui that has been given that grant. And this is a two-year grant, many hundred thousands of dollars that will go into developing not only the educational steps for the preschool students who are attending, but it is a petri dish, it is a template for what we know the State of Hawaii needs, which is Pre-K programs throughout, ubiquitous throughout the entire State for all public school students.

So, I am very concerned that if we don't get the approval today, that the developer can withstand and hold onto something that we agreed that the 34-conditions already established are really enough to secure a comfort level within the community, we will lose this Pre-K grant, you know. There is no doubt about it because the Pre-K grant has to start like in the school year of 2017. And it cannot start in temporary facilities. So, this is very important.

And I know there are many, many issues of importance regarding this project. But, this one affects youth in our community personally. So, we would like to get this started.

It would also help if we were able to get out of a commercial center, a shopping center, and classrooms in a church, and put us all under one roof, which would be, again, a major component of educational stability for the community of South Maui. Thank you very much.

CHAIR WHITE: Thank you, Mr. Zarro.

Members, any need for clarification? Seeing none, thank you for sharing your thoughts.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person to testify is Sam Small, testifying on Committee Report 16-120, 16-121, 16-122, and Resolution 16-96 and 16-97. Mr. Small is the last individual who has signed up to testify in the Council chamber or at the District Offices.

MR. SAM SMALL (testifying on Committee Reports 16-120, 16-121, 16-122, and Resolution No. 16-96 and 16-97):

Good morning, Chair and Council.

CHAIR WHITE: Good morning.

MR. SMALL: Thank you for the opportunity today. I want to congratulate the Council, you know, for moving forward on a number of very important issues that are related to this community.

I started getting involved in looking at County politics a little over two years ago with the GMO moratorium. And it became clear as I, you know, started paying more and more attention to the matters that the system here was pretty much raped against the, the people's best interests. Raped in favor of corporate and profit driven interests, driven by a desire for money off the island.

And so, many of the systems and positions of County government were in, strictly in favor of the corporate agenda, not in favor of the people's best interests. And many of the proposals that you have today seek to change that. And congratulations on doing that.

Specifically, the 16-96, adding additional qualifications for department directors is, of course, a no-brainer. You need to do that. Thank you for, for attempting to do that. It's long overdue. The Mayor's authority in hiring practices has been a incredible disservice as it has been applied to the County. And to the additional recommendation that those directors have previous experience is well-placed, and please encourage you to make that alteration. It's very important.

Directors are supposed to be the smartest and most experienced people in the room. That's the job. It's not an on the job learning kind of thing. The learning curbs are too steep. The matters are too important to the citizens of this County to let that persist. So, thank you for moving forward on that.

Wow, 16-97, huge, thank you. You need your own independent legal counsel. So many of the issues that we are suffering from, for years now, so much of the money that has been wasted in this County, taxpayers' money, has been wasted because of Corporations Counsels refusal to give an inch. I mean, it's an oligarchy. It's absurd, the level of authority that the Corporation Counsel has here, and you need to chip away at that. And this measure, I hope, will do that.

You know, the matters are now in Federal Court. The, the deferments, real estate development deferments; a huge issue affecting everyone in the County because of the dollars missed from collecting those deferments, and the low-income housing that was given away by those deferments.

Corporation Counsel's actions and other actions of directors in the County are inexcusable and they need to be made public, and brought to justice, and stopped in future business. The County needs to restructure itself, and you are taking steps to do that; congratulations.

In terms of elections, 16-120, you know, yea, it's the same part of the same system. And again, you're taking action to rein in the prosecutors, rein in the people that have extraordinary levels of authority in this community that don't, that have been exploiting that entitlement. And that's something that all the citizens are entitled to. So, you are seeking actions to try and rein those things in. Congratulations.

16-121, again, a no-brainer, you know. We live in a Hawaiian land, and bringing those cultural practitioners into the process at the planning stage is long, long, long overdue.

And, 122 is a little tough now that in this election cycle have been the genesis of super PACS that do not require disclosure of their investors. And those super PACS have dedicated themselves to local politics; it's not statewide, it's not national. These super PACS are supporting candidates currently running for County Council. And so, everyone's participation, donations made to those super PAC's are protected. They will not be disclosed. And so, the, the notion of stopping County employees, trying to stop County employees from making donations to County Council campaigns is undermined by the existence of the super PAC's. I don't know how to reconcile that for you, but thank you for trying.

Thank you all for everything that you do.

CHAIR WHITE: Thank you, Mr. Small.

Members, any need for clarification? Seeing none, thank you for being here this morning.

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, there are no other individuals in the District Offices nor the chamber who wish to offer testimony.

CHAIR WHITE: Thank you, Mr. Clerk.

Members, we have received a number of pieces of written testimony. Without objection, we'll receive it into the record.

MEMBERS VOICED NO OBJECTION.

THERE BEING NO OBJECTION, WRITTEN TESTIMONY RECEIVED FROM THE FOLLOWING WERE MADE A PART OF THE RECORD OF THIS MEETING:

1. Chris Hart and Partners, Inc.;
2. Jeanne Skog, Maui Economic Development Board;
3. Albert Perez, Maui Tomorrow Foundation;
4. Dayton M. Nakanelua, United Public Workers; and
5. Pamela Tumpap, Maui Chamber of Commerce.

CHAIR WHITE: No objection, thank you. And without objection, we'll close public testimony.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you.

Members, we're going to take our morning break now, and then we'll get right down to business. So, please be back in your seats by 10:20.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:07 A.M., AND WAS RECONVENED AT 10:20 A.M., WITH ALL MEMBERS PRESENT, EXCEPT COUNCILMEMBER VICTORINO, EXCUSED.)

CHAIR WHITE: This meeting will please come back to order.

Mr. Clerk, let us proceed with our agenda.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with minutes.

MINUTES

The minutes of the Council of the County of Maui's regular meeting of May 6, 2016, and public hearing of May 20, 2016, were presented at this time.

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you. Thank you, Chair.

I'D LIKE TO MOVE TO APPROVE THE REGULAR MEETING MINUTES OF MAY 6, 2016, AND ALSO THE PUBLIC HEARING MINUTES OF MAY 20, 2016.

COUNCILMEMBER COUCH:

MR. CHAIR, I SECOND.

CHAIR WHITE: We have a motion from Mr. Guzman, and a second from Mr. Couch.

Mr. Guzman.

VICE-CHAIR GUZMAN: Nothing further. Thank you, Chair.

CHAIR WHITE: Thank you.

Members, any further discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COCHRAN, COUCH, CRIVELLO, HOKAMA, VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER VICTORINO.

CHAIR WHITE: Measure passes with eight "ayes"; zero "noes"; and one "excused", and that is Mr. Victorino.

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with committee reports.

COMMITTEE REPORTS

COMMITTEE REPORT
NO. 16-112 - BUDGET AND FINANCE COMMITTEE:

Recommending that Resolution 16-99, entitled "AUTHORIZING THE TRANSFER OF AN UNENCUMBERED APPROPRIATION BALANCE WITHIN THE DEPARTMENT OF FINANCE, FISCAL YEAR 2017 BUDGET," be ADOPTED.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, MOVE THAT COMMITTEE REPORT 16-112, WITH ITS RECOMMENDATIONS, BE ADOPTED.

COUNCILMEMBER COUCH:

MR. CHAIR, I SECOND.

CHAIR WHITE: We have a motion from Mr. Hokama, and a second from Mr. Couch.

Mr. Hokama.

COUNCILMEMBER HOKAMA: No further discussion.

CHAIR WHITE: Members, any need for further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COCHRAN, COUCH, CRIVELLO, HOKAMA, VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER VICTORINO.

CHAIR WHITE: Measure passes with eight "ayes"; zero "noes"; and one "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 16-99.

COMMITTEE REPORT
NO. 16-113 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 77 (2016), entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE OFFICE OF THE AUDITOR, STATE OF HAWAII, TO AUDIT THE SCHEDULE OF ALLOCATIONS OF THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAII (ERS)," be PASSED ON FIRST READING and be ORDERED TO PRINT; and

2. That County Communication 16-123, from the Director of Finance, be FILED.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, with no objections, I request the Clerk to bring up all reports up to 16-117.

CHAIR WHITE: Members, any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

Mr. Clerk.

COMMITTEE REPORT
NO. 16-114 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 78 (2016), entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAII RELATING TO THE ACQUISITION OF A GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENT NO. 68 REPORT," be PASSED ON FIRST READING and be ORDERED TO PRINT; and

2. That County Communication 16-124, from the Director of Finance, be FILED.

COMMITTEE REPORT
NO. 16-115 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 79 (2016), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF WATER SUPPLY, ADMINISTRATION PROGRAM – WATER FUND; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)," be PASSED ON FIRST READING and be ORDERED TO PRINT; and

2. That County Communication 16-126, from the Budget Director, be FILED.

COMMITTEE REPORT
NO. 16-116 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 80 (2016), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF FINANCE, COUNTYWIDE COSTS; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)," be PASSED ON FIRST READING and be ORDERED TO PRINT; and

2. That County Communication 16-127, from the Budget Director, be FILED.

COMMITTEE REPORT
NO. 16-117 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 81 (2016), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX B, REVENUES – FEES, RATES, ASSESSMENTS AND TAXES, DEPARTMENT OF PUBLIC WORKS, GENERAL FUND, SPECIAL REVENUE/TRUST AND AGENCY FUNDS, SUBDIVISION CONSTRUCTION PLAN REVIEW FEES", be PASSED ON FIRST READING and be ORDERED TO PRINT; and

2. That County Communication 16-128, from the Budget Director, be FILED.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT COMMITTEE REPORTS 16-114 UP TO AND INCLUDING 16-117, PASS FIRST READING, BE ORDERED TO PRINT.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: My recollection was we were going to do Committee Report 16-113 as well.

COUNCILMEMBER HOKAMA: Oh excuse me, Chairman, I, my error.

CHAIR WHITE: If you can just redo your motion.

COUNCILMEMBER HOKAMA:

I'LL RESTATE THE MOTION THAT IT BE FROM 16-113 UP TO AND INCLUDING 16-117.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: Thank you. We have a motion from Mr. Hokama and a second from Mr. Couch.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, your Committee vetted all items in recommending Council support for its reports this morning.

CHAIR WHITE: Members, any further discussion? Seeing none, all those in favor of the, of the measures, please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COCHRAN, COUCH, CRIVELLO, HOKAMA, VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER VICTORINO.

CHAIR WHITE: Measure passes with eight "ayes"; zero "noes"; and one "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: Relative to Committee Report 16-113, that's BILL 77 (2016). Relative to Committee Report 16-114, BILL 78 (2016). Relative to Committee Report 16-115, BILL 79 (2016). Relative to Committee Report 16-116, BILL 80 (2016). And relative to Committee Report 16-117, BILL 81 (2016).

COMMITTEE REPORT
NO. 16-118 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. That Bill 82 (2016), entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 10.60.042, MAUI COUNTY CODE, RELATING TO CROSSWALKS," be PASSED ON FIRST READING and be ORDERED TO PRINT; and

2. That County Communication 16-115, from the Director of Public Works, be FILED.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Aloha. Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATION IN COMMITTEE REPORT 16-118.

COUNCILMEMBER COUCH:

MR. CHAIR, I SECOND.

CHAIR WHITE: We have a motion from Ms. Cochran, and a second from Mr. Couch.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. Your Committee met on July 11, 2016, to discuss a proposed bill to amend Section 10.60.042, Maui County Code, relating to crosswalks.

The purpose of the proposed bill is to establish a mid-block crosswalk on Lower Main Street, approximately 400 feet north of its intersection with Mill Street, in Wailuku, Maui, Hawaii.

The crosswalk will allow patrons of Tiffany's Bar & Grill, located at 1424 Lower Main Street, to safely walk across the street, where a parking lot is located.

The Public Works Commission unanimously recommended approval of the proposed bill at its meeting of March 23, 2016.

The Director of Public Works indicated the request for a crosswalk and plans for its installation were submitted by Tiffany's. Plans will include road markings, warning signs, and lighting, and to be paid for and by Tiffany's. This would be the first time a private entity constructed a County crosswalk.

The Director sought a crosswalk-maintenance agreement with the requester; however, your Committee recommended maintenance of the crosswalk lie within the County.

The crosswalk will be an added benefit, not only to Tiffany's, but to other neighboring properties, allowing for better ingress and egress.

Your Committee voted 6-0 to recommend passage of the revised proposed bill on first reading and filing of the communication.

I respectfully ask for this Council's support on the recommendation. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Cochran.

Members, any further discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COCHRAN, COUCH, CRIVELLO, HOKAMA, VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER VICTORINO.

CHAIR WHITE: Measure passes with eight "ayes"; zero "noes"; one "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, BILL 82 (2016).

COMMITTEE REPORT
NO. 16-119 - LAND USE COMMITTEE:

Recommending that Resolution 16-100, entitled "REFERRING TO THE MAUI PLANNING COMMISSION A PROPOSED BILL TO AMEND THE WEST MAUI COMMUNITY PLAN DESIGNATION FROM PARK TO BUSINESS AND A PROPOSED BILL TO CHANGE THE ZONING FROM PK GENERAL PARK DISTRICT TO B-2 COMMUNITY BUSINESS DISTRICT FOR PORTIONS OF PROPERTIES SITUATED AT TAX MAP KEYS (2) 4-4-001:010 AND (2) 4-4-014:006, LAHAINA, MAUI, HAWAII," be ADOPTED.

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN LAND USE COMMITTEE REPORT 16-119.

COUNCILMEMBER COCHRAN:

CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Carroll, and a second from Ms. Cochran.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. The owners of the subject property agreed to a land exchange with the developers of Kaanapali North Beach Resort Park to help create a contiguous beach park.

The imposition of a ten-foot-wide utility easement resulted in a smaller useable land area than expected under the terms of the land exchange.

The proposed Community Plan Amendment and Changes in Zoning would result in a larger useable land area, consistent with the terms of the land exchange.

Your Committee expressed support on the legislation as a matter of fairness to the property owners, and will await the Maui Planning Commission's recommendation.

I ask for the Council's support of the recommendations to adopt the resolution referred to in these bills to the Maui Planning Commission. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

Members, any further discussion on this item?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And, for me, and I, and I heard the testifier this morning, and I, I agree when things aren't vetted through or things are just wiped off the map. But this, for me of sorts, is like a housekeeping type of item. And it's going to, yea, it's, it's not a huge swath and it's enlarging the space for the parks. And it's just this fair trade, the, the family, original family who owns the original parcel, there was a agreement of sorts, and so this had to be adjusted in order to make it fair for the family too.

So, in the end, and this is just, this is a referral to the Maui Planning Commission, so thereby it will get further vetting out of sorts. And by all means, people can research it a lot more if they need to. But, for me, this has been more of a housekeeping type item. And, looking forward to passing that through. Thank you very much, Chair.

CHAIR WHITE: Thank you for adding those comments.

Members, any further discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COCHRAN, COUCH, CRIVELLO, HOKAMA, VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER VICTORINO.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 16-100.

COMMITTEE REPORT
NO. 16-120 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending that correspondence dated April 27, 2016, from Councilmember Riki Hokama, transmitting a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO PROHIBIT THE CORPORATION COUNSEL AND THE PROSECUTING ATTORNEY, AND THEIR DEPUTIES, FROM AIDING IN THE ELECTION OR DEFEAT OF ANY CANDIDATE FOR COUNTY PUBLIC OFFICE", be FILED.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. May I ask that the, without objections, that the Clerk bring up 16-121 and 16-122 please?

CHAIR WHITE: Members, any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

Mr. Clerk.

COMMITTEE REPORT
NO. 16-121 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending that correspondence dated April 28, 2016, from Councilmember Elle Cochran, transmitting a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO DESIGNATE PLANNING COMMISSION SEATS FOR LEADERS OF HAWAIIAN CULTURAL AND ENVIRONMENTAL PROTECTION GROUPS", be FILED.

COMMITTEE REPORT
NO. 16-122 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending that correspondence dated April 29, 2016, from Council Chair Mike White, transmitting a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO PROHIBIT COUNTY EMPLOYEES FROM MAKING CAMPAIGN CONTRIBUTIONS TO SUPPORT OR OPPOSE ANY CANDIDATE FOR MAYOR OR COUNTY COUNCIL", be FILED.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. Your Committee met on June 27, 2016, and July 5, 2016, on these items, and recommended that they be filed. Thank you.

CHAIR WHITE: We need a motion.

COUNCILMEMBER COUCH: I'm sorry.

CHAIR WHITE: No problem.

COUNCILMEMBER COUCH: Yes.

I MOVE THAT THE COMMITTEE REPORT, THE RECOMMENDATIONS OF COMMITTEE REPORTS 16-120, 16-121, AND 16-122, BE ADOPTED.

COUNCILMEMBER CARROLL:

SECOND.

CHAIR WHITE: We have a motion from Mr. Couch, with a second from Mr. Carroll.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. My previous comments still stand. Thank you.

CHAIR WHITE: Thank you.

Members, any further discussion on these items?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. And so the 16-121, obviously, its shown, was presented via myself. And I was, at the time of discussion during Committee, disappointed, but then we figured out a way for me to further pursue this addition to the planning, requirements of the Planning Commission members. So, I am pursuing that route.

So, the filing doesn't mean that this is totally dead subject off the books. My office and this Council is pursuing it in another manner. So, I just wanted to comment on that, because I wholeheartedly still support what this, the intent of this legislation was about. So, thank you, Chair.

CHAIR WHITE: Thank you for adding that, Ms. Cochran, because I think there was support for the, for what you intended to do. But, my recollection is that we found that in other, in other situations we had, we had made those requirements as part of the, of an ordinance as opposed to a change in the Charter. So, we look forward to, I know you've already transmitted it, and I know you'll be following up on that later.

COUNCILMEMBER COCHRAN: Yea.

CHAIR WHITE: But, thank you for those comments.

COUNCILMEMBER COCHRAN: Thank you.

CHAIR WHITE: Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COCHRAN, COUCH, CRIVELLO, HOKAMA, VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER VICTORINO.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused".

Mr. Clerk.

COMMITTEE REPORT
NO. 16-123 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending that Resolution 16-101, entitled "RELATING TO THE APPOINTMENT OF MARGARET PEARY TO THE MAUI COUNTY COMMISSION ON PERSONS WITH DISABILITIES," be ADOPTED.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. May I, without objection, request that the Clerk bring up Number 16-124, as well?

CHAIR WHITE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So ordered.

Mr. Clerk.

COMMITTEE REPORT
NO. 16-124 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending that Resolution 16-102, entitled "RELATING TO THE APPOINTMENT OF SHARON SUZUKI TO THE CIVIL SERVICE COMMISSION," be ADOPTED.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS OF COMMITTEE REPORT 16-123 AND 16-124.

COUNCILMEMBER CARROLL:

SECOND.

CHAIR WHITE: We have a motion from Mr. Couch, and a second from Mr. Carroll.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. At its meeting of July 11, 2016, your Committee voted 6-0 to recommend the adoption of a resolution entitled "RELATING TO THE APPOINTMENT OF MARGARET PEARY TO THE MAUI COUNTY COMMISSION ON PERSONS WITH DISABILITIES".

The purpose of the resolution is to approve the appointment, and her term expires March 31, 2017.

Your Committee expressed its appreciation for Ms. Peary's willingness to serve on the Commission.

And on that same meeting, your Committee voted 7-0 recommending adoption of a resolution "RELATING TO THE APPOINTMENT OF SHARON SUZUKI TO THE CIVIL SERVICE COMMISSION".

Her term will expire on March 31, 2020. Your Committee expressed its appreciation for Ms. Suzuki's willingness to serve on the Commission.

I respectfully request the Council's favorable consideration of these motions.

CHAIR WHITE: Thank you, Mr. Couch.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COCHRAN, COUCH, CRIVELLO, HOKAMA, VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER VICTORINO.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, relative to Committee Report 16-123 is RESOLUTION 16-101. Relative to Committee Report 16-124 is RESOLUTION 16-102.

COMMITTEE REPORT
NO. 16-125 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. That Resolution 16-103, entitled "AUTHORIZING ACCEPTANCE OF A DONATION OF THREE MORPHO TRAK LIVESCAN MACHINES FOR THE WAILUKU DISTRICT RECEIVING DESK AND THE LAHAINA DISTRICT PRISONER PROCESSING AREA FROM THE HAWAII CRIMINAL JUSTICE DATA CENTER TO THE COUNTY OF MAUI, DEPARTMENT OF POLICE, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE," be ADOPTED; and

2. That County Communication 16-86, from the Chief of Police, be FILED.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH:

MR. CHAIR, I MOVE TO ADOPT THE RECOMMENDATIONS OF COMMITTEE REPORT 16-125.

COUNCILMEMBER COCHRAN: And Mr. Chair--

COUNCILMEMBER CARROLL: Second.

COUNCILMEMBER COCHRAN: Oh, sorry.

SECOND.

CHAIR WHITE: We have a motion from Mr. Couch, and a second from Ms. Cochran.

Mr. Couch.

COUNCILMEMBER COUCH: Thank, thank you, Mr. Chair. At its meeting of July 11, 2016, your Committee voted 7-0 to recommend the following: adoption of a proposed resolution entitled "AUTHORIZING ACCEPTANCE OF A DONATION OF THREE MORPHO TRAK LIVESCAN MACHINES FOR THE WAILUKU DISTRICT RECEIVING DESK AND THE LAHAINA DISTRICT PRISONER PROCESSING AREA FROM THE HAWAII CRIMINAL JUSTICE DATA CENTER TO THE COUNTY OF MAUI, DEPARTMENT OF POLICE, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE".

These fingerprinting, and photographing, and imaging machines, each valued at $26,000, and one year of maintenance valued at $4,000, from the Hawaii, come from the Hawaii, grant from the Hawaii Criminal Justice Data Center to the Department of Police. Two of the machines will be used at the Wailuku Police Station, and one at the Lahaina Police Station.

I respectfully request the Council's favorable consideration of this.

CHAIR WHITE: Thank you, Mr. Couch.

Members, any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COCHRAN, COUCH, CRIVELLO, HOKAMA, VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER VICTORINO.

CHAIR WHITE: Measure passes with eight "ayes", zero "noes", and one "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 16-103.

Mr. Chair, proceeding with County Communications.

COUNTY COMMUNICATION

NO. 16-151 - CAROL K. REIMANN, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated July 7, 2016)

Notifying of intended voluntary contributions for Fiscal Year 2017 received from senior program participants totaling $357,308.00, with no Letter of Intent.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chairman. I request the Clerk to bring up all county communications up to 157.

CHAIR WHITE: Members, any concerns?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: No objections. Thank you, so ordered.

Mr. Clerk.

NO. 16-152 - DEBORAH STONE-WALLS, EXECUTIVE ON AGING, (dated July 6, 2016)

Transmitting a copy of the notice of grant award from the State of Hawaii, Executive Office on Aging for the Kupuna Care Program for the period July 1, 2016 to June 30, 2017 in the amount of $1,053,081.00.

NO. 16-153 - TIVOLI S. FAAUMU, CHIEF OF POLICE, (dated July 12, 2016)

Transmitting a copy of the grant agreement with the Office of Youth Services for the Positive Outreach Intervention (POI) Program for the period of May 1, 2016 to April 30, 2017 in the amount of $85,263.00.

NO. 16-154 - JOSEPH PONTANILLA, COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MANAGER, (dated July 18, 2016)

Transmitting a copy of the notice of grant award from the U.S. Department of Housing and Urban Development, Office of Community Planning and Development for the Community Development Block Grant Program for the period of July 1, 2016 to June 30, 2017 in the amount of $1,731,191.00.

NO. 16-155 - JOHN D. KIM, PROSECUTING ATTORNEY, (dated July 18, 2016)

Transmitting a copy of the notice of grant award from the State of Hawaii, Department of the Attorney General, Crime Prevention and Justice Assistance Division for the Victim/Witness Assistance Division for the period of July 1, 2016 to June 30, 2017 in the amount of $64,864.00.

NO. 16-156 - CAROL K. REIMANN, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated July 18, 2016)

Transmitting a copy of the notice of grant award from the State of Hawaii, Executive Office on Aging for the Department of Housing and Human Concerns – Human Concerns Program – Title III Program, for the period October 1, 2016 to September 30, 2017 in the amount of $743,889.00.

NO. 16-157 - JEFFREY A. MURRAY, FIRE CHIEF,
(dated July 22, 2016)

Transmitting a copy of the notice of grant award from the State of Hawaii, Board of Land and Natural Resources for the Lifeguard Services at Makena Beach Grant for the period of July 1, 2016 to June 30, 2017 in the amount of $606,469.00.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT COUNTY COMMUNICATION 16-151 UP TO AND INCLUDING 16-157 BE FILED.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: We have a motion from Mr. Hokama, and a second from Mr. Couch.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, Council, your Budget and Finance Committee via Council is being notified as required by ordinances and the requirements of notification of grant awards. Thank you.

CHAIR WHITE: Thank you.

Members, any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COCHRAN, COUCH, CRIVELLO, HOKAMA, VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER VICTORINO.

CHAIR WHITE: Measure passes with eight "ayes" and one "excused".

Mr. Clerk.

NO. 16-158 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated July 25, 2016)

Transmitting a report of short term investments for the quarter ended June 30, 2016.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I would request 16-158 be referred to Budget and Finance Committee.

CHAIR WHITE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So ordered.

Mr. Clerk.

The recommended action is that County Communication No. 16-158 be referred to the Budget and Finance Committee.

NO. 16-159 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated July 25, 2016)

Transmitting 110 contracts/grants for June 2016.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT 16-159 WITH THE FOLLOWING CONTRACTS TO BE DELETED TO BE SENT TO BUDGET AND FINANCE FOR FINANCE REVIEW, THE BALANCE TO BE FILED UNDER 16-159.

CHAIR WHITE: Do you have a recommendation of which contract you'd like to, to be referred to Committee?

COUNCILMEMBER HOKAMA: And I would also ask the Members, if they have contracts they wish to be forwarded to finance component for review to please make your intentions known.

> CHAIRMAN, CONTRACT C6037, $399,980 TO COMMITTEE. CONTRACT GRANT 4221, $499,226, BE REFERRED TO COMMITTEE.

CHAIR WHITE: Could you speak a little more directly into your microphone?

COUNCILMEMBER HOKAMA: Thank you.

CHAIR WHITE: Thank you.

COUNCILMEMBER HOKAMA:

> CONTRACT 5823-1, $1.966170 MILLION. AND THE FINAL ITEM I WOULD LIKE TO HAVE REFERRED TO COMMITTEE IS MORE OF A, A HEADING, A SUBJECT HEADING, CHAIRMAN. THIS WOULD BE UNDER THE HEADING OF GRANTS. I HAVE NOTICED THAT WE EXECUTED 42 GRANTS IN THE LAST QUARTER OF THE FISCAL YEAR BY OED AND HUMAN CONCERNS. SO, I WANT THAT SUBJECT REFERRED TO COMMITTEE.

I would like them to explain to Council whether or not that is for the current year, or is that going to be encumbered for following year requirements. And then we can make the appropriate adjustment on how we appropriate those grant funds.

CHAIR WHITE: Just so that we're clear, are you asking that the, all four--

COUNCILMEMBER HOKAMA: Subject matter be referred to the Committee.

CHAIR WHITE: --all 42? Just subject matter?

COUNCILMEMBER HOKAMA: Yea, I don't need all 42 agreements.

CHAIR WHITE: Okay.

COUNCILMEMBER HOKAMA: We'll get that done later, Chairman.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: And the staff is clear on the items that were being referred? Okay.

Any other referral requests from the Members? Any other contracts? Seeing none, the motion is to file this with the exception of the contracts. I believe there was four contracts or grants that were read, and--

COUNCILMEMBER HOKAMA: Four items, Chairman. Thank you.

CHAIR WHITE: Pardon.

COUNCILMEMBER HOKAMA: Yea, four items.

CHAIR WHITE: Four items, plus the subject matter of grants.

Okay, Members, any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COCHRAN, COUCH, CRIVELLO, HOKAMA, VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER VICTORINO.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused".

Mr. Clerk.

NO. 16-160 - KA`ALA BUENCONSEJO, DIRECTOR OF PARKS AND RECREATION, (dated July 15, 2016)

Transmitting a list of permits and activities using properties managed by the Department of Parks and Recreation, which were co-sponsored for Fiscal Year 2016.

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Chair, requesting a motion for referral to this matter, to the EAR Committee.

CHAIR WHITE: Okay, any objections to this item being referred to Committee?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So ordered.

Mr. Clerk.

The recommended action is that County Communication No. 16-160 be referred to the Economic Development, Energy, Agriculture, and Recreation Committee.

NO. 16-161 - ALAN M. ARAKAWA, MAYOR, (dated July 13, 2016)

Informing of a vacancy on the Urban Design Review Board due to the resignation of Gerald Steiner on July 13, 2016.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. May I request that the Clerk bring up 16-162 without objections?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

NO. 16-162 - ALAN M. ARAKAWA, MAYOR,
(dated July 15, 2016)

Informing of a vacancy on the Cost of Government Commission due to the resignation of Gayle Long on July 14, 2016.

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE TO FILE COUNTY COMMUNICATION NO. 16-161 AND 16-162.

COUNCILMEMBER CARROLL:

SECOND.

CHAIR WHITE: Okay, we have a motion from Mr. Couch, and a second from Mr. Carroll.

Mr. Couch.

COUNCILMEMBER COUCH: Mr. Chair, thank you. As it notes in the communications, they are being informed of the vacancies on two different boards or commissions. And so we want to just thank Mr. Steiner for his service on the Urban Design Review Board, and Ms. Long for the, her service on the Cost of Government Commission.

CHAIR WHITE: Thank you.

Members, any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COCHRAN, COUCH, CRIVELLO, HOKAMA, VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER VICTORINO.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused".

Mr. Clerk.

NO. 16-163 - DAVID TAYLOR, DIRECTOR OF WATER SUPPLY,
(dated July 7, 2016)

Transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending June 2016.

CHAIR WHITE: Ms. Baisa.

COUNCILMEMBER BAISA: Mr. Chair, without objection, could we please have the Clerk bring up 16-164 also?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

NO. 16-164 - DAVID TAYLOR, DIRECTOR OF WATER SUPPLY,
(dated July 20, 2016)

Transmitting the State of Hawaii's Commission on Water Resources Management water use reports for April and May 2016 for all registered well reporters in the County of Maui.

CHAIR WHITE: Ms. Baisa.

COUNCILMEMBER BAISA:

CHAIR, I MOVE TO FILE THESE ITEMS, 16-163 AND 164.

COUNCILMEMBER COUCH:

MR. CHAIR, I SECOND.

CHAIR WHITE: Okay, we have a motion from Ms. Baisa, with a second from Mr. Couch.

Ms. Baisa.

COUNCILMEMBER BAISA: Mr. Chair, very little comment. These are routine reports, and we normally file them. And if anybody wants to really take a look at them, they are available.

CHAIR WHITE: Thank you.

Members, any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COCHRAN, COUCH, CRIVELLO, HOKAMA, VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER VICTORINO.

CHAIR WHITE: Measure passes with eight "ayes" and one "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with county communications for referral. The following county communications are recommended for referral to the following committees as noted:

NO. 16-165 - SANANDA K. BAZ, BUDGET DIRECTOR,
(dated July 11, 2016)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2017 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 HOUSING AND HUMAN CONCERNS (KUPUNA CARE PROGRAM)".

The recommended action is that County Communication No. 16-165 be referred to the Budget and Finance Committee.

NO. 16-166 - SANANDA K. BAZ, BUDGET DIRECTOR,
(dated July 15, 2016)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2017 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 POLICE (STATE E911 WIRELESS COMMISSION)".

The recommended action is that County Communication 16-166 be referred to the Budget and Finance Committee.

NO. 16-167 - SANANDA K. BAZ, BUDGET DIRECTOR,
(dated July 29, 2016)

Transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES, DEPARTMENT OF MANAGEMENT, WAILUKU-KAHULUI COMMUNITY PLAN AREA, GOVERNMENT FACILITIES, WAIKAPU BASEYARDS; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)";

2. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4331, BILL NO. 59 (2016), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI (BOND FUND – WAIKAPU BASEYARDS)";

3. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF MANAGEMENT, WAILUKU-KAHULUI COMMUNITY PLAN AREA, WAIKAPU BASEYARDS"; and

4. The "COUNTY OF MAUI, WAIKAPU FACILITIES MASTER PLAN, FINAL SUBMISSION – APRIL 2015".

The recommended action is that County Communication No. 16-167 be referred to the Budget and Finance Committee.

NO. 16-168 - SANANDA K. BAZ, BUDGET DIRECTOR,
(dated July 29, 2016)

Transmitting the Budget Implementation Report as of June 30, 2016 (Fiscal Year 2016 Fourth Quarter).

The recommended action is that County Communication No. 16-168 be referred to the Budget and Finance Committee.

NO. 16-169 - ALAN M. ARAKAWA, MAYOR,
(dated July 13, 2016)

Transmitting a proposed resolution entitled "AUTHORIZING THE FIRST AMENDMENT TO LEASE GRANTING AN EXTENSION OF TIME AND REDUCTION IN RENT FOR THE VETERANS OF FOREIGN WARS VETERANS CENTER AND COMMUNITY ACTIVITIES SITE LEASE"; and related documents.

The recommended action is that County Communication No. 16-169 be referred to the Economic Development, Energy, Agriculture, and Recreation Committee.

NO. 16-170 - KA`ALA BUENCONSEJO, DIRECTOR OF PARKS AND RECREATION, (dated July 7, 2016)

Transmitting a proposed resolution entitled "AUTHORIZING A GRANT OF A LEASE OF COUNTY RECREATIONAL SPACE TO BOYS & GIRLS CLUBS OF MAUI, INC. (HAIKU CLUBHOUSE)".

The recommended action is that County Communication No. 16-170 be referred to the Economic Development, Energy, Agriculture, and Recreation Committee.

NO. 16-171 - DAVID C. GOODE, DIRECTOR OF PUBLIC WORKS,
(dated July 5, 2016)

Informing of the Department's request for additional time to respond to the Department of Health's proposed rule changes to the administrative rules.

The recommended action is that County Communication No. 16-171 be referred to the Infrastructure and Environmental Management Committee.

NO. 16-172 - ELLE K. COCHRAN, COUNCILMEMBER,
(dated July 22, 2016)

Relating to all Hui Roads in West Maui, that were part of the Mailepai Partition.

The recommended action is that County Communication No. 16-172 be referred to the Infrastructure and Environmental Management Committee.

NO. 16-173 - ELLE K. COCHRAN, COUNCILMEMBER,
(dated July 28, 2016)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.28, MAUI COUNTY CODE, RELATING TO PLANNING COMMISSION MEMBERSHIP AND TRAINING".

The recommended action is that County Communication No. 16-173 be referred to the Policy and Intergovernmental Affairs Committee.

CHAIR WHITE: Thank you, Mr. Clerk.

Members, are there any objections to the items as referred by the Clerk?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Okay, thank you. So ordered.

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with resolutions, second and final reading.

RESOLUTIONS

RESOLUTION
NO. 16-96

PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO REQUIRE COUNCIL APPROVAL OF THE MAYOR'S APPOINTMENT OF DEPARTMENT DIRECTORS AND ALLOW ADDITIONAL QUALIFICATIONS FOR DEPARTMENT DIRECTORS TO BE ESTABLISHED BY ORDINANCE

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE TO PASS RESOLUTION 19-, I'M SORRY, 16-96 ON SECOND AND FINAL READING.

COUNCILMEMBER CARROLL:

SECOND.

CHAIR WHITE: We have a motion from Mr. Couch, and a second from Mr. Carroll.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. At its meeting on July 15, 2016, this Council passed Resolution 16-96 on first reading, proposing a Charter amendment relating to Council approval of department directors.

The purpose of Resolution 16-96 is to place on the next General Election ballot the question of whether the Charter shall be amended to require Council approval of the Mayor's appointment of department directors, and allow additional qualifications for department directors to be established by ordinance.

I respectfully request the Council's favorable consideration of this matter.

CHAIR WHITE: Thank you, Mr. Couch.

Members, any further discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COCHRAN, COUCH, CRIVELLO, HOKAMA, VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER VICTORINO.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused".

Mr. Clerk.

RESOLUTION
NO. 16-97

PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO ATTORNEYS WITHIN THE OFFICE OF COUNCIL SERVICES

CHAIR WHITE: Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair.

I MOVE TO PASS RESOLUTION 16-97 ON SECOND AND FINAL READING.

VICE-CHAIR GUZMAN:

SECOND.

COUNCILMEMBER CARROLL: Second.

CHAIR WHITE: We have a motion from Mr. Couch, and a second from Mr. Guzman.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. At its meeting on July 15, 2016, this Council passed Resolution 16-97 on first reading, proposing a Charter amendment relating to authority of OCS staff attorneys appointed by the Council to serve in the legislative branch.

The purpose of this resolution is to place on the next General Election ballot the question of whether or not, whether the Charter should be amended to: 1) allow attorneys within the Office of Council Services, in addition to attorneys within the Department of Corporation Counsel, to serve as legal advisors to the Council and its members; and 2) to allow the Council to designate by two-thirds of its entire membership, attorneys within the Office of Council Services as special counsel to serve as legal representatives for any special matter represent, presenting a real necessity for such employment.

Currently, attorneys within the Office of Council Services assist the Council in its legislative duties including staffing Council Committees, interfacing with the public, drafting legislation memoranda and other working documents, and conducting legal research. But, they cannot provide formal legal opinions under the current structure.

The Council and its Members sometimes need to have a ready access to independent legal advice such as when there is an actual or potential conflict or disagreement between the executive and the legislative branches.

I respectfully request the Council's favorable consideration of this motion.

CHAIR WHITE: Thank you, Mr. Couch.

Any further discussion, Members?

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. I'd like to thank the Members in the chamber for this, for at least getting this, this amendment to the Charter to second and final reading. Been working on this Charter amendment for the last four years, or at least three years.

And at this point, very happy to have it at second reading. I think it's something that's very needed at times. I know that we can't always depend on one opinion. And sometimes, like the testifier said, there are two, sometimes two legitimate causes, so that needs to be worked out.

With this type of ability of our Council Services attorneys to give opinions would also aid in our future endeavors. So, I'd like to thank you, Chair, for supporting this, as well as my Members on the floor. Thank you very much.

CHAIR WHITE: Members, any further discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COCHRAN, COUCH, CRIVELLO, HOKAMA, VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER VICTORINO.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with ordinances, second and final reading.

ORDINANCES

ORDINANCE NO._____
BILL NO. 73 (2016)

A BILL FOR AN ORDINANCE GRANTING ROYAL KAANAPALI HOLDINGS, LLC, A CONDITIONAL PERMIT TO ALLOW UP TO 24 RESORT-RELATED OR COMMUNITY-SPONSORED SPECIAL EVENTS PER YEAR WITHIN THE A-2 APARTMENT AND R-3 RESIDENTIAL DISTRICTS, FOR PROPERTIES IDENTIFIED AS PORTIONS OF TAX MAP KEY NUMBERS (2) 4-4-008:009, (2) 4-4-008:010, AND (2) 4-4-013:003, KAANAPALI, MAUI, HAWAII

CHAIR WHITE: Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair.

I MOVE TO PASS BILL NO. 73 (2016) ON SECOND AND FINAL READING.

COUNCILMEMBER COCHRAN:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Carroll, and a second from Ms. Cochran.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. The five-year Conditional Permit granted by this bill would allow Royal Kaanapali Holdings, LLC to hold a maximum of 24 resort-related or community-sponsored special events per year at the Royal Kaanapali Golf Course and the Kai Golf Course on four specified sites ranging from two to three acres each.

I ask for the Council's support on Bill 73. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

Members, any further discussion on this item?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: Yea, thank you, Chair. And these events bring in, as you I'm sure well aware, economy and just overall fun events to this area, which our visitors take part of, the Annual Keiki Fishing Derby, our local families take part of, so there's numerous, Kaanapali Fresh, so there's numerous events that occur in this area. And in order for them to conduct them, they'll, we'll need to pass this through. So, looking forward to the support, and to make sure that these wonderful events that happen annually, continue. And thank you that, for that, Chair.

CHAIR WHITE: Thank you. And I remember taking my kids to the fishing tournament many years in a row.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COCHRAN, COUCH, CRIVELLO, HOKAMA, VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER VICTORINO.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused".

Mr. Clerk.

ORDINANCE NO._____
BILL NO.___74___(2016)

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 2641 (1998), KIHEI-MAKENA COMMUNITY PLAN AND LAND USE MAP, FROM PROJECT DISTRICT 6 (R&T PARK), PUBLIC/QUASI-PUBLIC, AND AGRICULTURE TO MAUI RESEARCH & TECHNOLOGY PARK FOR PROPERTY SITUATED AT KIHEI, MAUI, HAWAII

CHAIR WHITE: Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. I request that the Clerk pull up Bill 75 and 76, since they relate to the same matter.

CHAIR WHITE: Members, any objections to calling up the additional bills?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you, so ordered.

ORDINANCE NO._____
BILL NO.___75___(2016)

A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, TO ESTABLISH A NEW CHAPTER 19.38, MAUI COUNTY CODE, FOR MAUI RESEARCH & TECHNOLOGY PARK SITUATED IN KIHEI, MAUI, HAWAII

ORDINANCE NO._____
BILL NO.___76___(2016)

A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM KIHEI RESEARCH AND TECHNOLOGY PARK DISTRICT AND AGRICULTURAL DISTRICT TO MAUI RESEARCH & TECHNOLOGY PARK DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT KIHEI, MAUI, HAWAII

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Carroll.

COUNCILMEMBER CARROLL: Chair, could I request that the Clerk can confirm if the unilateral agreement has been received for this application?

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, we have received the unilateral agreement.

CHAIR WHITE: Thank you.

COUNCILMEMBER CARROLL: Thank you. Thank you, Chair. The Maui R&T Partners, LLC proposes, excuse me.

CHAIR WHITE: We, we need the motion on the three bills.

COUNCILMEMBER CARROLL: A motion would be appropriate. Thank you, Chair.

I WOULD MOVE THAT, TO PASS BILLS 74, 75, AND 76 ON SECOND AND FINAL READING.

COUNCILMEMBER COUCH:

MR. CHAIR, I SECOND.

CHAIR WHITE: We have a motion from Mr. Carroll, and a second from Mr. Couch.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. Maui R&T Partners, LLC proposes to transform the existing and operational Maui Research and Technology Park located on 150 acres into a multi-use project consisting of a total of 390 acres.

The State Land Use Commission imposed conditions of approval to mitigate potential impacts of the construction, build-out, and operations phase of the project. According to its Decisions and Orders, the project is expected to be substantially completed within 20 years of the 2013 Land Use Commission approval, with backbone infrastructure expected to be completed within 13 years.

On July 29, 2016, Chris Hart and Partners provided written testimony to this body addressing many of the questions raised on first reading of these bills. Copies of the constituent's testimony have been distributed to the Councilmembers by the Clerk's Office.

Representatives of the Planning Department are also here today in support of the recommendations made by the Land Use Committee and this legislation, and are available should the body have questions.

I ask for the Council's support on Bill 74, 75, and 76. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

Members, any further discussion?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. I speak this morning on this motion with reservations. For me who doesn't really sit on the Land Use Committee, Chairman, this is my opportunity, my time to speak about this consideration. And for me it's a tough one, cause I see great benefits. I have obviously some issues that I felt we could have addressed better.

But, let me go on my areas of concern. One of the areas, Chairman, that I found disturbing is our change of practice from going through a managing partner and dealing with every single individual component. I don't need 30-something owners sitting in front of me to testify on one item. I would think the managing partner takes that responsibility through their agreements to do the representation of the project, and that we deal with one voice, one person. So, I find it disturbing that it took so long, as I understand it, six months to try and deal with this concern. Well I for one don't like to be wagged by the tail.

So, I have my issues with Corporation Counsel, I have my issues with Council Services, as it applies to how this proposal has gone through the process.

I believe that we, as I understand the language in the ordinance, Mr. Chairman, and when you look at the attachments to the ordinance, I would, I can see Mr. Wong arguing or defending the position that the conditions as placed by the Land Use Commission still has some authority by this County. And as I read the documents, and I look forward to my learned colleague to my left, I feel he views it similar, that the language is until the County signs off on conditions of the project, including the Land Use Commission, is still binding and runs with the land and goes to all subsequent owners.

So, I would ask Mr. Wong if that's a correct understanding of the Council this morning regarding this issue.

CHAIR WHITE: Mr. Wong.

CORPORATION COUNSEL PATRICK WONG: Chair, I'm not quite sure I understand the question. Can, can you restate that, Member Hokama?

COUNCILMEMBER HOKAMA: And again, Mr. Wong, I know, so I'm looking at the Bill 76, when I look in the back on pages 5 and 6, under the "WITNESSETH" part, we go through the Declarant makes a final declaration, we've got various points. On point 2 it says that until written release by the County of Maui, goes on and on, on all things are still obligated.

Point number 3, the Declarant notifies appropriate County Department, and until the appropriate County Department verifies the satisfaction and provides a written release, the covenant condition or restriction still applies, as I read it.

If you go to number 6, it also says that the Declarant agrees that this will be part of the zoning ordinance; that phrase zoning ordinance.

Look at part of number 7. It says, expressly understood and agreed that until released in writing by the County, the conditions imposed by this Declaration runs with the land. The County of Maui shall have the right to enforce this Declaration by appropriate action at law or suit in equity against all such persons.

So, that's why I'm asking. Is what we are reading in this document, as part of the ordinance, is that our, a good understanding on the Council's part? Because I don't think we need to structure another condition for a unilateral agreement. I think we can, if need be, provide sufficient clarification on our intent through a section of the ordinance. Unless what I've just shared with my colleagues, and you Mr. Wong, is insufficient as part of what we have here for second and final reading.

VICE-CHAIR GUZMAN: Chair, can I also elaborate a little further so Mr. Wong can understand? So, basically there's an issue as to whether the conditions in the Land Use Commission can be enforced by the County. So, basically by the language that Mr. Hokama has provided on the floor, can the County enforce the conditions provided by the Land Use Commission? And, clear, and I guess our rationale is, by reading it, yes we can because the only way they can be released by it is by a written document from the County to release them from the, from the conditions provided.

CORPORATION COUNSEL: Chair, if I may. Can I have Deputy Corp. Counsel Mike Hopper on the floor?

CHAIR WHITE: Certainly. Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Happy to have Mr. Hopper join us.

Please identify yourself for the record.

DEPUTY CORPORATION COUNSEL MICHAEL HOPPER: Thank you, Mr. Chair. Michael Hopper, Deputy Corporation Counsel. The question of the Land Use Commission conditions, the unilateral agreement, is this, I'm not sure if one of the conditions is to incorporate by reference all of the Land Use Commission conditions. I don't think they are.

Yea, the County under, under HRS 205 is actually the enforcement body for the Land Use Commission's conditions. However, the unilateral agreement itself only deals with the change in zoning conditions themselves. So, this particular language is only applicable to the zoning conditions, which aren't the same as the Land Use Commission conditions.

To enforce the Land Use Commission conditions, the actual Decision and Order that the Land Use Commission issues is recorded on the property, and that's what the County would use to enforce those conditions as assent. Yea, those do run with the land.

The issue with unilateral agreement and the signatures was to ensure that all the owners would approve the recording of the unilateral agreement. That's why there's so many owners, is cause the actual property owners had the conditions recorded against their property. So, as far as these conditions are concerned, yes, they're recorded on the property so as to be enforceable in perpetuity.

The Land Use Commission conditions, that's a totally separate process that the State Land Use Commission regulates. The County does have the authority to enforce those, those conditions, but it wouldn't be through this particular unilateral agreement. This is under the Maui County Code, I think 19.510.050.D, is the section that deals with unilateral agreements. And those only deal with conditions of zoning.

So, I mean, unless the County wanted to have similar conditions added as a condition of zoning. I see there are six, and so the agreement only deals with these six conditions specifically, and not anything other than those six conditions.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, you know, I appreciate Mr. Hopper's comment. And yet, for me, you know, we straying from what we've done as past practice, as I can recall through 20 years. So, I find it interesting we're making a change of how we approach a project that is already, that already exists, that has already been into development.

You know, Chairman, I'm happy to allow other Members share. But, to conclude my comments at this point in my, this time to speak, I will say, for me, there is benefits that I'm supporting this proposal today. One, I see a great opportunity to further encourage the development of our technology sector. I want this sector to grow. I need it to continue to reduce the dependency on the visitor industry.

I need it to continue to provide greater and better job opportunities and payment of wages that would not require our residents to work another one or two jobs besides that job to survive in this County. So, for me, Chairman, jobs is important to me. Cause if not, where do our people work, and then how do they live here?

I don't need additional impacts from the 48 States. We need to take care our own. And if you ma`a about our practices, if you ma`a about who we are as our people, then they should be understanding where this Council is trying to move toward.

So for me, Chairman, you know like I said, I'm going to support this with reservations. I think we've all learned how to, maybe, do this process better. But definitely what we've gone through is not satisfactory in my estimation. Thank you, Chairman.

CHAIR WHITE: Thank you, Mr. Hokama.

Members, any further discussion?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: And, you know, I saw the, thank you, Mr. Carroll, you, we queried, we had questions during Committee work, responses were given via applicant. My questions were never addressed. And I had, my questions, I think there's four some odd partners or owners in this entire project that backed out because they did, they felt the conditions and what have you weren't, were too onerous or what, and so I never really truly got the answers to those. And I'm, so I'm sitting here still wondering, and not, and it could be totally benign, nothing heavy duty, but I still have not gotten the answers myself.

And yes, of course, we had the discussion of another project that goes onto Piilani Highway that's going to impact the traffic, and this too will do the same. And I hear the concerns of this community, and they feel like it hasn't been addressed and, and what have you.

So, but I think overall the general new smart code concept of the whole layout of this project is good. And of, we talk about all this, you know, mixed use and walkable and all this stuff which is wonderful. And that concept about living where you work is not a new concept. That is how I grew up in the, right on Front Street in Lahaina. So, we're sort of coming back to full circle of what makes sense of how people have lived already, because it's, you know, the, it works.

So, those kind of things very, very wholeheartedly support of. But, I hear my fellow Members discussion and, and I agree. So, you know, this, and it's the footprint, I think, of the enormity of this too. But, yes, it's in the urban growth boundary, and we vetted all this. So, those are just comments that I have at this time, Chair. Thank you very much.

CHAIR WHITE: Thank you, Ms. Cochran.

I believe. Well, go ahead, Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. I, I am in support of this project as well. Just to talk to the community's concerns about the traffic. The traffic impact analysis report states that the road, the North-South Collector Road has to be completed by the end of Phase I.

And Hawaii State Department of Transportation signs off, signs off on every subdivision. They will not allow any additional phases if that North-South Collector Road is not complete. And it's there, we have to go through them to get the North-South Collector Road complete or maybe the MPO, we're working on that right now. But, so there are throttles in there too, or governors in there to, to slow back, slow the development if the road isn't done. Thank you.

CHAIR WHITE: Yes the, all the folks in West Maui would, would love to have the Piilani Highway kind of access, West Maui.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I have a question. If the Members will bear with me, please.

Mr. Wong, on Condition 5, under the current proposal where we reach agreement that the developers will provide 100-residential workforce housing units for rent. They mention the Residential Workforce Housing Policy as specified in the Maui County Code. So, if the Code changes prior to their construction, do they then comply with the new revised policy, or the policy as it exists today upon passage of the ordinance? Because, if we feel that the, you know, timing, situation changes, we feel that it's to the benefit of the community to make an adjustment in the housing policy through the Code. Do they then meet the new requirements of the new revised Code?

CORPORATION COUNSEL: I don't know. I'm not sure.

You want to, you want to try.

COUNCILMEMBER HOKAMA: An example, Chairman, let's say we change the formula because we feel that rentals, it has a higher priority, and we want that number to change. So, right now it says 100-units for rent. Let's say the policy changes whereby the new formula makes it so that it's 150-units, then the new total comes out for the rental component. Do they still do, only provide the 100, or do they follow the new so-called revised Code that now says 150?

COUNCILMEMBER COUCH: Mr. Chair, point of information on that condition? That talks about the, the bit about the Maui County Code and the Residential Workforce Housing Policy talks about the duration, not the number. It's just the duration, how long it has to remain affordable.

COUNCILMEMBER HOKAMA: But, Chairman, it depends what Council chooses to change in the ordinance. It doesn't only have to be the duration. It's up to Council on the parameters of the revision.

CHAIR WHITE: Yea, well your question still stands.

Mr. Wong or Mr. Hopper.

DEPUTY CORPORATION COUNSEL: Yes, Mr. Chair, the way I would read the condition is that 100 of the units required have to be rental units. The duration has to be consistent with the Workforce Housing Policy.

I don't read this as the, as the only number of units they have to provide. The, the policy is going to deal with how many they provide. This says 100 of them have to be rental units. And I think if you look at the Committee discussion, that was it. And, and we could look back at that. But, I think it's saying 100 of the units have to be rental units.

The total number of units would have to be consistent with the policy that's going to have to be during subdivision, and the duration, the duration during which they have to be kept affordable would be consistent with the, with the ordinance there.

COUNCILMEMBER HOKAMA: Okay, well, I'm sure I can find an attorney to agree with my position and my opinion, Chairman. Thank you.

CHAIR WHITE: Any further discussion, Members?

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. Yea, I just wanted to follow-up a little bit on the, the affordable housing requirement. I cannot recall, what is the requirement for this project? How many units were required to--

COUNCILMEMBER HOKAMA: 300 something.

VICE-CHAIR GUZMAN: --300, 300 something, 300-unit something? And then 100 of that is supposed to be rental, or is that in addition to? I cannot recall.

Mr., okay, oh, I think I just got the answer from Mr. Hokama. That's fine. Thank you.

Yea, this is, Chair, I understand the, the issues here. And, it's difficult because, in fact, we, this project is providing affordable housing. It's providing affordable rental units. It's providing a, an expansion of a school, which is very much needed. We don't know when the new Kihei High School is going to be completed.

It, it's a project or an area that has already been developed and has ordinance specific to. So, when it was first created, there was an anticipation of it growing. And this, in my mind is a, another way of expanding that area. It is somewhat secluded.

And the way that the, it's been presented by the developers in a form-based code model, which other jurisdictions have used throughout the country. And I've had the opportunity to visit one in Florida as well, it is a really interesting and dynamic community where you can build a house. I know that Ms. Cochran had mentioned it's not something very new, but it's new in terms of codifying and placing it within our Code, where you can live and work in the same community. There will be a school there. I believe there is also provisions in here to make sure that the traffic impacts are accommodated.

This is difficult, cause I understand the community concerns. But on the other hand, we also have community needs. And so, I will vote for this with reservations as well, along with Mr. Hokama and Ms. Cochran. Thank you.

CHAIR WHITE: Thank you. Members, any further discussion?

The, the Chair will just add that I think this is, with the closing of HC&S, and with the change of model for Makena, we need to have a focus on economic development. We need to have a focus on providing jobs that are going to keep our kids here, and bring some of the kids home who have settled in other places across the nation.

So, I think this is an important step forward in, in allowing for a different method of development than was initially perceived for the area. But, I think it's very clear that when the founders put this together initially, they were expecting it to be built out by now.

So you know, I think we're still way behind the eight ball as far as the ability to create jobs in this area. There's no question in my mind that this is a, a job creator. And it's something that I realize the community has some concerns and rightfully so about traffic. At the same time, I feel we have overriding concerns at this, at this point in time for providing the, the schooling opportunities that will take place here, and also of the economic development.

So with that, I'm, I'm supportive of this project with some reservations, but not too many.

So, if there's no further discussion, I'll call for the vote. All those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COCHRAN, COUCH, CRIVELLO, HOKAMA, VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER VICTORINO.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused"; Mr. Victorino.

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with unfinished business.

UNFINISHED BUSINESS

ORDINANCES

ORDINANCE NO._____
BILL NO.___71___(2016)

A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM INTERIM DISTRICT TO R-3 RESIDENTIAL DISTRICT (CONDITIONAL ZONING) FOR 14.59 ACRES AT KAWELA, MOLOKAI, HAWAII

CHAIR WHITE: Mr. Carroll.

COUNCILMEMBER CARROLL: Chair, may I ask if the unilateral agreement has been received?

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, we have received the unilateral agreement.

COUNCILMEMBER CARROLL: Thank you, Chair.

CHAIR WHITE: Thank you.

COUNCILMEMBER CARROLL:

I MOVE TO PASS BILL NO. 71 (2016) ON SECOND AND FINAL READING.

COUNCILMEMBER CRIVELLO:

I SECOND THE MOTION, CHAIR.

CHAIR WHITE: We have a motion from Mr. Carroll, with a second from Ms. Crivello.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. The Change in Zoning for property owned by Weymouth Kamakana Revocable Trust and members of the Kamakana family would like to, would allow for future subdivision of the land to lots of a minimum size of two acres.

The R-3 Residential District is consistent with the property's existing State Urban District classification, and a Single Family designation in the Molokai Community Plan.

I ask for the Council's support of Bill 71 (2016) on second and final reading.

CHAIR WHITE: Thank you, Mr. Carroll.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you. I would like to say, at last. It's been a long journey for these individuals. They did not hire a consultant, where most people can afford to. And this gives them an opportunity to satisfy the division that they can leave for their heirs, and, and this is what the upmost opportunity they have because of our interim zoning on Molokai. It becomes costly when the kupuna wants to make sure everything is in place. And we've been going through this for over a year.

So, I ask my colleagues to please support passage of this bill. Thank you.

CHAIR WHITE: Thank you, Ms. Crivello.

Members, any further discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL, COCHRAN, COUCH, CRIVELLO, HOKAMA, VICE-CHAIR GUZMAN, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER VICTORINO.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused".

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, there is no further business before the Council.

CHAIR WHITE: Thank you very much. Thank you to the staff. And thank you, Members, for your attendance this morning. And, we are adjourned.

ADJOURNMENT

The regular meeting of August 5, 2016 was adjourned by the Chair at 11:25 a.m.

Dennis A. Mateo

DENNIS A. MATEO, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII

160805/lks:jm

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MEMO

To:
Council Member Bob Carroll, Chair
Land Use Committee
County of Maui,
Kalana O Maui Building
200 South High Street
Wailuku, Maui, Hawaii 96793

From:
Chris Hart and Partners, Inc.
115 North Market Street
Wailuku, HI 96793

Re: LU-4 Maui Research and Technology Park
Bill Number 74 (2016), Bill No. 75 (2016) and Bill No. 76 (2016)

EXECUTIVE SUMMARY

On Friday July 15, 2016 the Maui County Council passed on First Reading Committee Report No 16-109. The following is a summary of the meeting.

Infrastructure
As required by the State Land Use Commission, Decision and Order (D&O) Backbone infrastructure must be complete by 2028.

Drainage and Flooding
A comprehensive drainage mitigation strategy has been prepared by Warren S. Unemori Engineering and has been reviewed and approved by the County of Maui Department of Public Works.

Traffic
As required by the D&O Condition #4 (Highway and Roadway Improvements) requires the Petitioner/Applicant to fund, construct, and implement roadway improvements to accommodate the development of the petition area in accordance with the requirements of the Department of Public Works. Additionally the Petitioner/Applicant is required to have a Memorandum of Agreement (MOA) agreed to and executed by the Department of Transportation (DOT) prior to subdivision approval.

Affordable Housing
The Project will comply with the Affordable Housing Requirements of the County of Maui. As part of the Conditions of Zoning the project will provide 100 units of affordable rental units.

Compliance with the Community Plan
The Project will comply with the Kihei Makena Community Plan, specifically because the application includes a request to amend the KMCP to directly reflect the proposed project (and uses contained within the proposed Change in Zoning).

The proposed project includes the creation of a new Chapter in the Maui County Code and a new district with description in the Kihei Makena Community Plan. As part of the adoption of the new district, the Land use map for the KMCP and the description of the proposed project would be added into the existing plan and be subject to the land uses and development standards provided in Chapter 19.38 Maui Research and Technology Park.

Expanded Summary of Comments

Issues Raised During Public Testimony:

- Infrastructure should be built concurrently with development.
    - RESPONSE: The State Land Use Commission Decision & Order for the Project specifically outlines infrastructure schedules for the development of the Project in Condition 16 "Infrastructure Deadline". Petitioner shall complete construction of the proposed backbone infrastructure, which consists of the primary roadways and access points, internal roadways, on- and off site water and electrical improvements, and stormwater/drainage and other utility system improvements within fifteen (15) years from the date of the decision and order. The D&O was signed in November 2013, therefore backbone infrastructure must be complete by 2028.

- Drainage and Flooding.
    - RESPONSE: A comprehensive drainage mitigation strategy has been prepared by Warren S. Unemori Engineering and has been reviewed and approved by the County of Maui Department of Public Works using progressive design principles which incorporate approximately 83 acres of greenspace, Low Impact Development Standards such as the use of vegetated surface

drainage facilities to treat and infiltrate stormwater in order to control water pollution, reduce peak flows and runoff volumes, and promote groundwater recharge.

1. Vegetated drainage facilities such as swales, detention ponds, infiltration basins and filter strips utilize infiltration of stormwater into the soil and absorption by vegetation to remove trash and floating debris, suspended solids, and organic nutrients from stormwater. Reducing the urban pollutants which reach drainageways and coastal waters, in turn, improves the general health of the watershed.

2. Vegetated swales, detention ponds and filter strips slow the movement of stormwater as it passes through them, effectively detaining the runoff and reducing its peak flow rate as it moves downstream. This peak flow reduction, in turn, reduces the capacity demanded of both new and existing drainage infrastructure -- enabling the use of smaller diameter underground drain pipes and detention basins, for instance, and preserving the capacity of existing culverts and drainage channels located further downstream.

3. Aggressive use of infiltration close to the source where runoff is generated will reduce the volume of stormwater which drains to the ocean and allow it to replenish the groundwater aquifer, instead. Reducing the volume of stormwater sent downstream as runoff will also reduce erosion of drainage channels and exposed soils; this, in turn, will reduce the amount of sediment entering coastal waters.

Streets and Parking Lots

Roadway and parking lot drainage systems will be designed to infiltrate pavement-generated stormwater onsite to the maximum extent feasible before discharging flows into the underground storm drain system. Pavement runoff will be passed through vegetated drainage facilities located in medians, bulb-outs, curb extensions, tree planters, and landscape strips to the greatest practical extent before entering the underground storm drain system.

Building Sites

Residential, commercial, and institutional occupants of the MRTP will be encouraged to utilize vegetated drainage facilities in their building site planning to the greatest practical extent. For example:

1. Incorporating vegetated swales in landscaped areas to capture, convey and filter surface runoff from buildings, driveways and parking lots in lieu of direct interception by underground drainage piping;

2. Directing roof and parking lot drainage into vegetated infiltration basins located in landscaped areas instead of piping such runoff directly into the underground storm drainage system;

3. Locating vegetated filter strips between storm drain inlets and public gathering areas or pedestrian walkways to filter out trash and debris before it enters the underground storm drain system.

Site Management Practices

Residential, commercial and institutional developments within the MRTP will be encouraged to adopt operational policies aimed at reducing urban pollutants in storm runoff by actively controlling what enters the storm drain system. The following are examples of site management practices which can reduce water pollution.

1. Routinely inspect subsurface drain sumps, basin floors, drain inlets and drain pipes and remove all accumulated sediment, trash and debris to minimize the volume of pollutants washed through the storm drainage system to the ocean.

2. Limit irrigation-induced runoff to minimize the amount of fertilizer, pesticides and herbicides washed into the storm drainage system during the drier months of the year. Monitor and adjust irrigation sprinkler watering times to minimize irrigation runoff; monitor and adjust sprinkler coverage to minimize overspray onto driveways, walkways and other paved surfaces.

3. Encourage residents and require landscape maintenance personnel to gather lawn clippings, leaves, and cuttings and haul them to a composting facility to minimize the amount of green waste left behind and washed into the storm drain system.

4. Encourage residents and require landscape maintenance personnel to use nonpolluting ("environmentally friendly") fertilizers, herbicides and pesticides when maintaining lawns and landscaping and/or adopt maintenance techniques which do not introduce chemical pollutants into the open environment.

5. Install sediment / pollution filters on storm drain inlets draining the designated car wash areas used by apartment and condominium residents and maintain these filters regularly.

Docket No. A10-787 Maui R&T Partners, LLC Findings of Fact, Conclusion of Law, And Decision and Order **Condition #3** (Storm water Management and Drainage) requires the Petitioner/Applicant to construct drainage improvements to accommodate the development of the petition area in accordance with the requirements of the Department of Public Works. Additionally the Petitioner/Applicant shall design, construct and maintain stormwater and drainage system improvements in compliance with applicable Federal, State, and County laws and rules.

- The project will negatively impact regional traffic.
    - RESPONSE: A thorough Traffic Impact Assessment Report has been prepared by the Project's Traffic Engineer. Final subdivision approval for the Project will be contingent on final approval of the TIAR; however, the TIAR has been acceptable to the State Department of Transportation, County of Maui Department of Public Works, and the Maui Police Department for the purpose of completing the Project's Environmental Impact Statement, State Land Use District Boundary Amendment, Community Plan Amendment and Change in Zoning Applications.

    - The proposed MRTP project Traffic Impact Assessment Report (TIAR) contains recommendations that the North-South Collector Road (Liloa Drive extension) is needed for Phase 1 (2024) build out of the MRTP project.

- In consultation with the County, Liloa Drive Extension is committed by the County and will be placed in the future Statewide Transportation Improvement Program (STIP).

- Furthermore, Docket No. A10-787 Maui R&T Partners, LLC Findings of Fact, Conclusion of Law, And Decision and Order **Condition #4** (Highway and Roadway Improvements) requires the Petitioner/Applicant to fund, construct, and implement roadway improvements to accommodate the development of the petition area in accordance with the requirements of the Department of Public Works. Additionally the Petitioner/Applicant is required to have a Memorandum of Agreement (MOA) agreed to and executed by the Department of Transportation (DOT) prior to subdivision approval. The MOA shall include:

    - The Petitioner/Applicant responsibilities for funding, construction, and implementation of improvements and mitigation
    - A schedule of agreed improvements and a schedule for future TIAR updates or revisions to be accepted by the DOT.

    - Any fees or in-kind contribution that is roughly proportional to any indirect or secondary impacts caused by the project.

- Affordable Housing Units and Timing of Completion.
    - RESPONSE: The Project will comply with the Affordable Housing Requirements of the County of Maui. Based on the current Residential Workforce Housing Ordinance, Workforce units or in-lieu fee payments must be provided prior to, or concurrently with market rate units. Market rate units cannot be occupied prior to their associated Workforce units. As part of the Conditions of Zoning the project will provide 100 units of affordable rental units.

- Compliance with the Kihei Makena Community Plan (KMCP).
    - RESPONSE: The Project will comply with the Kihei Makena Community Plan, specifically because the application includes a request to amend the KMCP to directly reflect the proposed project (and uses contained within the proposed Change in Zoning).

The proposed project includes the creation of a new Chapter in the Maui County Code and a new district with description in the Kihei Makena Community Plan. As part of the adoption of the new district, the Land use map for the KMCP and the description of the proposed project would be added into the existing plan and be subject to the land uses and development standards provided in Chapter 19.38 Maui Research and Technology Park.

CC: Mr. Steve Perkins, Project Manager
Mr. William Spence, Planning Director
Project File 08132

mauieconomic DEVELOPMENTBOARD

Testimony on LU4 Maui Research and Technology Park Bill Number 74 (2016), Bill No. 75 (2016) and Bill No. 76 (2016)

Good morning Council Chair Michael White and Members of the Maui County Council,

I am Jeanne Skog, President & CEO of the Maui Economic Development Board, one of the original creators of the Maui R & T Park. I am testifying on ~~LU4~~ Bill 74, 75, 76

The Maui Research and Technology Park has been rooted in the vision of a prosperous and dynamic future for our families and our children. A future filled with possibilities of new kinds of businesses, startups and living wage jobs. It would give our residents and our children the choice to work and live on Maui--the choice to stay on Maui or to return to Maui. All the effort to create a fast-tracked place for innovation was and continues to be fueled by collective community action to prepare our residents with the skills to embrace those opportunities as employees or entrepreneurs.

Fast forward, this has all happened. The businesses, the workforce, our children finding fulfilling jobs here at home.

It's been a 34-year journey to here. The 34 years since the Park was conceived have taught us many lessons. The fruits of those hard-won lessons are contained in the bills you have before you.

The Master Plan update is the result of years of research and extensive scrutiny by the state and the Council's Land Use Committee. It provides a closely regulated framework for development that responds to what companies and entrepreneurs are looking for today and affords the community the best chance to continue the vibrancy of the park.

I experienced firsthand the many challenges that come with building in the Park. We tackled the multiple layers of requirements built into the R&T Park ordinance,

design guidelines, and Covenants, Conditions, and Restrictions (CC&R) - not to mention securing funding and overcoming financing hurdles. The process is complex and formidable. It is important to remember that even with the hoped-for passage of these bills, the layers of oversight and regulation will remain. But taken together these three bills in their current form represent the best chance for the Maui Research and Technology Park to evolve, thrive, and fulfill its mission to continue to serve our community as a hotbed for innovation and business development.

MEDB understands the concerns expressed about infrastructure needs and are pleased to see the bills in their current form address those issues. The Master Plan update also employs a form-based zoning code. This allows for important amenities to accentuate community living within the park while also promoting the work of the park. This change is vital to the success of the plan.

In light of recent events with the loss of over 1000 jobs in agriculture and the visitor industry in one year, the Master Plan update is a vivid reminder that the task of economic diversification which is essential to our community's well-being is ongoing. MEDB's own work with companies, their leaders, entrepreneurs, and similar tech communities today confirms the wisdom of what is being proposed. The passing of these bills is a critical step to support Maui County's economic resilience, to building the innovation sector in our community spurred by the talents and skills of our residents who will live and work in the park.

Thank you for your attention.

From: Albert Perez, Executive Director
Maui Tomorrow Foundation

August 5, 2016

To: Chair White and Members of the Maui County Council
Re: Bills 76 (2016): Maui R&T Park Change in Zoning; CPA

Maui Tomorrow notes that the subject Bill proposes a Change in Zoning from Project District 6 to the new category of Maui Research and Technology Park District. Accordingly, this project will not come back for additional levels of Project District review, as would previously have been the case. We ask that you place additional conditions on the Maui Tech Park Change in Zoning; we have summarized our proposed changes on the last page of this testimony.

Enforcement of LUC Conditions

LUC conditions are not really reviewed and enforced once County permitting process begins. For example, in the case of Piilani Promenade, the Department of Planning told the LUC that it was not their responsibility to enforce LUC conditions. The LUC has NO means to enforce its conditions other than reversion of the property to its previous State Land Use Agricultural District classification. Therefore, the Council should make it clear that the Department of Planning does have a role in enforcement of these conditions by making compliance a condition of zoning, and requiring Maui R&T Partners to cooperate in their implementation. We have suggested additional language to Condition 1 that will effect this.

Infrastructure Concurrency

The conditions currently proposed do not address the phasing of infrastructure concurrency, which is required by the Kihei-Makena Community Plan:

Page 15 of the Kihei- Makena Community Plan requires that infrastructure be built concurrently with proposed development (emphasis added):

> 1. PROVISION OF NEEDED PUBLIC FACILITIES AND INFRASTRUCTURE.
> The County of Maui in general, and Kihei-Makena in particular, witnessed significant growth in the 1980s and early 1990's. In many instances, however, public facility and infrastructure improvements lagged behind development in the region. As such, a significant upgrade and expansion of existing public facilities and infrastructure is necessary. **Upon adoption of this plan, it shall be required that adequate facilities and infrastructure will be built concurrent with future development. The land use designations on the community plan map are not an assertion that infrastructure will be provided to these areas but merely that it would be appropriate to develop these areas as designated on the maps if the necessary infrastructure and services are available.**

In addition, Maui County Code, Chapter 19.510, Application and Procedures, Section 19.510.040 Change in Zoning, requires that:

> "The application, if granted, would not adversely affect or interfere with public or private schools, parks, playgrounds, water systems, sewage and solid waste disposal, drainage, roadway and transportation systems, or other public requirements, conveniences and improvements."

Council members were told at first reading that there were already Land Use Commission Conditions for the project that would cover their concerns. However, although LUC Staff was concerned with traffic impacts, the Commission itself adopted standard conditions that leave the adequacy of roadway capacity in the hands of HDOT. The concept of "clocks" in the traffic mitigations can come later - at the time of subdivision approval. These decisions will be made by HDOT staff based upon a Memorandum Of Agreement (MOA) between the landowners and HDOT. The Council should have a copy of the MOA between HDOT and the landowners, since it is local South Maui citizens and businesses who have to live with traffic impacts, not HDOT reviewers in Honolulu.

Council should not approve this project until they have reviewed and approve of the MOA.

The LUC traffic condition states:

> Highway and Roadway Improvements
> Petitioner shall fund, construct, and implement roadway improvements to accommodate the development of the petition area in accordance with the requirements of the DPW. Petitioner shall fund, construct, and implement all transportation improvements and measures required to mitigate impacts to state roadway facilities caused by the Project as set forth in an MOA agreed to and executed by the DOT and Petitioner.
>
> Petitioner shall submit to the DOT an updated TIAR, and Petitioner shall obtain acceptance of the Project's TIAR from the DOT and shall execute the MOA prior to final subdivision approval of lots intended for above ground construction for the Petition Area in Docket A10-787, excluding construction of roads, utilities, and other infrastructure by Petitioner. The MOA shall include, but not be limited to, the following terms and conditions: (i) the accepted TIAR shall be incorporated in the MOA by reference; (ii) Petitioner's responsibilities for funding, construction, and implementation of improvements and mitigation; (iii) a schedule of agreed to improvements and a schedule for future TIAR updates or revisions to be accepted by the DOT; (iv) development of the Project shall be consistent with the executed MOA and TIAR; and (v) any fees or in-kind contribution that is roughly proportional to any indirect or secondary impacts caused by the Project.

Petitioner shall construct the portion of the Mauka Collector within the MRTP boundary either during construction of Phase 2 or prior to 2034 concurrent with the development of the Kihei Mauka planned growth area as outlined in the Maui Island Plan and shall coordinate these efforts with the DOT.

COMMENT: The fact is that the LUC passed this development without it having an APPROVED TIAR. That is why so many of the conditions are centered around getting a TIAR that DOT will approve.

The LUC report includes the following statement about the project (emphasis added):

> **The projected LOS ("Level of Service")** for many of the traffic movements in Phase 1 and 2 of the project with only the local road mitigations that the project is undertaking **is not acceptable to DOT without the regional improvements since the LOS is worse than current conditions.**

The LUC staff concerns were discussed in the project's Findings of Fact/Conclusions of Law.

The LUC staff commented that: "..estimated trip generations for future developments need to be included.." in the project's traffic projections. **This was not done**, yet these future developments will be sharing the same existing roads.

LUC staff also noted that the planned Liloa Drive extension may not be completed prior to Phase 1 of the Maui R&T being completed (2024), and recommended that Liloa Drive extension be completed prior to any building permits being granted for Phase 1 of the R&T community. We recommend that the Council require this as an appropriate Condition of Zoning to mitigate unacceptable traffic conditions for existing residents.

Council members have previously expressed concerns regarding the need to have some "clocks" built into the project's conditions. This would make sense as a way of having timeframes for infrastructure concurrency, to ensure compliance with the Community Plan, and to preserve the quality of life for residents and businesses of South Maui. In order to accomplish this, we suggest that the following conditions be added:

- That building permits shall not be authorized for Phase 2 until the infrastructure construction for Phase 2 has been completed. The Maui R&T Partners, LLC shall provide written verification of the completion of the infrastructure construction for Phase 2 to the Department of Planning and to the Department of Public Works prior to or at the time of issuance of the first building permit for Phase 2.
- That building permits shall not be authorized for Phase 2 until construction of the North-South collector (Liloa Drive Extension) from Kaonoulu Avenue to Kanani Street has been completed.

The above two conditions are similar to those that were required for approval of the Change in Zoning for Alexander & Baldwin's Maui Business Park Phase II.

Mahalo for your consideration.

Bill 76 (2016) "Maui R&T Park" Proposed Conditions

1. That Maui R&T Partners, LLC shall provide, in a timely manner, to the Department of Planning, without any written prior notice, copies of any reports sent to the State of Hawaii Land Use Commission in connection with the status of the development of the Petition area and Petitioner's progress in complying with the conditions imposed under the Decision and Order for Land Use Commission Dockets A10-787 and A84-585 approved as to form, November 22, 2013. Maui Research and Technology Partners, LLC shall comply with said Land Use Commission conditions of redistricting, and shall cooperate with any and all efforts by the County of Maui to enforce said conditions.

2. That Maui R&T Partners, LLC shall provide their pro-rata share of traffic improvements as determined by the project's Traffic Impact Assessment Report and to the satisfaction of the Department of Public Works.

3. That Maui R&T Partners, LLC shall preserve State Inventory of Historic Places Site 6241 from any construction-related activities. A report of monitoring activities shall be submitted to the State Historic Preservation Division upon completion of fieldwork.

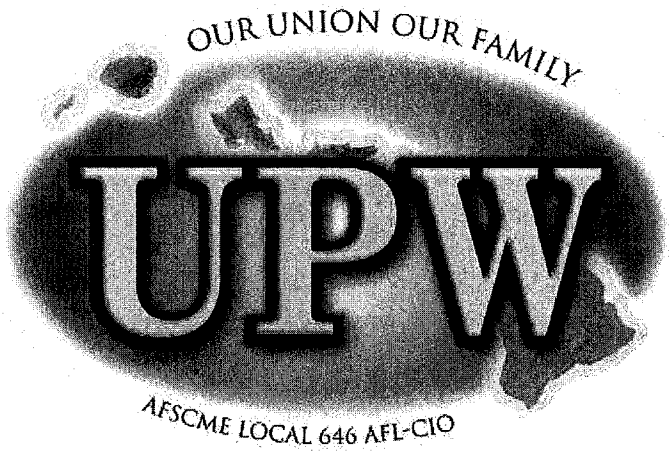
4. In the event that any traditional beach and mountain access trails are found, Maui Research and Technology Partners, LLC and the property owner shall identify and preserve such trails ~~and, if applicable, prepare a preservation/mitigation plan after consultation with the State~~ Department of Land and Natural Resources and the Office of Hawaiian Affairs.

5. Maui Research and Technology Partners, LLC and the property owner shall provide one hundred of the residential workforce housing units for rent, for a duration consistent with the Residential Workforce Housing Policy as specified in the Maui County Code.

6. That building permits shall not be authorized for Phase 2 until the infrastructure construction for Phase 2 has been completed. Maui R&T Partners, LLC shall provide written verification of the completion of the infrastructure construction for Phase 2 to the Department of Planning and to the Department of Public Works prior to or at the time of issuance of the first building permit for Phase 2.

7. That building permits shall not be authorized for Phase 2 until construction of the North-South collector (Liloa Drive Extension) located to the west of and parallel to Piilani Highway, from Kaonoulu Street to Kanani Road, has been completed.

8. That Maui Research and Technology Partners, LLC shall provide annual compliance reports to the Department of Planning on its progress in complying with the conditions of zoning, commencing within one year of the effective date of the ordinance and continuing until such time as the conditions have been fully satisfied, as determined by the Department of Planning.



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Council of the County of Maui
200 South High St.
8th Floor
Wailuku, Maui, Hawaii

Date of Hearing: August 5, 2016
Time of Hearing: 9:00 a.m.
Place of Hearing: Council Chambers

TESTIMONY IN OPPOSITION TO CR. 16-122 PROPOSED CHARTER AMENDMENT TO PROHIBIT POLITICAL CONTRIBUTIONS BY COUNTY EMPLOYEES

By Dayton M. Nakanelua,
State Director of the United Public Workers,
AFSCME, Local 646, AFL-CIO

My name is Dayton M. Nakanelua, and I am the state director of the United Public Workers, AFSCME, Local 646, AFL-CIO (UPW). The UPW is the exclusive representative for approximately 14,000 public employees, which include blue collar, non-supervisory employees in Bargaining Unit 01 and institutional, health and correctional employees in Bargaining Unit 10, in the State of Hawaii and various counties.

CR. 16-122 proposes to prohibit any Maui County employee or officer from making a political contribution to support or oppose any candidate for Mayor or County Council.

The UPW opposes this proposal because it violates the fundamental right we all have as free Americans to "express" ourselves by voice, writing, personal appearances, activities or voting. Political contributions are a form of expression. According to the American Civil Liberties Union, "The Supreme court has written that this freedom is "the matrix, the indispensable condition of nearly every other form of freedom." Without it, other fundamental rights, like the right to vote, would wither and die."

In the attempt to "protect county employees from political pressure to make political contributions", this proposal if enacted into an ordinance, would deprive county employees of their freedom to express them selves or not. It is their inherent choice.

Thank you for the opportunity to submit this testimony.

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MAUI CHAMBER OF COMMERCE

OUR BUSINESS IS MAUI BUSINESS

Testimony on the Proposed Bills Regarding
Maui R&T Partners Land Use
(Bills 74, 75, & 76 [2016])
August 5, 2016

Dear Chair White, Vice Chair Guzman &
Councilmembers,

Aloha and Mahalo for providing the opportunity to ring in on these bills regarding land use for Maui R&T Partners in Kihei.

We are writing in SUPPORT of Bills 74, 75, and 76 regarding Maui R&T Partners proposals. We submitted written testimony in support of these bills at the previous meeting on July 15, 2016 and continue our support in this second and final reading.

We are supporting the passage of these bills to further develop and sustain the Maui R&T Park. The Maui R&T Park is a part of Maui County's economic development plan to develop a high-tech industry on Maui and is essential to the growth of that industry and Maui County's economic diversification. Further, it will help to create STEM jobs and provide expanded opportunities for Maui's youth.

We do not support adding additional conditions to the project as that would delay multiple building projects for at least another six months and hinder development for existing tenants like Maui Brewing Company. Many concerns regarding the project that were discussed at the July 15th meeting have been addressed in the memo to Councilmember Bob Carroll from Chris Hart and Partners, Inc. and these bills were already reviewed and passed out by the Planning Commission and the Council's Land Use Committee without additional amendments.

Therefore, we ask that you pass these bills without further conditions and delay so that we can stimulate positive growth for Maui County, Maui R&T Park and its new and existing tenants.

Sincerely,

Pamela Tumpap
President

95 Mahalani Street • Suite 22A •Wailuku • Hawaii •96793 • *t* 808-244-0081 • *f* 808-244-0083 • MauiChamber.com