

**COUNCIL OF THE COUNTY OF MAUI**

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**A G E N D A**

Regular Meeting of May 20, 2016  
10:00 a.m.

OFFICE OF THE  
COUNTY CLERK

Meeting Site: Council Chamber, 8th Floor, 200 South High Street, Wailuku, Hawaii

Remote Testimony Sites: Hana Council District Office – Hana Community Center, 5091 Uakea Road, Hana, Hawaii  
Lanai Council District Office – Lanai Community Center, 8th Street, Lanai City, Hawaii  
Molokai Council District Office – 100 Ainoa Street, Kaunakakai, Hawaii

website: <http://co.maui.hi.us/Archive.aspx?AMID=226>  
e-mail: [county.clerk@mauicounty.us](mailto:county.clerk@mauicounty.us)

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**ORAL OR WRITTEN TESTIMONY**

ORAL OR WRITTEN TESTIMONY on any agenda item will be accepted. Each testifier may be allowed to speak for three minutes on each item. If approved by the presiding officer and announced prior to any oral testimony being taken, the testifier shall be allowed one minute to conclude the testimony on the item. No further oral testimony by the testifier on the item shall be permitted. An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.

REMOTE TESTIMONY SITES: Oral testimony may be received from each of the Council district offices noted above. If the connection between the meeting site in the Council Chamber and any of the remote testimony sites is lost, the meeting in the Council Chamber will still continue. Members of the public interested in information about offering testimony on an agenda item from a remote testimony site may contact the Office of the County Clerk (808-270-7748) prior to the meeting. While oral testimony is being received the district offices cannot provide other services. The connection will be terminated after all oral testimony has been received.

If written testimony is submitted at the meeting site, 15 copies are requested. If written testimony is e-mailed or faxed (808-270-7171), it must be received at least 24 hours prior to the meeting; provided, that if a meeting will be held on a Monday, written testimony shall be received by 12:00 noon on the business day preceding the meeting.

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- A. ROLL CALL
  - B. OPENING REMARKS: COUNCILMEMBER RIKI HOKAMA
  - C. PLEDGE OF ALLEGIANCE
  - D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NONE.

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

Regular Meeting of March 18, 2016

Regular Meeting of April 1, 2016

H. COMMITTEE REPORTS:

NO. 16-76 - BUDGET AND FINANCE COMMITTEE:

Recommending **ADOPTION** of resolution to authorize the transfer, from Category B (operations or services) to Category C (equipment), \$12,000 within the Department of Public Works, Administration Program, for the purchase of a copy machine.

NO. 16-77 - BUDGET AND FINANCE COMMITTEE:

Recommending **ADOPTION** of resolution to authorize the transfer, from Category A (salaries, premium pay, or reallocation pay) to Category B (operations or services), \$20,000 within the Department of Personnel Services, Personnel Administration and Management Support Services Program, because of a projected budgetary shortfall for professional services.

NO. 16-78 - BUDGET AND FINANCE COMMITTEE:

Recommending **ADOPTION** of resolution to authorize the transfer, from the General Prosecution Program, Category A (salaries, premium pay, or reallocation pay) to the Administration Program, Category A, \$70,000 within the Department of the Prosecuting Attorney, because of a projected budgetary shortfall in salaries and wages.

NO. 16-79 - BUDGET AND FINANCE COMMITTEE:

Recommending **ADOPTION** of resolution to authorize the transfer, from Category B (operations or services) to Category C (equipment), \$2,000 within the Department of Housing and Human Concerns, Human Concerns Program, for a copier lease for the Immigrant Services Program.

H. COMMITTEE REPORTS (continued):NO. 16-80 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2016 Budget by (1) increasing Bond/Lapsed Bond revenues by \$1,950,000; and (2) adding an appropriation from the Bond Fund, Hana Community Plan Area, Government Facilities, for the Nahiku Community Center; and
2. **FIRST READING** of bill to amend the Fiscal Year 2016 general obligation bond authorization ordinance by adding \$1,950,000 for the Hana Community Plan Area, Government Facilities, for the Nahiku Community Center.

*With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee.*

NO. 16-81 - BUDGET AND FINANCE COMMITTEE:

Recommending **FIRST READING** of bill to amend the Fiscal Year 2016 Budget by adding \$400,000 to the Highway Beautification and Disposal of Abandoned Vehicles Revolving Fund and decreasing the Road, Bridge, and Drainage Maintenance Program, Highway Fund, by the same amount, because revenue projections for the Highway Beautification Fund were overestimated in previous fiscal years, the Fund is facing a budgetary shortfall for Fiscal Year 2016, and the appropriation is needed to prevent disruption in services and activities performed under the Fund.

NO. 16-82 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to approve cost items for Ocean Safety Officers included within Bargaining Unit 14 for Fiscal Years 2016 and 2017; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 16-83 - BUDGET AND FINANCE COMMITTEE:

Recommending **FIRST READING** of bill to amend the Fiscal Year 2016 Budget by: 1) increasing Carryover/Savings from the General Fund by \$1,500,000; 2) decreasing the appropriation under the Department of Fire and Public Safety, Administration/Maintenance Program, by \$130,000; 3) decreasing the appropriation under the Department of Fire and Public Safety, Training Program, by \$175,000; 4) decreasing the appropriation under the Department of Fire and Public Safety, Fire Prevention Program, by \$95,000; and 5) increasing the appropriation under the Department of Fire and Public Safety, Fire/Rescue Operations Program, by \$1,900,000, because of projected premium pay and operational shortfalls.

NO. 16-84 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to authorize the Mayor to enter into intergovernmental agreements to finance the following wastewater projects from the State of Hawaii's Water Pollution Control Revolving Fund Loans: Kulanihakoi Street Recycled Water Line Extension, with funds not to exceed \$1,700,000; Lahaina Wastewater Reclamation Facility Modifications, Stage 1A, with funds not to exceed \$12,500,000; Sheraton Wastewater Pump Station Modifications, with funds not to exceed \$1,000,000; Countywide Wastewater Reclamation Facility Chlorination System Upgrade, with funds not to exceed \$2,000,000; and Wailuku-Kahului Wastewater Reclamation Facility Solids Building Renovation, with funds not to exceed \$1,000,000;
2. **FIRST READING** of bill to authorize the Mayor to enter into intergovernmental agreements to finance the following water projects from the State of Hawaii's Drinking Water Treatment Revolving Loan Fund: Countywide Upgrades and Replacements, Omaopio Tank Booster Pump Replacement, with funds not to exceed \$2,000,000; Upcountry Reliable Capacity, Pookela Well #2 Exploratory, with funds not to exceed \$2,500,000; and West Maui Reliable Capacity, Mahinahina Well #1 Development, with funds not to exceed \$10,000,000;
3. **FIRST READING** of bill to eliminate the Construction Plan Review Revolving Fund and transfer any balance remaining in the Fund as of June 30, 2016, to the General Fund;
4. **FIRST READING** of bill to amend Chapter 3.35, Maui County Code, to make it consistent with the extension through Fiscal Year 2021 authorized by the Revised Charter of the County of Maui (1983), as amended, and to insert a definition of "gap income" because the definition has been deleted from Chapter 2.96, MCC, and the Charter provision relies upon a definition by ordinance;

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**H. COMMITTEE REPORTS (continued):**

5. **FIRST READING** of bill to repeal Chapter 14.29, MCC, relating to pumping of cesspools and septic tanks;
6. **FIRST READING** of bill to amend the fund to which costs of litter control authorized by the MCC are deposited, and amend the name of the highway beautification fund for consistency with Section 286-51(b), Hawaii Revised Statutes;
7. **FIRST READING** of bill to extend the Economic Development Revolving Fund, which will expire on June 30, 2016, by five years, to June 30, 2021;
8. **FIRST READING** of bill to repeal Chapter 3.97, MCC, relating to the Post-Employment Obligations Fund, and transfer any remaining balance in the Fund as of June 30, 2016, to the General Fund;
9. **FIRST READING** of bill to authorize a real property tax exemption for a remnant parcel, so that the parcel is levied a real property tax of \$150 per year, rather than the standard minimum real property tax set forth in the annual budget, with a remnant parcel defined as a vacant, undeveloped parcel that is less than 5,000 square feet in size with a fair market value below \$7,500;
10. **FIRST READING** of bill to establish a fund to receive certain fireworks license or permit fees authorized by Section 132D-7, Hawaii Revised Statutes, for the salary of an auditor of fireworks and other purposes provided by Section 132D-11, HRS;
11. **FIRST READING** of bill to establish definitions for "Maui County resident card," "nine-hole rate," and "twilight rate," amend the definitions of "daily rate" and "student," and establish a replacement card fee for users of the Waiehu Municipal Golf Course;
12. **FIRST READING** of bill to authorize the issuance of \$29,753,000 of general obligation bonds for various capital improvement projects;
13. **FIRST READING** of bill to reauthorize the use of \$6,103,000 in lapsed bond proceeds for the following capital improvement projects: Kokomo Road and Makawao Avenue Pavement Reconstruction, Phase 2, \$2,400,000; and Molokai Baseyard, \$3,703,000;
14. **FIRST READING** of bill to set forth the Capital Program for Fiscal Years 2017 through 2022;
15. **FIRST READING** of bill to appropriate estimated revenues for the operating and capital improvement budget for Fiscal Year July 1, 2016 to June 30, 2017;

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**H. COMMITTEE REPORTS (continued):**

16. **REFERRAL** of the matter relating to the real property tax rate for buildings valued at \$1 million or more in the Residential classification, to the Budget and Finance Committee;
17. **REFERRAL** of the matter relating to separate real property tax rates for land and buildings within a classification, to the Budget and Finance Committee;
18. **REFERRAL** of the matter relating to equipment purchases, replacement equipment, fleet vehicles, and a comparison of equipment lease vs. purchase, to the Budget and Finance Committee;
19. **REFERRAL** of the proposed bill, entitled "A BILL FOR AN ORDINANCE TO AMEND SECTION 3.48.450, MAUI COUNTY CODE, RELATING TO THE REAL PROPERTY TAX HOME EXEMPTION AMOUNT," to the Budget and Finance Committee;
20. **REFERRAL** of the matter relating to a minimum threshold amount to require Council authorization to transfer funds between categories of use, to the Budget and Finance Committee;
21. **REFERRAL** of the matter relating to erosion issues at holes 6, 7, and 8 at the Waiehu Municipal Golf Course, to the Economic Development, Energy, Agriculture, and Recreation Committee;
22. **REFERRAL** of the matter relating to the South Maui Parks District master plan, to the Economic Development, Energy, Agriculture, and Recreation Committee;
23. **REFERRAL** of the matter relating to creating an enterprise fund in the Department of Parks and Recreation, to the Economic Development, Energy, Agriculture, and Recreation Committee;
24. **REFERRAL** of the matter relating to fees for public charging stations for electric vehicles, including development of an assessment report to be transmitted to the Council by March 1, 2017, to the Economic Development, Energy, Agriculture, and Recreation Committee;
25. **REFERRAL** of the matter relating to establishing a County Office of Agriculture, to the Economic Development, Energy, Agriculture, and Recreation Committee;
26. **REFERRAL** of the matter relating to the license agreement between the County and Maui In-Line Hockey Association for the Kalama Park Inline Skating Facility, which expired on June 30, 2012, to the Economic Development, Energy, Agriculture, and Recreation Committee;

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H. COMMITTEE REPORTS (continued):

27. **REFERRAL** of the matter relating to the license agreement between the County and the State for Hale Piilani Park, which expires on May 19, 2016, to the Economic Development, Energy, Agriculture, and Recreation Committee;
28. **REFERRAL** of the matter relating to licensing animals other than dogs, to the Housing, Human Services, and Transportation Committee;
29. **REFERRAL** of the matter relating to the Housing Interim Financing and Buy-Back Revolving Fund, including the use of funds contributed by Seibu Hawaii, Inc., to the Housing, Human Services, and Transportation Committee;
30. **REFERRAL** of the matter relating to the lease agreement between the County and Titan International, LLC for the Lanai affordable housing project site, scheduled to expire on May 19, 2017, to the Housing, Human Services, and Transportation Committee;
31. **REFERRAL** of the matter relating to the potential acquisition of land for the Hale Mua affordable housing project, including a report to the Council on the Committee's findings, to the Housing, Human Services, and Transportation Committee;
32. **REFERRAL** of the proposed bill, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 12.24A, MAUI COUNTY CODE, RELATING TO THE MAUI COUNTY ARBORIST," to the Infrastructure and Environmental Management Committee;
33. **REFERRAL** of the matter relating to the Imi Kala Extension project, to the Infrastructure and Environmental Management Committee;
34. **REFERRAL** of the matter relating to the use of 64-gallon carts for residential refuse collection, to the Infrastructure and Environmental Management Committee;
35. **REFERRAL** of the matter relating to a review of the Highway Beautification and Disposal of Abandoned Vehicles Revolving Fund, to the Infrastructure and Environmental Management Committee;
36. **REFERRAL** of the matter relating to a review of the curbside recycling program, or 3-Can Plan, including a determination of the true cost to operate the program and whether the Department of Environmental Management should charge differently than the fee provided in the annual budget, whether the program is operating efficiently, the demand for and feasibility of the program, and whether the program should be discontinued, to the Infrastructure and Environmental Management Committee;

H. COMMITTEE REPORTS (continued):

37. **REFERRAL** of the matter relating to the policies and standards of the Office of Council Services, to the Policy and Intergovernmental Affairs Committee;
38. **REFERRAL** of the matter relating to an evaluation of a policy to allow the applicable department director to waive filing fees for applications filed by or on behalf of any County agency, to the Policy and Intergovernmental Affairs Committee;
39. **FILING** of County Communication 16-29; and
40. **FILING** of County Communication 16-60.

*With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(3), Hawaii Revised Statutes ("HRS"), to deliberate concerning the authority of persons designated by the County, the Council, or the Committee to conduct labor negotiations or to negotiate the acquisition of public property, or during the conduct of such negotiations; Section 92-5(a)(4), HRS, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee; Section 92-5(a)(6), HRS, to consider sensitive matters relating to public safety or security; Section 92-5(a)(7), HRS, to consider matters relating to the solicitation and acceptance of private donations; and Section 92-5(a)(8), HRS, to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order.*

I. COMMUNICATIONS:1. COUNTY COMMUNICATIONS:

- NO. 16-88 - DIRECTOR OF FINANCE, informing of the acquisition of Baldwin Park Recreational Path Easements "RP-1" & "RP-2", TMK: (2) 2-5-005:046 (Por).
- NO. 16-89 - MAYOR, informing of a vacancy on the Board of Ethics due to the resignation of Allen Souza.
- NO. 16-90 - DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending April 2016.
- NO. 16-91 - COUNCILMEMBER CARROLL, transmitting a proposed amendment to the Fiscal Year 2017 Bond Authorization bill.



I. COMMUNICATIONS (continued):

- NO. 16-92 - CHAIR, BUDGET AND FINANCE COMMITTEE, transmitting a proposed resolution entitled "ADOPTING THE FUEL TAX RATES FOR THE COUNTY OF MAUI, EFFECTIVE JULY 1, 2016".
- NO. 16-93 - COUNCIL CHAIR WHITE, transmitting a proposed resolution entitled "APPROVING THE HAWAII STATE ASSOCIATION OF COUNTIES' OFFICERS, NOMINEES TO THE NATIONAL ASSOCIATION OF COUNTIES AND WESTERN INTERSTATE REGION BOARDS OF DIRECTORS, AND ANNUAL BUDGET FOR FISCAL YEAR 2017".
- NO. 16-94 - CHAIR, POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE, submitting the Mayor's nomination of Andrea Lehuanani Cosma to the Hana Advisory Committee and transmitting a proposed resolution entitled "APPOINTMENT OF MEMBER TO THE HANA ADVISORY COMMITTEE FOR THE COUNTY OF MAUI".
- NO. 16-95 - COUNCILMEMBER CARROLL, transmitting a proposed amendment to Bill No. 43 (2016), Draft 1, entitled "A BILL FOR AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE RELATING TO SHORT-TERM RENTAL HOMES".
- NO. 16-96 - DIRECTOR OF FINANCE, transmitting the Finance Director's Quarterly Report for Fiscal Year July 1, 2015 to June 30, 2016 as of March 31, 2016 and the Capital Improvement Projects Report as of March 31, 2016.
- NO. 16-97 - COUNCILMEMBER BAISA, transmitting a proposed resolution entitled "REFERRING TO THE MAUI PLANNING COMMISSION A PROPOSED BILL TO CHANGE THE WEST MAUI COMMUNITY PLAN DESIGNATION FROM PARK TO BUSINESS AND A PROPOSED BILL TO CHANGE ZONING FROM PK GENERAL PARK DISTRICT TO B-2 COMMUNITY BUSINESS DISTRICT FOR PROPERTIES SITUATED AT TAX MAP KEYS (2) 4-4-001:010 (POR.) AND (2) 4-4-014:006 (POR.), LAHAINA, MAUI, HAWAII".
- NO. 16-98 - PLANNING DIRECTOR, transmitting the following:
1. A draft bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.80B.070, MAUI COUNTY CODE, TO ADOPT THE UPDATED MOLOKAI COMMUNITY PLAN";
  2. Exhibit 1: "MOLOKA'I COMMUNITY PLAN UPDATE, PLANNING DEPARTMENT/CPAC/MOLOKAI PC DRAFT, MAY 2016" including "CHAPTER 11, SUBAREA DESCRIPTIONS, EAST END POLICY STATEMENT - 2016 EDITION, MAUNALOA POLICY";
  3. Key Differences between CPAC and Molokai Planning Commission Recommendations; and
  4. Agency Recommendations.

2. GENERAL COMMUNICATIONS:

NO. 16-2 - CHARLES JENCKS, HONUA`ULA PARTNERS, LLC, submitting an annual compliance report in accordance with Condition 29 of Ordinance No. 3554, establishing Kihei-Makena Project District 9 (Wailea 670) Conditional zoning for approximately 670 acres situated at Paehu, Palauea, Keauhou, Hawaii. (Honua`ula Project).

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

NONE.

L. UNFINISHED BUSINESS:

ORDINANCES - SECOND AND FINAL READING:

BILL NO. 43 (2016) - "A BILL FOR AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE RELATING TO SHORT-TERM RENTAL HOMES"  
Draft 1

**NOTE: ITEMS LISTED ON THE AGENDA MAY BE INSPECTED AT THE OFFICE OF THE COUNTY CLERK, 200 SOUTH HIGH STREET, WAILUKU, HAWAII, PRIOR TO THE MEETING DATE. PHOTOCOPIES MAY BE ORDERED, SUBJECT TO CHARGES IMPOSED BY LAW (MAUI COUNTY CODE, SECTION 2.64.010). PLEASE CONTACT THE OFFICE OF THE COUNTY CLERK TO MAKE ARRANGEMENTS FOR INSPECTION OR PHOTOCOPYING OF DOCUMENTS.**

**INDIVIDUALS WHO INTEND TO ATTEND THE MEETING AND WHO HAVE DISABILITIES REQUIRING SPECIAL ASSISTANCE SHOULD CALL THE OFFICE OF THE COUNTY CLERK AT 270-7748, AT LEAST THREE DAYS IN ADVANCE.**