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COUNCIL OF THE COUNTY OF MAUI

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A G E N D A

OFFICE OF THE
COUNTY CLERK

Regular Meeting of August 5, 2016
9:00 a.m.

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

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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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.

A. **ROLL CALL**

B. **OPENING REMARKS:** COUNCILMEMBER DON COUCH

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 May 6, 2016
Public Hearing of May 20, 2016

H. COMMITTEE REPORTS:

NO. 16-112 - BUDGET AND FINANCE COMMITTEE:

Recommending **ADOPTION** of resolution to transfer \$6,000 within Countywide Costs, General Costs, from Category B (Operations) to Category C (Equipment), to appropriately account for copy machine expenses.

NO. 16-113 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to authorize the Mayor to enter into an intergovernmental agreement with the Office of the Auditor, State of Hawaii, to audit the schedule of allocations of the State Employees' Retirement System, as required by Governmental Accounting Standards Board Statement 68, for the Fiscal Year ended June 30, 2015; and
2. **FILING** of communication.

NO. 16-114 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to authorize the Mayor to enter into an intergovernmental agreement with the State of Hawaii Employees' Retirement System, to obtain a Governmental Accounting Standards Board Statement 68 Report, "Accounting and Financial Reporting for Pensions," for the Fiscal Year ended June 30, 2016; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):

NO. 16-115 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2017 Budget by:
 - 1) increasing Carryover/Savings from the Water Fund by \$219,000; and
 - 2) adding a grant for Lokahi Pacific, Inc. for \$219,000 under Category B - Operations; and
2. **FILING** of communication.

NO. 16-116 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2017 Budget by:
 - 1) decreasing Interfund Transfers by \$919,364; and 2) decreasing by \$919,364 the Department of Finance, Countywide Costs, Fringe Benefits, Category B – Operations, to accurately reflect fringe benefit reimbursements from the Plan Review, Processing, and Inspection Revolving Fund (Section 16.26B.108.2.1, Maui County Code), and the Plan Review, Processing, and Inspection Revolving Fund (Fire) (Section 16.04C.060, Maui County Code) under the Countywide Costs, Fringe Benefits appropriation, and not as Estimated Revenues, Interfund Transfers; and
2. **FILING** of communication.

NO. 16-117 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2017 Budget, Appendix B, as it pertains to the Department of Public Works, Subdivision Construction Plan Review Fees, by moving the fee from the Special Revenue/Trust and Agency Funds to the General Fund. Ordinance 4322 (2016), amended Section 18.24.010, Maui County Code, to direct these fees be placed in the General Fund; and
2. **FILING** of communication.

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

Recommending the following:

1. **FIRST READING** of bill to establish a mid-block crosswalk on Lower Main Street, approximately 400 feet north of its intersection with Mill Street, in Wailuku, Maui, Hawaii; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):**NO. 16-119 - LAND USE COMMITTEE:**

Recommending **ADOPTION** of resolution to refer to the Maui Planning Commission proposed bills to change the West Maui Community Plan designation from Park to Business; and to change the zoning from PK General Park District to B-2 Community Business District for portions of parcels identified for real property tax purposes as tax map keys (2) 4-4-001:010 (por.), and (2) 4-4-014:006 (por.), Lahaina, Maui, Hawaii, collectively consisting of 0.049 acre.

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

Recommending **FILING** of correspondence dated April 27, 2016, from Councilmember Riki Hokama, relating to a proposed Charter amendment to prohibit the Corporation Counsel, the Prosecuting Attorney, and their deputies from aiding in the election or defeat of any candidate for County public office.

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

Recommending **FILING** of correspondence dated April 28, 2016, from Councilmember Elle Cochran, relating to a proposed Charter amendment to require each planning commission to include members with an exhibited interest in and commitment to, respectively, Hawaiian cultural preservation and environmental protection.

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

Recommending **FILING** of correspondence dated April 29, 2016, from Council Chair Mike White, relating to a proposed Charter amendment to prohibit any officer or employee of the County from making a political contribution to support or oppose any candidate for Mayor or County Council.

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

Recommending **ADOPTION** of resolution approving the appointment of Margaret Peary to the Maui County Commission on Persons with Disabilities, for a term expiring on March 31, 2017.

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

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

H. COMMITTEE REPORTS (continued):

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

Recommending the following:

1. **ADOPTION** of resolution authorizing the acceptance of three MorphoTrak Livescan digital fingerprinting, photographing, and imaging machines, each valued at \$26,000, and one year of maintenance, valued at \$4,000, from the Hawaii Criminal Justice Data Center, to the Department of Police, for use at its Wailuku District and Lahaina District stations; and
2. **FILING** of communication.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

- NO. 16-151 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, notifying of intended voluntary contributions for the fiscal year 2017 received from senior program participants totaling \$357,308.00, with no Letter of Intent.
- NO. 16-152 - EXECUTIVE ON AGING, MAUI COUNTY OFFICE ON AGING, 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 - CHIEF OF POLICE, 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 - COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MANAGER, 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 - PROSECUTING ATTORNEY, transmitting a copy of a 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 - DIRECTOR OF HOUSING AND HUMAN CONCERN, 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.

I. COMMUNICATIONS (continued):

- NO. 16-157 - FIRE CHIEF, 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.
- NO. 16-158 - DIRECTOR OF FINANCE, transmitting a report of short term investments for the quarter ended June 30, 2016.
- NO. 16-159 - DIRECTOR OF FINANCE, transmitting 110 contracts/grants for June 2016.
- NO. 16-160 - DIRECTOR OF PARKS AND RECREATION, 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.
- NO. 16-161 - MAYOR, informing of a vacancy on the Urban Design Review Board due to the resignation of Gerald Steiner.
- NO. 16-162 - MAYOR, informing of a vacancy on the Cost of Government Commission due to the resignation of Gayle Long.
- NO. 16-163 - DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending June 2016.
- NO. 16-164 - DIRECTOR OF WATER SUPPLY, 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.
- NO. 16-165 - BUDGET DIRECTOR, 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)".
- NO. 16-166 - BUDGET DIRECTOR, 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)".

I. COMMUNICATIONS (continued):

NO. 16-167 - BUDGET DIRECTOR, 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".

NO. 16-168 - BUDGET DIRECTOR, transmitting the Budget Implementation Report as of June 30, 2016 (Fiscal Year 2016 Fourth Quarter).

NO. 16-169 - MAYOR, 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.

NO. 16-170 - DIRECTOR OF PARKS AND RECREATION, transmitting a proposed resolution entitled "AUTHORIZING A GRANT OF A LEASE OF COUNTY RECREATIONAL SPACE TO BOYS & GIRLS CLUBS OF MAUI, INC. (HAIKU CLUBHOUSE)".

NO. 16-171 - DIRECTOR OF PUBLIC WORKS, informing of the Department's request for additional time to respond to the Department of Health's proposed rule changes to the administrative rules.

NO. 16-172 - COUNCILMEMBER COCHRAN, relating to all Hui Roads in West Maui, that were part of the Mailepai Partition.

I. COMMUNICATIONS (continued):

NO. 16-173 - COUNCILMEMBER COCHRAN, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.28, MAUI COUNTY CODE, RELATING TO PLANNING COMMISSION MEMBERSHIP AND TRAINING".

J. RESOLUTIONS – SECOND AND FINAL READING:

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"

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"

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 73 (2016) - "A BILL FOR AN ORDINANCE GRANTING ROYAL KAAPALI 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, KAAPALI, MAUI, HAWAII"

BILL NO. 74 (2016) - "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 2641 (1998), KIHEI-MAKENA COMMUNITY PLAN AND LAND USE MAP, FROM PROJECT 6 (R&T PARK), PUBLIC/QUASI-PUBLIC, AND AGRICULTURE TO MAUI RESEARCH & TECHNOLOGY PARK FOR PROPERTY SITUATED AT KIHEI, MAUI, HAWAII"

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"

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"

L. UNFINISHED BUSINESS:

ORDINANCES - SECOND AND FINAL READING:

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"

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.