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COUNCIL OF THE COUNTY OF MAUI

A G E N D A

OFFICE OF THE
COUNTY CLERK

Regular Meeting of October 21, 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 An individual's request to testify shall be deemed withdrawn if the individual does not answer when called to testify.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.

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

E. CEREMONIAL RESOLUTIONS:

NONE.

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

Regular Meeting of September 2, 2016
Regular Meeting of September 16, 2016

H. COMMITTEE REPORTS:NO. 16-157 - BUDGET AND FINANCE COMMITTEE:

Recommending **ADOPTION** of resolution to amend the Fiscal Year 2017 Budget within the Department of Parks and Recreation by: (1) transferring \$20,400 from the Parks Program, Category B (Operations) to Category C (Equipment); and (2) transferring \$20,000 from the Recreation and Support Services Program, from Category B (Operations) to Category C (Equipment), for purchase of swimming pool equipment.

NO. 16-158 - BUDGET AND FINANCE COMMITTEE:

Recommending **ADOPTION** of resolution to amend the Fiscal Year 2017 Budget to transfer \$45,341 within the Department of Transportation, Administration Program – Highway Fund, from Category B (Operations) to Category C (Equipment), for purchase of camera equipment for use in County buses.

NO. 16-159 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the intergovernmental agreement between the County and State of Hawaii to authorize execution of sub-agreements for Federal Aid Projects; and
2. **FILING** of communication.

NO. 16-160 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend Appendix C of the Fiscal Year 2017 Budget to clarify the project descriptions provided for Capital Improvement Projects; and to clarify the design phase shall include, but is not limited to, permitting, site plan fees, Disability and Communications Board Fees, or other fees, which may be incurred at any phase throughout the project; and
2. **FILING** of communication.

H. COMMITTEE REPORTS (continued):NO. 16-161 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2017 Budget by increasing the grant for the Department of the Prosecuting Attorney, Special Needs Advocacy Program, by \$403,568; and
2. **FILING** of communication.

NO. 16-162 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2017 Budget by: (1) increasing the Bond/Lapsed Bond Fund by \$550,000; and (2) adding an appropriation of \$550,000 under the Department of Management, Wailuku-Kahului Community Plan Area, Government Facilities, Bond Fund, for the Waikapu Baseyards project;
2. **FIRST READING** of bill to amend the Fiscal Year 2017 general obligation bond authorization ordinance by adding \$550,000 under Public Improvements, Estimated Project Cost, Department of Management, Wailuku-Kahului Community Plan Area, Government Facilities, for the Waikapu Baseyards project; and
3. **FIRST READING** of bill to amend the Fiscal Year 2017 Budget, Appendix C, Capital Improvement Projects, by adding (1) an appropriation of \$550,000 under the Department of Management, Wailuku-Kahului Community Plan Area, for the Waikapu Baseyards project; and (2) a description of the project.

NO. 16-163 - COMMITTEE OF THE WHOLE:

Recommending **ADOPTION** of resolution to authorize settlement of Robert Low v. County of Maui, Disability Compensation Division Case 8-15-00560.

With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee; and Section 92-5(a)(8), Hawaii Revised Statutes, 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.

H. COMMITTEE REPORTS (continued):NO. 16-164 - COMMITTEE OF THE WHOLE:

Recommending **ADOPTION** of resolution to authorize settlement of Claim 2014-2034-10-0001 of Karen Hunter.

With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee; and Section 92-5(a)(8), Hawaii Revised Statutes, 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.

NO. 16-165 - COMMITTEE OF THE WHOLE:

Recommending **ADOPTION** of resolution to authorize settlement of a charge of discrimination filed with the Hawaii Civil Rights Commission and Federal Equal Employment Opportunity Commission on March 11, 2014, designated as Federal Employment Practices Agency M-16340; Equal Employment Opportunity Commission 37B-2011-00145.

With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee; and Section 92-5(a)(8), Hawaii Revised Statutes, 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.

NO. 16-166 - COMMITTEE OF THE WHOLE:

Recommending **ADOPTION** of resolution to authorize settlement of April Freeland, et al. v. County of Maui, et al., Civil 11-00617 ACK-KSC; Ninth Circuit U.S. Court of Appeals 14-15014.

With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee; and Section 92-5(a)(8), Hawaii Revised Statutes, 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.

H. COMMITTEE REPORTS (continued):NO. 16-167 - ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE AND RECREATION COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to authorize the Mayor to enter into a lease with Boys & Girls Clubs of Maui, Inc., for the Haiku Clubhouse, for a term of 30 years, to expire on June 30, 2046, for an annual rent of \$1; and
2. **FILING** of communication.

NO. 16-168 - ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE AND RECREATION COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to authorize an extension of a grant of a license of County real property to Hitachi Advanced Clean Energy Corporation, to March 31, 2018; and
2. **FILING** of communication.

NO. 16-169 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution approving the appointment of Caron Green to the Lanai Planning Commission, for a term expiring March 31, 2020.

NO. 16-170 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing the grant of leases to the State for the installation of emergency outdoor warning sirens at: (1) Eddie Tam Memorial Park, Makawao; (2) Honokowai Beach Park, Lahaina; (3) Napili Neighborhood Park, Lahaina; (4) Kualapuu Park, Molokai; and (5) Puu Hauoli Park, Molokai;
2. **ADOPTION** of resolution authorizing the grant of leases to the State for the installation of emergency outdoor warning sirens at: (1) Lae Park, Paia; (2) St. Theresa Church, Kihei; (3) Kalama Park, Kihei; (4) Kamaole Park, Kihei; (5) Kilohana Park, Kihei; (6) Kahului School Park, Kahului; (7) Hale Piilani Park, Kihei; (8) Keokea Park, Kula; (9) Haliimaile Park, Haliimaile; (10) Mokuhaul Park, Wailuku; (11) Kelaweia Mauka III Park, Lahaina; and (12) Kaunakakai, Molokai; and
3. **FILING** of communications.

I. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 16-238 - DIRECTOR OF FINANCE, transmitting 48 contracts/grants for August 2016.

NO. 16-239 - FIRE CHIEF, transmitting a notice of grant award from Department of Homeland Security, Assistance to Fire Fighters in the amount of \$527,046.

NO. 16-240 - MAYOR, informing of the following vacancies:

1. Committee on the Status of Women, due to the resignation of Ana Sorote; and
2. Affirmative Action Advisory Council, due to the resignation of Diana Marie DeLouise.

NO. 16-241 - DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply's Monthly Source and Groundwater Use Report for the month ending September 2016.

NO. 16-242 - DIRECTOR OF FINANCE, reporting on transfers from the General Fund and the Department of Water Supply Revenue Fund to the 2017 Proposed General Obligation Bond Fund as of August 31, 2016.

NO. 16-243 - DIRECTOR OF FINANCE, informing that the detailed records and reports regarding County property for the period ending June 30, 2016, are available for inspection in the Department of Finance.

NO. 16-244 - 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 APPENDIX A, PART I, GRANT REVENUE – SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF THE PROSECUTING ATTORNEY (HAWAII CRIMINAL JUSTICE DATA CENTER)"; and
2. A copy of the Memorandum of Agreement between the Department of the Prosecuting Attorney and the Hawaii Criminal Justice Data Center.

NO. 16-245 - COUNCILMEMBER CARROLL, relating to including trash pickup fees in real property tax bills.

NO. 16-246 - COUNCILMEMBER CARROLL, relating to residential refuse collection.

I. COMMUNICATIONS (continued):

- NO. 16-247 - PLANNING DIRECTOR, relating to a Conditional Permit application filed by AAAAA Rent-A-Space, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING AAAAA RENT-A-SPACE- MAUI, A LIMITED PARTNERSHIP A CONDITIONAL PERMIT TO ALLOW THE DEVELOPMENT OF A 29,900 SQUARE FOOT PAVED PARKING LOT FOR OFF-STREET STALLS AND PLACEMENT OF TEMPORARY PORTABLE SELF-STORAGE PODS, SMALL BOATS, AND VEHICLES WITHIN THE COUNTY R-3 RESIDENTIAL DISTRICT, FOR PROPERTY SITUATED AT 3560 LOWER HONOAPIILANI ROAD, LAHAINA, MAUI, HAWAII", and related documents.
- NO. 16-248 - COUNCILMEMBER COCHRAN, transmitting a proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2017 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL TO RECOGNIZE NOVEMBER 28 AS LA KUOKOA, HAWAII'S INDEPENDENCE DAY".
- NO. 16-249 - COUNCIL CHAIR WHITE, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 14.13.065, MAUI COUNTY CODE, RELATING TO EXEMPTION FROM FIRE PROTECTION MAINLINE INFRASTRUCTURE IMPROVEMENTS FOR THE UPCOUNTRY WATER SYSTEM".

2. GENERAL COMMUNICATIONS:

NONE.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

- BILL NO. 95 (2016) - "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2017, ANIMAL MANAGEMENT REVOLVING FUND"
- BILL NO. 96 (2016) - "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2017, AFFORDABLE HOUSING FUND, NA HALE O MAUI KAHOMA PROJECT"

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

- BILL NO. 97 (2016) - "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2017, AFFORDABLE HOUSING FUND, HABITAT FOR HUMANITY KAHOMA PROJECT"
- BILL NO. 98 (2016) - "A BILL FOR AN ORDINANCE AMENDING SECTION 6.04.040, MAUI COUNTY CODE, RELATING TO ANIMAL REGULATIONS FOR DOG RESTRAINTS, AND SECTION 6.04.090, MAUI COUNTY CODE, RELATING TO ANIMAL CONTROL OFFICERS"
- BILL NO. 99 (2016) - "A BILL FOR AN ORDINANCE AMENDING SECTION 10.44.050, MAUI COUNTY CODE, RELATING TO STOPS REQUIRED AT NON-THROUGH STREET INTERSECTIONS AT MIKIOI PLACE AND AKALA DRIVE, KIHEI, MAUI, HAWAII; AND LIMAHANA PLACE AND HINAU STREET, LAHAINA, MAUI, HAWAII"
- BILL NO. 100 (2016) - "A BILL FOR AN ORDINANCE AMENDING SECTION 10.60.042, MAUI COUNTY CODE, RELATING TO CROSSWALKS ESTABLISHED"
- BILL NO. 101 (2016) - "A BILL FOR AN ORDINANCE RELATING TO TRANSIENT VACATION RENTALS IN PLANNED DEVELOPMENTS"

L. UNFINISHED BUSINESS:

NONE.

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

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