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COUNCIL OF THE COUNTY OF MAUI

2017 MAY 12 PM 5: 26

A G E N D A

OFFICE OF THE
COUNTY CLERK

Regular Meeting of May 19, 2017
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 shall be allowed to speak for up to three minutes on each item. If approved by the presiding officer and announced prior to any oral testimony being taken, the testifier may be allowed one minute to conclude the testimony on the item. The time limits for testimony at a Council meeting may be modified, if the modification is initiated by the presiding officer and approved by a majority of the Council; provided that a modification would apply equally to all testifiers and all items. No further oral testimony by the testifier on the item shall be permitted. An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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 KELLY T. KING

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 24, 2017

H. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

- NO. 17-179 - CHIEF OF POLICE, informing of the intent to expend \$6,071.42 in State Forfeiture Funds to pay for ice machines for the Wailuku Station.
- NO. 17-180 - DIRECTOR OF FINANCE, transmitting the Fiscal Year 2017-2018 certification of the net taxable real property valuation for the County of Maui.
- NO. 17-181 - ECONOMIC DEVELOPMENT DIRECTOR, transmitting a Notice of Grant Award from the Hawaii Tourism Authority for the HTA County Product Enrichment Program in the amount of \$70,000.
- NO. 17-182 - DIRECTOR OF FINANCE, transmitting 51 contracts/grants for March 2017.
- NO. 17-183 - DIRECTOR OF FINANCE, transmitting two reports on the settlement of claims as of March 31, 2017.
- NO. 17-184 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, informing of the receipt of \$1,300,000 in revenue from Vistana Signatures Experiences in the Affordable Housing Special Purpose Revenue Fund.
- NO. 17-185 - BUDGET DIRECTOR, transmitting a copy of the agreement with the State of Hawaii, Department of the Attorney General for Domestic Violence Investigations grant in the amount of \$70,696.00.
- NO. 17-186 - DIRECTOR OF FINANCE, informing of the acceptance of a Warranty Deed for the Northshore Greenway Phase 2 Bikeway Path Lots 25, 26, & 27, E Paepae Ka Puko`a Subdivision, TMK: (2) 3-8-095:024, 025, & 026.
- NO. 17-187 - MAYOR, informing of a vacancy on the Police Commission due to the passing of May Fujiwara.
- NO. 17-188 - MAYOR, informing of a vacancy on the Cultural Resources Commission due to the resignation of Whitney Apo.

H. COMMUNICATIONS (continued):

- NO. 17-189 - MAYOR, informing of a vacancy on the Commission on Persons with Disabilities due to the resignation of Victor Lesa.
- NO. 17-190 - DIRECTOR OF FINANCE, informing of the acceptance of a county Deed in connection with the Wailuku Well No. 2, Kehalani Mauka (Large Lot) Subdivision No. 3-C, Wailuku, TMK: (2) 3-5-001:113, 116 & 117.
- NO. 17-191 - DIRECTOR OF FINANCE, informing of the acceptance of a Waterline Easement U-2, Kulaiki Subdivision, Kula, TMK: (2) 2-3-008:013.
- NO. 17-192 - DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending April 2017.
- NO. 17-193 - DIRECTOR OF WATER SUPPLY, transmitting the State of Hawaii's Commission on Water Resources Management water use reports for February and March 2017 for all registered well reporters in the County of Maui.
- NO. 17-194 - CHAIR, BUDGET AND FINANCE COMMITTEE, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE SPECIAL PURPOSE REVENUE FUND PROVISIONS IN THE MAUI COUNTY CODE TO REQUIRE FUNDS BE SPECIFICALLY APPROPRIATED FOR EXPENDITURE IN ACCORDANCE WITH THE ANNUAL BUDGET ORDINANCE".
- NO. 17-195 - COUNCILMEMBER SUGIMURA, relating to a proposed amendment to the Fiscal Year 2018 Budget bill.
- NO. 17-196 - COUNCILMEMBER COCHRAN, relating to proposed amendments to the Fiscal Year 2018 Budget bill.
- NO. 17-197 - COUNCILMEMBER CRIVELLO, relating to a proposed amendment to the Fiscal Year 2018 Budget bill.
- NO. 17-198 - COUNCIL CHAIR WHITE, transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF MARGARET CLARK AS A LEGISLATIVE ANALYST IN THE OFFICE OF COUNCIL SERVICES".
- NO. 17-199 - CHAIR, BUDGET AND FINANCE COMMITTEE, transmitting the following:
1. A proposed resolution entitled "SETTING THE SALARY AND PAY STEPS OF EMPLOYEES IN THE OFFICE OF COUNCIL SERVICES"; and
 2. A proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO SALARIES OF EMPLOYEES OF THE LEGISLATIVE BRANCH".

H. COMMUNICATIONS (continued):

- NO. 17-200 - CHAIR, BUDGET AND FINANCE COMMITTEE, transmitting the following proposed resolutions entitled:
1. "APPROVING COST ITEMS FOR BARGAINING UNIT 11, FIRE FIGHTERS"; and
 2. "APPROVING COST ITEMS FOR EMPLOYEES EXCLUDED FROM BARGAINING UNIT 11, FIRE FIGHTERS".
- NO. 17-201 - COUNTY AUDITOR, transmitting Audit Report No. 14-02, "Audit of Expenditures from the Fiscal Year 2012 Budget Appropriation for the Old Wailuku Post Office Rehabilitation Project."
- NO. 17-202 - MAYOR, informing that the Department of Environmental Management estimates a \$275,000 shortfall in solid waste revenue in Fiscal Year 2017.
- NO. 17-203 - DIRECTOR OF PARKS AND RECREATION, transmitting proposed organizational changes for Fiscal Year 2018 pursuant to Section 7 of the General Budget Provisions.
- NO. 17-204 - DIRECTOR OF FINANCE, reporting on transfers/loans from the General Fund and Department of Water Supply Revenue Fund to the 2017 Proposed General Obligation Bond Fund as of March 31, 2017.
- NO. 17-205 - BUDGET DIRECTOR, transmitting the Budget Implementation Report as of March 31, 2017 (Fiscal Year 2017 Third Quarter).
- NO. 17-206 - MAYOR, transmitting a proposed resolution entitled "APPROVING COST ITEMS FOR BARGAINING UNIT 2, SUPERVISORY BLUE COLLAR EMPLOYEES".
- NO. 17-207 - MAYOR, transmitting a proposed resolution entitled "APPROVING COST ITEMS FOR UNIT 3, NON-SUPERVISORY WHITE COLLAR EMPLOYEES, AND UNIT 4, SUPERVISORY WHITE COLLAR EMPLOYEES".
- NO. 17-208 - MAYOR, transmitting a proposed resolution entitled "APPROVING COST ITEMS FOR NON-SUPERVISORY WHITE COLLAR EMPLOYEES EXCLUDED FROM BARGAINING UNIT 3, AND SUPERVISORY WHITE COLLAR EMPLOYEES EXCLUDED FROM BARGAINING UNIT 4".
- NO. 17-209 - MAYOR, transmitting a proposed resolution entitled "APPROVING COST ITEMS FOR BARGAINING UNIT 13, PROFESSIONAL AND SCIENTIFIC EMPLOYEES".

H. COMMUNICATIONS (continued):

- NO. 17-210 - MAYOR, transmitting a proposed resolution entitled "APPROVING COST ITEMS FOR PROFESSIONAL AND SCIENTIFIC EMPLOYEES EXCLUDED FROM BARGAINING UNIT 13".
- NO. 17-211 - DIRECTOR FINANCE, transmitting a report of short-term investments for the quarter ended March 31, 2017.
- NO. 17-212 - COUNCILMEMBER KING, relating to subdivision deferral agreements.
- NO. 17-213 - COUNCILMEMBER CRIVELLO, relating to the County-owned parcel located at North Papa Avenue, comprising approximately 8.804 acres, and identified for real property tax purposes as tax map key (2) 3-8-007-117:0000.
- NO. 17-214 - MAYOR, relating to the draft Maui Inland Sand Resource Quantification Study by SSFM International, Inc.
- NO. 17-215 - COUNCILMEMBER ATAY, relating to sand and aggregate mining and export in Maui County.
- NO. 17-216 - COUNCILMEMBER KING, relating to professional services for community engagement in the Community Plan review process.
- NO. 17-217 - PLANNING DIRECTOR, transmitting a Conditional Permit application submitted by Kaohu, LLC, transmitting documents and a proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING KAOHU LLC, A DOMESTIC LIMITED LIABILITY COMPANY, A CONDITIONAL PERMIT TO ALLOW BUSINESS/OFFICE USE IN A RESIDENTIAL HOME LOCATED IN THE R-2, RESIDENTIAL ZONING DISTRICT ON APPROXIMATELY 3,600 SQUARE FEET OF LAND LOCATED AT 293 WAIALE ROAD, WAILUKU, MAUI, HAWAII".
- NO. 17-218 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL DISTRICT TO RURAL DISTRICT (CONDITIONAL BOUNDARY AMENDMENT) FOR PROPERTY SITUATED AT POLANUI, LAUNIUPOKO, LAHAINA, MAUI, HAWAII, TAX MAP KEY NOS. (2) 4-7-013:044 (POR.) AND (2) 4-7-013:005 (POR.), CONTAINING A TOTAL OF 14.594 ACRES".
- NO. 17-219 - MAYOR, relating to SB 562, SD1, HD1, relating to liability protections afforded County Lifeguards scheduled to sunset on June 30, 2017.

H. COMMUNICATIONS (continued):

- NO. 17-220 - DEPUTY CORPORATION COUNSEL, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.56.060, MAUI COUNTY CODE, RELATING TO FINANCIAL DISCLOSURE STATEMENTS".
- NO. 17-221 - COUNCILMEMBER SUGIMURA, relating to "Public Wireless Access Points at County Park Facilities".
- NO. 17-222 - COUNCILMEMBER KING, relating to a proposed Charter amendment to establish a County manager form of government.

2. GENERAL COMMUNICATIONS:

NONE.

I. COMMITTEE REPORTS:

NO. 17-69 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to authorize the Mayor to enter into an intergovernmental agreement to finance the Central Maui Landfill Phase V-B Extension project from the State of Hawaii's Clean Water State Revolving Fund, with funds not to exceed \$3,625,000;
2. **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: (1) the South Maui Recycled Water System Expansion (2nd Tank) project, with funds not to exceed \$3,750,000; and (2) the Lahaina Wastewater Reclamation Facility Modifications, Stage 1A project, with funds not to exceed \$24,000,000;
3. **FIRST READING** of bill to authorize the Mayor to enter into an intergovernmental agreement to finance the Mahinahina Well #1 Development from the State of Hawaii's Drinking Water Treatment Revolving Loan Fund, with funds not to exceed \$5,000,000;
4. **FIRST READING** of bill to amend Section 2.44.015, Maui County Code, relating to adjustments to the salary plan for deputies in the Department of the Corporation Counsel and the Department of the Prosecuting Attorney, retroactive to July 1, 2016 and on July 1, 2018;

I. COMMITTEE REPORTS (continued):

5. **FIRST READING** of bill to amend Chapter 14.34, Maui County Code, to repeal the collection and transmission system project assessment fee for the Kihei Regional Wastewater Treatment System and transfer the balance in the account to the Sewer Fund;
6. **FIRST READING** of bill to authorize the issuance of \$44,305,000 of general obligation bonds for various capital improvement projects;
7. **FIRST READING** of bill to set forth the Capital Program for Fiscal Years 2018 through 2023;
8. **FIRST READING** of bill to appropriate estimated revenues for the operating and capital improvement budget for Fiscal Year July 1, 2017 to June 30, 2018;
9. **REFERRAL** of the matter relating to the development of a cost-effective funding structure for County capital improvement projects to the Budget and Finance Committee;
10. **REFERRAL** of the matter relating to possible amendments to Chapter 3.48, Article XIII, Maui County Code, relating to the Circuit Breaker Tax Credit, including the phasing schedule for eligible percentage of circuit breaker tax credit set forth in Section 3.48.810, to the Budget and Finance Committee;
11. **REFERRAL** of the matter relating to the Department of Parks and Recreation's use of ActiveNet software for permits and credit card transaction processing, including an analysis of associated charges and their impact on the Department's net fees and collections, to the Budget and Finance Committee;
12. **REFERRAL** of the matter relating to the status of grants under the Department of Housing and Human Concerns and benchmarks for grantee performance to the Housing, Human Services, and Transportation Committee;
13. **REFERRAL** of the matter relating to the status of grants under the Department of Transportation and benchmarks for grantee performance to the Housing, Human Services, and Transportation Committee;
14. **REFERRAL** of the matter relating to an audit of every housing agreement starting with Mayor Charmaine Tavares' term, including an evaluation of any inconsistencies in implementation between different administrations or directors, to the Housing, Human Services, and Transportation Committee;
15. **REFERRAL** of the matter relating to an evaluation of the proposed new Waihee route and expanded hours for the Kihei Islander, Lahaina Islander, Kihei Villager, Kaanapali Islander, and Napili Islander routes, including estimated implementation costs, schedules, proposed fare increases, and whether such expansion, including bus replacements, is warranted, to the Housing, Human Services, and Transportation Committee;

COMMITTEE REPORTS (continued):

16. **REFERRAL** of the matter relating to the use of 64-gallon carts for residential refuse collection to the Infrastructure and Environmental Management Committee;
17. **REFERRAL** of the matter relating to a review of the Highway Beautification and Disposal of Abandoned or Derelict Vehicles Revolving Fund to the Infrastructure and Environmental Management Committee;
18. **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 a fee differently from the fee provided in the annual budget, whether the program is operating efficiently, the demand for and feasibility of the program, the possible relocation of the program service area, and whether the program should be discontinued, to the Infrastructure and Environmental Management Committee;
19. **REFERRAL** of the matter relating to the status of grants under the Department of Parks and Recreation and benchmarks for grantee performance to the Parks, Recreation, Energy, and Legal Affairs Committee;
20. **REFERRAL** of the matter relating to the Waiehu Municipal Golf Course operations and improvements, including network connectivity, fees, and an update of the United States Golf Association Green Section Turf Advisory Service Visit reports dated October 29, 2008, and January 17, 2012, to the Parks, Recreation, Energy, and Legal Affairs Committee;
21. **REFERRAL** of the matter relating to the status of grants under the Department of Planning and benchmarks for grantee performance to the Planning Committee;
22. **REFERRAL** of the matter relating to the procurement by the Department of Planning of contract services for transient vacation rental enforcement to the Planning Committee;
23. **REFERRAL** of the matter relating to the review of existing goals, objectives, and key performance measures for each County Department to the Policy, Economic Development, and Agriculture Committee;
24. **REFERRAL** of the matter relating to the status of grants under the Office of Economic Development and benchmarks for grantee performance to the Policy, Economic Development, and Agriculture Committee;
25. **REFERRAL** of the matter relating to creating a task force to work on financial measures for County grants to the Policy, Economic Development, and Agriculture Committee;

I. COMMITTEE REPORTS (continued):

- 26. **REFERRAL** of the matter relating to the status of grants under the Department of Water Supply and benchmarks for grantee performance to the Water Resources Committee; and
- 27. **FILING** of communications.

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.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 47 (2017) - "A BILL FOR AN ORDINANCE TO AMEND THE LANA'I COMMUNITY PLAN AND LAND USE MAP FROM BUSINESS/COMMERCIAL TO SINGLE-FAMILY FOR TAX MAP KEY (2) 4-9-006:050, SITUATED AT LANA'I CITY, LANA'I, HAWAII"

BILL NO. 48 (2017) - "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM B-CT COUNTRY TOWN BUSINESS DISTRICT TO R-1 RESIDENTIAL DISTRICT (CONDITIONAL ZONING) FOR TAX MAP KEY (2) 4-9-006:050, SITUATED AT LANA'I CITY, LANA'I, 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.