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COUNCIL OF THE COUNTY OF MAUI

2017 JUL 21 PM 3:43

A G E N D A

OFFICE OF THE
COUNTY CLERK

Regular Meeting of July 28, 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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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 ELLE COCHRAN

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NONE.

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

Special Meeting of May 18, 2017
Regular Meeting of May 30, 2017

H. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

- NO. 17-265 - CHIEF OF POLICE, transmitting a copy of a grant agreement with the Office of Youth Services for the KALO Program in the amount of \$89,000.

- NO. 17-266 - CHIEF OF POLICE, transmitting a copy of a grant agreement with the Office of National Drug Control Policy for the High Intensity Drug Trafficking Areas Grant in the amount of \$135,240.

- NO. 17-267 - CHIEF OF POLICE, transmitting a copy of a grant agreement with the Office of Youth Services for the Ho`ohuli Program in the amount of \$59,682.

- NO. 17-268 - CHIEF OF POLICE, transmitting a copy of a grant agreement with the State of Hawaii, Department of Health for the Emergency Medical System Grant in the amount of \$376,865.83.

- NO. 17-269 - CHIEF OF POLICE, informing of the receipt of \$2,404 in Forfeiture Funds from the Department of the Attorney General, State of Hawaii.

- NO. 17-270 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, notifying of intended voluntary contributions for the Fiscal Year 2018 received from senior program participants totaling \$295,944, with no Letter of Intent.

- NO. 17-271 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting Contract Modification Order Nos. 4 and 5 from the State of Hawaii, Executive Office on Aging, notifying of additional funding received for the Aging and Disability Resource Center Grant in the amount of \$248,528 and informing of the extension of the program to June 30, 2018.

H. COMMUNICATIONS (continued):

- NO. 17-272 - DIRECTOR OF ENVIRONMENTAL MANAGEMENT, transmitting a copy of the notice of grant award from the State of Hawaii, Department of Health for the Glass Recovery Program in the amount of \$109,390.
- NO. 17-273 - DIRECTOR OF FINANCE, transmitting 77 contracts/grants for June 2017.
- NO. 17-274 - DIRECTOR OF FINANCE, informing of the acquisition of a Warranty Deed for a Road Widening Lot in conjunction with the Makawao Avenue Reconstruction Subdivision, identified as TMK: (2) 2-7-001:010 (Por).
- NO. 17-275 - DIRECTOR OF FINANCE, informing of the acceptance of a Limited Warranty Deed for a Drainage Lot, Hansen Road Rehabilitation Subdivision, identified as TMK: (2) 3-8-001:001 (Por).
- NO. 17-276 - DIRECTOR OF FINANCE, informing of the acceptance of a Limited Warranty Deed for a Drainage Lot, First Assembly of God Subdivision, Phase II, identified as TMK: (2) 3-8-001:002 (Por).
- NO. 17-277 - DIRECTOR OF FINANCE, informing of the acceptance of a Sewerline Easement and Grant of Sewer System Improvements, Ke Alii Kai II Subdivision, Kihei, identified as TMK: (2) 3-8-007:151 (Por).
- NO. 17-278 - DIRECTOR OF PARKS AND RECREATION, transmitting a list of permits and activities using properties managed by the Department of Parks and Recreation, which were either department-sponsored or County co-sponsored for Fiscal Year 2017.
- NO. 17-279 - MAYOR, informing of a vacancy on the Maui Planning Commission due to the resignation of Doreen Canto.
- NO. 17-280 - MAYOR, informing of a vacancy on the Lanai Planning Commission due to the resignation of Beverly Zigmond.
- NO. 17-281 - MAYOR, informing of a vacancy on the Lanai Planning Commission due to the resignation of Medigale Badillo.
- NO. 17-282 - DIRECTOR OF WATER SUPPLY, transmitting the State of Hawaii's Commission on Water Resources Management water use reports for April and May 2017 for all registered well reporters in the County of Maui.

H. COMMUNICATIONS (continued):

- NO. 17-283 - DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending June 2017.
- NO. 17-284 - COUNCILMEMBER CRIVELLO, relating to a Councilmember's report on the Affordable Housing Summit held on June 30, 2017.
- NO. 17-285 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2018, HAWAIIAN CULTURAL RESTORATION REVOLVING FUND".
- NO. 17-286 - DIRECTOR OF FINANCE, reporting on transfers/loans from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of June 30, 2017.
- NO. 17-287 - DIRECTOR FINANCE, transmitting a report of short-term investments for the quarter ended June 30, 2017.
- NO. 17-288 - COUNCILMEMBER CRIVELLO, relating to the Ka Hale A Ke Ola Westside Shelter.
- NO. 17-289 - COUNCILMEMBER CRIVELLO, relating to the 40 acres for affordable housing purposes owed by Alexander and Baldwin, Inc., pursuant to Ordinance 3559, Condition 7(a).
- NO. 17-290 - COUNCILMEMBER CRIVELLO, relating to a review of Chapter 2.96, Maui County Code.
- NO. 17-291 - COUNCILMEMBER CRIVELLO, relating to the First-Time Homebuyers Program.
- NO. 17-292 - COUNCILMEMBER COCHRAN, relating to Drainage Basin Repairs.
- NO. 17-293 - COUNCILMEMBER COCHRAN, relating to the Launiupoko Park Master Plan, TMK: (2) 4-7-001:030.

H. COMMUNICATIONS (continued):

- NO. 17-294 - COUNCILMEMBER COCHRAN, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO ESTABLISH THE SPECIAL MANAGEMENT AREA REVOLVING FUND".

- NO. 17-295 - COUNCILMEMBER CRIVELLO, transmitting a proposed resolution entitled "URGING THE MAYOR TO PROVIDE FOR AN ADDITIONAL DEFERRED COMPENSATION PLAN FOR COUNTY EMPLOYEES".

- NO. 17-296 - COUNCILMEMBER ATAY, relating to potential water conservation measures for Wailea-Makena.

- NO. 17-297 - COUNCILMEMBER ATAY, relating to addressing the Upcountry water meter list.

2. GENERAL COMMUNICATIONS:

- NO. 17-7 - GRANT CHUN, A & B PROPERTIES HAWAII, LLC., submitting the 2017 Annual Report in accordance with Condition 3 of Ordinance No. 4146, Kihei Residential Project change in zoning.

- NO. 17-8 - SHARON M. SUZUKI, MAUI ELECTRIC, transmitting the "SEVENTEENTH ANNUAL STATUS REPORT" in accordance with Condition No. 6 of Ordinance No. 2879, New Central Maui Generation Site Subdivision, Waena Generating Plant.

I. COMMITTEE REPORTS:

NO. 17-97 - BUDGET AND FINANCE COMMITTEE:

Recommending **FILING** of communication relating to Audit Report 14-02, "Audit of Expenditures from the Fiscal Year 2012 Budget Appropriation for the Old Wailuku Post Office Rehabilitation Project."

NO. 17-98 - HOUSING, HUMAN SERVICES, AND TRANSPORTATION COMMITTEE:

Recommending **ADOPTION** of resolution authorizing the Council Chair to contract for performance and fiscal audits of the Department of Transportation.

I. COMMITTEE REPORTS (continued):

NO. 17-99 - PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution to authorize the employment of special counsel Ota & Hara, A Limited Liability Law Company, to represent the named Defendants in Lesli Lyn Otani vs. County of Maui et al., Civil 17-00281 DKW-KJM, for compensation not to exceed \$150,000.

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. 17-100 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE:

Recommending **ADOPTION** of resolution approving the appointment of Laakea Poepoe to the Molokai Planning Commission for a term expiring March 31, 2019.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 69 (2017) - "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"

BILL NO. 70 (2017) - "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"

BILL NO. 71 (2017) - "A BILL FOR AN ORDINANCE TO AMEND THE WEST MAUI COMMUNITY PLAN AND LAND USE MAP FROM PARK TO BUSINESS/COMMERCIAL FOR 0.049 ACRE SITUATED AT LAHAINA, MAUI, HAWAII TAX MAP KEYS (2) 4-4-001:010 AND (2) 4-4-014:006"

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

BILL NO. 72 (2017) - "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM PK GENERAL PARK DISTRICT TO B-2 COMMUNITY BUSINESS DISTRICT FOR 0.049 ACRE SITUATED AT LAHAINA, MAUI, HAWAII TAX MAP KEYS (2) 4-4-001:010 AND (2) 4-4-014:006"

BILL NO. 73 (2017) - "A BILL FOR AN ORDINANCE AMENDING CHAPTERS 19.04 AND 19.30A, MAUI COUNTY CODE, RELATING TO ROADWAY LOTS AND RESTRICTED USE LOTS, AND AUTHORIZING FEES AND ADMINISTRATIVE RULES"

L. UNFINISHED BUSINESS:

ORDINANCES - SECOND AND FINAL READING:

BILL NO. 67 (2017) - "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) 4-7-013:004 (POR.) AND (2) 4-7-013:005 (POR.), CONTAINING A TOTAL OF 14.594 ACRES"

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.