

SEP 01 2017 3:57 *Jm dy*

COUNCIL OF THE COUNTY OF MAUI

A G E N D A

Regular Meeting of September 8, 2017
9:00 a.m.

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

Remote Testimony Sites: 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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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 STACY CRIVELLO

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. _____ "CONGRATULATING HAWAIIAN CANOE CLUB ON WINNING THEIR FIFTEENTH HAWAIIAN CANOE RACING ASSOCIATION STATE CHAMPIONSHIP TITLE"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

NONE.

H. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 17-336 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a contribution award letter from Alexander & Baldwin, Inc. for the Kaunoa Senior Services Nutrition Program – A&B Kokua Giving Contribution in the amount of \$20,000.

NO. 17-337 - CHIEF OF POLICE, transmitting a copy of a grant agreement with the State of Hawaii, Department of the Attorney General for the Domestic Violence: Stalking and Homicide grant in the amount of \$70,696, which includes \$17,764 in matching funds.

NO. 17-338 - CHIEF OF POLICE, transmitting a copy of the grant modification from the Office of National Drug Control Policy for the 2016 High Intensity Drug Trafficking Areas Grant in the amount of \$2,400.

NO. 17-339 - CHIEF OF POLICE, informing of the intent to expend approximately \$16,910.38 in Federal Forfeiture Funds to pay for video production services equipment, a precision balance for the Crime Lab, and a mailing system.

NO. 17-340 - DIRECTOR OF PUBLIC WORKS, transmitting the Request for Project Authorization, Agreement, and/or Modification approving the Federal Funds to advertise for the Pavement Rehabilitation of South Maui Roads Project bids.

NO. 17-341 - DIRECTOR OF FINANCE, informing of the acquisition of Waterline Easements for Lots 89, 90, 91, and 92, Kehalani Module 14 Subdivision, Wailuku, TMK: (2) 3-5-001:110 (por).

H. COMMUNICATIONS (continued):

- NO. 17-342 - DIRECTOR OF FINANCE, informing of the acquisition of Waterline Easement A, Kehalani Module 14 Subdivision, Wailuku, TMK: (2) 3-5-001:110 (por).
- NO. 17-343 - DIRECTOR OF FINANCE, informing of the acquisition of Waterline Easement for Lot 17, and Road Widening Lot 18, Tam Yau Estates, TMK: (2) 2-3-043:151 (por).
- NO. 17-344 - DIRECTOR OF FINANCE, informing of the acceptance of a Warranty Deed for a Road Widening Lot, Makawao Avenue Reconstruction Subdivision, Makawao, TMK: (2) 2-7-001:012 (por).
- NO. 17-345 - DIRECTOR OF FINANCE, informing of the acceptance of a Warranty Deed for Road Widening Lots 1 & 2, Pauwela Road Sidewalk Improvements Subdivision, Pauwela, TMK: (2) 2-7-008:042 (por).
- NO. 17-346 - DIRECTOR OF FINANCE, informing of the acquisition of Sewerline Easement 5, Consent Decree Sewer Rehabilitation Project, Kahului, TMK: (2) 3-7-012:024 (por).
- NO. 17-347 - COUNCILMEMBER CARROLL, transmitting County Communication No. 15-50 from the Director of Water Supply, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, TO ESTABLISH A WELLHEAD PROTECTION OVERLAY DISTRICT".
- NO. 17-348 - COUNCIL CHAIR WHITE, transmitting a proposed resolution entitled "RESOLUTION URGING THE HAWAII STATE LEGISLATURE TO AMEND CHAPTER 92, HAWAII REVISED STATUTES, TO REQUIRE THAT THE LEGISLATURE ABIDE BY THE SUNSHINE LAW".
- NO. 17-349 - MAYOR, informing that the Department of Fire and Public Safety has not received a finalized and executed Memorandum of Agreement or letter of intent from the State Department of Land and Natural Resources for the Fiscal Year 2018 Makena Lifeguard Services.
- NO. 17-350 - MAYOR, transmitting a letter of intent from the State Department of Land and Natural Resources for the Fiscal Year 2018 Makena Lifeguard Services.

H. COMMUNICATIONS (continued):

- NO. 17-351 - CHIEF OF POLICE, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF HEALTH".
- NO. 17-352 - CHIEF OF POLICE, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE UNITED STATES SECRET SERVICE (USSS) REGARDING PAYMENT OF EXPENSES FROM JOINT OPERATIONS BETWEEN USSS AND THE MAUI POLICE DEPARTMENT".
- NO. 17-353 - 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 July 31, 2017.
- NO. 17-354 - MAYOR, transmitting a proposed resolution entitled "APPROVING COST ITEMS FOR BARGAINING UNIT 1, NON-SUPERVISORY BLUE COLLAR EMPLOYEES".
- NO. 17-355 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF FINANCE, ADMINISTRATION PROGRAM, ACCOUNTS PROGRAM, COUNTYWIDE COSTS; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)", along with the "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2018".
- NO. 17-356 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF FINANCE, COUNTYWIDE COSTS, DEPARTMENT OF MANAGEMENT, MANAGEMENT PROGRAM; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)", along with the "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2018".
- NO. 17-357 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF PARKS AND RECREATION, PARKS PROGRAM; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)".

H. COMMUNICATIONS (continued):

- NO. 17-358 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF TRANSPORTATION, HUMAN SERVICES TRANSPORTATION PROGRAM – GENERAL FUND, PUBLIC TRANSIT PROGRAM – HIGHWAY FUND; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)", along with the "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2018".
- NO. 17-359 - COUNCILMEMBER HOKAMA, relating to amendments to Chapter 3.48, Maui County Code, relating to Real Property Tax.
- NO. 17-360 - DIRECTOR OF PARKS AND RECREATION, relating to Maui County Code, Section 18.16.320, Parks and Playgrounds.
- NO. 17-361 - MAYOR, relating to the Kahului Community Center Park.
- NO. 17-362 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTERS 16.18B, 16.20B, AND 16.26B, MAUI COUNTY CODE, RELATING TO FEES".
- NO. 17-363 - COUNCIL CHAIR WHITE, transmitting a proposed resolution entitled "REFERRING TO THE MAUI PLANNING COMMISSION PROPOSED BILLS AMENDING THE STATE LAND USE DISTRICT CLASSIFICATION, CHANGE IN ZONING, AND AMENDING THE PAIA-HAIKU COMMUNITY PLAN DESIGNATION FOR THE HUI NO'EAU VISUAL ARTS CENTER FOR PROPERTY SITUATED AT 2841 BALDWIN AVENUE, MAKAWAO, MAUI, HAWAII, TAX MAP KEYS (2) 2-4-002:011 AND (2) 2-4-002:006 (POR)".
- NO. 17-364 - PLANNING DIRECTOR, transmitting a transfer of a Conditional Permit submitted by Anne Takabuki of Wailea Golf LLC, transmitting documents and a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING A CONDITIONAL PERMIT IN ORDER TO EXTEND AND CONTINUE OPERATING A PARKING LOT WITHIN THE A-2 APARTMENT DISTRICT, AND TRANSFERRING THE PERMIT HOLDER FROM SOUTH MAUI BUSINESS PARTNERS TO WAILEA GOLF LLC, FOR PROPERTY IDENTIFIED AS TAX MAP KEY NUMBER (2) 2-1-008:141, WAILEA, KIHEI, MAUI, HAWAII".

H. COMMUNICATIONS (continued):

- NO. 17-365 - COUNCILMEMBER COCHRAN, relating to review of Lease for the County-owned property at 4th Marine Division Park operating as the Tom Morrow Equestrian Center Arena and all related grants.

- NO. 17-366 - DIRECTOR OF PARKS AND RECREATION, transmitting a proposed resolution entitled "AUTHORIZING THE ISSUANCE OF PERMITS FOR DURATIONS GREATER THAN FIVE CONSECUTIVE DAYS FOR THE 2017-2021 ALOHA CLASSIC WINDSURFING TOURNAMENTS, PURSUANT TO SECTION 13.04A.100, MAUI COUNTY CODE".

- NO. 17-367 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF THE LEGAL AID SOCIETY OF HAWAII AS SPECIAL COUNSEL FOR LEGAL SERVICES ADMINISTERED THROUGH THE OFFICE ON AGING".

- NO. 17-368 - COUNCILMEMBER SUGIMURA, relating to fulfilling Planning Commission and Advisory Committee membership requirements.

- NO. 17-369 - COUNCILMEMBER GUZMAN, transmitting a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO USES OF THE OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND SCENIC VIEWS PRESERVATION FUND".

- NO. 17-370 - COUNCILMEMBER ATAY, relating to the Consent Decree in The Coalition to Protect East Maui Water Resources, et al. v. The Board of Water Supply, County of Maui, et al., Civil 03-1-0008(3).

2. GENERAL COMMUNICATIONS:

NONE.

I. COMMITTEE REPORTS:

NO. 17-110 - LAND USE COMMITTEE:

Recommending the following:

- 1. **FIRST READING** of bill to grant a request from 355 Haiku Road LLC, for a one-year Conditional Permit to allow the operation of a transient vacation rental within the County Agricultural District located at 355 Haiku Road, Haiku, Maui, Hawaii; and

- 2. **FILING** of communication.

I. COMMITTEE REPORTS (continued):NO. 17-111 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to grant a request from Kaohu LLC, for a ten-year Conditional Permit to allow the operation of Business/Office use in a County Zoned R-2 Residential District located at 293 Waiale Road, Wailuku, Maui, Hawaii; and
2. **FILING** of communication.

NO. 17-112 - PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution to authorize \$150,000 in additional compensation for special counsel Hunton & Williams LLP for the appeal in Hawaii Wildlife Fund, et al. v. County of Maui, Docket 15-17447, United States Court of Appeals for the Ninth Circuit, for a total compensation not to exceed \$3,550,000 (designated Civil 12-00198 SOM-BMK before the United States District Court, District of Hawaii).

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. 17-113 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE:

Recommending **ADOPTION** of resolution approving the appointment of Roxanne Catiel to the Lanai Planning Commission for a term expiring March 31, 2021.

NO. 17-114 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving for inclusion in the 2018 Hawaii State Association of Counties Legislative Package a State bill to increase revenue for each County's affordable housing fund through a one-percent conveyance tax on the sale of condominiums or single-family residential properties with a value of more than \$2 million; and
2. **ADOPTION** of resolution approving for inclusion in the 2018 Hawaii State Association of Counties Legislative Package a State bill to amend the Transient Accommodations Tax (TAT) law to require online travel companies and remarketers to pay TAT on their portion of proceeds from the booking of accommodations.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 74 (2017) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE - SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, OFFICE OF THE MAYOR (HAWAII STATE COMMISSION ON THE STATUS OF WOMEN)"

BILL NO. 75 (2017) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 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 PLANNING (COASTAL ZONE MANAGEMENT PROGRAM)"

BILL NO. 76 (2017) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 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 (OFFICE OF YOUTH SERVICES GRANTS)"

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.