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COUNCIL OF THE COUNTY OF MAUI

2017 SEP 29 PM 4:04

A G E N D A

OFFICE OF THE
COUNTY CLERK

Regular Meeting of October 6, 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.mauhi.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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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 RIKI HOKAMA

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS**E. CEREMONIAL RESOLUTIONS:**

NO. _____ "CONGRATULATING ISLAND WATER POLO FOR WINNING THE 4TH ANNUAL SHAVER LAKE OPEN WATER TOURNAMENT"

NO. _____ "RECOGNIZING THE MONTH OF OCTOBER AS DOMESTIC VIOLENCE AWARENESS MONTH IN MAUI COUNTY"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY**G. MINUTES:**

Regular Meeting of July 7, 2017

H. COMMUNICATIONS:**1. COUNTY COMMUNICATIONS:**

NO. 17-381 - DIRECTOR OF TRANSPORTATION, transmitting a copy of the notice of Authorization and Project Agreement for the Maui County Metropolitan Planning Organization FY 2018 Unified Planning Work Program in the amount of \$200,000.

NO. 17-382 - DIRECTOR OF FINANCE, transmitting 100 contracts/grants for August 2017.

NO. 17-383 - DIRECTOR OF FINANCE, informing of the acceptance of Waterline Easements W-2, W-3, W-4 & W-5, Kualono Subdivision, TMK: (2) 2-3-011:124, 125, 126, 127, 128, 129, & 130.

NO. 17-384 - DIRECTOR OF FINANCE, informing of the acceptance of a Warranty Deed for Roadway Lot 11-D-3-A, Mahalani Street Extension Subdivision, Wailuku, TMK: (2) 3-8-007:146.

NO. 17-385 - MAYOR, informing of a vacancy on the Molokai Planning Commission due to the resignation of Michael Drew.

NO. 17-386 - MAYOR, informing of a vacancy on the Molokai Planning Commission due to the resignation of Wiliama Akutagawa.

NO. 17-387 - DIRECTOR OF WATER SUPPLY, transmitting the State of Hawaii's Commission on Water Resources Management water use reports for June and July 2017 for all registered well reporters in the County of Maui.

NO. 17-388 - COUNCILMEMBER KING, relating to a Councilmember's report on the Kihei community meeting on homelessness, held on September 16, 2017.

H. COMMUNICATIONS (continued):

- NO. 17-389 - DIRECTOR OF FINANCE, transmitting the Summary of Total Funded Indebtedness Outstanding and Unpaid as of July 1, 2017.
- NO. 17-390 - DIRECTOR OF FINANCE, transmitting the Finance Director's Quarterly Report for Fiscal Year July 1, 2016 to June 30, 2017 as of June 30, 2017 and the Capital Improvement Projects Report as of June 30, 2017.
- NO. 17-391 - DIRECTOR OF FINANCE, reporting on transfer/loans from the General Fund and Department of Water Supply Revenue Fund to the 2017 Proposed General Obligation Bond Fund as of August 31, 2017.
- NO. 17-392 - COUNCILMEMBER HOKAMA, relating to an independent audit of the Finance Director's accounts, pursuant to Section 9-13 of the Charter of the County of Maui.
- NO. 17-393 - COUNCIL CHAIR WHITE, transmitting a proposed resolution entitled "AUTHORIZING THE COUNCIL CHAIR TO CONTRACT FOR AN INDEPENDENT AUDIT OF THE DIRECTOR OF FINANCE'S ACCOUNTS".
- NO. 17-394 - COUNCILMEMBER GUZMAN, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 20.08, MAUI COUNTY CODE, RELATING TO SOIL EROSION AND SEDIMENT CONTROL".
- NO. 17-395 - COUNCILMEMBER ATAY, relating to powers, duties, and functions of the Department of Environmental Management.
- NO. 17-396 - COUNCILMEMBER GUZMAN, transmitting a proposed resolution entitled "REFERRING TO THE LANAI, MAUI, AND MOLOKAI PLANNING COMMISSIONS A PROPOSED BILL TO AMEND THE COMPREHENSIVE ZONING ORDINANCE RELATING TO RESOURCE EXTRACTION OR PROCESSING".
- NO. 17-397 - COUNCIL CHAIR WHITE, relating to a District Boundary Amendment for 4356 Hana Highway, Hana.
- NO. 17-398 - COUNCILMEMBER GUZMAN, relating to the new Kahului Community Center Facility (TMK: (2) 3-8-007:101, Lot 12-A-1-F) under the Department of Parks and Recreation.
- NO. 17-399 - CHIEF OF POLICE, transmitting a proposed resolution entitled "AUTHORIZING ACCEPTANCE OF THE DONATION OF A 2005 FORD 350 ECONOLINE VAN FOR THE POI AND PALS PROGRAMS ON MOLOKAI, FROM THE QUEEN LILIUOKALANI CHILDREN'S CENTER TO THE COUNTY OF MAUI, DEPARTMENT OF POLICE, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE".

H. COMMUNICATIONS (continued):

NO. 17-400 - CHIEF OF POLICE, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI THROUGH THE CHIEF OF POLICE TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF THE ATTORNEY GENERAL".

2. GENERAL COMMUNICATIONS:

NO. 17-11 - GRANT CHUN, A&B PROPERTIES, INC., submitting the 2017 annual report in accordance with Condition No. 2 of Ordinance No. 4385, Wai`ale Project District South – Change in Zoning.

I. COMMITTEE REPORTS:

NO. 17-120 - 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, Department of Health, to enforce state laws prohibiting the sale of tobacco and electronic smoking devices to persons under the age of twenty-one through a Memorandum of Agreement; and
2. **FILING** of communication.

NO. 17-121 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to authorize the Mayor to enter into an intergovernmental agreement with the United States Secret Service (USSS), to establish the procedures and responsibilities of both the Maui Police Department and USSS for reimbursement of certain overtime costs and other expenses incurred during participation in the USSS's Hawaii Electronic Crimes Task Force operations; and
2. **FILING** of communication.

NO. 17-122 - BUDGET AND FINANCE COMMITTEE:

Recommending **FIRST READING** of bill to amend Appendix A, Part I, Grant Revenue – Schedule of Grants by Departments and Programs for the Fiscal Year 2018 Budget by increasing the grant for the Department of Housing and Human Concerns, Strategic Prevention Framework Partnerships for Success, by \$100,000 for the continued development and coordination of the substance abuse prevention system for the County.

I. COMMITTEE REPORTS (continued):NO. 17-123 - BUDGET AND FINANCE COMMITTEE:

Recommending **FIRST READING** of bill to amend Appendix A, Part I, Grant Revenue – Schedule of Grants by Departments and Programs of the Fiscal Year 2018 Budget by increasing the grant to the Department of Police, Violence Against Women Act (VAWA) – State Attorney General, by \$45,000 to develop and strengthen effective law enforcement and prosecutorial strategies and victim services in cases involving crimes against women.

NO. 17-124 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2018 Budget by 1) increasing Carryover/Savings from the Water Fund by \$150,000; and 2) adding an appropriation of \$150,000 under the Department of Water Supply, Wailuku-Kahului Community Plan Area, Water Supply, Water Fund – Unrestricted, for the Wailuku Water Company Acquisition to fund an appraisal of property and infrastructure owned by Wailuku Water Company, LLC;
2. **FIRST READING** of bill to amend the Fiscal Year 2018 Budget, Appendix C, Capital Improvement Projects, by adding 1) an appropriation of \$150,000 under the Department of Water Supply, Wailuku-Kahului Community Plan Area, for the Wailuku Water Company Acquisition; and 2) a description of the project; and
2. **FILING** of communication.

NO. 17-125 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending **FILING** of communication relating to the acquisition of road lots of Kilohana Drive, Kihei.

NO. 17-126 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending **FILING** of communication relating to the acquisition of road lots for the Kamaole Homesteads and Kilohana Subdivision II, Kihei.

NO. 17-127 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending **FILING** of communication relating to the acquisition of a road widening lot, Lot 25-C-4, for the Kuiaha Kaupakulua Homesteads, Haiku.

NO. 17-128 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending **FILING** of communication relating to the acquisition of a road widening lot, Lot 5, for the Pauwela Road Subdivision, Haiku.

I. COMMITTEE REPORTS (continued):**NO. 17-129 - PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS COMMITTEE:**

Recommending the following:

1. **ADOPTION** of resolution to authorize the issuance of a special event permit in excess of five consecutive days for the 2017 Aloha Classic Windsurfing Tournament at Hookipa Beach Park, Maui, Hawaii; and
2. **FILING** of communication.

NO. 17-130 - PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution to authorize settlement of Harry Donenfeld v. County of Maui, et al., USDC Civil 16-00381 DKW-KJM.

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. 17-131 - PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution to authorize settlement of Claim 301545971280001 by Kaanapali Golf Courses for \$35,918.16.

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. 17-132 - PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution to authorize settlement of the County of Maui's Claim II038632 against Island Insurance Company, Limited, for \$183,767.84.

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. 17-133 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution urging the Mayor to explore additional deferred compensation plan alternatives for County employees; and
2. **FILING** of communication.

I. COMMITTEE REPORTS (continued):**NO. 17-134 - WATER RESOURCES COMMITTEE:**

Recommending **FILING** of communication 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).

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.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 79 (2017) - "A BILL FOR AN ORDINANCE GRANTING JEANA IWALANI NALUAI A CONDITIONAL PERMIT TO CONDUCT CLASSES IN HAWAIIAN CULTURAL AND MEDICINAL PRACTICES, AND OPERATE THE HO'OMANA SPA AND BATHHOUSE, ON PROPERTY IDENTIFIED AS TAX MAP KEY (2) 2-4-013:142, MAKAWAO, MAUI, HAWAII"

L. UNFINISHED BUSINESS:**ORDINANCES - SECOND AND FINAL READING:**

BILL NO. 77 (2017) - "A BILL FOR AN ORDINANCE GRANTING 355 HAIKU ROAD LLC A CONDITIONAL PERMIT TO OPERATE A TRANSIENT VACATION RENTAL WITHIN THE COUNTY AGRICULTURAL DISTRICT, FOR PROPERTY SITUATED AT 355 HAIKU ROAD AND IDENTIFIED AS A PORTION OF TAX MAP KEY NUMBER (2) 2-7-003:087, HAIKU, MAUI, 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.