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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 20, 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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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:

NO. _____ "CONGRATULATING KELI'I TAU'Ā FOR BEING AWARDED A HAWAII ACADEMY OF RECORDING ARTS LIFETIME ACHIEVEMENT AWARD"

NO. _____ "CONGRATULATING KIMBERLY YAP FOR BEING CROWNED MISS HAWAII FILIPINA 2017"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

Regular Meeting of July 28, 2017
Regular Meeting of August 8, 2017

H. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 17-401 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a copy of the notice of grant award from the State of Hawaii, Executive Office on Aging, for the Kupuna Care Program in the amount of \$368,663.

NO. 17-402 - 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 to increase the budget by \$15,894.65.

NO. 17-403 - ECONOMIC DEVELOPMENT DIRECTOR, transmitting a notice of grant award from Innovate Hawaii for the Made in Maui County Festival FY 2018 in the amount of \$5,000.

NO. 17-404 - INTERIM EMERGENCY MANAGEMENT OFFICER, transmitting a notice of grant award from the State of Hawaii, Hawaii Emergency Management Agency, for the Emergency Management Performance Grant for the period of July 1, 2017 to June 30, 2018 in the amount of \$100,000.

NO. 17-405 - INTERIM EMERGENCY MANAGEMENT OFFICER, transmitting a copy of grant award from the State of Hawaii, Department of Defense for the FY 2017 Homeland Security Grant in the amount of \$733,000.

NO. 17-406 - ACTING DIRECTOR OF FINANCE, informing of the acceptance of a Warranty Deed for a 10 – 12.5 foot wide roadway lot, Lot 3, Ke Kani Kai Subdivision, TMK: (2) 2-1-005:117 (por).

H. COMMUNICATIONS (continued):

- NO. 17-407 - ACTING DIRECTOR OF FINANCE, informing of the acceptance of a Warranty Deed for Road Widening Lot 1-B, Makawao Avenue Reconstruction Subdivision, TMK: (2) 2-7-001:072 (por).
- NO. 17-408 - DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending September 2017.
- NO. 17-409 - COUNCILMEMBER GUZMAN, transmitting a proposed resolution entitled "URGING THE MAYOR AND THE DEPARTMENT OF PUBLIC WORKS TO UPDATE THE 2006 MAUI INLAND SAND RESOURCE QUANTIFICATION STUDY".
- NO. 17-410 - CHAIR, POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE, transmitting a proposed resolution entitled "RELATING TO THE APPOINTMENT OF SHELLY PREZA AS THE NATIVE HAWAIIAN TRADITIONAL AND CUSTOMARY PRACTICES EXPERT TO THE LANAI PLANNING COMMISSION".
- NO. 17-411 - CHAIR, POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE, transmitting an amendment to the proposed state bill entitled "RELATING TO OXYBENZONE AND OCTINOXATE".
- NO. 17-412 - 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, MOLOKAI DIVERSIFIED AGRICULTURAL REVOLVING LOAN PROGRAM".
- NO. 17-413 - BUDGET DIRECTOR, transmitting the following:
1. 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, KIHEI-MAKENA COMMUNITY PLAN AREA, PARKS AND RECREATION, WAIPUILANI PARK IRRIGATION SYSTEM; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)";
 2. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF PARKS AND RECREATION, KIHEI-MAKENA COMMUNITY PLAN AREA, WAIPUILANI PARK IRRIGATION SYSTEM"; and
 3. "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2018".

H. COMMUNICATIONS (continued):

- NO. 17-414 - 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 THE DEPARTMENT OF PARKS AND RECREATION, ADMINISTRATION PROGRAM, RECREATION AND SUPPORT SERVICES PROGRAM".

- NO. 17-415 - BUDGET DIRECTOR, transmitting the following:
 1. 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 PUBLIC WORKS, KIHEI-MAKENA COMMUNITY PLAN AREA, DRAINAGE, SOUTH MAUI DRAINLINE REPAIRS, WAILUKU-KAHULUI COMMUNITY PLAN AREA, DRAINAGE, CENTRAL MAUI DRAINLINE REPAIRS; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)";
 2. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4454, BILL NO. 63 (2017), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI (SOUTH MAUI DRAINLINE REPAIRS) (CENTRAL MAUI DRAINLINE REPAIRS)"; and
 3. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF PUBLIC WORKS, KIHEI-MAKENA COMMUNITY PLAN AREA, SOUTH MAUI DRAINLINE REPAIRS, WAILUKU-KAHULUI COMMUNITY PLAN AREA, CENTRAL MAUI DRAINLINE REPAIRS".

- NO. 17-416 - COUNCILMEMBER CRIVELLO, relating to the increase of one-half percent in the General Excise Tax.

- NO. 17-417 - DIRECTOR OF PARKS AND RECREATION, transmitting a copy of the Wells Park Master Plan.

- NO. 17-418 - COUNCILMEMBER KING, relating to streamlining the community plan review and amendment process.

- NO. 17-419 - PLANNING DIRECTOR, relating to public discourse.

- NO. 17-420 - MAYOR, informing of the resignation of the Director of Finance and appointment of an interim Director of Finance.

- NO. 17-421 - COUNCILMEMBER ATAY, relating to water conservation measures.

2. GENERAL COMMUNICATIONS:

NONE.

I. COMMITTEE REPORTS:

NO. 17-135 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to approve the cost items for Bargaining Unit 1, Non-Supervisory Blue Collar Employees, represented by the United Public Workers, for Fiscal Years 2018, 2019, 2020, and 2021; and
2. **FILING** of communication.

NO. 17-136 - BUDGET AND FINANCE COMMITTEE:

Recommending **FIRST READING** of bill to authorize the Mayor to enter into an intergovernmental agreement to amend the Memorandum of Agreement with the State Department of Land and Natural Resources for lifeguard services at Makena Beach Park for the period July 1, 2017 through September 30, 2017.

NO. 17-137 - BUDGET AND FINANCE COMMITTEE:

Recommending **FIRST READING** of bill to amend Appendix A, Part I, Grant Revenue - Schedule of Grants by Departments and Programs, Fiscal Year 2018 Budget, by adding a new grant for the Department of Public Works, entitled "State of Hawaii Department of Health," in the amount of \$24,500 to train County employees involved in implementing Complete Streets policies and projects.

NO. 17-138 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend Appendix A, Part II, Special Purpose Revenues - Schedule of Revolving/Special Funds, Fiscal Year 2018 Budget, by 1) adding a new revolving fund entitled "Hawaiian Cultural Restoration Revolving Fund (Chapter 3.38, Maui County Code)" and anticipated revenues of \$180,000; and 2) amending Section 14, General Budget Provisions, to include the fund as item "T"; and
2. **FILING** of communication.

I. COMMITTEE REPORTS (continued):

NO. 17-139 - HOUSING, HUMAN SERVICES, AND TRANSPORTATION COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the County's Residential Workforce Housing Policy, Chapter 2.96, Maui County Code, including provisions relating to housing credits, residential workforce housing restrictions for rental units, and vacancies in residential workforce housing units; and
2. **FILING** of correspondence dated August 8, 2016.

NO. 17-140 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending **FILING** of communication relating to the acquisition of a waterline easement in the Mailepai Hui Partition for the West Maui Village Project, Lahaina.

NO. 17-141 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending **FILING** of communication relating to the acquisition of a waterline easement in the Maui Preparatory Academy Subdivision for the West Maui Village Project, Lahaina.

NO. 17-142 - LAND USE COMMITTEE:

Recommending **FILING** of communication transmitting compliance report required by Ordinance 4135, relating to the Kihei High School (State Department of Education).

NO. 17-143 - LAND USE COMMITTEE:

Recommending **FILING** of communication transmitting compliance report required by Ordinance 4220, relating to the Puunene Heavy Industrial Subdivision (CMBY 2011 Investment, LLC).

NO. 17-144 - LAND USE COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to refer to the Maui Planning Commission proposed bills to amend the State Land Use District Classification from Agricultural to Rural and to change the zoning from Interim and Agricultural Districts to P-1 Public/Quasi-Public District for approximately 14.775 acres in Makawao, Maui, Hawaii, identified for real property tax purposes as tax map key (2) 2-4-002:011 and a portion of tax map key (2) 2-4-002:006; and to amend the Makawao-Pukalani-Kula Community Plan and Land Use Map from Agricultural to Public/Quasi-Public for approximately 4.306 acres in Makawao, Maui, Hawaii, identified for real property tax purposes as a portion of tax map key (2) 2-4-002:006; and
2. **TRANSMITTAL** of proposed maps and written testimony to recipients of the resolution.

I. COMMITTEE REPORTS (continued):

NO. 17-145 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to grant a request to transfer the Conditional Permit granted by Ordinance 2829 (2000) from South Maui Business Park Partners to Wailea Golf LLC, to allow for the continued operation of a parking lot on approximately 24,066 square feet of land in Wailea, Maui, Hawaii, within the A-2 Apartment District, identified for real property tax purposes as tax map key (2) 2-1-008:141; and
2. **FILING** of communication.

NO. 17-146 - PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to authorize the employment of the Legal Aid Society of Hawaii as special counsel to provide legal services to qualified individuals, administered through the Office on Aging, with total compensation for the two-year period October 1, 2017 through September 30, 2019, not to exceed \$70,000 per year; and
2. **FILING** of communication.

NO. 17-147 - PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS COMMITTEE:

Recommending **FILING** of correspondence transmitting a proposed resolution to authorize settlement of Lesli Lyn Otani v. County of Maui, et al., Civil 17-00281 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. 17-148 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving for inclusion in the 2018 Maui County Legislative Package a proposed State bill to prohibit the use, sale, or distribution for sale of skin care products containing oxybenzone and octinoxate; and
2. **ADOPTION** of resolution approving for inclusion in the 2018 Maui County Legislative Package a proposed 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.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

- BILL NO. 80 (2017) - "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"
- BILL NO. 81 (2017) - "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"
- BILL NO. 82 (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 HOUSING AND HUMAN CONCERNS (STRATEGIC PREVENTION FRAMEWORK PARTNERSHIPS FOR SUCCESS)"
- BILL NO. 83 (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 (VIOLENCE AGAINST WOMEN ACT (VAWA) - STATE ATTORNEY GENERAL)"
- BILL NO. 84 (2017) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF WATER SUPPLY, WAILUKU-KAHULUI COMMUNITY PLAN AREA, WATER SUPPLY, WAILUKU WATER COMPANY ACQUISITION; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"
- BILL NO. 85 (2017) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C - CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF WATER SUPPLY, WAILUKU-KAHULUI COMMUNITY PLAN AREA, WAILUKU WATER COMPANY ACQUISITION"

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.