

RECEIVED

COUNCIL OF THE COUNTY OF MAUI

2017 DEC -8 PM 3: 50

A G E N D A

OFFICE OF THE
COUNTY CLERK

Regular Meeting of December 15, 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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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: VICE-CHAIR ROBERT CARROLL

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. _____ "EXTENDING CONDOLENCES TO THE FAMILY OF THE LATE DAVID 'BUDDY' NOBRIGA"

NO. _____ "CONGRATULATING THE FRESH POK'E 65'S SENIOR SOFTBALL TEAM FOR WINNING THE 2017 MEN'S 65 AA DIVISION LAS VEGAS SENIOR SOFTBALL ASSOCIATION/SENIOR SOFTBALL USA WORLD MASTERS CHAMPIONSHIP TITLE"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

NONE.

H. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 17-485 - DIRECTOR OF FINANCE, informing of the acceptance of sewerline easements S-1 & S-2, Lokahi Pacific Mokuhau Subdivision, Wailuku, identified as TMK (2) 3-4-033:005.

NO. 17-486 - 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, ROAD, BRIDGE, AND DRAINAGE MAINTENANCE PROGRAM – HIGHWAY FUND; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)";
2. "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2018"; and
3. An emergency proclamation, declaring that the county needs to remove more than 400 dead eucalyptus trees in the county owned rights of way along Piihola Road before any more falling trees cause property damage, injury or death.

H. COMMUNICATIONS (continued):

NO. 17-487 - 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, ROAD, BRIDGE, AND DRAINAGE MAINTENANCE PROGRAM – HIGHWAY FUND; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"; and
2. "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2018".

NO. 17-488 - COUNCILMEMBER CRIVELLO, relating to the Section 8 Housing Choice Voucher Program.

NO. 17-489 - COUNCILMEMBER GUZMAN, transmitting a proposed resolution entitled "URGING THE COUNTY AUDITOR TO INCLUDE A PERFORMANCE AUDIT OF THE DEPARTMENT OF PUBLIC WORKS RELATING TO THREE (3) LOTS OR LESS SUBDIVISION DEFERRAL AGREEMENTS IN THE FISCAL YEAR 2019 LIST OF AUDITOR'S SELF-INITIATED PROJECTS".

NO. 17-490 - CHAIR, POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE, transmitting a proposed resolution entitled "RELATING TO THE APPOINTMENT OF CARL ADOLPHO III TO THE MOLOKAI PLANNING COMMISSION".

NO. 17-491 - CHAIR, POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE, transmitting the following proposed resolutions entitled:

1. "APPROVING THE REMOVAL OF DAVE TAYLOR AS DIRECTOR OF WATER SUPPLY"; and
2. "DISAPPROVING THE REMOVAL OF DAVE TAYLOR AS DIRECTOR OF WATER SUPPLY".

2. GENERAL COMMUNICATIONS:

NONE.

I. COMMITTEE REPORTS:**NO. 17-183 - BUDGET AND FINANCE COMMITTEE:**

Recommending the following:

1. **FIRST READING** of bill to amend Appendix B, Fiscal Year 2018 Budget, as it pertains to the Department of Planning, General Fund, Charges for Current Services, Fees – Department of Planning, by 1) establishing Building Permit Review Fees under "Other Permits and Approvals," and 2) revising after-the-fact permit and assessment fees to clarify a \$1,000 minimum fee will be assessed in addition to other application fees; and
2. **FILING** of communication.

NO. 17-184 - 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 increasing the grant for the Emergency Management Agency, State Homeland Security Grant (SHSG) Program, by \$233,000, to prevent, deter, respond to, and recover from threats and incidents of terrorism, and support the County in leveraging funding for its National Preparedness System initiatives.

NO. 17-185 - 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 General Fund by \$81,137; 2) amending Section 4.F.3., by adding an appropriation of \$81,137 under the Department of Parks and Recreation, Kihei-Makena Community Plan Area, Parks and Recreation, General Fund, for the Waipuilani Park Irrigation System project; and 3) adjusting the totals accordingly;
2. **FIRST READING** of bill to amend the Fiscal Year 2018 Budget, Appendix C, Capital Improvement Projects, by adding the Waipuilani Park Irrigation System and project description under the Department of Parks and Recreation, Kihei-Makena Community Plan Area; and
3. **FILING** of communication.

NO. 17-186 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2018 Budget by 1) increasing Estimated Revenues from the Bond Fund by \$1,530,000; 2) amending Section 4.J.6.a.(1), by adding an appropriation of \$1,530,000 under the Department of Public Works, Wailuku-Kahului Community Plan Area, Drainage, Bond Fund, for the Waiehu Drainline Repairs project; and 3) adjusting the totals accordingly;

I. COMMITTEE REPORTS (continued):

2. **FIRST READING** of bill to amend the Fiscal Year 2018 general obligation bond authorization ordinance by adding an appropriation of \$1,530,000 under the Department of Public Works, Wailuku-Kahului Community Plan Area, Drainage, for the Waiehu Drainline Repairs project; and
3. **FIRST READING** of bill to amend the Fiscal Year 2018 Budget, Appendix C, Capital Improvement Projects, by adding an appropriation of \$1,530,000 and a project description for the Waiehu Drainline Repairs project under the Department of Public Works, Wailuku-Kahului Community Plan Area.

NO. 17-187 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:
Recommending **FILING** of communication relating to the acquisition of a road lot comprised of 11.928 acres forming a portion of Waiale Road between East Waiko Road and about 400 feet south of the Kuikahi Drive extension, Wailuku, Hawaii.

NO. 17-188 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:
Recommending **FILING** of communication relating to the acquisition of a road widening lot comprised of 381 square feet of land representing a paved portion of Central Avenue, Wailuku, Hawaii, that encroaches on privately owned property, identified for real property tax purposes as a portion of tax map key (2) 3-4-012:044.

NO. 17-189 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:
Recommending **FILING** of communication relating to the acquisition of three road lots comprised of 1.09 acres for the Northshore Greenway Phase 2 Bike Path, created as a part of the E Paepae Ka Puko`a Subdivision, Spreckelsville, Hawaii.

NO. 17-190 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:
Recommending **FILING** of communication relating to the acquisition of a road-widening lot comprised of 0.129 acre of land on North Holokai Road, Haiku, Hawaii, identified for real property tax purposes as tax map key (2) 2-8-004:068.

NO. 17-191 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:
Recommending the following:

1. **FIRST READING** of bill to amend Section 10.48.040, Maui County Code, to prohibit parking on a specified portion of the east side of West Hawaii Street, and the north side of Haku Hale Place; and
2. **FILING** of communication.

I. COMMITTEE REPORTS (continued):NO. 17-192 - PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to grant a 50-year lease of County recreational space to Hawaiian Kamali'i, Inc., for the 9,135 square feet of land upon which their canoe hale is located at Hoaloha Park, Kahului, Maui, Hawaii, comprised of a portion of tax map key (2) 3-7-008:017, which, if granted, would require the termination of their existing "License to Occupy" for property that includes the land occupied by the canoe hale;
2. **ADOPTION** of resolution to grant a 50-year lease of County recreational space to Na Kai Ewalu, for the 8,709 square feet of land upon which their canoe hale is located at Hoaloha Park, Kahului, Maui, Hawaii, comprised of a portion of tax map key (2) 3-7-008:017; and
3. **FILING** of communication.

NO. 17-193 - PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution to authorize settlement of Claim 301547579300001 of Barbara Cabalo for \$25,399.08.

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. 17-194 - PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution to authorize settlement of Claim 30178022844-0001 of Enterprise Rent-A-Car for \$13,714.20.

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. 17-195 - PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution to authorize settlement of Ivanette P. Blevins v. Shawn K. Mida, County of Maui, et al., Civil 16-1-0191(2).

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; and Section 92-5(a)(8), Hawaii Revised Statutes, 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.

I. COMMITTEE REPORTS (continued):**NO. 17-196 - PLANNING COMMITTEE:**

Recommending the following:

1. **FIRST READING** of bill establishing criteria and procedures for the selection, appointment, and removal of community plan advisory committee members; and
2. **FILING** of communication.

NO. 17-197 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE:Recommending **ADOPTION** of resolution approving the appointment of John Sprinzel to the Molokai Planning Commission, for a term expiring on March 31, 2018.**NO. 17-198 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE:**

Recommending the following:

1. **FIRST READING** of bill authorizing the Mayor to enter into an intergovernmental agreement with the State of Hawaii Department of the Attorney General to receive excess Department of Defense personal property under the Law Enforcement Support Office Program; and
2. **FILING** of communication.

NO. 17-199 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE:Recommending **FIRST READING** of bill establishing additional qualifications for the Director of Public Works and the Director of Environmental Management.**J. RESOLUTIONS:**

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 102 (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 PUBLIC WORKS, WAILUKU-KAHULUI COMMUNITY PLAN AREA, DRAINAGE, KAHULUI DRAINLINE REPAIRS, TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

BILL NO. 103 (2017) - "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 (KAHULUI DRAINLINE REPAIRS)"

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

BILL NO. 104 (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 PUBLIC WORKS, WAILUKU-KAHULUI COMMUNITY PLAN AREA, KAHULUI DRAINLINE REPAIRS"

L. UNFINISHED BUSINESS:

COMMITTEE REPORTS:

NO. 17-167 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill establishing a new chapter 20.40, Maui County Code, declaring a moratorium on sand mining of central Maui inland sand; and
2. **FILING** of communications.

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.