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COUNCIL OF THE COUNTY OF MAUI

2018 JAN 26 PM 3: 58

A G E N D A

OFFICE OF THE
COUNTY CLERK

Regular Meeting of February 2, 2018
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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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:

NONE.

H. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 18-38 - DIRECTOR OF FINANCE, transmitting two reports on the settlement of claims as of September 30, 2017.

NO. 18-39 - DIRECTOR OF FINANCE, transmitting 91 contracts/grants for December 2017.

NO. 18-40 - DIRECTOR OF FINANCE, informing of the acceptance of a Warranty Deed for Road Widening Lot 9, Kaupakalua Road, Kuiaha-Pauwela Homesteads Subdivision, TMK: (2) 2-7-012:271.

NO. 18-41 - MANAGING DIRECTOR, informing of a vacancy on the Liquor Control Commission due to the resignation of Dana Souza.

NO. 18-42 - COUNCILMEMBER CRIVELLO, transmitting a Councilmember's report on the Hawaii State Association of Counties Executive Committee meeting and informational briefing with State Legislators on January 16, 2018.

NO. 18-43 - DIRECTOR OF FINANCE, reporting on transfers/loans from the General Fund and the Department of Water Supply Revenue Fund to the 2017 Proposed General Obligation Bond Fund as of December 31, 2017.

NO. 18-44 - DIRECTOR OF FINANCE, transmitting a report of short-term investments for the quarter ended December 31, 2017.

H. COMMUNICATIONS (continued):

- NO. 18-45 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, 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 HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION".
- NO. 18-46 - COUNCILMEMBER HOKAMA, relating to the constitutionality of transient accommodations brokers collecting taxes.
- NO. 18-47 - BUDGET DIRECTOR, transmitting the following proposed bills entitled:
1. "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, WAILUKU-KAHULUI COMMUNITY PLAN AREA, PARKS AND RECREATION, WAIKAPU COMMUNITY CENTER EXPANSION; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)";
 2. "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 (WAIKAPU COMMUNITY CENTER EXPANSION)"; and
 3. "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, WAILUKU-KAHULUI COMMUNITY PLAN AREA, WAIKAPU COMMUNITY CENTER EXPANSION".
- NO. 18-48 - 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 APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF WATER SUPPLY, COUNTYWIDE, COUNTYWIDE FACILITY IMPROVEMENTS".
- NO. 18-49 - 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 ENVIRONMENTAL MANAGEMENT, SOLID WASTE OPERATIONS PROGRAM – SOLID WASTE MANAGEMENT FUND; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)".

H. COMMUNICATIONS (continued):

- NO. 18-50 - 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, RECREATION AND SUPPORT SERVICES PROGRAM".
- NO. 18-51 - COUNCILMEMBER COCHRAN, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND SECTION 20.40.020, MAUI COUNTY CODE, RELATING TO THE DEFINITION OF 'SAND MINING'".
- NO. 18-52 - PLANNING DIRECTOR, transmitting the following proposed bills entitled:
1. "A BILL FOR AN ORDINANCE AMENDING THE PA'IA-HA'IKU COMMUNITY PLAN RELATING TO VISITOR ACCOMMODATIONS"; and
 2. "A BILL FOR AN ORDINANCE RELATING TO SHORT-TERM RENTAL HOMES IN THE PAIA-HAIKU COMMUNITY PLAN AREA".
- NO. 18-53 - PLANNING DIRECTOR, relating to a Change in Zoning for Honua`ula Partners LLC, transmitting copies of documents and a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3554 (2008) TO AMEND CONDITION NUMBER 5 OF EXHIBIT "B", FOR PROJECT DISTRICT 9 (WAILEA 670) ZONING FOR APPROXIMATELY 670 ACRES SITUATED AT PAEAHU, PALAUEA, KEAUKOU, MAUI, HAWAII".
- NO. 18-54 - COUNCILMEMBER ATAY, transmitting a proposed resolution entitled "REFERRING TO THE MAUI PLANNING COMMISSION PROPOSED BILLS TO AMEND THE WAILUKU-KAHULUI COMMUNITY PLAN AND LAND USE MAP AND TO CHANGE THE ZONING FOR THE SAINT ANTHONY CHURCH AND SCHOOLS PROPERTY ON LOWER MAIN STREET, WAILUKU, MAUI, HAWAII, TAX MAP KEYS (2) 3-4-019:003 AND (2) 3-4-018:106".
- NO. 18-55 - 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 HAWAII INTERISLAND BOMB SQUAD".
- NO. 18-56 - COUNCILMEMBER CRIVELLO, relating to taxi-cabs, Ubers, and Lyft Services on Maui.

H. COMMUNICATIONS (continued):

- NO. 18-57 - COUNCILMEMBER HOKAMA, requiring County employees involved in an accident while operating a County-owned or County-rented vehicle to attend a driver's training course.
- NO. 18-58 - COUNCILMEMBER COCHRAN, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.12, MAUI COUNTY CODE, RELATING TO COUNTY DEPARTMENTS".
- NO. 18-59 - COUNCILMEMBER SUGIMURA, relating to federal, state, and county partnerships to address the conversion of cesspools.

2. GENERAL COMMUNICATIONS:

NONE.

I. COMMITTEE REPORTS:**NO. 18-10 - BUDGET AND FINANCE COMMITTEE:**

Recommending the following:

1. **ADOPTION** of resolution approving cost items for Police Officers included within Bargaining Unit 12, represented by the State of Hawaii Organization of Police Officers, for Fiscal Years 2018, 2019, 2020, and 2021;
2. **ADOPTION** of resolution approving cost items for Police Officers excluded from Bargaining Unit 12, represented by the State of Hawaii Organization of Police Officers, for Fiscal Years 2018, 2019, 2020, and 2021; and
3. **FILING** of communication.

NO. 18-11 - 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 appropriation to the Department of Housing and Human Concerns, Aging and Disability Resource Center (ADRC) Expansion, by \$284,596.

I. COMMITTEE REPORTS (continued):NO. 18-12 - 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 for the Fiscal Year 2018 Budget, by amending the first proviso under the Ocean Recreational Activity Fund to 1) increase the appropriation from \$135,000 for three vehicles to \$303,000 for seven vehicles; and 2) expand the use of the vehicles to include park maintenance; and
2. **FILING** of communication.

NO. 18-13 - PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution to authorize an increase in the compensation limit for the employment of Kobayashi Sugita & Goda, LLP as special counsel for Alan Arakawa in his individual capacity in Harry Donenfeld v. County of Maui, et al., Civil 16-00381 DKW-KJM, by \$21,815.33, for a total compensation not to exceed \$96,815.33.

NO. 18-14 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill authorizing the Mayor of the County of Maui to enter into an intergovernmental agreement with the State of Hawaii, the City and County of Honolulu, the County of Kauai, and the County of Hawaii to share the costs and expenses of services directly related to the interest arbitration hearing for Bargaining Unit 14; and
2. **FILING** of communication.

NO. 18-15 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing the acceptance of a donation of 183 pairs of Olukai footwear to the Ocean Safety Program of the Department of Fire and Public Safety, pursuant to Chapter 3.56, Maui County Code; and
2. **FILING** of communication.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

- BILL NO. 1 (2018) - "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 FIRE AND PUBLIC SAFETY (STATE OF HAWAII DEPARTMENT OF TRANSPORTATION HIGHWAY SAFETY GRANTS)"
- BILL NO. 2 (2018) - "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 (HIGH INTENSITY DRUG TRAFFICKING AREAS (HIDTA))"
- BILL NO. 3 (2018) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, WASTEWATER OPERATIONS PROGRAM – SEWER FUND, WEST MAUI COMMUNITY PLAN AREA, SEWER; TOTAL OPERATING APPROPRIATIONS; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"
- BILL NO. 4 (2018) - "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, COUNTYWIDE SEWER CAPITAL IMPROVEMENT RESERVE FUND"
- BILL NO. 5 (2018) - "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 ENVIRONMENTAL MANAGEMENT, WEST MAUI COMMUNITY PLAN AREA, LAHAINA WASTEWATER RECLAMATION FACILITY (WWRF) PRIMARY ELECTRICAL SYSTEM REPLACEMENT"
- BILL NO. 6 (2018) - "A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8.20, MAUI COUNTY CODE, TO PROHIBIT SMOKING IN VEHICLES WHEN PERSONS UNDER THE AGE OF EIGHTEEN ARE PRESENT"

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.