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COUNCIL OF THE COUNTY OF MAUI 2018 FEB -9 PM 3: 44

A G E N D A

OFFICE OF THE
COUNTY CLERK

Regular Meeting of February 16, 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.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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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:** COUNCIL CHAIR MIKE WHITE

C. **PLEDGE OF ALLEGIANCE**

D. TESTIMONY ON CEREMONIAL RESOLUTIONSE. CEREMONIAL RESOLUTIONS:

NONE.

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

NONE.

H. COMMUNICATIONS:1. COUNTY COMMUNICATIONS:

- NO. 18-60 - CHIEF OF POLICE, informing of the intent to expend approximately \$50,000 in Federal Forfeiture Funds to partially pay for the transition to Glock 9mm firearms.
- NO. 18-61 - DIRECTOR OF FINANCE, transmitting two reports on the settlement of claims as of December 31, 2017.
- NO. 18-62 - DIRECTOR OF TRANSPORTATION, transmitting a copy of the notice of apportionment for the Federal Fiscal Year 2017, 49 U.S.C. Section 5307 Urbanized Area Formula Program Grant in the amount of \$1,040,679.
- NO. 18-63 - DIRECTOR OF FINANCE, informing of the acceptance of Sewerline Easement B-1, Kaiaulu at Kaanapali Subdivision, TMK (2) 4-4-006:056.
- NO. 18-64 - ACTING MAYOR, informing of the appointment of Alison Cohan to the Maui County Arborist Committee.
- NO. 18-65 - ACTING MAYOR, informing of the appointment of Kate Griffiths, Christy Kahooanohano, and J. Nalani Kiananu to the Committee on the Status of Women.
- NO. 18-66 - ACTING MAYOR, informing of a vacancy on the Salary Commission due to the resignation of Artemio Baxa.
- NO. 18-67 - ACTING MAYOR, informing of a vacancy on the Lanai Planning Commission due to the resignation of Marlene Baltero.

H. COMMUNICATIONS (continued):

- NO. 18-68 - COUNCIL CHAIR WHITE, transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF COUNCILMEMBER ROBERT CARROLL AS A MEMBER OF THE COUNCIL ON AGING".
- NO. 18-69 - DIRECTOR OF FINANCE, transmitting the County of Maui Retiree Health Care Plan Actuarial Valuation Report as of July 31, 2017 as prepared by GRS Retirement Consulting.
- NO. 18-70 - BUDGET DIRECTOR, transmitting the Budget Implementation Report as of December 31, 2017 (Fiscal Year 2018 Second Quarter).
- NO. 18-71 - COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MANAGER, transmitting a proposed resolution entitled "AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM", and related documents.
- NO. 18-72 - COUNTY AUDITOR, relating to Resolution No. 17-174, "REQUESTING 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. 18-73 - COUNCIL CHAIR WHITE, relating to the settlement agreement for the Anuheha Water Project in Kula.
- NO. 18-74 - PLANNING DIRECTOR, transmitting the 2017 Annual Status Report on the Implementation of the Countywide Policy Plan and Maui Island Plan.
- NO. 18-75 - PLANNING DIRECTOR, transmitting the 2017 Annual Status Report on the Implementation of the Maui County Community Plans.
- NO. 18-76 - DEPUTY DIRECTOR OF WATER SUPPLY, transmitting the State of Hawaii's Commission on Water Resources Management water use reports for November and December 2017 for all registered well reporters in the County of Maui.
- NO. 18-77 - DEPUTY DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply's Monthly Source and Groundwater Use Report for the month ending January 2018.

2. GENERAL COMMUNICATIONS:

NONE.

I. COMMITTEE REPORTS:

NO. 18-16 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend Chapters 12.24A and 18.20, Maui County Code, to ensure that landscape planting and beautification requirements are administered lawfully by the appropriate departments and agency; and
2. **FILING** of communication.

NO. 18-17 - 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 \$10,000; 2) amending Section 4.C.2.a(1)(i), by increasing the appropriation by \$10,000 under the Department of Fire and Public Safety, Lanai Community Plan Area, Government Facilities, General Fund, for the Lanai Fire Station Improvements; and 3) adjusting the totals accordingly;
2. **FIRST READING** of bill to amend the Fiscal Year 2018 Budget, Appendix C, Capital Improvement Projects, by increasing the appropriation for the Lanai Fire Station Improvement by \$10,000 under the Department of Fire and Public Safety, Lanai Community Plan Area, and revising the project description to include design work; and
3. **FILING** of communication.

NO. 18-18 - 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 Highway Fund by \$200,000; 2) amending Section 3.B.15.f., Department of Public Works, Road, Bridge, and Drainage Maintenance Program – Highway Fund, by increasing Category B (Operations) and Total appropriations by \$200,000 for the removal of street trees on Lanai; and 3) adjusting the totals accordingly; and
2. **FILING** of communication.

I. COMMITTEE REPORTS (continued):NO. 18-19 - 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 adding under the Emergency Fund a proviso that \$500,000 shall be for the emergency removal of 60 eucalyptus trees in the County-owned right of way along Piiholo Road that pose an imminent danger of death, injury, and property damage to residents and visitors utilizing Piiholo Road; and may also be used for a cost-sharing agreement with Piiholo Ranch for the removal of 300 trees on Piiholo Ranch property that create similar hazards; and
2. **FILING** of communication.

NO. 18-20 - LAND USE COMMITTEE:

Recommending **FILING** of communication transmitting an annual compliance report from A & B Properties Hawaii, LLC relating to the Kihei Residential Community Project.

NO. 18-21 - LAND USE COMMITTEE:

Recommending **FILING** of communication transmitting an annual compliance report relating to the Maui Electric Company, Limited, Waena Power Generating Station.

NO. 18-22 - LAND USE COMMITTEE:

Recommending **FILING** of communication transmitting a proposed bill to grant a request from Celco Partnership, doing business as Verizon Wireless, for a five-year Conditional Permit to allow the modification of an existing telecommunications site atop Puuone Terrace, situated at 493 Pio Drive, Wailuku, Maui, Hawaii.

NO. 18-23 - PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS COMMITTEE:

Recommending **FILING** of correspondence transmitting a proposed resolution to authorize settlement of Justin Dobbs v. County of Maui, et al., Civil 12-1-0812(2).

I. COMMITTEE REPORTS (continued):

NO. 18-24 - PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS COMMITTEE:

Recommending **ADOPTION** of resolution to authorize settlement of County of Maui v. Lanai Waste Removal, Inc., et al., Civil 15-1-0476(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.

NO. 18-25 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing County real property, identified for real property tax purposes as tax map key (2) 2-3-005:012, comprised of approximately 6,577 square feet, to be exchanged for real property owned by Haleakala Ranch Company, identified for real property tax purposes as tax map key (2) 2-3-005:026, comprised of approximately 4,869 square feet and containing the Department's Haleakala Ranch Acres Tank and adjacent water line, and related access and waterline easements; and
2. **FILING** of communication.

NO. 18-26 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE:

Recommending **ADOPTION** of resolution authorizing the Council Chair to contract for a performance audit of the Department of Liquor Control, pursuant to Section 3-6 of the Revised Charter of the County of Maui (1983), as amended.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 7 (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 HOUSING AND HUMAN CONCERNS (AGING AND DISABILITY RESOURCE CENTER (ADRC) EXPANSION)"

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

BILL NO. 8 (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, OCEAN RECREATIONAL ACTIVITY FUND"

BILL NO. 9 (2018) - "A BILL FOR AN ORDINANCE 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"

L. UNFINISHED BUSINESS:

ORDINANCES - SECOND AND FINAL READING:

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"

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.