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**COUNCIL OF THE COUNTY OF MAUI**

2018 MAR -2 PM 3: 41

**A G E N D A**

OFFICE OF THE  
COUNTY CLERK

Regular Meeting of March 9, 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](mailto:county.clerk@mauicounty.us)

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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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

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A. ROLL CALL

B. OPENING REMARKS: COUNCILMEMBER YUKI LEI SUGIMURA

C. PLEDGE OF ALLEGIANCE

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D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. \_\_\_\_\_ "CONGRATULATING THE BALDWIN HIGH SCHOOL GIRLS WRESTLING TEAM FOR WINNING THE TEXACO STATE WRESTLING CHAMPIONSHIPS"

NO. \_\_\_\_\_ "RECOGNIZING MARCH 2018 AS RED CROSS MONTH IN THE COUNTY OF MAUI"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

NONE.

H. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 18-78 - DIRECTOR OF FINANCE, transmitting 46 contracts/grants for January 2018.

NO. 18-79 - DIRECTOR OF FINANCE, transmitting the Hawaiian Cultural Restoration Revolving Fund Annual Revenues and Expenditures Report.

NO. 18-80 - 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 in the amount of \$18,960.

NO. 18-81 - DIRECTOR OF PUBLIC WORKS, transmitting the annual report on new utility poles approved for installation by the Director of Public Works in calendar year 2017.

NO. 18-82 - DIRECTOR OF FINANCE, informing of the acceptance of the Dedication of Sewerline Easement, Napili Kai Resort Parcel "A", Portion of Hui Road "H", TMK: (2) 4-3-002:106.

NO. 18-83 - DIRECTOR OF FINANCE, informing of the acceptance of a Warranty Deed for Road Widening Lot, Haleakala Ranch Homesteads, TMK (2) 2-4-003:031 POR.

NO. 18-84 - DIRECTOR OF FINANCE, informing of the acceptance of a Warranty Deed for a Park Assessment Dedication of Kehalani Mauka Park, TMK (2) 3-5-001:080.

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**H. COMMUNICATIONS (continued):**

- NO. 18-85 - MAYOR, informing of a vacancy on the Cost of Government Commission due to the resignation of John Watling.
- NO. 18-86 - MAYOR, informing of a vacancy on the Police Commission due to the resignation of Max Tsai.
- NO. 18-87 - COUNTY AUDITOR, transmitting the County of Maui Single Audit Report, Management Advisory Report, and required Communication Letter for the Fiscal Year Ended June 30, 2017, submitted by N&K CPAs, Inc.
- NO. 18-88 - COUNCILMEMBER HOKAMA, relating to the final report for the performance and fiscal audit of the Department of Fire and Public Safety.
- NO. 18-89 - DIRECTOR OF FINANCE, transmitting the Director of Finance's Quarterly Report for Fiscal Year July 1, 2017 to June 30, 2018 as of December 31, 2017 and the Capital Improvement Project as of December 31, 2017.
- NO. 18-90 - BUDGET DIRECTOR, transmitting the Department of Housing and Human Concerns' 2018 Affordable Housing Fund Annual Plan, and the following proposed bills entitled:
1. "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, AFFORDABLE HOUSING FUND"; and
  2. "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, AFFORDABLE HOUSING FUND".
- NO. 18-91 - 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 January 31, 2018.
- NO. 18-92 - ECONOMIC DEVELOPMENT DIRECTOR, relating to the Fiscal Year 2018 Budget proviso for Ka`ehu.
- NO. 18-93 - COUNCILMEMBER ATAY, relating to the status of old County roads through former sugarcane lands/fields.

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**H. COMMUNICATIONS (continued):**

- NO. 18-94 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed resolution entitled "AUTHORIZING THE GRANTING OF A NON-EXCLUSIVE EASEMENT ON COUNTY OF MAUI REAL PROPERTY SITUATED AT HAIKU, MAUI, HAWAI'I TO MISHNA ORION FOR PRIVATE UNDERGROUND WATERLINE PURPOSES".
- NO. 18-95 - DIRECTOR OF PARKS AND RECREATION, transmitting a proposed resolution entitled "AUTHORIZING THE LEASE FOR MALIKO BAY, TAX MAP KEY NOS. (2) 2-7-004:007 (POR.) AND (2) 2-7-004:027 FROM ALEXANDER & BALDWIN, LLC".
- NO. 18-96 - COUNCILMEMBER SUGIMURA, relating to "Maui County Pursuing Federal Grants".
- NO. 18-97 - COUNCILMEMBER SUGIMURA, transmitting a proposed resolution entitled "URGING THE MAYOR TO SUPPORT THE PRINCIPLES OF THE UNITED NATIONS CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN".
- NO. 18-98 - DIRECTOR OF FINANCE, transmitting the following proposed resolutions entitled:
1. "AUTHORIZING ACCEPTANCE OF AN EXECUTIVE ORDER TRANSFERRING MANAGEMENT OF APPROXIMATELY 2.25 ACRES AT KAUPU, HANA, MAUI, HAWAII FOR COMMUNITY CENTER PURPOSES"; and
  2. "AUTHORIZING A GRANT OF A LEASE OF COUNTY REAL PROPERTY TO KAUPU COMMUNITY ASSOCIATION".
- NO. 18-99 - COUNCILMEMBER CRIVELLO, transmitting a proposed resolution entitled "SUPPORTING THE HAWAII STATE SENATE'S EFFORTS TO ENACT LEGISLATION TO ATTAIN THE UNITED NATIONS SUSTAINABLE DEVELOPMENT GOALS".
- NO. 18-100 - COUNCILMEMBER ATAY, relating to the status of the Director of Water Supply.
- NO. 18-101 - COUNCIL CHAIR WHITE, transmitting a proposed resolution entitled "APPROVING THE HAWAII STATE ASSOCIATION OF COUNTIES EXECUTIVE COMMITTEE'S NOMINATION OF COUNCILMEMBER MASON K. CHOCK OF THE KAUAI COUNTY COUNCIL, TO THE WESTERN INTERSTATE REGION BOARD OF DIRECTORS FOR THE TERM ENDING JUNE 30, 2018".

2. GENERAL COMMUNICATIONS:

NONE.

I. COMMITTEE REPORTS:NO. 18-28 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to authorize the acquisition of units 100 and 200 of the One Medical Plaza Building, located at 30 North Church Street, Wailuku, Maui, Hawaii, identified for real property tax purposes as tax map keys (2) 3-4-013-051:0001 and (2) 3-4-013-051:0002, for \$597,500, exclusive of closing costs and expenses; and
2. **ADOPTION** of resolution to authorize the acquisition of units 300 and 400 of the One Medical Plaza Building, located at 30 North Church Street, Wailuku, Maui, Hawaii, identified for real property tax purposes as tax map keys (2) 3-4-013-051:0003 and (2) 3-4-013-051:0004, for \$617,500, exclusive of closing costs and expenses.

NO. 18-29 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill establishing a new Chapter 3.55, Maui County Code, to create an Environmental Protection and Sustainability Fund; and amending Chapter 3.54, Maui County Code, by deleting environmental protection and sustainability from the purposes of the Solid Waste Management Fund; and
2. **FILING** of communication.

NO. 18-30 - BUDGET AND FINANCE COMMITTEE:

Recommending **FIRST READING** of bill to amend Appendix A, Part I, Grant Revenue – Schedule of Grants by Departments and Program, Fiscal Year 2018 Budget, by adding a new grant for the Office of the Mayor, entitled "State of Hawaii Department of Labor and Industrial Relations," in the amount of \$15,000, to support the Maui County Healthcare Partnership.

NO. 18-31 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2018 Budget, Appendix C, Capital Improvement Projects, by expanding the project description for Countywide Facility Improvements to include additional work relating to the purchase and installation of new emergency generators at well sties in Napili (West Maui) and Ualapue (Molokai); and
2. **FILING** of communication.

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**I. COMMITTEE REPORTS (continued):****NO. 18-32 - 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 \$25,808;  
2) amending Section 3.B.4.f.12, Department of Finance, Countywide Costs, One Main Plaza Lease, by increasing Category B (Operations) and Total appropriations by \$25,808; and 3) adjusting the totals accordingly; and
2. **FILING** of communication.

**NO. 18-33 - 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 \$450,000;  
2) amending Section 4.J.3, by adding an appropriation of \$450,000 for Drainage, Bond Fund, South Maui Drainline Repairs, under the Department of Public Works, Kihei-Makena Community Plan Area; and  
3) adjusting the totals accordingly;
2. **FIRST READING** of bill to amend the Fiscal Year 2018 general obligation bond authorization ordinance by adding an appropriation of \$450,000 for Drainage, South Maui Drainline Repairs, under the Department of Public Works, Kihei-Makena Community Plan Area;
3. **FIRST READING** of bill to amend the Fiscal Year 2018 Budget, Appendix C, Capital Improvement Projects, by adding an appropriation of \$450,000 and a project description for the South Maui Drainline Repairs project, under the Department of Public Works, Kihei-Makena Community Plan Area; and
4. **FILING** of communication.

**NO. 18-34 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:**

Recommending **ADOPTION** of resolution urging the Mayor and the Department of Public Works to obtain a title report for Hui Road F, in Napili, Maui, Hawaii.

**NO. 18-35 - LAND USE COMMITTEE:**

Recommending the **ADOPTION** of resolution to refer to the Maui Planning Commission proposed bills to amend the Wailuku-Kahului Community Plan from Single-Family to Public-Quasi-Public for approximately 0.3133 acre identified for real property tax purposes as tax map key (2) 3-4-018:106; and to grant a Change in Zoning for approximately 14.317 acres identified for real property tax purposes as tax map key (2) 3-4-019:003 and approximately 0.3133 acre identified for real property tax purposes as tax map key (2) 3-4-018:106, both on Lower Main Street, Wailuku, Maui, Hawaii, which are the site of the existing Saint Anthony Church and Schools and a portion of the Schools' athletic field, respectively.

I. COMMITTEE REPORTS (continued):NO. 18-36 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill granting a District Boundary Amendment from Agricultural District to Urban District for approximately 14.95 acres identified for real property tax purposes as tax map key (2) 2-4-008:041 and a portion of tax map key (2) 2-4-008:001 in Makawao, Maui, Hawaii, upon which the portion of Seabury Hall's campus that includes its creative arts center and grassed parking lot are situated ("Property"), to establish consistency with the Property's existing uses;
2. **FIRST READING** of bill granting a Community Plan Amendment from Agriculture to Public/Quasi-Public for the Property, to establish consistency with the Property's existing uses;
3. **FIRST READING** of bill granting a Change in Zoning from Agricultural District to P-1 Public/Quasi-Public District (Conditional Zoning) for the Property, to establish consistency with the Property's existing uses;
4. **RECORDATION** of the unilateral agreement; and
5. **FILING** of communication.

NO. 18-37 - LAND USE COMMITTEE:

Recommending the **ADOPTION** of resolution approving a variation from the approved plans and specifications of the Kaiwahine Village 201H project on approximately 9.289 acres at the intersection of Kaiwahine Street and Hale Kai Street in Kihei, Maui, Hawaii, to allow 120 two- and three-bedroom units to be rented to households earning 60 percent or less of area median income and a time extension to the project's construction initiation and completion dates.

NO. 18-38 - LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to require that an applicant for a Short-Term Rental Home ("STRH") Permit own the dwelling unit to be used as an STRH for at least five years prior to the date of application;
2. **FILING** of Committee Report 17-39; and
3. **FILING** of communication.

NO. 18-39 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE:

Recommending **ADOPTION** of resolution approving the appointment of Jonathan Todd to the Liquor Control Commission for a term expiring on March 31, 2018.

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**I. COMMITTEE REPORTS (continued):****NO. 18-40 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE:**

Recommending the following:

1. **ADOPTION** of resolution approving the appointments of Tapani Vuori (Reappoint), Lori Perreira, and Cynthia Sasada to the Affirmative Action Advisory Council for terms beginning on April 1, 2018, and expiring on March 31, 2023;
2. **ADOPTION** of resolution approving the appointments of Aimee Anderson (Reappoint), Ronald Larsen, and Paul McCurdy to the Animal Control Board for terms beginning on April 1, 2018, and expiring on March 31, 2023;
3. **ADOPTION** of resolution approving the appointments of William Curtis, Jr. and David Weiss to the Board of Ethics for terms beginning on April 1, 2018, and expiring on March 31, 2023;
4. **ADOPTION** of resolution approving the appointments of Trisha Egge and Evelyn Kissen to the Board of Variances and Appeals for terms beginning on April 1, 2018, and expiring on March 31, 2023;
5. **ADOPTION** of resolution approving the appointments of Dean Frampton and Joseph Aquino to the Board of Water Supply for terms beginning on April 1, 2018, and expiring on March 31, 2023;
6. **ADOPTION** of resolution disapproving the appointment of Marcus Merchasin to the Civil Service Commission;
7. **ADOPTION** of resolution approving the appointments of Clifford Libed (Reappoint), William Kinaka, and Maria Larrucea Solomon to the Commission on Children and Youth for terms beginning on April 1, 2018, and expiring on March 31, 2023;
8. **ADOPTION** of resolution approving the appointments of Sharron Courter (Reappoint), Norman Halip, and Gayla Ann Haliniak-Lloyd (Molokai) to the Cost of Government Commission for terms beginning on April 1, 2018, and expiring on March 31, 2023; and disapproving the appointment of Roger Alconcel (Lanai) to the Cost of Government Commission;
9. **ADOPTION** of resolution approving the appointments of Katherine Smith, Susan Lussier, and Judith Mikami (Molokai) to the Council on Aging for terms beginning on April 1, 2018, and expiring on March 31, 2023;
10. **ADOPTION** of resolution approving the appointment of Kyle Ginoza to the Fire and Public Safety Commission for a term beginning on April 1, 2018, and expiring on March 31, 2023;
11. **ADOPTION** of resolution approving the appointments of Shelly Preza (Reappoint – Designated Native Hawaiian Traditional and Customary Practices Expert), Chelsea Trevino, and Sherry Menze to the Lanai Planning Commission for terms beginning on April 1, 2018, and expiring on March 31, 2023;



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**I. COMMITTEE REPORTS (continued):**

12. **ADOPTION** of resolution approving the appointments of Herman Nascimento and Richard Bergson to the Liquor Control Adjudication Board for terms beginning on April 1, 2018, and expiring on March 31, 2023;
13. **ADOPTION** of resolution approving the appointments of Jonathan Todd (Reappoint) and Alberta de Jetley (Lanai) to the Liquor Control Commission for terms beginning on April 1, 2018, and expiring on March 31, 2023;
14. **ADOPTION** of resolution approving the appointments of Yvette Celiz and Ian Bassford (Archaeologist) to the Maui County Cultural Resources Commission for terms beginning on April 1, 2018, and expiring on March 31, 2023;
15. **ADOPTION** of resolution approving the appointments of Alalani Hill (Reappoint – Designated Native Hawaiian Traditional and Customary Practices Expert) and P. Denise La Costa to the Maui Planning Commission for terms beginning on April 1, 2018, and expiring on March 31, 2023;
16. **ADOPTION** of resolution approving the appointments of Jaylene Nuesca and William Moore to the Molokai Planning Commission for terms beginning on April 1, 2018, and expiring on March 31, 2023;
17. **ADOPTION** of resolution approving the appointments of Roger Dixon and Mark Redeker to the Police Commission for terms beginning on April 1, 2018, and expiring on March 31, 2023;
18. **ADOPTION** of resolution approving the appointments of Robert Johnson and Michael Silva (Civil Engineer) to the Public Works Commission for terms beginning on April 1, 2018, and expiring on March 31, 2023;
19. **ADOPTION** of resolution approving the appointment of Michael Gurat to the Real Property Tax Review Board for a term beginning on April 1, 2018, and expiring on March 31, 2023; and
20. **ADOPTION** of resolution approving the appointments of Gene Abbott and Peter Martin to the Salary Commission for terms beginning on April 1, 2018, and expiring on March 31, 2023.

**NO. 18-41 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE:**

Recommending **ADOPTION** of resolution approving the appointment of Lipoa Kahaleuahi (Designated Native Hawaiian Traditional and Customary Practices Expert) to the Hana Advisory Committee for a term beginning on April 1, 2018, and expiring on March 31, 2023.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 10 (2018) - "A BILL FOR AN ORDINANCE AMENDING CHAPTERS 12.24A AND 18.20, MAUI COUNTY CODE, RELATING TO LANDSCAPE PLANTING AND BEAUTIFICATION"

BILL NO. 11 (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 FIRE AND PUBLIC SAFETY, LANAI COMMUNITY PLAN AREA, GOVERNMENT FACILITIES, LANAI FIRE STATION IMPROVEMENTS; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS"

BILL NO. 12 (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 FIRE AND PUBLIC SAFETY, LANAI COMMUNITY PLAN AREA, LANAI FIRE STATION IMPROVEMENTS"

BILL NO. 13 (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 PUBLIC WORKS, ROAD, BRIDGE, AND DRAINAGE MAINTENANCE PROGRAM - HIGHWAY FUND; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

BILL NO. 15 (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, OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND SCENIC VIEWS PRESERVATION FUND"

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.**