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COUNCIL OF THE COUNTY OF MAUI 2018 SEP 28 PM 3:40

A G E N D A

OFFICE OF THE
COUNTY CLERK

Regular Meeting of October 5, 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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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 YUKI LEI K. SUGIMURA

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. _____ "RECOGNIZING THE MONTH OF OCTOBER AS DOMESTIC VIOLENCE AWARENESS MONTH IN MAUI COUNTY"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

NONE.

H. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

- NO. 18-337 - DIRECTOR OF PUBLIC WORKS, transmitting the notice of grant awards from the Federal Highway Administration for the Transportation Alternatives Program Grant in the amount of \$151,500.
- NO. 18-338 - EMERGENCY MANAGEMENT ADMINISTRATOR, transmitting a notice of grant award from the State of Hawaii, Hawaii Emergency Management Agency for the Emergency Management Performance Grant in the amount of \$100,000.
- NO. 18-339 - DIRECTOR OF FINANCE, transmitting 53 contracts/grants for August 2018.
- NO. 18-340 - DIRECTOR OF FINANCE, informing of the acceptance of a Waterline Easement 54, Land Court Application No. 52, Wailuku Agribusiness Co., Inc., TMK: (2) 3-5-002:005 POR.
- NO. 18-341 - DIRECTOR OF FINANCE, informing of the acceptance of Access Easement "A", Puu Pahu Subdivision, TMK: (2) 2-3-005:003 POR.
- NO. 18-342 - DIRECTOR OF FINANCE, informing of the acceptance of Waterline Easement "B", Puu Pahu Subdivision, TMK: (2) 2-3-005:003 POR.
- NO. 18-343 - DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending August 2018.
- NO. 18-344 - DIRECTOR OF WATER SUPPLY, transmitting the State of Hawaii Commission on Water Resources Management water use reports for July 2018 for all registered well reporters in the County of Maui.
- NO. 18-345 - DIRECTOR OF TRANSPORTATION, transmitting a copy of the notice of grant obligation from the State of Hawaii, Department of Transportation, for the Maui MPO FY 2019 Unified Planning Work Program in the amount of \$100,000.

H. COMMUNICATIONS (continued):

NO. 18-346 - DIRECTOR OF FINANCE, informing that funds from the Countywide Costs Program totaling \$1,368,511.95 have been transferred to the various programs to cover shortages occurred because of collective bargaining agreement increases and related executive orders.

NO. 18-347 - BUDGET DIRECTOR, transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2019, AFFORDABLE HOUSING FUND";
2. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2019, AFFORDABLE HOUSING FUND";
3. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2019, AFFORDABLE HOUSING FUND"; and
4. "Very Low Income Housing Feasibility Studies".

NO. 18-348 - BUDGET DIRECTOR, transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF PARKS AND RECREATION, MAKAWAO-PUKALANI-KULA COMMUNITY PLAN AREA, PARKS AND RECREATION, UPCOUNTRY SKATE PARK; 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 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF PARKS AND RECREATION, MAKAWAO-PUKALANI-KULA COMMUNITY PLAN AREA, UPCOUNTRY SKATE PARK";
3. "GOODFELLOW BROS. INC. CHANGE PROPOSAL"; and
4. "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2019".

H. COMMUNICATIONS (continued):

- NO. 18-349 - BUDGET DIRECTOR, transmitting the following:
1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; OFFICE OF THE MAYOR, ECONOMIC DEVELOPMENT PROGRAM; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)", and related documents; and
 2. "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2019".
- NO. 18-350 - MANAGING DIRECTOR, 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 STATE OF HAWAII, HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION AND DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES".
- NO. 18-351 - PLANNING DIRECTOR, transmitting a Change in Zoning application filed by Christopher Ondatje for the 266 Dickenson Street Apartments, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM D-2 DUPLEX AND R-2 RESIDENTIAL DISTRICT TO A-2 APARTMENT DISTRICT FOR PROPERTY IDENTIFIED AS TAX MAP KEYS (2) 4-6-011:011 AND (2) 4-6-011:028, LOCATED AT THE CORNER OF HONOAPIILANI HIGHWAY AND 266 DICKENSON STREET, LAHAINA, MAUI, HAWAII", and related documents.
- NO. 18-352 - COUNCILMEMBER CRIVELLO, relating to a Council-initiated Change in Zoning for the 6.943-acre parcel identified for real property tax purposes as tax map key (2) 3-9-004:141, Kihei, Maui Hawaii.
- NO. 18-353 - PLANNING DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 19.04.040, MAUI COUNTY CODE, TO AMEND THE DEFINITION OF 'LOT WIDTH'".
- NO. 18-354 - FIRE CHIEF, transmitting a proposed resolution entitled "AUTHORIZING THE COUNTY TO ENTER INTO AN AGREEMENT REGARDING THE PLACEMENT AND MAINTENANCE OF RESCUE TUBES AT MAUI COUNTY BEACH PARKS".
- NO. 18-355 - COUNCILMEMBER SUGIMURA, relating to establishing guidelines for Sister City and Friendship City relationships with the County.
- NO. 18-356 - COUNCILMEMBER SUGIMURA, transmitting a document entitled "EMI WATER DELIVERY AGREEMENT".

2. GENERAL COMMUNICATIONS:

- NO. 18-10 - RYAN CHURCHILL, VICE PRESIDENT, PACIFIC RIM LAND, INC., submitting the Conditions of Zoning Compliance Report for Ordinance No. 4348, Maui Research and Technology Park.
- NO. 18-11 - DANIEL Y. YASUI, VICE PRESIDENT, MAUI, A&B PROPERTIES, INC., submitting an annual status report in accordance with Condition 17 of Ordinance No. 3312, change in zoning from Interim District to R-1 Residential District and PK-1 Neighborhood Park District, Conditional zoning for property situated at Haliimaile, Maui, Hawaii. (Haliimaile Subdivision)

I. COMMITTEE REPORTS:NO. 18-155 - BUDGET AND FINANCE COMMITTEE:

Recommending **FIRST READING** of bill to amend Appendix A, Part I, Grants and Restricted Use Revenues – Schedule of Grants and Restricted Use Revenues by Departments and Programs, Fiscal Year 2019 Budget, by adding a new appropriation for the Department of Housing and Human Concerns, entitled "Voluntary Contributions," in the amount of \$80,000, for funds collected from program participants and expended for various programs within the Office on Aging.

NO. 18-156 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend 1) Appendix A, Part II, Special Purpose Revenues – Schedule of Revolving/Special Funds for Fiscal Year 2019, by adding a proviso for \$3,000,000 under the Emergency Fund for emergency repairs to Pu`u Way in Haiku, Maui, which sustained severe damage from flooding related to Hurricane Lane; and 2) the Fiscal Year 2019 Budget, Appendix C, Capital Improvement Projects, by adding an appropriation of \$3,000,000 under the Department of Public Works, Paia-Haiku Community Plan Area, for the Emergency Repairs to Pu`u Way, and a description of the project; and
2. **FILING** of communication.

NO. 18-157 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2019 Budget by 1) increasing Carryover/Savings from the Sewer Fund by \$253,000; 2) amending Section 4.A.6.c.(1), Department of Environmental Management, Wailuku-Kahului Community Plan Area, Sewer, Sewer Fund, by adding an appropriation of \$253,000 for the Hawaiian Homes Force Main Replacement project; and 3) adjusting the totals accordingly;

I. COMMITTEE REPORTS (continued):

2. **FIRST READING** of bill to amend the Fiscal Year 2019 Budget, Appendix C, Capital Improvement Projects, by adding 1) an appropriation of \$253,000 under the Department of Environmental Management, Wailuku-Kahului Community Plan Area, for the Hawaiian Homes Force Main Replacement project; and 2) a description of the project; and
3. **FILING** of communication.

NO. 18-158 - HOUSING, HUMAN SERVICES, AND TRANSPORTATION COMMITTEE:

Recommending the following:

1. **FILING** of communication relating to Grant G4551, between the County of Maui and FABMAC Homes, Inc., relating to the grant of \$1,500,000 for an affordable housing project; and
2. **FILING** of communication relating to Grant G4551-1 (amendment 1 to the grant), between the County of Maui and FABMAC Homes, Inc., relating to an extension of the completion date of the affordable housing project to June 30, 2020.

NO. 18-159 - HOUSING, HUMAN SERVICES, AND TRANSPORTATION COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution granting the real property identified for real property tax purposes as tax map keys (2) 3-5-036:046 and a 50 percent interest in (2) 3-5-036:057 to Housing and Land Enterprise of Maui, dba Na Hale O Maui, to allow the property to remain in the workforce housing inventory in perpetuity; and
2. **FILING** of communication.

NO. 18-160 - PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing the grant of a lease of 7.401 acres of County real property within the Kahului Community Center Park, identified for real property tax purposes as portions of tax map key (2) 3-8-007:097, to Hale Makua Health Services for a term of 75 years;
2. **ADOPTION** of resolution urging the Mayor to develop a master plan for tax map key (2) 3-8-007:097, in coordination with Hale Makua Health Services, to provide health-care facilities, services, and programs for the elderly population of the County; and
3. **FILING** of communication.

I. COMMITTEE REPORTS (continued):

NO. 18-161 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill authorizing the Mayor, through the Chief of Police, to enter into an intergovernmental agreement with the State of Hawaii, Department of Health, authorizing the Department of Police to provide case reports to the State Department of Health related to deaths occurring in the County attributed to drowning, suicide, and homicide, and deaths for which the cause or circumstances were undetermined, using funds granted by the State Department of Health; and
2. **FILING** of communication.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 77 (2018) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF PUBLIC WORKS, WAILUKU-KAHULUI COMMUNITY PLAN AREA, DRAINAGE, IAO STREAM FLOOD CONTROL; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

BILL NO. 78 (2018) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C - CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF PUBLIC WORKS, WAILUKU-KAHULUI COMMUNITY PLAN AREA, IAO STREAM FLOOD CONTROL"

BILL NO. 79 (2018) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE UNITED STATES DEPARTMENT OF THE ARMY (US ARMY) REGARDING A FEASIBILITY COST SHARING AGREEMENT (FCSA) FOR THE IAO STREAM, MAUI, HAWAII - FLOOD RISK MANAGEMENT"

BILL NO. 80 (2018) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C - CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF FINANCE, COUNTYWIDE, COUNTYWIDE EQUIPMENT; DEPARTMENT OF MANAGEMENT, COUNTYWIDE, PUBLIC SAFETY RADIO SYSTEM REPLACEMENT"

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

BILL NO. 81 (2018) - "A BILL FOR AN ORDINANCE ADOPTING A DIGITAL ZONING MAP AS THE OFFICIAL ZONING MAP FOR THE ISLAND OF MAUI"

BILL NO. 82 (2018) - "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, RELATING TO ZONING DISTRICTS AND MAPS"

BILL NO. 83 (2018) - "A BILL FOR AN ORDINANCE TO ESTABLISH THE SPECIAL MANAGEMENT AREA REVOLVING FUND"

L. UNFINISHED BUSINESS:

NONE.

NOTE: "BOARD PACKETS", AS DEFINED IN SECTION 92-7.5 OF THE HAWAII REVISED STATUTES, ARE AVAILABLE FOR INSPECTION AT THE OFFICE OF THE COUNTY CLERK, 200 SOUTH HIGH STREET, WAILUKU, HAWAII. "BOARD PACKETS" ARE ALSO AVAILABLE ELECTRONICALLY AS SOON AS PRACTICABLE UPON REQUEST.

ITEMS LISTED ON THE AGENDA MAY BE ACCESSED AT MAUICOUNTY.LEGISTAR.COM.

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.