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**COUNCIL OF THE COUNTY OF MAUI**

**A G E N D A**

OFFICE OF THE  
COUNTY CLERK

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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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

C. **PLEDGE OF ALLEGIANCE**

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**D. TESTIMONY ON CEREMONIAL RESOLUTIONS****E. CEREMONIAL RESOLUTIONS:**

NO. \_\_\_\_\_ "CONGRATULATING RETIRED POLICE CAPTAIN CHARLES HIRATA FOR BEING INDUCTED INTO THE 2018 CHILD PASSENGER SAFETY HALL OF FAME"

**F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY****G. MINUTES:**

Regular Meeting of September 21, 2018

**H. COMMUNICATIONS:****1. COUNTY COMMUNICATIONS:**

NO. 18-382 - DIRECTOR OF FINANCE, transmitting 87 contracts/grants for September 2018.

NO. 18-383 - CHIEF OF POLICE, transmitting a grant agreement with the State of Hawaii, Department of Transportation for the MPD Traffic Records grant in the amount of \$134,080.

NO. 18-384 - CHIEF OF POLICE, transmitting a grant agreement with the State of Hawaii, Department of Transportation for the MPD Speed Enforcement grant in the amount of \$163,444.50.

NO. 18-385 - CHIEF OF POLICE, informing of the receipt of \$34,287.16 in Forfeiture Funds from the Department of the Attorney General, State of Hawaii.

NO. 18-386 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a status update on the Kula Ridge Affordable Housing Subdivision.

NO. 18-387 - MAYOR, informing of a vacancy on the Cost of Government Commission due to the resignation of Edward Codelia.

NO. 18-388 - PROSECUTING ATTORNEY, 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 DEPARTMENT OF THE ATTORNEY GENERAL, STATE OF HAWAII".

NO. 18-389 - DIRECTOR OF FINANCE, transmitting a report of short-term investments for the quarter ended September 30, 2018.

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**H. COMMUNICATIONS (continued):**

NO. 18-390 - 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 FINANCE, COUNTYWIDE, OTHER PROJECTS, COUNTYWIDE EQUIPMENT; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)";
2. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4858, BILL NO. 54 (2018), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (DEPARTMENT OF FINANCE – COUNTYWIDE EQUIPMENT)";
3. 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 FINANCE, COUNTYWIDE, COUNTYWIDE EQUIPMENT"; and
4. A consolidated bid for five trucks received from Hughes Fire Equipment.

NO. 18-391 - 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 MANAGEMENT, MAUI REDEVELOPMENT PROGRAM; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"; and
2. "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2019".

NO. 18-392 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a letter from the Chair of the Commission on Persons with Disabilities, requesting the reinstatement of monthly para transit bus passes and closed captioning of County meetings broadcasted on AKAKU.

NO. 18-393 - COUNCIL CHAIR WHITE, relating to amendments to Chapter 16.13, Maui County Code, relating to commercial signs.

NO. 18-394 - DIRECTOR OF PUBLIC WORKS, transmitting a draft bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 10.48.040, MAUI COUNTY CODE, RELATING TO PARKING PROHIBITIONS ON CERTAIN STREETS AND HIGHWAYS"; and a copy of the Public Works Commission's recommendation letter.

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**H. COMMUNICATIONS (continued):**

- NO. 18-395 - COUNCILMEMBER CARROLL, transmitting a proposed resolution entitled "SUPPORTING THE GOVERNOR'S EFFORTS TO INTERVENE BETWEEN NĀ PO'E KŌKUA, THE HAWAII FAIR LENDING COALITION, AND THE BANK OF AMERICA TO REACH A SETTLEMENT AGREEMENT RELATING TO A \$150 MILLION LOAN COMMITMENT FOR NATIVE HAWAIIANS ON HAWAIIAN HOME LANDS".
- NO. 18-396 - COUNCILMEMBER HOKAMA, transmitting a proposed resolution entitled "SUPPORTING A COMPREHENSIVE REVIEW OF THE CONSTITUTION OF THE STATE OF HAWAII".
- NO. 18-397 - MAYOR, transmitting a proposed resolution entitled "ESTABLISHING A SISTER-CITY RELATIONSHIP WITH THE SAN CRISTOBAL (CHATHAM) ISLAND – GALAPAGOS, REPUBLIC OF THE ECUADOR".
- NO. 18-398 - COUNCILMEMBER SUGIMURA, relating to Community Facilities Districts.
- NO. 18-399 - ECONOMIC DEVELOPMENT 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 MAUI COUNTY WORKFORCE DEVELOPMENT BOARD AND THE AMERICAN JOB CENTER NETWORK PARTNERS".
- NO. 18-400 - DIRECTOR OF WATER SUPPLY, transmitting the State of Hawaii Commission on Water Resources Management water use reports for August 2018 for all registered well reporters in the County of Maui.

**2. GENERAL COMMUNICATIONS:**

- NO. 18-12 - EVERETT DOWLING, H2R, LLC, notifying that ownership of property identified as TMK (2) 2-1-005:085 was transferred from Hawaii Development LLC to H2R, LLC.
- NO. 18-13 - DANIEL YASUI, VICE PRESIDENT, A & B PROPERTIES HAWAII, LLC, submitting the 2018 Annual Report in accordance with Condition 2 of Ordinance No. 4385, Wai'ale Project District South – Change in Zoning.

**I. COMMITTEE REPORTS:**

- NO. 18-179 - BUDGET AND FINANCE COMMITTEE:

Recommending **ADOPTION** of resolution to amend the Fiscal Year 2019 Budget for the Department of Housing and Human Concerns by transferring \$25,000 from the Housing Program Category A (Salaries) to Category B (Operations), for the purpose of relocating the entire Housing Division from its current location at 35 Lunalilo Street, Wailuku, to the Wailuku Business Plaza at 2065 Main Street, Wailuku, including moving of all office equipment, furniture and files, and minor renovations to the new office space.

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**I. COMMITTEE REPORTS (continued):****NO. 18-180 - BUDGET AND FINANCE COMMITTEE:**

Recommending **FIRST READING** of bill to authorize the Mayor to enter into an intergovernmental agreement with the Hawaii Housing Finance and Development Corporation relating to the Front Street Apartments, to establish the terms of the County's financial obligation, and to encumber the appropriation for the appraisal and other preparations for the condemnation of the ground lease for the Front Street affordable housing project.

**NO. 18-181 - 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, for the Department of the Prosecuting Attorney by adding a new grant entitled "Edward Byrne Memorial Justice Assistance Grant Program," for \$122,345.

**NO. 18-182 - BUDGET AND FINANCE COMMITTEE:**

Recommending the following:

1. **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, for the Department of Public Works, by increasing the appropriation entitled "Federal Highway Administration, Federal-Aid and Other Transportation Grants," by \$1,020,000 from the Federal Safe Routes to School Program for the Paia School frontage and sidewalk improvements; and
2. **FIRST READING** of bill to amend the Fiscal Year 2019 Budget, Appendix C, Capital Improvement Projects, under the Department of Public Works "Countywide Federal Aid Program" by increasing the appropriation by 1) \$1,020,000 for the additional funds received from the Federal Safe Routes to School Program; 2) \$12,500,000 for funds already recognized in Appendix A under the Federal Highway Administration, Federal-Aid and Other Transportation Grants; and 3) \$2,000,000 from the Bond Fund under Countywide Federal Aid Program for a total appropriation of \$15,520,000; and by expanding the project description by adding "Paia School frontage and sidewalk improvements".

**NO. 18-183 - BUDGET AND FINANCE COMMITTEE:**

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2019 Budget by 1) increasing Special Assessments from the Park Assessment Fund by \$13,000; 2) amending Section 4.E.5.a.(3), Department of Parks and Recreation, Makawao-Pukalani-Kula Community Plan Area, Parks and Recreation, Park Assessment Fund, by increasing the appropriation for the Upcountry Skate Park by \$13,000; and 3) adjusting the totals accordingly;

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

2. **FIRST READING** of bill to amend the Fiscal Year 2019 Budget, Appendix C, Capital Improvement Projects, Department of Parks and Recreation, Makawao-Pukalani-Kula Community Plan Area, by increasing the appropriation for the Upcountry Skate Park by \$13,000; and
3. **FILING** of communication

**NO. 18-184 - PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS COMMITTEE:**

Recommending the following:

1. **ADOPTION** of resolution authorizing the Mayor to enter into an agreement with the Rotary Club of Lahaina Sunrise, the Rotary Club of Lahaina, and the Rotary Club of Lahaina Sunset, through December 31, 2021, to place and maintain rescue tube flotation devices at ten County beach parks in West Maui; and
2. **FILING** of communication.

**NO. 18-185 - PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS COMMITTEE:**

Recommending the following:

1. **FIRST READING** of bill to add recommended trees located throughout the County of Maui to the list of exceptional trees; and
2. **FILING** of communication.

**NO. 18-186 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE:**

Recommending the following:

1. **ADOPTION** of resolution approving the acquisition of real property, approximately 262 acres, located in Pulehunui and Omaopio, Makawao, Maui, Hawaii; and
2. **FILING** of communication.

**NO. 18-187 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE:**

Recommending **ADOPTION** of resolution to include in the 2019 Hawaii State Association of Counties Legislative Package, a resolution and State bills, attached as exhibits to the resolution, as follows:

1. A resolution to urge the Hawaii State Legislature to appropriate funds in the amount of \$401,696 for the first year, and \$325,696 for three years thereafter, to employ lifeguards and to purchase a lifeguard tower and rescue equipment for Kua Bay at Kekaha Kai State Park in North Kona.
2. A State bill to develop a consolidated application form for motor vehicle driver's licenses and civil identification cards.

I. COMMITTEE REPORTS (continued):

3. A State bill to repeal and amend provisions of State law relating to the preemption of local laws or ordinances that regulate the sale of cigarettes, tobacco products, and electronic smoking devices.
4. A State bill to make permanent the liability protections for county lifeguard services.
5. A State bill to provide a nonrefundable tax credit to a taxpayer who hires an individual with a disability for the six-month period after the individual is initially hired by the taxpayer.
6. A State bill to provide a nonrefundable tax credit to a taxpayer who hires an elderly individual for the six-month period after the individual is initially hired by the taxpayer.
7. A State bill to allow counties with populations less than 100,000 to enact a zoning ordinance to amortize or phase out nonconforming single-family transient vacation rental units over a reasonable period of time.
8. A State bill to transfer certain fines and forfeitures collected for uncontested traffic infractions to the counties.

NO. 18-188 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving for inclusion in the 2019 Maui County Legislative Package a proposed State bill to adopt and enforce additional local laws regulating the sale or use of cigarettes, tobacco products, and electronic smoking devices; and
2. **ADOPTION** of resolution approving for inclusion in the 2019 Maui County Legislative Package a proposed State bill to allocate an additional \$14,820,000 in transient accommodations tax revenues to Maui County, increasing the County's share to \$38.3 million.

NO. 18-189 - WATER RESOURCES COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to authorize the Mayor to enter into an intergovernmental agreement with the United States Geological Survey, Pacific Islands Water Science Center, United States Department of the Interior, for the installation of a stream gage on Kanaha Stream below the Department of Water Supply's diversion and a gage on the Department's diversion ditch itself during the period of January 1, 2019 to September 30, 2019, at a cost to the County of \$37,050; and
2. **FILING** of County Communication 18-209.

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**J. RESOLUTIONS:**

NONE.

**K. ORDINANCES - SECOND AND FINAL READING:**

- BILL NO. 89 (2018) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANTS AND RESTRICTED USE REVENUES – SCHEDULE OF GRANTS AND RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF PARKS AND RECREATION (PRIVATE DONATIONS – WAILUKU HEIGHTS EXTENSION COMMUNITY ASSOCIATION)"
- BILL NO. 90 (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 PARKS AND RECREATION, WAILUKU-KAHULUI COMMUNITY PLAN AREA, CENTRAL MAUI PARKS SYSTEM"
- BILL NO. 91 (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 ENVIRONMENTAL MANAGEMENT, KIHEI-MAKENA COMMUNITY PLAN AREA, SEWER, SOUTH MAUI RECYCLED WATER SYSTEM EXPANSION; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"
- BILL NO. 92 (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 ENVIRONMENTAL MANAGEMENT, KIHEI-MAKENA COMMUNITY PLAN AREA, SOUTH MAUI RECYCLED WATER SYSTEM EXPANSION"
- BILL NO. 93 (2018) - "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4856, BILL NO. 52 (2018), RELATING TO AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO INTERGOVERNMENTAL AGREEMENTS FOR LOANS FROM THE STATE OF HAWAII'S WATER POLLUTION CONTROL REVOLVING FUND FOR VARIOUS WASTEWATER PROJECTS, FISCAL YEAR 2019 BUDGET ORDINANCE"
- BILL NO. 94 (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 FINANCE, COUNTYWIDE, OTHER PROJECTS, COUNTYWIDE EQUIPMENT; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"



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

- BILL NO. 95 (2018) - "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4858, BILL NO. 54 (2018), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (COUNTYWIDE EQUIPMENT)"
- BILL NO. 96 (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"
- BILL NO. 97 (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 WATER SUPPLY, HANA COMMUNITY PLAN AREA, WATER SUPPLY, KAUPU WATER TANK IMPROVEMENTS; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"
- BILL NO. 98 (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 WATER SUPPLY, HANA COMMUNITY PLAN AREA, KAUPU WATER TANK IMPROVEMENTS"
- BILL NO. 99 (2018) - "A BILL FOR AN ORDINANCE AMENDING SECTIONS 10.48.220 AND 10.56A.010, MAUI COUNTY CODE, RELATING TO TOW-AWAY ZONES AND LOADING ZONES"
- BILL NO. 100 (2018) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 13.16, MAUI COUNTY CODE, RELATING TO THE WAIEHU MUNICIPAL GOLF COURSE"

**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.**