

# **Council of the County of Maui**

## **A G E N D A**

Regular Meeting of May 18, 2018

9:00 AM

**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: [www.co.maui.hi.us/Archive.aspx?AMID=226](http://www.co.maui.hi.us/Archive.aspx?AMID=226)

email: [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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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****D. TESTIMONY ON CEREMONIAL RESOLUTIONS****E. CEREMONIAL RESOLUTIONS:**

NONE.

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

NONE.

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

- [CC 18-169](#) CHAIR, BUDGET AND FINANCE COMMITTEE, transmitting a proposed resolution entitled "ADOPTING THE FUEL TAX RATES FOR THE COUNTY OF MAUI, EFFECTIVE JULY 1, 2018".
- [CC 18-170](#) COUNCILMEMBER SUGIMURA, relating to the proposed amendment to the proposed Fuel Tax Resolution.
- [CC 18-171](#) COUNCILMEMBER CRIVELLO, relating to the proposed amendment to the proposed Fuel Tax Resolution.
- [CC 18-172](#) CHAIR, BUDGET AND FINANCE COMMITTEE, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTIONS 3.55.020 AND 3.55.040, MAUI COUNTY CODE, RELATING TO DISPOSAL OF VEHICLES AND THE ENVIRONMENTAL PROTECTION AND SUSTAINABILITY FUND".
- [CC 18-173](#) CHAIR, BUDGET AND FINANCE COMMITTEE, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.25, MAUI COUNTY CODE, RELATING TO HIGHWAY IMPROVEMENT FEES AND VEHICLE DISPOSAL FEES".
- [CC 18-174](#) CHAIR, BUDGET AND FINANCE COMMITTEE, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.37, MAUI COUNTY CODE, RELATING TO THE KAUNOA SENIOR SERVICES LEISURE PROGRAM ACTIVITIES REVOLVING FUND".

- CC 18-175 CHAIR, BUDGET AND FINANCE COMMITTEE, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 3.36.030, MAUI COUNTY CODE, RELATING TO THE MAUI COUNTY GRANTS PROGRAM".
- CC 18-176 CHAIR, BUDGET AND FINANCE COMMITTEE, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.08, MAUI COUNTY CODE, RELATING TO FORBEARANCE OF DISCHARGE OF DEBTS".
- CC 18-177 CHAIR, BUDGET AND FINANCE COMMITTEE, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE ADDING A NEW CHAPTER TO TITLE 3, MAUI COUNTY CODE, RELATING TO AN INFRASTRUCTURE DEVELOPMENT FUND".
- CC 18-178 DIRECTOR OF FINANCE, relating to proposed amendments to Chapter 3.08, Maui County Code, which is proposing the addition of a new section related to County investments.
- CC 18-179 BUDGET DIRECTOR, transmitting the following:
1. 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 FIRE AND PUBLIC SAFETY, ADMINISTRATION PROGRAM, TRAINING PROGRAM, FIRE/RESCUE OPERATIONS PROGRAM, FIRE PREVENTION PROGRAM; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"; and
  2. "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2018".
- CC 18-180 DIRECTOR OF HOUSING AND HUMAN CONCERNs, transmitting the following proposed resolutions entitled:
1. "AUTHORIZING THE PURCHASE OF THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY NUMBER (2) 3-5-036-022 PURSUANT TO THE BUYBACK PROVISIONS CONTAINED IN THE WAIKAPU GARDENS PHASE II AFFORDABLE HOUSING AGREEMENT, AS AMENDED"; and
  2. "AUTHORIZING THE PURCHASE OF THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY NUMBER (2) 3-5-036-046 AND AN UNDIVIDED INTEREST IN THE REAL PROPERTY IDENTIFIED AS TAX MAP KEY NUMBER (2) 3-5-036-057 PURSUANT TO THE BUYBACK PROVISIONS CONTAINED IN THE WAIKAPU GARDENS PHASE II AFFORDABLE HOUSING AGREEMENT, AS AMENDED".
- CC 18-181 CHAIR, BUDGET AND FINANCE COMMITTEE, transmitting a proposed resolution entitled "AUTHORIZING THE COUNCIL CHAIR TO CONTRACT FOR A PERFORMANCE AUDIT OF THE INFORMATION TECHNOLOGY SERVICES PROGRAM, DEPARTMENT OF MANAGEMENT".

**2. GENERAL COMMUNICATIONS:**

NONE.

**I. COMMITTEE REPORTS:**

CR 18-79

Recommending the following:

1. **FIRST READING** of bill to establish a fund to deposit revenues from fees paid by County employees for parking permits for the maintenance, repair, security, safety, improvement, beautification, expansion, and other costs related to providing County employee parking services;
2. **FIRST READING** of bill to establish a fund to provide grants to County high schools participating in the Maui Interscholastic League for sports-related travel expenses and sporting events;
3. **FIRST READING** of bill amending Chapter 3.08, Maui County Code, to require the County to establish an investment policy regarding the investment of County moneys and an investment committee, and procure the services of a third-party investment contractor;
4. **FIRST READING** of bill to amend Section 2.08.060, Maui County Code, to adjust the pay ranges for employees of the legislative branch, effective July 1, 2018;
5. **FIRST READING** of bill to authorize the Mayor to enter into intergovernmental agreements to finance the following Wastewater projects: (1) Kihei Wastewater Reclamation Facility Grit System Replacement, with funds not to exceed \$600,000; (2) Napili No. 3 Force Main Replacement, with funds not to exceed \$1,800,000; and (3) Napili No. 4 Force Main Replacement, with funds not to exceed \$1,800,000;
6. **FIRST READING** of bill to authorize the Mayor to enter into an intergovernmental agreement to finance the following Drinking Water projects: (1) West Maui Reliable Capacity, West Maui Source Development project, with funds not to exceed \$4,250,000; and (2) the Upcountry Reliable Capacity, Pookela Well B Development project, with funds not to exceed \$4,000,000;
7. **FIRST READING** of bill to authorize the issuance of \$65,795,000 of general obligation bonds for various capital improvement projects;
8. **FIRST READING** of bill to reauthorize the use of \$2,195,000 in lapsed bond proceeds for the Wailuku Civic Complex capital improvement project;
9. **FIRST READING** of bill to set forth the Capital Program for Fiscal Years 2019 through 2024;
10. **FIRST READING** of bill to appropriate estimated revenues for the operating and capital improvement budget for Fiscal Year July 1, 2018 to June 30, 2019;
11. **ADOPTION** of resolution to approve the cost items for Ocean Safety Officers included within Bargaining Unit 14;
12. **ADOPTION** of resolution to authorize the Council Chair to contract for a performance and fiscal audit of the Department of Finance;

13. **REFERRAL** of County Communication 18-117, from the Prosecuting Attorney, transmitting a proposed resolution, entitled "AUTHORIZING THE ACQUISITION OF REAL PROPERTY LOCATED AT 2103 WELLS STREET, WAILUKU, MAUI, HAWAII, AND APARTMENTS A, B AND C OF THE UEOKA BUILDING CONDOMINIUM," to the Policy, Economic Development, and Agriculture Committee;
14. **REFERRAL** of the matter relating to tiered real property tax rates to the Budget and Finance Committee;
15. **REFERRAL** of the matter relating to park assessment fees in lieu of land, pursuant to Section 18.16.320, Maui County Code, including how those fees are calculated, the point in time used in deriving average land values to set the fee, and account maintenance and balances, to the Budget and Finance Committee;
16. **REFERRAL** of the matter relating to the status of the Economic Development Revolving Fund, including the proposed bill, entitled "A BILL FOR AN ORDINANCE REPEALING CHAPTER 3.81, MAUI COUNTY CODE, RELATING TO THE ECONOMIC DEVELOPMENT REVOLVING FUND," to the Budget and Finance Committee;
17. **REFERRAL** of the matter relating to the proposed planning and acquisition of land for homeless sheltering and affordable housing (proposed as CBS-5061) to the Housing, Human Services, and Transportation Committee;
18. **REFERRAL** of the matter relating to the Bridge Inspection and Evaluation of Various County Bridges project (CBS-3177) to the Infrastructure and Environmental Management Committee;
19. **REFERRAL** of the matter relating to the Countywide Traffic Calming Program project (CBS-1035) to the Infrastructure and Environmental Management Committee;
20. **REFERRAL** of the matter relating to the Central Maui Landfill expansion to the Infrastructure and Environmental Management Committee;
21. **REFERRAL** of the matter relating to the Countywide Road Resurfacing and Pavement Preservation project (CBS-1023) to the Infrastructure and Environmental Management Committee;
22. **REFERRAL** of the matter relating to bicycle tour permits to the Infrastructure and Environmental Management Committee;
23. **REFERRAL** of the matter relating to the Integrated Solid Waste Management Plan Update project (CBS-3565) to the Infrastructure and Environmental Management Committee;
24. **REFERRAL** of the matter relating to the Kalepa Revetment and Seawall Repairs project (CBS-3183) to the Infrastructure and Environmental Management Committee;

25. **REFERRAL** of the matter relating to the Kalepa Rockfall Repairs project (CBS-2779) to the Infrastructure and Environmental Management Committee;
26. **REFERRAL** of the matter relating to the Kamehameha Avenue at Maui Lani Parkway Intersection Improvements project (CBS-2787) to the Infrastructure and Environmental Management Committee;
27. **REFERRAL** of the matter relating to the West Maui Recycled Water System Expansion project (CBS-1124) to the Infrastructure and Environmental Management Committee;
28. **REFERRAL** of the matter relating to the Waiale Road Extension project (CBS-1069) and related conditions of zoning to the Land Use Committee;
29. **REFERRAL** of the matter relating to the Waiehu Municipal Golf Course starter booth and restaurant project to the Parks, Recreation, Energy, and Legal Affairs Committee;
30. **REFERRAL** of the matter relating to Taser use by Parks Security Officers with the Department of Parks and Recreation to the Parks, Recreation, Energy, and Legal Affairs Committee;
31. **REFERRAL** of the matter relating to the Kanaha Beach Park Master Plan Implementation project (CBS-4583) to the Parks, Recreation, Energy, and Legal Affairs Committee;
32. **REFERRAL** of the matter relating to the War Memorial Gym Building Improvements project (CBS-4616) to the Parks, Recreation, Energy, and Legal Affairs Committee;
33. **REFERRAL** of the matter relating to energy efficiency and related costs at the Kihei Wastewater Treatment Plant to the Parks, Recreation, Energy, and Legal Affairs Committee;
34. **REFERRAL** of the matter relating to monitoring and enforcement of conditions of development and the use of County funding to fulfill such conditions to the Planning Committee;
35. **REFERRAL** of the matter relating to the role of the Maui Automated Planning and Permitting System, or MAPPs, and its impact on County operations to the Policy, Economic Development, and Agriculture Committee;
36. **REFERRAL** of the matter relating to the Emergency Management Agency to the Policy, Economic Development, and Agriculture Committee;
37. **REFERRAL** of the matter relating to a proposed Constitutional amendment to allow a surcharge on real property taxes to fund public education to the Policy, Economic Development, and Agriculture Committee;
38. **REFERRAL** of the matter relating to the desalination process and whether the

salt can be used to generate hypochlorite to the Water Resources Committee;

39. **FILING** of County Communication 18-11; and

40. **FILING** of County Communication 18-124.

*With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(3), Hawaii Revised Statutes ("HRS"), to deliberate concerning the authority of persons designated by the County, the Council, or the Committee to conduct labor negotiations or to negotiate the acquisition of public property, or during the conduct of such negotiations; Section 92-5(a)(4), HRS, 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; Section 92-5(a)(6), HRS, to consider sensitive matters relating to public safety or security; Section 92-5(a)(7), HRS, to consider matters relating to the solicitation and acceptance of private donations; and Section 92-5(a)(8), HRS, to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order.*

**J. RESOLUTIONS:**

NONE.

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

NONE.

**L. UNFINISHED BUSINESS:**

NONE.

**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.**