

# **Council of the County of Maui**

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

Regular Meeting of March 24, 2017

10:00 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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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:**

**COUNCILMEMBER YUKI LEI SUGIMURA**

**C. PLEDGE OF ALLEGIANCE****D. TESTIMONY ON CEREMONIAL RESOLUTIONS****E. CEREMONIAL RESOLUTIONS:**

[Reso -](#) "CONGRATULATING PUKALANI ELEMENTARY SCHOOL STEM IMAGINEERS FOR WINNING THE HAWAII STATE VEX IQ ROBOTICS CHAMPIONSHIP"

[Res -](#) "CONGRATULATING BRENDA REGO 2017 HAWAII GOLF HALL OF FAME INDUCTEE"

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

[M-170120](#) Regular Meeting of January 20, 2017

[M-170203](#) Regular Meeting of February 3, 2017

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

[CC 17-139](#) DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a Notice of Grant Award from the Federal Corporation for National and Community Service for the Retired & Senior Volunteer Program in the amount of \$65,850.

[CC 17-140](#) DIRECTOR OF FINANCE, informing of the acquisition of Road Lot L, Waikapu East (Large-Lot) Subdivision No. 3, TMK: (2) 3-5-002:018 (Por).

[CC 17-141](#) MAYOR, informing of a vacancy on the Molokai Planning Commission due to the resignation of Diane Swenson.

[CC 17-142](#) COUNCIL CHAIR WHITE, transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF MIMI DESJARDINS AS A LEGISLATIVE ATTORNEY IN THE OFFICE OF COUNCIL SERVICES".

[CC 17-143](#) CHAIR, POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE, transmitting a proposed resolution entitled "RELATING TO THE APPOINTMENT OF CASSIOPIA YAMASHITA TO THE COMMISSION ON CHILDREN AND YOUTH".

[CC 17-144](#) DIRECTOR OF FINANCE, reporting on transfers/loans from the General Fund and Department of Water Supply Revenue Fund to the 2017 Proposed General Obligation Bond Fund as of January 31, 2017.

- [CC 17-145](#) DIRECTOR OF FINANCE, reporting on transfers/loans from the General Fund and Department of Water Supply Revenue Fund to the 2017 Proposed General Obligation Bond Fund as of February 28, 2017.
- [CC 17-146](#) COUNCILMEMBER HOKAMA, relating to funding and costs of the proposed County Service Center located in the Maui Business Park.
- [CC 17-147](#) COUNCILMEMBER HOKAMA, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 3.48.305, MAUI COUNTY CODE, RELATING TO THE CLASSIFICATION OF LAND AND BUILDING".
- [CC 17-148](#) BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE OFFICE OF THE MAYOR, ECONOMIC DEVELOPMENT PROGRAM".
- [CC 17-149](#) COUNCILMEMBER CRIVELLO, relating to the County of Maui Kulamalu Affordable Rental Housing Project.
- [CC 17-150](#) COUNCILMEMBER COCHRAN, transmitting a proposed resolution entitled "AUTHORIZING THE COUNCIL CHAIR TO CONTRACT FOR A PERFORMANCE AND EFFICIENCY AUDIT OF THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT'S MAINTENANCE DIVISION".
- [CC 17-151](#) COUNCILMEMBER KING, relating to Department of Planning Permits.
- [CC 17-152](#) COUNCILMEMBER SUGIMURA, relating to the "Federal Food Safety Modernization Act (FSMA)".
- [CC 17-153](#) DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply's Monthly Source and Groundwater Use Reports for the month ending February 2017.

## **2. GENERAL COMMUNICATIONS:**

NONE.

## **I. COMMITTEE REPORTS:**

### **Budget and Finance Committee**

[CR 17-30](#)

Recommending the following:

1. **FIRST READING** of bill to amend Appendix A of the Fiscal Year 2017 Budget by increasing the grant for the Department of Housing and Human Concerns, Section 8 Housing Program by \$2,719,786, for additional administration funds to the County; and
2. **FILING** of communications.

[CR 17-31](#)

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2017 Budget by 1) increasing Bond/Lapsed Bond by \$2,100,000; and 2) adding an appropriation of \$2,100,000 under the Department of Public Works, Kihei-Makena Community Plan Area, Drainage, Bond Fund, for the South Kihei Road Culvert Replacement at Waiakoa;
2. **FIRST READING** of bill to amend the Fiscal Year 2017 general obligation bond authorization ordinance by adding an appropriation of \$2,100,000 under the Department of Public Works, Kihei-Makena Community Plan Area, Drainage, for the South Kihei Road Culvert Replacement at Waiakoa;
3. **FIRST READING** of bill to amend the Fiscal Year 2017 Budget, Appendix C, Capital Improvement Projects, by adding an appropriation of \$2,100,000 under the Department of Public Works, Kihei-Makena Community Plan Area, for the South Kihei Road Culvert Replacement at Waiakoa; and
4. **FILING** of communication.

[CR 17-32](#)

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2017 Budget by 1) increasing Estimated Revenues for Other Intergovernmental by \$1,010,000; 2) increasing Carryover/Savings from the Sewer fund by \$110,000; 3) adding an appropriation of \$1,010,000 under the Department of Environmental Management, Kihei-Makena Community Plan Area, Sewer, State Revolving Loan Fund, for the Kihei No. 16 Pump Station Rehabilitation and Force Main Replacement project; and 4) adding an appropriation of \$110,000 under the Department of Environmental Management, West Maui Community Plan Area, Sewer, Sewer Fund, for the Lahaina Wastewater Pump Station No. 3 Modifications project;
2. **FIRST READING** of bill to amend the Fiscal Year 2017 Budget, Appendix C, Capital Improvement Projects, by adding under the Department of Environmental Management: 1) an appropriation of \$1,010,000 under the Kihei-Makena Community Plan Area, for the Kihei No. 16 Pump Station Rehabilitation and Force Main Replacement project and a description of the project; and 2) an appropriation of \$110,000 under the West Maui Community Plan Area, for the Lahaina Wastewater Pump Station No. 3 Modifications project and a description of the project;
3. **FIRST READING** of bill to amend the Intergovernmental Agreement for loans from the State of Hawaii's Water Pollution Control Revolving Fund for Fiscal Year 2017 by adding \$1,010,000 for the Kihei No. 16 Pump Station Rehabilitation and Force Main Replacement project; and
4. **FILING** of communication.

[CR 17-33](#)

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2017 Budget by 1) increasing Bond/Lapsed Bond by \$3,236,000; and 2) increasing the appropriation by \$3,236,000 under the Department of Public Works, Molokai Community Plan Area, Government Facilities, Bond Fund, for the Molokai Baseyard project;
2. **FIRST READING** of bill to amend the Fiscal Year 2017 general obligation bond authorization ordinance by increasing the appropriation by \$3,236,000 under the Department of Public Works, Molokai Community Plan Area, Government Facilities, for the Molokai Baseyard project;
3. **FIRST READING** of bill to amend the Fiscal Year 2017 Budget, Appendix C, Capital Improvement Projects, by 1) increasing the appropriation by \$3,236,000 under the Department of Public Works, Molokai Community Plan Area, for the Molokai Baseyard project; and 2) revising the description of the project; and
4. **FILING** of communication.

[CR 17-34](#)

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2017 Budget by 1) increasing Carryover/Savings from the Golf Fund by 16,200; and 2) increasing the Department of Parks and Recreation, Waiehu Golf Course Program - Golf Fund, General, by \$16,200, to cover a shortfall in premium pay; and
2. **FILING** of communication.

[CR 17-35](#)

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2017 Budget by 1) deleting the project and appropriation of \$500,000 under the Department of Parks and Recreation, Wailuku-Kahului Community Plan Area, Parks and Recreation, Bond Fund, for the Waikapu Community Center Basketball Court Improvements project; and 2) increasing the appropriation for the Waikapu Community Center Expansion project by \$500,000;
2. **FIRST READING** of bill to amend the Fiscal Year 2017 Budget, Appendix C, Capital Improvement Projects, by 1) deleting the project and appropriation of \$500,000 under the Department of Parks and Recreation, Wailuku-Kahului Community Plan Area, for the Waikapu Community Center Basketball Court Improvements project; and 2) increasing the appropriation for the Waikapu Community Center Expansion project by \$500,000;
3. **FIRST READING** of bill to amend the Fiscal Year 2017 general obligation bond authorization ordinance by 1) deleting the project and appropriation of \$500,000 under the Department of Parks and Recreation, Wailuku-Kahului Community Plan Area, for the Waikapu Community Center Basketball Court Improvements project; and 2) increasing the appropriation for the Waikapu Community Center Expansion project by \$500,000; and

4. **FILING** of communication.

[CR 17-36](#)

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2017 Budget by 1) increasing Bond/Lapsed Bond by \$160,000; and 2) adding an appropriation of \$160,000 under the Department of Management, Wailuku-Kahului Community Plan Area, Government Facilities, Bond Fund, for the County Service Center;
2. **FIRST READING** of bill to amend the Fiscal Year 2017 general obligation bond authorization ordinance by adding an appropriation of \$160,000 under the Department of Management, Wailuku-Kahului Community Plan Area, Government Facilities, for the County Service Center;
3. **FIRST READING** of bill to amend the Fiscal Year 2017 Budget, Appendix C, Capital Improvement Projects, by adding: 1) an appropriation of \$160,000 under the Department of Management, Wailuku-Kahului Community Plan Area, for the County Service Center; and 2) a description of the project; and
4. **FILING** of communication.

[CR 17-37](#)

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2017 Budget, Appendix C, Capital Improvement Projects, by expanding the project descriptions provided for each Capital Improvement Project including adding “design” or “construction” to various descriptions for the Department of Environmental Management, Department of Parks and Recreation, Department of Public Works, and Department of Water Supply; and
2. **FILING** of communication.

**Land Use Committee**

[CR 17-38](#)

Recommending **FILING** of communication transmitting a resolution referring to the Lanai, Maui and Molokai Planning Commissions a bill that provides for short-term rental homes as accessory uses in the Agricultural District.

[CR 17-39](#)

Recommending the following:

1. **FIRST READING** of bill to require the applicant to own a property for at least five years before applying for a Short-Term Rental Home Permit; and
2. **FILING** of communication.

[CR 17-40](#)

Recommending **FILING** of communication transmitting a Conditional Permit application for the Steiner Family Trust 2010 to establish and operate a four-bedroom transient vacation rental home on 24,390 square feet of land at 100 Pulelehua Street, Kapalua, Maui, Hawaii.

### **Parks, Recreation, Energy, and Legal Affairs Committee**

[CR 17-41](#) Recommending **ADOPTION** of resolution to authorize settlement of real property tax appeals by Kaheawa Wind Power, LLC and Kaheawa Wind Power II, LLC

*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.*

[CR 17-42](#) Recommending **ADOPTION** of resolution to authorize settlement of real property tax appeals by Auwahi Wind Energy, LLC

*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.*

### **Planning Committee**

[CR 17-43](#) Recommending the following:

1. **FIRST READING** of bill requiring planning commission and Hana Advisory Committee members to have certain qualifications in native Hawaiian traditional and customary practices; and
2. **FILING** of communication.

### **Policy, Economic Development, and Agriculture Committee**

[CR 17-44](#) Recommending the following:

1. **FIRST READING** of bill authorizing the Mayor of the County of Maui to enter into an intergovernmental agreement with the Hawaii Housing Finance and Development Corporation for the lease of Lots 1-A and 1-B of the Villages of Leiali'i, Lahaina, Maui, Hawaii, identified for real property tax purposes as tax map keys (2) 4-5-021:018 and 019, consisting of approximately 20.137 acres, at a cost of \$1 per year for a lease term of 65 years, for the purpose of public parking, baseyard, and expansion of County facilities; and
2. **FILING** of communication.

[CR 17-45](#) Recommending **ADOPTION** of resolution approving the appointment of Paula Heiskell to the Cost of Government Commission for a term expiring March 31, 2019.

[CR 17-46](#)

Recommending the following:

1. **ADOPTION** of resolution disapproving the appointment of Reid Kawabata to the Maui Redevelopment Agency; and
2. **ADOPTION** of resolution approving the appointments of Mikal Torgerson (Architect), Darren Unemori (Engineer), and Tammy Yeh (Civil Engineer) (Alternate) to the Urban Design Review Board for terms beginning April 1, 2017 and expiring March 31, 2022.

[CR 17-47](#)

Recommending **ADOPTION** of resolution approving the appointment of Luana Kawa`a to the Maui County Cultural Resources Commission for a term expiring March 31, 2018.

[CR 17-48](#)

Recommending the following:

1. **ADOPTION** of resolution approving the appointment of Sharron Courter to the Cost of Government Commission for a term expiring March 31, 2018;
2. **ADOPTION** of resolution approving the appointment of Maya Ross to the Hana Advisory Committee for a term beginning April 1, 2017 and expiring March 31, 2022;
3. **ADOPTION** of resolution approving the appointment of David Kaina to the Hana Advisory Committee for a term beginning April 1, 2017 and expiring March 31, 2022; and
4. **ADOPTION** of resolution approving the appointment of Ricky Sanches (Lanai) to the Maui County Commission on Persons with Disabilities for a term beginning April 1, 2017 and expiring March 31, 2022.

**J. RESOLUTIONS:**

**NONE.**

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

[Bill 17 \(2017\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2017 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 POLICE (DEPARTMENT OF TRANSPORTATION HIGHWAY SAFETY GRANTS)"

[Bill 18 \(2017\)](#) "A BILL FOR AN ORDINANCE AMENDING SECTION 10.56A.010, MAUI COUNTY CODE, RELATING TO LOADING ZONES"



[Bill 19 \(2017\)](#) "A BILL FOR AN ORDINANCE AMENDING SECTION 10.44.050, MAUI COUNTY CODE, RELATING TO STOPS REQUIRED AT NON-THROUGH STREET INTERSECTIONS AT MEHA ROAD AND KEALALOA AVENUE, MAKAWAO, MAUI, HAWAII"

[Bill 20 \(2017\)](#) "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.62, MAUI COUNTY CODE, RELATING TO FLOOD HAZARD AREAS DISTRICTS"

[Bill 21 \(2017\)](#) "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO INTERGOVERNMENTAL AGREEMENTS WITH THE BOARD OF WATER SUPPLY OF THE DEPARTMENT OF WATER, COUNTY OF KAUAI AND WITH THE BOARD OF WATER SUPPLY, CITY AND COUNTY OF HONOLULU"

**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.**