

# **Council of the County of Maui**

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

Regular Meeting of December 1, 2017

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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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

**COUNCILMEMBER DON S. GUZMAN**

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

[Reso](#) "CONGRATULATING THE LAHAINALUNA HIGH SCHOOL VARSITY FOOTBALL TEAM FOR WINNING THE 2017 FIRST HAWAIIAN BANK DIVISION II STATE FOOTBALL CHAMPIONSHIP"

[Reso](#) "CONGRATULATING THE OFFICE OF ECONOMIC DEVELOPMENT FOR RECEIVING THE EXCELLENCE IN ECONOMIC DEVELOPMENT AWARD FROM THE INTERNATIONAL ECONOMIC DEVELOPMENT COUNCIL"

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

[M-171020](#) Regular Meeting of October 20, 2017

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

[CC 17-453](#) DIRECTOR OF HOUSING AND HUMAN CONCERNS, notifying of intended voluntary contributions for Fiscal Year 2018 received from the Healthy Aging Program participants totaling \$45,000 with no Letter of Intent.

[CC 17-454](#) DIRECTOR OF TRANSPORTATION, transmitting the notice of grant award for the Maui Metropolitan Planning Organization FY 2018 Unified Planning Work Program in the amount of \$200,000.

[CC 17-455](#) ACTING DIRECTOR OF FINANCE, relating to the transfer of \$94,089.01 in Monthly Base and Percentage Rent to the Hawaiian Cultural Restoration Revolving Fund.

[CC 17-456](#) PROSECUTING ATTORNEY, transmitting a notice of grant award from the State of Hawaii, Department of the Attorney General Crime Prevention and Justice Assistance Division for the Career Criminal Prosecution Program, in the amounts of \$144,736 for both FY 2018 and FY 2019.

[CC 17-457](#) FIRE CHIEF, informing of the receipt of a grant from the State of Hawaii, Department of Transportation, in the amount of \$17,344.08 to purchase auto extrication equipment to assist in automobile accidents.

- [CC 17-458](#) CHIEF OF POLICE, transmitting a copy of the grant agreement with the State of Hawaii, Department of Transportation for the MPD Speed Enforcement Grant in the amount of \$203,600.50.
- [CC 17-459](#) CHIEF OF POLICE, transmitting a copy of the grant agreement with the State of Hawaii, Department of Transportation for the MPD Seat Belt Enforcement Grant in the amount of \$105,850.
- [CC 17-460](#) CHIEF OF POLICE, transmitting a copy of the grant agreement with the State of Hawaii, Department of Transportation for the MPD Traffic Records Grant in the amount of \$90,080.
- [CC 17-461](#) CHIEF OF POLICE, transmitting a copy of the grant agreement with the State of Hawaii, Department of Transportation for the MPD Traffic Services Grant in the amount of \$105,433.
- [CC 17-462](#) CHIEF OF POLICE, transmitting a copy of the grant agreement with the State of Hawaii, Department of Transportation for the MPD Distracted Driving Enforcement Grant in the amount of \$68,248.84.
- [CC 17-463](#) CHIEF OF POLICE, transmitting a copy of the grant agreement with the State of Hawaii, Department of Transportation for the MPD Child Restraint Grant in the amount of \$62,100.
- [CC 17-464](#) ACTING DIRECTOR OF FINANCE, transmitting 78 contracts/grants for October 2017.
- [CC 17-465](#) MAYOR, informing of a vacancy on the Liquor Control Commission due to the resignation of Brenda Lee.
- [CC 17-466](#) MANAGING DIRECTOR, relating to the abolishment of positions.
- [CC 17-467](#) MAYOR, transmitting a proposed resolution entitled "APPROVING COST ITEMS FOR BARGAINING UNIT 12, INCLUDED AND EXCLUDED EMPLOYEES".
- [CC 17-468](#) DIRECTOR OF FINANCE, transmitting the Finance Director's Quarterly Report for Fiscal Year July 1, 2017 to June 30, 2018 as of September 30, 2017 and the Capital Improvement Projects Report as of September 30, 2017.
- [CC 17-469](#) 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 October 31, 2017.
- [CC 17-470](#) DIRECTOR OF ENVIRONMENTAL MANAGEMENT, transmitting the following proposed bills entitled:
1. "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.54, MAUI COUNTY CODE, RELATING TO THE SOLID WASTE MANAGEMENT FUND"; and
  2. "A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 3.55, MAUI COUNTY CODE, CREATING THE ENVIRONMENTAL PROTECTION AND SUSTAINABILITY FUND".

- [CC 17-471](#) COUNCILMEMBER GUZMAN, relating to the control of Maui's feral pig population.
- [CC 17-472](#) CHAIR, INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE, transmitting a proposed amendment to the bill entitled "A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 20.40, MAUI COUNTY CODE, PROHIBITING THE SALE AND USE OF SPF SUNSCREEN CONTAINING OXYBENZONE AND OCTINOXATE", attached to Committee Report No. 17-179.
- [CC 17-473](#) DEPUTY CORPORATION COUNSEL THOMSON, relating to "A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 20.40, MAUI COUNTY CODE, PROHIBITING THE SALE AND USE OF SPF SUNSCREEN CONTAINING OXYBENZONE AND OCTINOXATE".
- [CC 17-474](#) DIRECTOR OF PUBLIC WORKS, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 10.48.030, MAUI COUNTY CODE, RELATING TO PROHIBITIONS IN CERTAIN PLACES".
- [CC 17-475](#) DIRECTOR OF PUBLIC WORKS, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 10.32.020, MAUI COUNTY CODE, RELATING TO ONE-WAY STREETS".
- [CC 17-476](#) PLANNING DIRECTOR, transmitting a Conditional Permit Application submitted by Wireless Resources, Inc. for Verizon Wireless, transmitting documents and a proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING CELLCO PARTNERSHIP, DBA VERIZON WIRELESS A CONDITIONAL PERMIT TO ALLOW THE MODIFICATION OF AN EXISTING TELECOMMUNICATIONS SITE ATOP HI2 PUUONE TERRACE TO INCLUDE A REPLACEMENT OF ANTENNAS AND EQUIPMENT CABINET, AND INSTALLATION OF ACCESSORY EQUIPMENT WITHIN THE A-2 APARTMENT DISTRICT, FOR PROPERTY SITUATED AT 493 PIO DRIVE AND IDENTIFIED AS TAX MAP KEY NUMBER (2) 3-8-037:039, WAILUKU, MAUI, HAWAII".
- [CC 17-477](#) COUNCILMEMBER GUZMAN, relating to the Central Maui Regional Sports Complex and Maui Lani Park accessibility and parking.
- [CC 17-478](#) DIRECTOR OF PARKS AND RECREATION, transmitting the semiannual report regarding park dedications for each community plan area for the period of April 1, 2017 through September 30, 2017.
- [CC 17-479](#) COUNCIL CHAIR WHITE, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 10.48.250, MAUI COUNTY CODE, RELATING TO PUBLIC BEACH ACCESS PARKING".
- [CC 17-480](#) COUNCILMEMBER SUGIMURA, transmitting a proposed resolution entitled "URGING THE GOVERNOR OF THE STATE OF HAWAII AND THE HAWAII STATE LEGISLATURE TO HAVE THE DEPARTMENT OF LAND AND NATURAL RESOURCES, THROUGH ITS STATE HISTORIC PRESERVATION DIVISION AND DIVISION OF CONSERVATION AND RESOURCES ENFORCEMENT, PROACTIVELY ADMINISTER AND ENFORCE CHAPTER 6E, HAWAII REVISED STATUTES, RELATING TO PRESERVATION OF HISTORIC PROPERTIES AND NATIVE HAWAIIAN BURIALS".

- [CC 17-481](#) CHAIR, POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE, transmitting a proposed resolution entitled "RELATING TO THE APPOINTMENT OF CARL ADOLPHO III TO THE MOLOKAI PLANNING COMMISSION".
- [CC 17-482](#) MAYOR, transmitting a proposed resolution entitled "APPROVING THE REMOVAL OF DAVE TAYLOR AS DIRECTOR OF WATER SUPPLY".
- [CC 17-483](#) DIRECTOR OF WATER SUPPLY, transmitting a proposed resolution entitled "AUTHORIZING THE EXCHANGE OF REAL PROPERTY SITUATED AT HALEAKALA HIGHWAY, KULA, MAUI, HAWAII, PURSUANT TO SECTION 3.44.060, MAUI COUNTY CODE".
- [CC 17-484](#) COUNCIL CHAIR WHITE, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND SECTION 2.08.050, MAUI COUNTY CODE, PERTAINING TO LEGISLATIVE BRANCH ORGANIZATION".

## **2. GENERAL COMMUNICATIONS:**

NONE.

### **I. COMMITTEE REPORTS:**

#### **Budget and Finance Committee**

- [CR 17-172](#) Recommending **FILING** of communications relating to abolished positions in various County departments.
- [CR 17-173](#) Recommending **FILING** of communication relating to amending the Fiscal Year 2018 Budget for the Department of Management.
- [CR 17-174](#) Recommending **FILING** of communications relating to the Budget Implementation Reports, and Director's Quarterly Report and Capital Improvement Projects Reports.
- [CR 17-175](#) Recommending **FILING** of communication relating to an estimated revenue shortfall for Fiscal Year 2017 for the Department of Environmental Management, Solid Waste Management Fund.
- [CR 17-176](#) Recommending **FILING** of communication relating to transfers of appropriations for Fiscal Year 2017 from Countywide Terminal Pay/Salary Adjustments to the following Departments: 1) Fire and Public Safety, Ocean Safety Program for salary increases resulting from its collective bargaining agreement; and 2) Housing and Human Concerns, Parks and Recreation, Prosecuting Attorney, and Transportation for Director and Deputy Director salary increases.

[CR 17-177](#)

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 \$2,200,000; 2) amending Section 4.J.6.a., by adding an appropriation of \$2,200,000 under the Department of Public Works, Wailuku-Kahului Community Plan Area, Drainage, Bond Fund, for the Kahului Drainline Repairs project; and 3) adjusting the totals accordingly;
2. **FIRST READING** of bill to amend the Fiscal Year 2018 Budget general obligation bond authorization ordinance by adding an appropriation of \$2,200,000 under the Department of Public Works, Wailuku-Kahului Community Plan Area, Drainage, for the Kahului Drainline Repairs project; and
3. **FIRST READING** of bill to amend the Fiscal Year 2018 Budget Appendix C, Capital Improvement Projects, by adding an appropriation of \$2,200,000 under the Department of Public Works, Wailuku-Kahului Community Plan Area, for the Kahului Drainline Repairs project.

### **Housing, Human Services, and Transportation Committee**

[CR 17-178](#)

Recommending **ADOPTION** of resolution urging the Governor and the Hawaii State Legislature to support affordable housing at Front Street Apartments, consisting of 142 affordable housing units, located adjacent to Kenui Street and Wainee Street, Lahaina, Maui, Hawaii, and situated on property identified by tax map key (2) 4-5-003:013.

### **Infrastructure and Environmental Management Committee**

[CR 17-179](#)

Recommending the following:

1. **FIRST READING** of bill establishing a new Chapter 20.40, Maui County Code, prohibiting the sale and use of SPF sunscreen containing oxybenzone and octinoxate; and
2. **FILING** of communication.

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

[CR 17-180](#)

Recommending **ADOPTION** of resolution approving the designation of Laakea Poepoe as the Native Hawaiian traditional and customary practices expert to the Molokai Planning Commission.

[CR 17-181](#)

Recommending **ADOPTION** of resolution disapproving the appointment of Lu Ann Lankford-Faborito to the Molokai Planning Commission.

[CR 17-182](#)

Recommending the following:

1. **ADOPTION** of resolution approving for inclusion in the 2018 Maui County Legislative Package a proposed State bill relating to enforcement of the Basic Bill of Rights for Victims and Witnesses; and
2. **FILING** of correspondence dated November 2, 2017, transmitting a proposed resolution urging the State Legislative Reference Bureau to report to the State Legislature on the level of enforcement for each County's Victim Witness Assistance Program.

**J. RESOLUTIONS:**

**NONE.**

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

[Bill 91 \(2017\)](#) "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, MAUI COUNTY CODE, TO CLASSIFY REAL PROPERTY USED AS SHORT-TERM RENTAL HOMES OR TRANSIENT VACATION RENTALS AS 'SHORT-TERM RENTAL' FOR TAX VALUATION PURPOSES"

[Bill 92 \(2017\)](#) "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, MAUI COUNTY CODE, RELATING TO REAL PROPERTY TAX"

[Bill 97 \(2017\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 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 PUBLIC WORKS (FEDERAL HIGHWAY ADMINISTRATION, FEDERAL-AID AND OTHER TRANSPORTATION GRANTS)"

[Bill 98 \(2017\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 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 HOUSING AND HUMAN CONCERNS (KUPUNA CAREGIVERS PROGRAM)"

[Bill 99 \(2017\)](#) "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 PARKS AND RECREATION"

[Bill 100 \(2017\)](#) "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, LIQUOR EDUCATION FUND"

[Bill 101 \(2017\)](#) "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, MAUI COUNTY CODE, RELATING TO THE CIRCUIT BREAKER TAX CREDIT"

**L. UNFINISHED BUSINESS:**[CR 17-167](#)

Recommending the following:

1. **FIRST READING** of bill establishing a new chapter 20.40, Maui County Code, declaring a moratorium on sand mining of central Maui inland sand; and;
2. **FILING** of communications.

**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.**