

Council of the County of Maui

A G E N D A

Regular Meeting of September 7, 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

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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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

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

[Reso](#) "CONGRATULATING HĀLAU KEKUAOKALĀ`AU`ALA`ILIAHI FOR ITS ACHIEVEMENTS AT THE 43RD ANNUAL QUEEN LILI`UOKALANI KEIKI HULA COMPETITION"

[Reso](#) "CONGRATULATING VILI TOLUTA`U FOR BEING NAMED MOST VALUABLE PLAYER AT THE FINAL GAME OF THE 2018 MAJOR LEAGUE RUGBY CHAMPIONSHIP SERIES"

[Reso](#) "CONGRATULATING THE MAUI GOLD MEDAL WINNERS AT THE 2018 HAWAIIAN CANOE RACING ASSOCIATION STATE CHAMPIONSHIP REGATTA"

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

[M-180518](#) Regular Meeting/Public Hearing of May 18, 2018

[M-180529s](#) Special Meeting of May 29, 2018

[M-180706](#) Regular Meeting of July 6, 2018

[M-180720](#) Regular Meeting of July 20, 2018

[M-180803](#) Regular Meeting of August 3, 2018

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

[CC 18-289](#) DIRECTOR OF FINANCE, transmitting two reports on the settlement of claims as of June 30, 2018.

[CC 18-290](#) ACTING DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting Modification Order No. 2 from the State of Hawaii, Executive Office on Aging, for the Kupuna Caregivers Program in the amount of \$167,796.

[CC 18-291](#) ACTING DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting Modification Order No. 5 from the State of Hawaii, Executive Office on Aging, for the Kupuna Care Program in the amount of \$1,130,432.

- [CC 18-292](#) DIRECTOR OF FINANCE, transmitting 152 contracts/grants for July 2018.
- [CC 18-293](#) MAYOR, informing of a vacancy on the Cost of Government Commission due to the resignation of Gayla Haliniak-Lloyd.
- [CC 18-294](#) MAYOR, informing of a vacancy on the Board of Variances and Appeals due to the resignation of Evelyn Kissen.
- [CC 18-295](#) DIRECTOR OF FINANCE, informing of the acceptance of Waterline Easement U-4, Richard Antone Subdivision, TMK: (2) 2-7-002:078 Por.
- [CC 18-296](#) DIRECTOR OF FINANCE, informing of the acceptance of Waterline Easement U-5, Richard Antone Subdivision, TMK: (2) 2-7-002:077 Por.
- [CC 18-297](#) ACTING DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending July 2018.
- [CC 18-298](#) DIRECTOR OF FINANCE, informing of the scheduled Bond Rating presentations in conjunction with the 2018 Series general obligation bond issuance.
- [CC 18-299](#) BUDGET DIRECTOR, transmitting the Budget Implementation Report as of March 31, 2018 (Fiscal Year 2018 Fourth Quarter).
- [CC 18-302](#) COUNCILMEMBER CRIVELLO, relating to Modular Homes.
- [CC 18-303](#) COUNCILMEMBER CARROLL, relating to the District Boundary Amendment for the proposed Wailuku Apartment Rental Housing Project.
- [CC 18-304](#) PLANNING DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE REPEALING CHAPTER 19.36A, MAUI COUNTY CODE, AND ESTABLISHING CHAPTER 19.36B, MAUI COUNTY CODE, RELATING TO OFF-STREET PARKING AND LOADING" and related documents.
- [CC 18-306](#) PLANNING DIRECTOR, transmitting the notice of grant-in-aid award from the State of Hawaii Office of Planning for the Coastal Zone Management Program in the amount of \$416,975.
- [CC 18-307](#) DIRECTOR OF FINANCE, relating to grant revenues and transmitting the following:
1. Grant approval letter from the State of Hawaii, Department of Transportation for the Periodic Motor Vehicle Inspection, Commercial Driver License, State Identification, and Motor Vehicle Registration Programs; and
 2. Memorandum of Agreement with the State of Hawaii Disability & Communication Access Board for implementation of the Persons with Disabilities Parking Program.
- [CC 18-308](#) DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a contribution letter from Matson, Inc. for the Maui County Nutrition Program in the amount of \$1,000.

[CC 18-309](#) 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 July 31, 2018.

[CC 18-310](#) BUDGET DIRECTOR, transmitting the following proposed bills entitled:

1. "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, COUNTYWIDE SEWER CAPITAL IMPROVEMENT RESERVE FUND"; and
2. "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".

[CC 18-311](#) 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 ENVIRONMENTAL MANAGEMENT, WAILUKU-KAHULUI COMMUNITY PLAN AREA, SEWER, HAWAIIAN HOMES FORCE MAIN REPLACEMENT; 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 ENVIRONMENTAL MANAGEMENT, WAILUKU-KAHULUI COMMUNITY PLAN AREA, HAWAIIAN HOMES FORCE MAIN REPLACEMENT"; and
3. "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2019".

[CC 18-312](#) DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a proposed resolution entitled "AUTHORIZING THE GRANT OF THE REAL PROPERTY LOCATED AT 95 OHANA HANA LOOP, WAILUKU, MAUI, HAWAII, TO HOUSING AND LAND ENTERPRISE OF MAUI DBA NA HALE O MAUI".

- [CC 18-313](#) PLANNING DIRECTOR, relating to subdivision consistency with the General Plan, in conjunction with the Theodore Yamamura Subdivision, TMK: (2) 2-7-003:092.
- [CC 18-314](#) PLANNING DIRECTOR, transmitting a Conditional Permit application submitted by Sprint Wireless for the Sprint Wireless Telecom Facility, transmitting documents and a proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING SPRINT WIRELESS A CONDITIONAL PERMIT TO ALLOW THE INSTALLATION OF A WIRELESS TELECOMMUNICATION FACILITY CONSISTING OF A THIRTY-FIVE (35) FOOT MONOPALM TOWER WITH AN ADDITIONAL FIVE (5) FEET OF PALM FRONDS AT THE TOP, AND A 200 SQUARE-FOOT LEASE AREA TO CONTAIN EQUIPMENT ON THE GROUND; LOCATED IN THE A-2 APARTMENT DISTRICT, FOR PROPERTY SITUATED AT 3740 LOWER HONOAPIILANI ROAD AND IDENTIFIED AS TAX MAP KEY NUMBER (2) 4-3-006:004, LAHAINA, MAUI, HAWAII".
- [CC 18-315](#) DIRECTOR OF PUBLIC WORKS, transmitting a proposed resolution entitled "AUTHORIZING THE GRANTING OF A LICENSE TO USE COUNTY OF MAUI REAL PROPERTY SITUATED AT MAKAWAO, MAUI, HAWAI'I TO ALEXANDER & BALDWIN, LLC, AS LICENSEE, AND TO DORIS TODD CHRISTIAN ACADEMY, AS SUBLICENSEE, FOR EXISTING ENCROACHMENTS ALONG A PORTION OF BALDWIN AVENUE".
- [CC 18-316](#) DIRECTOR OF FINANCE, transmitting the Taxicab Rates of Fare and Baggage Charges.
- [CC 18-317](#) COUNCILMEMBER ATAY, relating to coqui frog eradication in Maui County.
- [CC 18-318](#) DIRECTOR OF PARKS AND RECREATION, transmitting a proposed resolution entitled "AUTHORIZING THE SECOND AMENDMENT TO THE MAUI INVITATIONAL BASKETBALL TOURNAMENT LICENSE AGREEMENT, PURSUANT TO SECTION 3.36.090, MAUI COUNTY CODE".
- [CC 18-319](#) DIRECTOR OF PARKS AND RECREATION, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 12.24A, MAUI COUNTY CODE, RELATING TO EXCEPTIONAL TREES".
- [CC 18-320](#) DIRECTOR OF WATER SUPPLY, transmitting the State of Hawaii Commission on Water Resources Management water use reports for May and June 2018 for all registered well reporters in the County of Maui.
- [CC 18-321](#) COUNCILMEMBER ATAY, relating to Department of Water Supply waterline upgrades.

2. GENERAL COMMUNICATIONS:

- [GC 18-8](#) SHARON M. SUZUKI, MAUI ELECTRIC COMPANY, LTD., transmitting the "EIGHTEENTH ANNUAL STATUS REPORT" in accordance with Condition No. 6 of Ordinance No. 2879, New Central Maui Generation Site Subdivision, Waena Generating Plant.
- [GC 18-9](#) CHRISTINA M. KISHIMOTO, SUPERINTENDENT, DEPARTMENT OF EDUCATION, STATE OF HAWAII, submitting the 2018 Annual Report in accordance with Condition 3 of Ordinance No. 4135, Kihei High School change in zoning.

I. COMMITTEE REPORTS:**Budget and Finance Committee**

[CR 18-132](#) Recommending **FILING** of communication relating to Contract C5655A, novation only, between the County of Maui and Transworld Systems Inc., dba TSI, for the assignment of a contract from Progressive Financial Services, Inc. to Transworld Systems Inc., dba TSI.

[CR 18-133](#) Recommending the following:

1. **FILING** of communication relating to Contract C6480, between the County of Maui and First Hawaiian Leasing, Inc., relating to the establishment of a Lease Line of Credit for the County of Maui, Department of Finance; and
2. **FILING** of communication relating to Contract C6480-1 (amendment 1 to the contract), between the County of Maui and First Hawaiian Leasing, Inc., for use of the Lease Line of Credit, by adding to the scope of work equipment for the Waiehu Golf Course, Department of Parks and Recreation, in the amount of \$20,000.

[CR 18-134](#) Recommending the following:

1. **FILING** of communication relating to the transfer/loans from the General Fund and the Department of Water Supply Revenue Fund to the Bond Fund as of December 31, 2017;
2. **FILING** of communication relating to the transfer/loans from the General Fund and the Department of Water Supply Revenue Fund to the Bond Fund as of January 31, 2018;
3. **FILING** of communication relating to the transfers/loans from the General Fund and the Department of Water Supply Revenue Fund to the Bond Fund as of February 28, 2018;
4. **FILING** of communication relating to the transfers/loans from the General Fund and the Department of Water Supply Revenue Fund to the Bond Fund as of March 31, 2018; and
5. **FILING** of communication relating to the transfer/loans from the General Fund and the Department of Water Supply Revenue Fund to the Bond Fund as of April 30, 2018.

Parks, Recreation, Energy, and Legal Affairs Committee**CR 18-135**

Recommending the following:

1. ADOPTION of resolution to authorize settlement of Claim 30153916459-0001 of Lexington Insurance Company, on behalf of its insured, Kihei Sands AOA, for \$320,000; and
2. ADOPTION of resolution to authorize settlement of Claim 30177587502-0001 of the Association of Apartment Owners of Kihei Sands for \$50,000.

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 18-136

Recommending ADOPTION of resolution to authorize settlement of Simone Bosco v. County of Maui, Disability Compensation Division Case 7-16-01543.

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 18-137

Recommending the following:

1. FILING of communication relating to litigation matters for the 2013-2015 Council term; and
2. FILING of correspondence transmitting a proposed resolution to authorize settlement of County of Maui v. Felicia Provençal, et al., Civil 12-1-0255(1).

CR 18-138

Recommending ADOPTION of resolution to authorize settlement of Lesli Lyn Otani v. County of Maui, et al., Civil 17-00281 DKW-KJM.

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 18-139

Recommending FILING of correspondence transmitting a proposed resolution to authorize settlement of Spirit of Aloha Temple, et al. v. County of Maui, et al., Civil CV 14-00535 SOM-RLP.

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 18-140](#)

Recommending the following:

1. **FIRST READING** of bill to establish a new chapter in the Maui County Code to guide decision making for purchasing or otherwise acquiring lands or property interests for land conservation purposes pursuant to Chapter 3.88, Maui County Code, and to establish procedures for long-term conservation planning and management of lands with open space, natural resources, cultural resources, and scenic views values; and
2. **FILING** of communication.

Policy, Economic Development, and Agriculture Committee[CR 18-141](#)

Recommending **ADOPTION** of resolution approving the appointment of Roberto Andrion to the Liquor Control Commission for a term expiring on March 31, 2022.

[CR 18-142](#)

Recommending the following:

1. **ADOPTION** of resolution 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; and
2. **FILING** of communication

[CR 18-143](#)

Recommending the following:

1. **ADOPTION** of resolution authorizing an amendment between the County and Hitachi Advanced Clean Energy Corporation, to extend the term and modify conditions relating to removal of equipment for the grant of a license of County real property for electric vehicle quick chargers and local battery units; and
2. **FILING** of communication.

Water Resources Committee[CR 18-144](#)

Recommending **ADOPTION** of resolution to refer to the Maui, Molokai, and Lanai Planning Commissions and the Board of Water Supply a proposed bill amending Title 19, Maui County Code, relating to wellhead protection.

Budget and Finance Committee

CR 18-145

Recommending the following:

1. **FIRST READING** of bill to amend Appendix A, Part II, Special Purpose Revenues - Schedule of Revolving/Special Funds for the Fiscal Year 2019 Budget, by adding a proviso under the Affordable Housing Fund for \$105,000, for the Hawaii Housing Planning Study; and
2. **FILING** of communication.

Land Use Committee

CR 18-146

Recommending the following:

1. **ADOPTION** of resolution approving with modifications the Waikapu Development Venture LLC Affordable Workforce Housing Project pursuant to Section 201H-38, Hawaii Revised Statutes, on approximately 12.5 acres identified for real property tax purposes as a portion of tax map key (2) 3-5-002:011, located on Honoapiilani Highway and bounded by Waiale Road;
2. **filing** of resolution approving the Waikapu Development Venture LLC Affordable Workforce Housing Project pursuant to Section 201H-38, Hawaii Revised Statutes; and
3. **filing** of resolution disapproving the Waikapu Development Venture LLC Affordable Workforce Housing Project pursuant to Section 201H-38, Hawaii Revised Statutes.

Parks, Recreation, Energy, and Legal Affairs Committee

CR 18-147

Recommending **ADOPTION** of resolution to authorize settlement of Claim 30180290038-0001 of Cassandra Martin for \$8,309.07.

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 18-148

Recommending **ADOPTION** of resolution to authorize the employment of special counsel Chun Kerr LLP, A Limited Liability Law Partnership, as special counsel to represent the County before State and Federal taxing authorities and in anticipation of related litigation, for a total compensation not to exceed \$150,000.

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.

Policy, Economic Development, and Agriculture Committee

CR 18-149

Recommending the following:

1. **ADOPTION** of resolution approving the appointment of Gladys Baisa as the Director of Water Supply;
2. **FILING** of resolution disapproving the appointment of Gladys Baisa as the Director of Water Supply; and
3. **FILING** of communication.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

Bill 66 (2018) "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.08, MAUI COUNTY CODE, BY ADDING A NEW SECTION RELATING TO COUNTY INVESTMENTS"

Bill 69 (2018) "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"

Bill 70 (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 PUBLIC WORKS (STATE OF HAWAII - OLD HALEAKALA HIGHWAY SIDEWALK)"

Bill 71 (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, OFFICE OF THE MAYOR (STATE OF HAWAII DEPARTMENT OF AGRICULTURE - KULA AGRICULTURAL PARK EXPANSION)"

Bill 72 (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 WATER SUPPLY (STATE OF HAWAII - UPCOUNTRY MAUI AGRICULTURAL PARK, MAUI WATER SYSTEM IMPROVEMENTS)"

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.