

# **Council of the County of Maui**

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

Regular Meeting of February 17, 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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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 RIKI HOKAMA**

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

[Reso 17-](#) "RECOGNIZING CENTRAL MAUI FOR BEING SELECTED AS A BLUE ZONES PROJECT DEMONSTRATION SITE"

[Reso 17-](#) "RECOGNIZING TERESA SHOOK FOR HER VISION IN LAUNCHING THE GLOBAL MOVEMENT WOMEN'S MARCH ON WASHINGTON D.C."

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

[M-161216](#) Regular Meeting of December 16, 2016

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

[CC 17-81](#) DIRECTOR OF FINANCE, transmitting two reports on the settlement of claims as of December 31, 2016.

[CC 17-82](#) ECONOMIC DEVELOPMENT DIRECTOR, transmitting a notice of grant award from the Hawaii State Department of Business, Economic Development & Tourism for the Made in Maui County Festival FY 2017 in the amount of \$2,500.

[CC 17-83](#) ECONOMIC DEVELOPMENT DIRECTOR, transmitting a notice of grant award from the Hawaii State Department of Business, Economic Development & Tourism for the Made in Maui County Festival FY 2017 in the amount of \$1,000.

[CC 17-84](#) CHIEF OF POLICE, transmitting a copy of a grant agreement with the State of Hawaii, Department of the Attorney General for the Hawaii Narcotics Task Force grant in the amount of \$23,897.

[CC 17-85](#) CHIEF OF POLICE, transmitting a copy of a grant agreement with the State of Hawaii, Department of the Attorney General for the Statewide Marijuana Eradication Task Force grant in the amount of \$35,501.

[CC 17-86](#) DIRECTOR OF FINANCE, informing of the acquisition of Waterline Easement 4, Mailepai Hui Partition, TMK: (2) 4-3-001:033.

[CC 17-87](#) DIRECTOR OF FINANCE, informing of the acquisition of Road Widening Lot 5, Pauwela Road Subdivision, TMK: (2) 2-7-008:047 (Por).

[CC 17-88](#) DIRECTOR OF FINANCE, informing of the acquisition of Waterline Easement 6, Maui Preparatory Academy Subdivision, Lahaina, TMK: (2) 4-3-001:090.

- [CC 17-89](#) MAYOR, informing of the appointment of Lois Prey, Sharon Daniels, and Deneane Hamby to the Committee on the Status of Women.
- [CC 17-90](#) MAYOR, informing of the appointment of Arine Bulkley, Alexander Haller, and Kimberly Skog to the Maui County Arborist Committee.
- [CC 17-91](#) MAYOR, informing of a vacancy on the Cost of Government Commission due to the resignation of Gregory Evans.
- [CC 17-92](#) DIRECTOR WATER SUPPLY, transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending January 2017.
- [CC 17-93](#) BUDGET DIRECTOR, transmitting the Budget Implementation Report as of December 31, 2016 (Fiscal Year 2017 Second Quarter).
- [CC 17-94](#) COUNTY AUDITOR, transmitting the Single Audit Report, Management Advisory Report, and the required communications letter for the Fiscal Year Ended June 30, 2016, submitted by N&K CPAs, Inc.
- [CC 17-95](#) BUDGET DIRECTOR, transmitting the following proposed bills entitled:
1. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO CAPITAL IMPROVEMENT PROJECTS; DEPARTMENT OF PARKS AND RECREATION, WAILUKU-KAHULUI COMMUNITY PLAN AREA, PARKS AND RECREATION, WAIKAPU COMMUNITY CENTER BASKETBALL COURT IMPROVEMENTS, WAIKAPU COMMUNITY CENTER EXPANSION";
  2. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2017 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, WAIKAPU COMMUNITY CENTER BASKETBALL COURT IMPROVEMENTS, WAIKAPU COMMUNITY CENTER EXPANSION";  
and
  3. "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4331, BILL NO. 59 (2016), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI (WAIKAPU COMMUNITY CENTER EXPANSION)".
- [CC 17-96](#) 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 ESTIMATED REVENUES; DEPARTMENT OF FIRE AND PUBLIC SAFETY, TRAINING PROGRAM; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)".

[CC 17-97](#)

BUDGET DIRECTOR, transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF WATER SUPPLY, COUNTYWIDE, WATER SUPPLY, COUNTYWIDE UPGRADES AND REPLACEMENTS; 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 2017 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C - CAPITAL IMPROVEMENT DEPARTMENT OF WATER SUPPLY, COUNTYWIDE, COUNTYWIDE UPGRADES AND REPLACEMENTS"; and
3. "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2017".

[CC 17-98](#)

BUDGET DIRECTOR, transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2017 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, SOLID WASTE OPERATIONS PROGRAM - SOLID WASTE MANAGEMENT FUND; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"; and
2. "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2017".

[CC 17-99](#)

COUNCILMEMBER COCHRAN, relating to Wastewater Infrastructure Needs and transmitting a report entitled "OPTIONS TO IMPROVE WASTEWATER MANAGEMENT IN SOUTH MAUI".

[CC 17-100](#)

DIRECTOR OF PARKS AND RECREATION, transmitting a proposed resolution entitled "AUTHORIZING ACCEPTANCE OF A DONATION TO THE COUNTY OF MAUI, DEPARTMENT OF PARKS AND RECREATION, MAINTENANCE DIVISION, FROM BEYOND PESTICIDES FOR SOIL ANALYSIS AND REVIEW OF CURRENT TURF MAINTENANCE PRACTICES, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE".

[CC 17-101](#)

COUNCILMEMBER GUZMAN, relating to "Fuel Cell Energy Technology".

[CC 17-102](#)

COUNCILMEMBER GUZMAN, relating to "Renewable and Alternative Energy Portfolio for the County of Maui".

## **2. GENERAL COMMUNICATIONS:**

**NONE.**

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

[CR 17-1](#) Recommending **ADOPTION** of resolution to amend the Fiscal Year 2017 Budget within the Department of Personnel Services by transferring \$100,000 from the Personnel Administration and Management Support Services Program, Category A (Salaries) to Category B (Operations), for travel and professional services related to collective bargaining negotiations

[CR 17-2](#) 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 Police, State and Federal Assets Forfeiture Program by \$100,000 to purchase (1) diesel light towers for Lahaina and Wailuku Patrol; and (2) six message display units for all patrol districts; and
2. **FILING** of communications.

[CR 17-3](#) Recommending **FIRST READING** of bill to amend Appendix A of the Fiscal Year 2017 Budget by increasing the grant for the Department of Police, Edward Byrne Memorial Justice Assistance Grants American Recovery and Reinvestment Act (ARRA), by \$40,000.

[CR 17-4](#) Recommending **FIRST READING** of bill to amend Appendix A of the Fiscal Year 2017 Budget by adding a new grant for the Department of Public Works, entitled "State of Hawaii Department of Health," in the amount of \$108,000 to conduct a GIS survey of West Maui's storm drainage infrastructure.

[CR 17-5](#) Recommending the following:

1. **FIRST READING** of bill to amend Appendix A of the Fiscal Year 2017 Budget by adding the Department of Water Supply and a new grant, entitled "Private Donations," in the amount of \$1,255; and
2. **FILING** of communication.

[CR 17-6](#) Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2017 Budget by adding "Phase 1" to the appropriation entitled "Grant to the Lahaina Restoration Foundation for the Lahaina Harbor Front Improvement Project, Phase 2a - Park Assessment Fund," under the Department of Parks and Recreation, Administration Program; and
2. **FILING** of communication.

[CR 17-7](#)

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2017 Budget by 1) increasing Carryover/Savings from the General Fund by \$158,000; 2) amending Section 3.B.10.b., Department of Parks and Recreation, by a) increasing the Parks Program by \$68,000 under Category B (Operations) and Total appropriation and b) increasing the equivalent personnel by 1.0; and 3) amending Section 3.B.10.c., Department of Parks and Recreation, by increasing the appropriation for the Recreation and Support Services Program by a) \$90,000 under Category B (Operations) and Total appropriation; and b) increasing the equivalent personnel by 5.0; and
2. **FILING** of communications.

[CR 17-8](#)

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2017 Budget by 1) increasing the estimated revenues for Interfund Transfers by \$201,307; 2) increasing Carryover/Savings from the Sewer Fund by \$201,307; 3) increasing Carryover/Savings from the Solid Waste Management Fund by \$429,737; 4) amending Section 3.B.3.c., Department of Environmental Management, by increasing the Wastewater Operations Program - Sewer Fund, by \$201,307 under Category B (Operations), and adjusting the total accordingly; and 5) amending Section 3.B.3.f., Department of Environmental Management, by increasing the Environmental Protection and Sustainability Program - Solid Waste Management Fund, by \$20,000 under Category A (Salaries), and \$611,044 under Category B (Operations), and adjusting the appropriation totals accordingly; and
2. **FILING** of communication.

[CR 17-9](#)

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2017 Budget by 1) increasing Carryover/Savings from the Water Fund by \$261,000; 2) increasing the appropriation by \$261,000 under the Department of Water Supply, Countywide, Water Supply, Water Fund - Unrestricted, for Countywide Upgrades and Replacements projects;
2. **FIRST READING** of bill to amend the Fiscal Year 2017 Budget, Appendix C, Capital Improvement Projects, by 1) increasing the appropriation by \$261,000 under the Department of Water Supply, Countywide, for the Countywide Upgrades and Replacements project; and 2) adding the following project descriptions: a) Design and planning improvements to the Upper Kula Water System and b) Construction and planning of a water tank to replace the existing tank at Kamaole Water Treatment Plant; and
3. **FILING** of communication.

**Land Use Committee****CR 17-10**

Recommending the following:

1. **FIRST READING** of bill granting a request from Sunrise Center, Inc. dba Launa I`o Eco-Education Center, for a five-year Conditional Permit to allow 7.65 acres within the County Agricultural District at 110 Door of Faith Road in Huelo, Maui, Hawaii, to be used as an agricultural based retreat center for education, field workshops, and classes; and
2. **FILING** of communication

**CR 17-11**

Recommending the following:

1. **FIRST READING** of bill granting a request from Ho`okahi Palama Ali`i, LLC, for a five-year Conditional Permit to allow 1.863 acres within the County Agricultural District at 250 Haiku Road in Haiku, Maui, Hawaii, to be used for special events, historical and botanical tours, photo shoots, workshops, and retreats; and
2. **FILING** of communication.

**CR 17-12**

Recommending the following:

1. **FIRST READING** of bill granting a request from AAAAA Rent-A-Space - Maui, a Limited Partnership, for a ten-year Conditional Permit to allow 0.9 acres within the County R-3 Residential District at 3560 Lower Honoapiilani Road in Lahaina, Maui, Hawaii, to be used for paved parking and temporary portable self-storage; and
2. **FILING** of communication.

**CR 17-13**

Recommending the following:

1. **FIRST READING** of bill granting a request from JYS Brothers and Sisters, LLC, for a Change in Zoning from R-2 Residential District to Service Business Residential District (Conditional Zoning) for a parcel consisting of 7,800 square feet at 2133 Kaohu Street, Wailuku, Maui Hawaii, to correctly reflect its existing use of property as a small scale residential take-out catering business;
2. **RECORDATION** of the unilateral agreement; and
3. **FILING** of communication.

**Parks, Recreation, Energy, and Legal Affairs Committee****CR 17-14**

Recommending **FILING** of communication to provide notice to the Council, that the County acquired the Recreational Path Easement "D" identified as tax map key number (2) 3-8-001:071 (por), for the Maui Country Club

[CR 17-15](#)

Recommending the following:

1. **ADOPTION** of resolution to authorize the County to enter into an agreement with the Rotary Club of Kihei Wailea to provide rescue tube flotation devices at seven Maui County beach parks to be deployed by beachgoers to assist distressed swimmers while they await rescue; and
2. **FILING** of communication.

### **Planning Committee**

[CR 17-16](#)

Recommending **FIRST READING** of bill granting the Maui County Cultural Resources Commission the authority to regulate noncommercial and commercial signs in Maui County Historic Districts 1 and 2 (Lahaina); and to promulgate rules, including design guidelines such as the "County of Maui Cultural Resources Commission Lahaina Historic Districts Design Guidelines."

*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 17-17](#)

Recommending the following:

1. **ADOPTION** of resolution authorizing acceptance of a donation of two MorphoTrak LiveScan machines for the Molokai and Lanai District stations from the Hawaii Criminal Justice Data Center to the County of Maui, Department of Police; and
2. **FILING** of communication.

[CR 17-18](#)

Recommending the following:

1. **FIRST READING** of bill authorizing the Mayor of the County of Maui to enter into an intergovernmental agreement with the Federal Transit Administration in order to directly receive Federal assistance funds for transportation programs and projects; and
2. **FILING** of communication.



CR 17-19

Recommending the following:

1. **SECOND AND FINAL READING** of Bill 1 (2017), Draft 2, amending Section 2.08.060, Maui County Code, relating to the salary for the Director of Council Services and Supervising Legislative Attorney;
2. **ADOPTION** of resolution setting the salary of the Director of Council Services;
3. **ADOPTION** of resolution approving the appointment of Gregory J. Garneau as the Supervising Legislative Attorney in the Office of Council Services; and
4. **FILING** of communications.

**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.