

**CANCELED**

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**COUNCIL OF THE COUNTY OF MAUI**

2018 AUG 16 PM 3:42

**A G E N D A**

OFFICE OF THE  
COUNTY CLERK

Regular Meeting of August 24, 2018  
9:00 a.m.

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: <http://co.maui.hi.us/Archive.aspx?AMID=226>  
e-mail: [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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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 G. RIKI HOKAMA

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. \_\_\_\_\_ "CONGRATULATING HĀLAU KEKUAOKALĀ'AU'ALA'ILIAHI FOR ITS ACHIEVEMENTS AT THE 43<sup>RD</sup> ANNUAL QUEEN LILI'UOKALANI KEIKI HULA COMPETITION"

NO. \_\_\_\_\_ "CONGRATULATING VILI TOLUTA'U FOR BEING NAMED MOST VALUABLE PLAYER AT THE FINAL GAME OF THE 2018 MAJOR LEAGUE RUGBY CHAMPIONSHIP SERIES"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

Regular Meeting/Public Hearing of May 18, 2018  
Regular Meeting of July 6, 2018

H. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 18-289 - DIRECTOR OF FINANCE, transmitting two reports on the settlement of claims as of June 30, 2018.

NO. 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.

NO. 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.

NO. 18-292 - DIRECTOR OF FINANCE, transmitting 152 contracts/grants for July 2018.

NO. 18-293 - MAYOR, informing of a vacancy on the Cost of Government Commission due to the resignation of Gayla Haliniak-Lloyd.

NO. 18-294 - MAYOR, informing of a vacancy on the Board of Variances and Appeals due to the resignation of Evelyn Kissen.

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#### H. COMMUNICATIONS (continued):

- NO. 18-295 - DIRECTOR OF FINANCE, informing of the acceptance of Waterline Easement U-4, Richard Antone Subdivision, TMK: (2) 2-7-002:078 Por.
- NO. 18-296 - DIRECTOR OF FINANCE, informing of the acceptance of Waterline Easement U-5, Richard Antone Subdivision, TMK: (2) 2-7-002:077 Por.
- NO. 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.
- NO. 18-298 - DIRECTOR OF FINANCE, informing of the scheduled Bond Rating presentations in conjunction with the 2018 Series general obligation bond issuance.
- NO. 18-299 - BUDGET DIRECTOR, transmitting the Budget Implementation Report as of March 31, 2018 (Fiscal Year 2018 Fourth Quarter).
- NO. 18-300 - 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 PUBLIC WORKS, WAILUKU-KAHULUI COMMUNITY PLAN AREA, DRAINAGE, IAO STREAM FLOOD CONTROL; 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 PUBLIC WORKS, WAILUKU-KAHULUI COMMUNITY PLAN AREA, IAO STREAM FLOOD CONTROL";
  3. A proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE UNITED STATES DEPARTMENT OF THE ARMY (US ARMY) REGARDING A FEASIBILITY COST SHARING AGREEMENT (FCSA) FOR THE IAO STREAM, MAUI, HAWAII – FLOOD RISK MANAGEMENT"; and
  4. "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2019".

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#### H. COMMUNICATIONS (continued):

- NO. 18-301 - BUDGET DIRECTOR, transmitting 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 FINANCE, COUNTYWIDE, COUNTYWIDE EQUIPMENT; DEPARTMENT OF MANAGEMENT, COUNTYWIDE, PUBLIC SAFETY RADIO SYSTEM REPLACEMENT".
- NO. 18-302 - COUNCILMEMBER CRIVELLO, relating to Modular Homes.
- NO. 18-303 - COUNCILMEMBER CARROLL, relating to the District Boundary Amendment for the proposed Wailuku Apartment Rental Housing Project.
- NO. 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.

#### 2. GENERAL COMMUNICATIONS:

- NO. 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.

#### I. COMMITTEE REPORTS:

NO. 18-132 - BUDGET AND FINANCE COMMITTEE:

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.

NO. 18-133 - BUDGET AND FINANCE COMMITTEE:

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.

I. COMMITTEE REPORTS (continued):NO. 18-134 - BUDGET AND FINANCE COMMITTEE:

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.

NO. 18-135 - PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS COMMITTEE:

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.*

I. COMMITTEE REPORTS (continued):NO. 18-136 - PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS COMMITTEE:

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; and Section 92-5(a)(8), Hawaii Revised Statutes, 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.*

NO. 18-137 - PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS COMMITTEE:

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 Provencal, et al., Civil No. 12-1-0255(1).

NO. 18-138 - PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS COMMITTEE:

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.*

NO. 18-139 - PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS COMMITTEE:

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.*

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I. COMMITTEE REPORTS (continued):

NO. 18-140 - PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS COMMITTEE:

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.

NO. 18-141 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE:

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

NO. 18-142 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE:

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.

NO. 18-143 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE:

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.

NO. 18-144 - WATER RESOURCES COMMITTEE:

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.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

- BILL NO. 66 (2018) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.08, MAUI COUNTY CODE, BY ADDING A NEW SECTION RELATING TO COUNTY INVESTMENTS"
- BILL NO. 67 (2018) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION FOR THE HOUSING TRUST FUND PROGRAM"
- BILL NO. 68 (2018) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX B, REVENUES – FEES, RATES, ASSESSMENTS AND TAXES, DEPARTMENT OF PARKS AND RECREATION, GENERAL FUND, CHARGES FOR CURRENT SERVICES, SCHEDULE OF FEES AND DEPOSITS"
- BILL NO. 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 NO. 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 NO. 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)"



**K. ORDINANCES - SECOND AND FINAL READING (continued):**

BILL NO. 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)"

BILL NO. 73 (2018) - "A BILL FOR AN ORDINANCE AMENDING SECTION 11.01.020, MAUI COUNTY CODE, RELATING TO DEFINITIONS FOR PUBLIC TRANSIT"

BILL NO. 74 (2018) - "A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 20.40A, MAUI COUNTY CODE, DECLARING A CONTINUED MORATORIUM ON SAND MINING OF CENTRAL MAUI INLAND SAND"

**L. UNFINISHED BUSINESS:****ORDINANCES - SECOND AND FINAL READING:**

BILL NO. 61 (2018) - "A BILL FOR AN ORDINANCE AMENDING THE EFFECTIVE DATE OF ORDINANCE 4851 (2018), RELATING TO HIGHWAY IMPROVEMENT FEES AND VEHICLE DISPOSAL FEES"

**NOTE:** "BOARD PACKETS", AS DEFINED IN SECTION 92-7.5 OF THE HAWAII REVISED STATUTES, ARE AVAILABLE FOR INSPECTION AT THE OFFICE OF THE COUNTY CLERK, 200 SOUTH HIGH STREET, WAILUKU, HAWAII. "BOARD PACKETS" ARE ALSO AVAILABLE ELECTRONICALLY AS SOON AS PRACTICABLE UPON REQUEST.

ITEMS LISTED ON THE AGENDA MAY BE ACCESSED AT [MAUICOUNTY.LEGISTAR.COM](http://MAUICOUNTY.LEGISTAR.COM).

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.