

# **Council of the County of Maui**

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

Regular Meeting of October 19, 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](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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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 ELLE COCHRAN

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

[Reso](#) "CONGRATULATING JOYLENE TABON FOR BEING CROWNED MISS HAWAII FILIPINA 2018 AND VANESSA BALDOS AS THE NEW MISS MAUI FILIPINA 2018"

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

[M-180828s](#) Special Meeting of August 28, 2018

[M-180907](#) Regular Meeting of September 7, 2018

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

[CC 18-357](#) DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a Letter of Intent from the State of Hawaii, Executive Office on Aging for the Older Americans Act Title III Program in the amount of \$743,889.

[CC 18-358](#) MAYOR, informing of a vacancy on the Commission on Children and Youth due to the passing of Lucy Feinberg.

[CC 18-359](#) MAYOR, informing of a vacancy on the Molokai Planning Commission due to the resignation of Jaylene Nuesca.

[CC 18-360](#) CHAIR, LAND USE COMMITTEE, transmitting County Communication No. 18-52, attaching the following proposed bills entitled:

1. "A BILL FOR AN ORDINANCE AMENDING THE PA'IA-HA'IKU COMMUNITY PLAN RELATING TO VISITOR ACCOMMODATIONS"; and
2. "A BILL FOR AN ORDINANCE RELATING TO SHORT-TERM RENTAL HOMES IN THE PAIA-HAIKU COMMUNITY PLAN AREA".

- [CC 18-361](#) CHAIR, LAND USE COMMITTEE, transmitting County Communication No. 09-246, relating to an application submitted by Western Apartment Supply & Maintenance Co., transmitting copies of documents and two proposed bills entitled Replace with Title Text
1. "A BILL FOR AN ORDINANCE TO AMEND THE KIHAI-MAKENA COMMUNITY PLAN AND LAND USE MAP FROM SINGLE-FAMILY TO HOTEL FOR PROPERTY SITUATED AT KIHAI, MAUI, HAWAII"; and
  2. "A BILL FOR AN ORDINANCE GRANTING A CONDITIONAL PERMIT TO WESTERN APARTMENT SUPPLY & MAINTENANCE CO. FOR THE CONSTRUCTION AND USE OF AN OFFSITE PARKING LOT WITHIN THE COUNTY PARK DISTRICT FOR PROPERTY SITUATED AT KIHAI, MAUI, HAWAII".
- [CC 18-362](#) DIRECTOR OF FINANCE, transmitting the Series 2018 General Obligation Bond Official Statement and synopsis of the sales results.
- [CC 18-363](#) DIRECTOR OF FINANCE, transmitting the Summary of Total Funded Indebtedness Outstanding and Unpaid as of July 1, 2018.
- [CC 18-364](#) DIRECTOR OF FINANCE, informing of the sale of \$106,315,000 County of Maui General Obligation Bonds 2018 Series A, B, C, D and E.
- [CC 18-365](#) 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 August 31, 2018.
- [CC 18-366](#) DIRECTOR OF FINANCE, transmitting a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL HAWKINS DELAFIELD & WOOD LLP, FOR THE COUNTY OF MAUI 2018 SUPPLEMENTAL GENERAL OBLIGATION BOND ISSUANCE".
- [CC 18-367](#) BUDGET DIRECTOR, transmitting a proposed bill entitled "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, OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND SCENIC VIEWS PRESERVATION FUND".
- [CC 18-368](#) 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 THE OFFICE OF THE MAYOR, ECONOMIC DEVELOPMENT PROGRAM".
- [CC 18-369](#) BUDGET DIRECTOR, transmitting a proposed bill entitled "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, OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND SCENIC VIEWS PRESERVATION FUND".

- [CC 18-370](#) BUDGET DIRECTOR, transmitting a proposed bill entitled "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, KAUNOA SENIOR SERVICES LEISURE PROGRAM ACTIVITIES REVOLVING FUND".
- [CC 18-371](#) DIRECTOR OF FINANCE, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 3.08.040, MAUI COUNTY CODE, RELATING TO INVESTMENT POLICY".
- [CC 18-372](#) DIRECTOR OF WATER SUPPLY, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH U.S. GEOLOGICAL SURVEY, PACIFIC ISLANDS WATER SCIENCE CENTER, UNITED STATES DEPARTMENT OF THE INTERIOR".
- [CC 18-373](#) DIRECTOR OF FINANCE, transmitting 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 OFFICE OF THE AUDITOR, STATE OF HAWAII, TO CONDUCT AN AUDIT TO MEET THE REPORTING REQUIREMENTS UNDER GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENT NUMBER 75".
- [CC 18-374](#) COUNCILMEMBER KING, relating to real property tax relief for properties rented on a long-term basis at affordable rates.
- [CC 18-375](#) DIRECTOR OF TRANSPORTATION, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 11, MAUI COUNTY CODE, RELATING TO PUBLIC TRANSIT".
- [CC 18-376](#) PLANNING DIRECTOR, relating to a Community Plan Amendment and Change in Zoning for property located at 337 Houston Street, Lanai City, Lanai, transmitting copies of documents and the following proposed bills entitled:
1. "A BILL FOR AN ORDINANCE TO AMEND THE LANAI COMMUNITY PLAN AND LAND USE MAP FROM PUBLIC/QUASI-PUBLIC TO SINGLE-FAMILY FOR PROPERTY SITUATED AT LANAI CITY, LANAI, HAWAII, TAX MAP KEY (2) 4-9-007:029"; and
  2. "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM P-1 PUBLIC/QUASI-PUBLIC TO R-1 RESIDENTIAL DISTRICT FOR PROPERTY SITUATED AT LANAI CITY, LANAI, HAWAII, TAX MAP KEY (2) 4-9-007:029".
- [CC 18-377](#) PLANNING DIRECTOR, relating to a Conditional Permit for the Kukahiko Estate Special Events, transmitting copies of documents and a proposed bill entitled "A BILL FOR AN ORDINANCE GRANTING THE JOHN & KAMAKA KUKAHIKO OF MAKENA CORPORATION A CONDITIONAL PERMIT TO CONDUCT SPECIAL EVENTS WITHIN THE COUNTY APARTMENT DISTRICT, TAX MAP KEY NUMBER (2) 2-1-007:079, MAKENA, MAUI, HAWAII".
- [CC 18-378](#) ECONOMIC DEVELOPMENT DIRECTOR, transmitting the Office of Economic Development Grant Performance Report Fiscal Year 2017.

- [CC 18-379](#) DIRECTOR OF TRANSPORTATION, transmitting 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 STATE OF HAWAII TO FULFILL FEDERAL AND STATE TRANSPORTATION PLANNING REQUIREMENTS RELATING TO THE MAUI METROPOLITAN PLANNING ORGANIZATION".
- [CC 18-380](#) DIRECTOR OF TRANSPORTATION, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.35.040, MAUI COUNTY CODE, RELATING TO POLICY BOARD MEMBERSHIP".
- [CC 18-381](#) DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending September 2018.

## **2. GENERAL COMMUNICATIONS:**

NONE.

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

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

[CR 18-162](#) Recommending the following:

1. **ADOPTION** of resolution to accept a donation of \$5,000 from the Wailuku Heights Extension Community Association for park playground improvements at the Wailuku Heights Park;
2. **FIRST READING** of bill to amend Appendix A, Part I, Grants and Restricted Use Revenues - Schedule of Grants and Restricted Use Revenues by Departments and Programs for Fiscal Year 2019, by adding a new appropriation under the Department of Parks and Recreation entitled "Private Donations - Wailuku Heights Extension Community Association" in the amount of \$5,000;
3. **FIRST READING** of bill to amend the Fiscal Year 2019 Budget, Appendix C, Capital Improvement Projects, for the Department of Parks and Recreation by increasing the appropriation entitled "Central Maui Parks System" by \$5,000; and
4. **FILING** of communication.

[CR 18-163](#)

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2019 Budget by 1) increasing Estimated Revenues for Other Intergovernmental by \$1,273,000; 2) amending Section 4.A.3.a.(2), Department of Environmental Management, Kihei-Makena Community Plan Area, Sewer, State Revolving Loan Fund, by adding an appropriation in the amount of \$1,273,000, for the South Maui Recycled Water System Expansion project; and 3) adjusting the totals accordingly;
2. **FIRST READING** of bill to amend the Fiscal Year 2019 Budget, Appendix C, Capital Improvement Projects, by adding an appropriation of \$1,273,000 under the Department of Environmental Management, Kihei Makena Community Plan Area, for the South Maui Recycled Water System Expansion project; and a description of the project;
3. **FIRST READING** of bill to authorize the Mayor to enter into an intergovernmental agreement to finance the South Maui Recycled Water System Expansion project, with funds not to exceed \$1,273,000; and
4. **FILING** of communication.

[CR 18-164](#)

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2019 Budget by 1) decreasing Bond/Lapsed Bond in the amount of \$145,000; 2) amending Section 4.B.1.a.(1)(i), Department of Finance, Countywide, Other Projects, Bond Fund, Countywide Equipment, by a) decreasing the appropriations for four automated refuse trucks for Central Maui, West Maui, and Makawao, by \$150,000 and one roll-off truck for the Central Maui Landfill by \$10,000, and b) increasing the appropriation for one wheel-loader for the Central Maui Landfill by \$15,000; and 3) adjusting the totals accordingly;
2. **FIRST READING** of bill to amend the Fiscal Year 2019 general obligation bond authorization ordinance by decreasing the appropriation under the Department of Finance, Countywide, Other Projects, Countywide Equipment by \$145,000, for equipment for the Solid Waste Operations Program;
3. **FIRST READING** of bill to amend the Fiscal Year 2019 Budget, Appendix C, Capital Improvement Projects, by revising the appropriations under the Department of Finance, Countywide, Countywide Equipment, for the Department of Environmental Management, Solid Waste Operations Program, by 1) reducing the appropriations for four automated refuse trucks for Central Maui, West Maui, and Makawao, by \$150,000 and one roll-off truck for the Central Maui Landfill by \$10,000; 2) increasing the appropriation for one wheel-loader for the Central Maui Landfill by \$15,000; and 3) decreasing the total appropriation by \$145,000; and
4. **FILING** of communication.

[CR 18-165](#)

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2019 Budget by 1) increasing Carryover/Savings from the Water Fund in the amount of \$450,000; 2) amending Section 4.J., Department of Water Supply, by adding Hana Community Plan Area, Water Supply, Water Fund - Unrestricted, Kaupo Water Tank Improvements, for \$450,000; and 3) adjusting the totals accordingly;
2. **FIRST READING** of bill to amend the Fiscal Year 2019 Budget, Appendix C, Capital Improvement Projects, for the Department of Water Supply, by adding Hana Community Plan Area and the Kaupo Water Tank Improvements project for \$450,000 and a project description; and
3. **FILING** of communication.

**Housing, Human Services, and Transportation Committee**[CR 18-166](#)

Recommending the following:

1. **ADOPTION** of resolution approving the County of Maui's First-Time Homebuyers Down Payment Assistance Program, Program Guidelines; and
2. **FILING** of communication.

**Infrastructure and Environmental Management Committee**[CR 18-167](#)

Recommending the following:

1. **ADOPTION** of resolution to accept a dedication from CGM, LLC, a dissolved Hawaii Limited Liability Company, for 19 roadway lots located within the Wailuku Country Estates Subdivision, identified for real property tax purposes as tax map key (2) 3-3-017:189;
2. **ADOPTION** of resolution to accept a grant of non-exclusive easements from Wailuku Water Company, LLC, over portions of Waihee Ditch, identified for real property tax purposes as tax map key (2) 3-3-017:186; and
3. **FILING** of communication.

[CR 18-168](#)

Recommending the following:

1. **FIRST READING** of bill amending Sections 10.48.220 and 10.56A.010, Maui County Code, to add the area on the makai (west) side of Front Street adjacent to King Kamehameha III Elementary School in Lahaina, Maui, Hawaii, twelve parking stalls in length, as a tow-away zone on school days between the hours of 7:00 a.m. and 3:00 p.m., and to amend the time limits of the loading zone for the same area to the same hours; and
2. **FILING** of communication.

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

[CR 18-169](#)

Recommending the following:

1. **ADOPTION** of resolution authorizing a lease, through June 30, 2036, of County real property identified for real property tax purposes as a portion of tax map key (2) 3-9-005:052, comprising approximately 22,796 square feet, to Maui In-Line Hockey Association, Inc., to continue its operation of a skate rink at Kalama Park, Kihei, Hawaii; and
2. **FILING** of communication.

[CR 18-170](#)

Recommending **FIRST READING** of bill to update provisions in Chapter 13.16, Maui County Code, relating to definitions and fees for, and management and operations of, the Waiehu Municipal Golf Course.

**Planning Committee**

[CR 18-171](#)

Recommending the following:

1. **PUBLIC HEARING** be held on bill to adopt the updated Moloka'i Island Community Plan;
2. **FIRST READING** of bill to adopt the updated Moloka'i Island Community Plan, following the public hearing; and
3. **FILING** of communication.

[CR 18-172](#)

Recommending **FILING** of communication relating to the Kahoolawe Community Plan.

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

[CR 18-173](#)

Recommending **ADOPTION** of resolution approving the appointment of Sandra Duvauchelle to the Board of Variances and Appeals for a term expiring on March 31, 2023.



[CR 18-174](#) Recommending **ADOPTION** of resolution approving the appointment of Ronald Kimball to the Cost of Government Commission for a term expiring on March 31, 2023.

[CR 18-175](#) Recommending the following:

1. **ADOPTION** of resolution formalizing a sister-city relationship between the County of Maui and the City of San Juan, Metro Manila, Republic of the Philippines, for the purpose of strengthening the bonds initiated through cultural, business, education and economic exchanges; furthering the ties of friendship; and promoting enduring goodwill between the people of Maui County and the people of the City of San Juan, Metro Manila, Republic of the Philippines; and
2. **FILING** of communication.

[CR 18-176](#) Recommending the following:

1. **ADOPTION** of resolution authorizing acceptance of the donation of (200) 2 -count Naloxone nasal spray units, to counter opioid overdose and accidental opioid exposure for all police officers employed in the Department of Police, along with associated training and travel expenses, collectively valued at approximately \$16,000, from The Community Health Outreach Work Project; and
2. **FILING** of communication.

[CR 18-177](#) Recommending the following:

1. **ADOPTION** of resolution authorizing acceptance of the donation of two Hummer H2 vehicles to the Department of Police, valued at approximately \$30,000 each, from the State of Hawaii Surplus Property Office, Department of Accounting and General Services; and
2. **FILING** of communication.

[CR 18-178](#) Recommending the following:

1. **ADOPTION** of resolution authorizing acceptance of the donation of 61 pairs of Kaenon sunglasses, valued at approximately \$12,200, from the Hawaiian Lifeguard Association, to provide eye protection for County ocean safety officers employed in the Ocean Safety Program of the Department of Fire and Public Safety; and
2. **FILING** of communication.

## J. **RESOLUTIONS:**

**NONE.**

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

- [Bill 84 \(2018\)](#) "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 HOUSING AND HUMAN CONCERNS (VOLUNTARY CONTRIBUTIONS)"
- [Bill 85 \(2018\)](#) "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, EMERGENCY FUND; APPENDIX C - CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF PUBLIC WORKS, PAIA-HAIKU COMMUNITY PLAN AREA, EMERGENCY REPAIRS TO PU'U WAY"
- [Bill 86 \(2018\)](#) "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)"
- [Bill 87 \(2018\)](#) "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"
- [Bill 88 \(2018\)](#) "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI THROUGH THE CHIEF OF POLICE TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF HEALTH"

**L. UNFINISHED BUSINESS:**

NONE.

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.

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.

