

# **Council of the County of Maui**

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

Special Meeting of November 15, 2018

1:30 PM

### **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)

---

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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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

---

### **ROLL CALL**

### **PRESENTATION OF WRITTEN OR ORAL TESTIMONY**

**COUNTY COMMUNICATIONS:**

- [CC 18-401](#) CHIEF OF POLICE, transmitting a grant agreement with the State of Hawaii, Department of Transportation for the MPD Seat Belt Enforcement grant in the amount of \$100,766.10.
- [CC 18-402](#) CHIEF OF POLICE, transmitting a grant agreement with the State of Hawaii, Department of Transportation for the MPD Child Restraint grant in the amount of \$62,475.
- [CC 18-403](#) CHIEF OF POLICE, transmitting a Memorandum of Understanding with the Department of Health, Chronic Disease Prevention and Health Promotion Division for the Prohibiting Tobacco Sales to Persons Under the Age of Twenty-One program in the amount of \$8,000.
- [CC 18-404](#) CHIEF OF POLICE, transmitting a grant agreement with the State of Hawaii, Department of Transportation for the MPD Traffic Services grant in the amount of \$105,299.50.
- [CC 18-405](#) CHIEF OF POLICE, transmitting a grant agreement with the State of Hawaii, Department of Transportation for the MPD Distracted Driving Enforcement grant in the amount of \$78,149.47.
- [CC 18-406](#) DIRECTOR OF FINANCE, informing of the acceptance of Waterline Easements "DWS-1" and "DWS-3" and an Exclusive Water Facilities Easement "DWS-2", Upcountry Phase 10 Pump Station Upgrades, TMK: (2) 2-4-012:001 Por.
- [CC 18-407](#) BUDGET DIRECTOR, transmitting the Budget Implementation Report as of September 30, 2018 (Fiscal Year 2019 First Quarter).
- [CC 18-408](#) COUNCILMEMBER HOKAMA, transmitting a proposed resolution entitled "AUTHORIZING THE COUNCIL CHAIR TO CONDUCT A FISCAL AUDIT OF THE USE, MANAGEMENT, AND EXPENDITURE OF PUBLIC FUNDS RELATING TO THE LAHAINA BANYAN TREE PARK".
- [CC 18-409](#) 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 September 30, 2018.
- [CC 18-410](#) DIRECTOR OF PARKS AND RECREATION, transmitting the Kanaha Beach Park Master Plan.
- [CC 18-411](#) DIRECTOR OF PARKS AND RECREATION, transmitting a proposed resolution entitled "AUTHORIZING A GRANT OF A LEASE OF COUNTY REAL PROPERTY TO THE LAHAINA RESTORATION FOUNDATION".
- [CC 18-412](#) CHAIR, LAND USE COMMITTEE, attaching County Communication No. 17-173, transmitting a proposed resolution entitled "REFERRING TO THE MOLOKAI PLANNING COMMISSION A PROPOSED BILL TO AMEND THE COMPREHENSIVE ZONING ORDINANCE RELATING TO SHORT-TERM RENTAL HOMES ON MOLOKAI".
- [CC 18-413](#) COUNCILMEMBER CRIVELLO, transmitting a proposed resolution entitled "SETTING THE PAY STEP OF AN EMPLOYEE IN THE OFFICE OF COUNCIL SERVICES".

- [CC 18-414](#) DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending October 2018.
- [CC 18-415](#) DIRECTOR OF WATER SUPPLY, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 14.07.090, MAUI COUNTY CODE, RELATING TO DURATION OF WATER METER RESERVATIONS".
- [CC 18-416](#) DIRECTOR OF WATER SUPPLY, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 14.13.050, MAUI COUNTY CODE, RELATING TO DEADLINE FOR RESPONSE TO UPCOUNTRY WATER METER OFFER".

### **COMMITTEE REPORTS:**

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

- [CR 18-190](#) Recommending **ADOPTION** of resolution to amend the Fiscal Year 2019 Budget within the Department of Parks and Recreation by transferring \$55,000 from the Parks Program Category B (Operations) to Category C (Equipment) for 1) replacement and installation of 16 starting blocks at the Lahaina Aquatic Center for \$25,000; and 2) purchase of a rotary blade grinder to sharpen blades for ground maintenance equipment for \$30,000.
- [CR 18-191](#) Recommending the following:
1. **FIRST READING** of bill to authorize the Mayor to enter into an intergovernmental agreement with the State of Hawaii, Department of the Attorney General, granting to the Department of Police funding for the Stop Violence Against Women Formula Grant Program for the term April 1, 2018 through March 31, 2019, in the amount of \$55,380 and requiring County matching funds of \$18,460; and
  2. **FILING** of communication.
- [CR 18-192](#) Recommending the following:
1. **FIRST READING** of bill to authorize the Mayor to enter into an intergovernmental agreement with the U.S. Geological Survey, Pacific Islands Water Science Center, United States Department of the Interior (USGS), and the County of Maui Department of Water Supply to continue its cooperative water-resource monitoring program, during the period of October 1, 2018 to September 30, 2019; and
  2. **FILING** of communication.

[CR 18-193](#)

Recommending the following:

1. **FIRST READING** of bill to authorize the Mayor to enter into an intergovernmental agreement with the Office of the Auditor, State of Hawaii, to 1) conduct an audit for Fiscal Years 2018 and 2019, to meet the reporting requirements under Governmental Accounting Standards Board Statement Number 75; and 2) authorize the payment of \$3,500 for each fiscal year by the County of Maui; and
2. **FILING** of communication.

[CR 18-194](#)

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2019 Budget by amending Section 3.B.9.c.(5), Office of the Mayor, Economic Development Program, Grants and Disbursements for Agriculture Promotion, by changing the title of an existing appropriation from "4-H Upcountry Fair" to "4-H Livestock Show and Auction," which would allow 4-H to combine its livestock show and auction events with the Maui County Agriculture Festival; and
2. **FILING** of communication.

[CR 18-195](#)

Recommending **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, Fiscal Year 2019 Budget, for the Emergency Management Agency, by increasing the appropriation for the State Homeland Security Grant (SHSG) Program by \$254,000 for a total grant amount of \$754,000 for the following projects: 1) Department of Police, Intelligence/Information Sharing for Maui County; 2) Department of Management, Information Technology Services Division, Cybersecurity and Information System Resiliency; and 3) Maui Emergency Management Agency, Emergency Operations Center Infrastructure Upgrades and All-Hazard Incident Management training.

[CR 18-196](#)

Recommending the following:

1. **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, Fiscal Year 2019 Budget, by adding an appropriation for the Emergency Management Agency entitled "Federal Emergency Management Agency (FEMA) Pre-Disaster Mitigation Program," in the amount of \$121,000; and
2. **FIRST READING** of bill to authorize the Mayor to enter into an intergovernmental agreement with the State of Hawaii Emergency Management Agency, Department of Defense, for pre-disaster mitigation funds to support the development of a mitigation project to identify long term strategies to reduce the risks of natural hazards which may threaten the property, safety, and well-being of citizens and communities in Maui County.

[CR 18-197](#)

Recommending the following:

1. **FIRST READING** of bill to amend Appendix A, Part II, Special Purpose Revenues - Schedule of Revolving/Special Funds, Fiscal Year 2019 Budget, by amending the Kaunoa Senior Services Leisure Program Activities Revolving Fund by increasing the appropriation for the Leisure Program Activities by \$110,000, for salary costs for 11.0 equivalent personnel; and
2. **FILING** of communication.

**Land Use Committee**[CR 18-198](#)

Recommending the following:

1. **ADOPTION** of resolution approving with modification the Wailuku Apartment Rental Housing Project pursuant to Section 201H-38, Hawaii Revised Statutes, by Legacy Wailuku LLC, for the development of 195 affordable rental units and 129 market-rate rental units on approximately 14.4 acres bordered by Waiale Road, East Kuikahi Drive, and Honoapiilani Highway, Wailuku, Maui, Hawaii, identified for real property tax purposes as tax map key (2) 3-5-001:064;
2. **FILING** of resolution approving the Wailuku Apartment Rental Housing Project pursuant to Section 201H-38, Hawaii Revised Statutes; and
3. **FILING** of resolution disapproving the Wailuku Apartment Rental Housing Project pursuant to Section 201H-38, Hawaii Revised Statutes.

[CR 18-199](#)

Recommending the following:

1. **FIRST READING** of bill granting a request from Legacy Wailuku LLC for a State Land Use District Boundary Amendment from Agricultural District to Urban District (Conditional Boundary Amendment) for 14.416 acres identified for real property tax purposes as tax map key (2) 3-5-001:064, to facilitate the development of a Chapter 201H, Hawaii Revised Statutes, project referred to as the Wailuku Apartment Rental Housing Project;
2. **RECORDATION** of the unilateral agreement; and
3. **FILING** of communication.

[CR 18-200](#)

Recommending the following:

1. **FIRST READING** of bill to grant a request from Sprint Wireless for a five-year Conditional Permit to allow for the installation of a wireless telecommunication facility in an existing parking lot at 3740 Lower Honoapiilani Road, Lahaina, Maui, Hawaii, identified for real property tax purposes as tax map key (2) 4-3-006:004; and
2. **FILING** of communication.

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

[CR 18-201](#) Recommending **ADOPTION** of resolution authorizing settlement of Lesli Lyn Otani v. County of Maui, et al., Civil 17-00281 JAO-KJM (formerly designated as 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 18-202](#) Recommending **ADOPTION** of resolution to authorize an increase in the compensation limit for the employment of special counsel Hunton Andrews Kurth LLP, in Hawaii Wildlife Fund, et al. v. County of Maui, Docket 18-260, Supreme Court of the United States, by \$500,000, for a total compensation not to exceed \$4,300,000.

*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.*

**ORDINANCES - SECOND AND FINAL READING:**

[Bill 101](#)  
[\(2018\)](#) "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 RELATING TO THE FRONT STREET APARTMENTS"

[Bill 102](#)  
[\(2018\)](#) "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 THE PROSECUTING ATTORNEY (EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM)"

[Bill 103](#)  
[\(2018\)](#) "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 (FEDERAL HIGHWAY ADMINISTRATION, FEDERAL-AID AND OTHER TRANSPORTATION GRANTS"

[Bill 104](#)  
[\(2018\)](#) "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 PUBLIC WORKS, COUNTYWIDE, COUNTYWIDE FEDERAL AID PROGRAM"

Bill 105  
(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 PARKS AND RECREATION, MAKAWAO-PUKALANI-KULA COMMUNITY PLAN AREA, PARKS AND RECREATION, UPCOUNTRY SKATE PARK; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

Bill 106  
(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 PARKS AND RECREATION, MAKAWAO-PUKALANI-KULA COMMUNITY PLAN AREA, UPCOUNTRY SKATE PARK"

**"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.**