

JOSIAH K. NISHITA  
County Clerk



**OFFICE OF THE COUNTY CLERK**

COUNTY OF MAUI  
200 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.mauicounty.gov/county/clerk](http://www.mauicounty.gov/county/clerk)

MARGARET C. CLARK  
Deputy County Clerk

2020 JAN 10 PM 4:28

OFFICE OF THE  
COUNTY COUNCIL

January 10, 2020

Honorable Tamara Paltin, Chair  
Planning and Sustainable Land Use Committee  
Council of the County of Maui  
Wailuku, Hawaii 96793

Dear Chair Paltin:

By communication dated January 3, 2020, to the County Clerk, Council Chair Lee recommended that pending matters listed in County Communication No. 20-8 be placed on the Council agenda.

At its meeting of January 10, 2020, the Council approved the recommended referral to the Planning and Sustainable Land Use Committee and filed County Communication No. 20-8.

Respectfully transmitted are copies of the following items that were referred to your Committee:

- County Communication No. 19-228; and
- Committee Report No. 19-100.

Respectfully,

A handwritten signature in black ink, appearing to read "M. Clark", is written over the typed name.

MAGGIE C. CLARK  
Deputy County Clerk

/lks

Enclosure

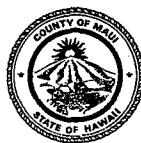
cc: Director of Council Services

Council Chair  
Alice L. Lee

Vice-Chair  
Keani N.W. Rawlins-Fernandez

Presiding Officer Pro Tempore  
Tasha Kama

Councilmembers  
Riki Hokama  
Kelly Takaya King  
Michael J. Molina  
Tamara Paltin  
Shane M. Sinenci  
Yuki Lei K. Sugimura



**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.MauiCounty.us](http://www.MauiCounty.us)

January 3, 2020

Director of Council Services  
Traci N. T. Fujita, Esq.

RECEIVED

2020 JAN -3 AM 8:02

OFFICE OF THE  
COUNTY CLERK

Mr. Josiah K. Nishita, County Clerk  
Office of the County Clerk  
County of Maui  
Wailuku, Hawaii 96793

Dear Mr. Nishita:

**SUBJECT: REFERRAL OF ITEMS PENDING BEFORE THE  
MULTIMODAL TRANSPORTATION  
COMMITTEE AND WATER AND  
INFRASTRUCTURE COMMITTEE FOR THE  
JANUARY 10, 2020 COUNCIL MEETING**

May I request the matter of the referral of items pending before the Multimodal Transportation Committee and Water and Infrastructure Committee, as listed in attached exhibits "A" and "B," respectively, be placed on the next Council meeting agenda.

Sincerely,

A handwritten signature in black ink, appearing to read "Alice L. Lee", is written over a large, stylized, cursive flourish.

ALICE L. LEE  
Council Chair

paf:ske:19-397c

Attachments

COUNTY COMMUNICATION NO. 20-8

## **EXHIBIT "A"**

### **MATTERS PENDING BEFORE THE MULTIMODAL TRANSPORTATION COMMITTEE AS OF DECEMBER 27, 2019**

#### **MT-1 MAUI SHORT-RANGE TRANSIT PLAN**

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
07/01/2016	CC 16-130	Councilmember Crivello, relating to the Maui Short-Range Transit Plan. (CC 17-2, CC 19-12)

#### **MT-3 TAXICAB AND RIDESHARING PLATFORM COMPANIES**

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
02/02/2018	CC 18-56	Councilmember Crivello, relating to taxicab and ridesharing platform companies. (CC 19-12)
09/07/2018	CC 18-316	Director of Finance, relating to taxicab rates of fare and baggage charges, as of August 10, 2018.  Committee Report 19-162, dated 12/20/2019, recommending adoption of Resolution 19-213.

#### **MT-4 ESTABLISHING A NEW CHAPTER 5.23, MAUI COUNTY CODE, RELATING TO REGULATION OF BICYCLE TOUR AND BICYCLE RENTAL BUSINESSES**

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
07/20/2018	CC 18-276	Councilmember Sugimura, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 5.23, MAUI COUNTY CODE, RELATING TO REGULATION OF BICYCLE TOUR AND BICYCLE RENTAL BUSINESSES." (CC 19-12)

#### **MT-5 TRAFFIC SAFETY AND ENVIRONMENTAL CONCERNS RESULTING FROM DEVELOPMENT IN MAKENA**

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
06/15/2018	CC 18-225	Councilmember Cochran, referring the matter relating to traffic safety and environmental concerns resulting from development in Makena.

**MT-7                    AMENDING SECTION 10.48.040, MAUI COUNTY CODE,  
RELATING TO PARKING PROHIBITIONS ON CERTAIN  
STREETS AND HIGHWAYS**

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
11/02/2018	CC 18-394	Director of Public Works, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 10.48.040, MAUI COUNTY CODE, RELATING TO PARKING ON CERTAIN STREETS AND HIGHWAYS."

**MT-8                    TRAFFIC IMPACT FEES**

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
07/07/2017	CC 17-261	Councilmember Kelly T. King, relating to the matter of Traffic Impact Fees.

**MT-9                    KAHULUI CIVIC CENTER MIXED USE PROJECT/CENTRAL  
MAUI TRANSIT HUB**

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
01/11/2019	CC 19-32	Director of Transportation, transmitting a copy of the notice of release of CIP funding from the State of Hawaii, for the Kahului Civic Center Mixed Use Project/Central Maui Transit Hub, in the amount of \$2,500,000.

**MT-11                  CENTRAL            MAUI            REGIONAL            TRAFFIC            AND  
TRANSPORTATION PLAN**

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
02/01/2019	CC 19-64	Councilmember Sugimura, relating to the matter of Central Maui Regional Traffic and Transportation Plan.

**MT-13                  INTERSECTION OF WAIALE ROAD AND WAINU ROAD,  
WAILUKU**

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
02/15/2019	MISC	County Clerk, reporting that on 02/15/2019, the Council referred County Communication 17-317. (WAI CR 19-17)

02/15/2019 CC 17-317

Councilmember Cochran, referring the matter relating to the intersection of Waiale Road and Waiinu Road, Wailuku. (CC 19-12)

**MT-14                      COMPLETE STREETS**

DATE REFERRED    REFERENCE

02/15/2019 CC 19-89

SUBJECT

Councilmember Sugimura, relating to the matter of Complete Streets.

**MT-16                      MAUI METROPOLITAN PLANNING ORGANIZATION**

DATE REFERRED    REFERENCE

02/15/2019 CC 19-91

SUBJECT

Councilmember Sugimura, relating to the matter of the Maui Metropolitan Planning Organization ("MMPO").

DATE REFERRED    REFERENCE

**SUB-ITEM (1)**

SUBJECT

**FY 2018 ANNUAL REPORT TO THE STATE OF HAWAII LEGISLATURE & COUNTY OF MAUI COUNCIL** (GC 19-2)

(a) Lauren Armstrong, Executive Director, MMPO, transmitting a document entitled "FY 2018 Annual Report to the State of Hawaii Legislature and the County of Maui Council."

DATE REFERRED    REFERENCE

**SUB-ITEM (2)**

SUBJECT

**UNIFIED PLANNING WORK PROGRAM**  
(BF-171)

10/05/2018 CC 18-345

Director of Transportation, transmitting a copy of the notice of grant award from the State of Hawaii, Department of Transportation, for the Maui MPO FY 2018/19 Unified Planning Work Program in the amount of \$100,000. (CC 19-12)

DATE REFERRED    REFERENCE

**SUB-ITEM (3)**

SUBJECT

**CONTRACT C6399 (NELSON/NYGAARD CONSULTING ASSOCIATES, INC) MAUI MPO LONG RANGE TRANSPORTATION PLAN 2040 FOR DEPARTMENT OF TRANSPORTATION**

03/22/2019 MISC

County Clerk, reporting that on 03/22/2019, the Council referred construction Contract C6399, between the County of Maui and Nelson/Nygaard Consulting Associates, Inc., for Maui MPO Long Range Transportation Plan 2040 for the Department of Transportation (RFP #17-18/P-8, Ordinance 4861 (FY2019)).

**MT-17 MAUI COUNTY TRANSIT-ORIENTED DEVELOPMENT**

DATE REFERRED REFERENCE

02/15/2019 CC 19-92

SUBJECT

Councilmember Sugimura, relating to the matter of Maui County Transit-Oriented Development.

DATE REFERRED REFERENCE

**SUB-ITEM (1)**

SUBJECT

**MULTIMODAL TRANSPORTATION AND THE HEALTHY COMMUNITIES INITIATIVE**

06/18/2019 CC 19-263

Councilmember Sugimura, relating to Multimodal Transportation and the Healthy Communities Initiative.

**MT-18 FUNDING MECHANISMS FOR MULTIMODAL TRANSPORTATION IN MAUI COUNTY**

DATE REFERRED REFERENCE

03/08/2019 CC 19-125

SUBJECT

Councilmember Sugimura, relating to the matter of funding mechanisms for multimodal transportation in Maui County.

**MT-19 TRANSPORTATION AND PARKING IN WAILUKU**

DATE REFERRED REFERENCE

03/08/2019 CC 19-126

SUBJECT

Councilmember Sugimura, referring the matter relating to transportation and parking in Wailuku.

**MT-21 CONTRACT C6572-1 (GOODFELLOW BROS., INC.) ROUNDABOUT AT MAUI LANI PARKWAY AND KAMEHAMEHA AVENUE (FY 2016) FOR DEPARTMENT OF PUBLIC WORKS**

DATE REFERRED REFERENCE

04/23/2019 MISC

SUBJECT

County Clerk, reporting that on 04/23/2019, the Council referred Contract C6572-1, between

the County of Maui and Goodfellow Bros., Inc. for the Roundabout at Maui Lani Parkway and Kamehameha Avenue (FY2016) for Department of Public Works (Job #16-50, time extension only).

**MT-22                      WALKABILITY ACTION INSTITUTE**

DATE REFERRED    REFERENCE

05/17/2019    CC 19-226

SUBJECT

Councilmember Sugimura, referring the matter relating to the Walkability Action Institute.

**MT-23                      PARKING NEAR THE KALANA O MAUI CAMPUS**

DATE REFERRED    REFERENCE

05/17/2019    CC 19-227

SUBJECT

Councilmember Sugimura, referring the matter relating to parking near the Kalana O Maui Campus.

**MT-24                      ASSIGNING AND AFFIXING HAWAIIAN PLACE NAMES TO  
BUS STOPS AND SHELTERS**

DATE REFERRED    REFERENCE

05/17/2019    MISC

SUBJECT

County Clerk, reporting that on 05/17/2019, the Council referred the matter of assigning and affixing Hawaiian place names to bus stops and shelters.

**MT-25                      MOTOR VEHICLE WEIGHT TAX**

DATE REFERRED    REFERENCE

05/17/2019    MISC

SUBJECT

County Clerk, reporting that on 05/17/2019, the Council referred the matter relating to the motor vehicle weight tax, including the tax for: 1) passenger vehicles, and trucks and noncommercial vehicles not exceeding 6,500 pounds; 2) per pound of net weight for all other motor vehicles; 3) minimum tax for any motor vehicle; and 4) penalties for delinquent tax for passenger and other vehicles, and funding for road repairs.

**MT-26                    ADVERTISING INSIDE COUNTY TRANSIT BUSES**

DATE REFERRED    REFERENCE

05/17/2019    MISC

SUBJECT

County Clerk, reporting that on 05/17/2019, the Council referred the matter relating to increasing the permit fee for advertising inside county transit buses.

**MT-28                    TRANSPORTATION    OPTIONS,           INCLUDING           FERRY  
SERVICES,   DURING   NATURAL   DISASTERS   AND   IN  
EMERGENCY SITUATIONS**

DATE REFERRED    REFERENCE

07/05/2019    CC 19-289

SUBJECT

Councilmember Sugimura, referring the matter relating to transportation options, including ferry services, during natural disasters and in emergency situations.

**MT-29                    STATUS OF GRANTS UNDER THE DEPARTMENT OF  
TRANSPORTATION AND BENCHMARKS FOR GRANTEE  
PERFORMANCE**

DATE REFERRED    REFERENCE

09/06/2019    CC 19-359

SUBJECT

Director of Transportation, transmitting the Status of Grants under the Department of Transportation and Benchmarks for Grantee Performance, dated 08/28/2019, pursuant to Section 3.36.120(B), Maui County Code.

**MT-30                    PROMOTING TRAFFIC SAFETY ON TWO-LANE ROADWAYS**

DATE REFERRED    REFERENCE

09/06/2019    MISC

SUBJECT

Deputy County Clerk, reporting that on 09/06/2019, the Council referred the matter relating to the promotion of traffic safety on two-lane roadways. (GET CR 19-106)



**MT-31            CONTRACT C6542-3 (MAUI ECONOMIC OPPORTUNITY, INC.)**

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
09/20/2019	MISC	Deputy County Clerk, reporting that on 09/20/2019, the Council referred Contract C6542-3, Maui Economic Opportunity, Inc., relating to Maui Bus ADA Paratransit Transportation Services for DOT (RFP #17-18/P-18, Ordinance #4456 FY2018).

**MT-32            BRIDGE OVER WAILUKU RIVER**

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
10/04/2019	CC 19-399	Councilmember Lee, referring the matter relating to the possible construction of a bridge over Wailuku River.

**MT-33            PROMOTING ROADWAY SAFETY**

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
10/04/2019	CC 19-400	Councilmember Sugimura, referring the matter relating to promoting roadway safety.  Committee Report 19-151, dated 12/12/2019 (Bill 70 (2019), Ordinance 413.359).

**MT-34            AIRPORT SHUTTLE SERVICES**

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
10/29/2019	CC 19-422	Councilmember Sugimura, referring the matter of relating to airport shuttle services.

**MT-35            CONTRACT G4904 (MAUI ECONOMIC OPPORTUNITY BUS REPLACEMENT)**

<u>DATE REFERRED</u>	<u>REFERENCE</u>	<u>SUBJECT</u>
12/20/2019	MISC	County Clerk, reporting that on 12/20/2019, the Council referred Bus Replacement Grant G4904, between the County of Maui and Maui Economic Opportunity, for Bus Replacement

Grant Operation for the Department of  
Transportation (July 1, 2019 – June 30, 2021,  
Ordinance 4988 (FY2020)).

## **EXHIBIT "B"**

### **MATTERS PENDING BEFORE WATER AND INFRASTRUCTURE COMMITTEE AS OF DECEMBER 27, 2019**

#### **WAI-1                      WAILUKU WATER COMPANY ACQUISITION**

DATE REFERRED    REFERENCE

09/07/2018    MISC

SUBJECT

County Clerk, reporting that on 09/07/2018, the Council referred Contract C6552 for professional services between the County of Maui and ACM Consultants Inc., for appraisal of Wailuku Water Company, Inc. for the Office of the Mayor – Budget Office (Job DWSP 2907-509, RFP 17-18/P-104). (CC 19-12)

#### **WAI-2                      OLD GOVERNMENT ROADS    (POL-55, PIA 55)**

DATE REFERRED    REFERENCE

08/21/2012    CC 12-181

SUBJECT

Director of Public Works, transmitting copies of the following, and requesting review, discussion and guidance on the Council's willingness to participate in the acceptance of these roads: (CC 13-6, CC 15-2, CC 17-2, CC 19-12)

1.    Senate Resolution 17, S.D.1, entitled "REQUESTING THE DEPARTMENT OF TRANSPORTATION TO FORM A WORKING GROUP TO EXPEDITIOUSLY RESOLVE THE ISSUE OF ROADS IN LIMBO IN MAUI COUNTY"; and
2.    Senate Concurrent Resolution 49, S.D.1, H.D.1, entitled "REQUESTING THE DEPARTMENT OF TRANSPORTATION TO FORM A WORKING GROUP TO EXPEDITIOUSLY RESOLVE THE ISSUE OF ROADS IN LIMBO STATEWIDE."

**WAI-4                    HUI ROADS ON MAILEPAI PARTITION SUBDIVISION  
(WEST MAUI) (IEM-72)**

DATE REFERRED   REFERENCE  
08/05/2016   CC 16-172

SUBJECT  
Councilmember Elle K. Cochran, relating to Hui roads in West Maui that were part of the Mailepai Partition. (CC 17-2, CC 19-12)

Infrastructure and Environmental Management Committee Report 18-34 dated 03/09/2018.

**WAI-5                    COUNTY                    DEVELOPMENT                    OF                    OFF-SITE  
INFRASTRUCTURE (IEM-82)**

DATE REFERRED   REFERENCE  
11/04/2016   MISC

SUBJECT  
County Clerk, reporting that on 11/04/2016, the Council referred the matter relating to prioritizing County development of off-site infrastructure, especially water, sewer, and roadway improvements, to support housing and make it more affordable by reducing pass-through costs. (PC CR 16-176, CC 17-2, CC 19-12)

**WAI-6                    SUBDIVISION DEFERRAL AGREEMENTS**

DATE REFERRED   REFERENCE  
05/19/2017   CC 17-212

SUBJECT  
Councilmember Kelly Takaya King, relating to subdivision deferral agreements. (CC 19-12)

**WAI-7                    SAND MINING OF CENTRAL MAUI INLAND SAND**

DATE REFERRED   REFERENCE  
02/02/2018   CC 18-51

SUBJECT  
Councilmember Elle Cochran, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND SECTION 20.40.020, MAUI COUNTY CODE, RELATING TO THE DEFINITION OF "SAND MINING"." (CC 19-12)

DATE REFERRED   REFERENCE  
04/20/2018   MISC

SUBJECT  
County Clerk, reporting that on 04/20/2018, the Council referred Contract C6477, between the County of Maui and SSFM International, Inc., for the Maui Inland Sand Resource Quantification Study Update (Job 18-40, QBS#Q-PW-18-18, Ordinance 4456, FY2018).

DATE REFERRED   REFERENCE  
07/20/2018   MISC

SUBJECT  
County Clerk, reporting that on 07/20/2018, the Council referred Contract C6477, between the County of Maui and SSFM International, Inc., for the Maui Inland Sand Resource Quantification Study Update (Job 18-40, QBS #Q-PW-18-18, Ordinance #4456, FY2018).

**WAI-10      AMENDMENT TO CONTRACT C3360-3 (R. M. TOWILL CORPORATION), KIHAI DRAINAGE MASTER PLAN (WAIAKOA GULCH TO KILOHANA DRIVE)**

DATE REFERRED   REFERENCE  
12/01/2017   MISC

SUBJECT  
County Clerk, reporting that on 12/01/2017, the Council referred Contract C3360-3 (amendment 3 to contract), between the County and R. M. Towill Corporation, for a time extension for the Kihei Drainage Master Plan (Waiakoa Gulch to Kilohana Drive) for the Department of Public Works (Job 04-24, QBS: Q-PW-05-01, Ordinance 4334 (FY 2017)). (CC 19-12)

**WAI-11      KEAWE STREET (LAHAINA) INFRASTRUCTURE**

DATE REFERRED   REFERENCE  
01/05/2018   CC 18-14

SUBJECT  
Councilmember Elle K. Cochran, relating to Keawe Street (Lahaina) Infrastructure. (CC 19-12)

**WAI-13 DOOR OF FAITH SURFACE MAINTENANCE**

DATE REFERRED   REFERENCE  
07/06/2018   CC 18-252

SUBJECT  
Councilmember Elle K. Cochran, relating to the surface maintenance and upkeep of Door of Faith Road. (CC 19-12)

**WAI-14 WAIALE ROAD EXTENSION PROJECT (WAILUKU)**

DATE REFERRED   REFERENCE  
05/18/2018   MISC

SUBJECT  
County Clerk, reporting that on 05/18/2018, the Council referred the matter relating to the Waiale Road Extension project (CBS-1069). (BF CR 18-79) (CC 19-12)

**WAI-15 PARKING ACTION PLAN**

DATE REFERRED   REFERENCE  
06/01/2018   CC 18-206

SUBJECT  
Director of Public Works and Planning Director, transmitting a copy of the "PARKING ACTION PLAN, WAILUKU TOWN & LAHAINA TOWN," dated February 2018 by Dixon Resources Unlimited. (CC 19-12)

**WAI-16 WATERSHED MANAGEMENT AND PROTECTION**

DATE REFERRED   REFERENCE  
02/03/2017   CC 17-79

SUBJECT  
Alika Atay, Chair, Water Resources Committee, relating to watershed management. (CC 19-12)

**WAI-17 STATUS OF GRANTS UNDER DEPARTMENT OF WATER SUPPLY AND BENCHMARKS FOR GRANTEE PERFORMANCE**

DATE REFERRED   REFERENCE  
05/19/2017   MISC

SUBJECT  
County Clerk, reporting that on 05/19/2017, the Council referred the matter relating to the status of grants under the Department of Water Supply and benchmarks for grantee performance. (CC 19-12)

**WAI-18      REIMBURSEMENT      FOR      SUBDIVISION      WATER      MAIN  
EXTENSION**

DATE REFERRED REFERENCE  
06/16/2017 CC 17-242

SUBJECT  
Director of Water Supply, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 14.05.050, MAUI COUNTY CODE, RELATING TO REIMBURSEMENT FOR SUBDIVISION WATER MAIN EXTENSION." (CC 19-12)

DATE REFERRED REFERENCE  
08/23/2019 BILL 46 (2019)  
(Recommitted)

SUBJECT  
"A BILL FOR AN ORDINANCE AMENDING SECTION 14.05.050, MAUI COUNTY CODE, RELATING TO REIMBURSEMENT FOR SUBDIVISION WATER MAIN EXTENSION."

**WAI-19      ADDRESSING THE UPCOUNTRY WATER METER LIST**

DATE REFERRED REFERENCE  
07/28/2017 CC 17-297

SUBJECT  
Councilmember Alika Atay, relating to addressing the Upcountry water meter list. (CC 19-12)

DATE REFERRED REFERENCE  
11/06/2017 CC 17-439

SUBJECT  
Director of Water Supply, providing a status update on the Upcountry Water Service Priority List.

DATE REFERRED REFERENCE  
06/01/2018 MISC

SUBJECT  
County Clerk, reporting that on 06/01/2018, the Council referred consultant/professional services Contract WC0948 between the County of Maui and HDR Engineering Inc. to conduct water system analysis and review for Upcountry water administration water meter issuance for the Department of Water Supply, County of Maui, Q-WA-18-03.

**WAI-20 WELLHEAD PROTECTION OVERLAY DISTRICT**

DATE REFERRED REFERENCE

02/06/2015 CC 15-50

SUBJECT

Director of Water Supply, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, TO ESTABLISH A WELLHEAD PROTECTION OVERLAY DISTRICT." (CC 17-2, 17-347)

**WAI-21 DEPARTMENT OF WATER SUPPLY WATERLINE UPGRADES**

DATE REFERRED REFERENCE

09/07/2018 CC 18-321

SUBJECT

Councilmember Alike Atay, relating to Department of Water Supply waterline upgrades. (CC 19-12)

**WAI-22 ACCESS THROUGH THE HANS MICHEL PROPERTY FOR MAINTENANCE AND OPERATION OF KANAHA VALLEY STREAM**

DATE REFERRED REFERENCE

05/26/2006 CC 06-160

SUBJECT

Council Member Jo Anne Johnson, transmitting copies of correspondence relating to the maintenance and operation of the Kanaha Valley Stream intake, wells, and tank. (Tax Map Keys (2) 4-6-017:012 and (2) 4-6-017:001) (CC 07-6, CC 09-11, CC 11-11, CC 13-6, CC 15-2, CC 17-2, CC 19-12)

**WAI-23 EMI WATER DELIVERY AGREEMENT**

DATE REFERRED REFERENCE

10/05/2018 CC 18-356

SUBJECT

Councilmember Yuki Lei K. Sugimura, transmitting a document entitled "EMI WATER DELIVERY AGREEMENT." (CC 19-12)



**WAI-26                    LANAI WATER ADVISORY COMMITTEE**

DATE REFERRED   REFERENCE  
06/15/2012   CC 12-133

SUBJECT  
Chair of the Board of Water Supply, transmitting the Board of Water Supply's recommendations relating to a proposed bill establishing a Lanai Water Advisory Committee ("LWAC"). (CC 13-6, CC 15-2, CC 17-3, CC 19-13)

DATE REFERRED   REFERENCE  
11/02/2012   CR 12-124  
**(Recommitted)**

SUBJECT  
Water Resources Committee, recommending the following:

1.     FIRST READING of bill amending Title 2, Maui County Code, establishing LWAC; and
2.     FILING of communication. (CC 13-6, CC 15-2, CC 17-3)

**WAI-29                    DEDICATION OF MAKAI PORTION OF MAKAHALA PLACE, WAILUKU**

DATE REFERRED   REFERENCE  
02/01/2019   CC 19-70

SUBJECT  
Councilmember Alice L. Lee, relating to the dedication of the makai portion of Makahala Place, Wailuku.

**WAI-31                    CONTRACT C6648 (MAUI PAVING, LLC), UPCOUNTRY DISTRICT RESURFACING**

DATE REFERRED   REFERENCE  
02/01/2019   MISC

SUBJECT  
County Clerk, reporting that on 02/01/2019, the Council referred Contract C6648, between the County and Maui Paving, LLC, for Upcountry District Resurfacing (FY 2018), Job No. 18-30.

**WAI-36                    KAUNAKAKAI WASTEWATER RECLAMATION FACILITY**

DATE REFERRED   REFERENCE  
03/22/2019   CC 19-146

SUBJECT  
Councilmember Alice L. Lee, relating to the Kaunakakai Wastewater Reclamation Facility Operation and Maintenance Inspection Report – FY19.

## **WAI-37      MAUI ISLAND WATER USE AND DEVELOPMENT PLAN**

DATE REFERRED    REFERENCE  
04/05/2019    CC 19-162

SUBJECT  
Director of Water Supply, transmitting the following:

1.    A proposed bill entitled "A BILL FOR AN ORDINANCE ADOPTING AN UPDATE TO THE WATER USE AND DEVELOPMENT PLAN FOR THE ISLAND OF MAUI."
2.    Final Draft Water Use and Develop Plan labeled as Exhibit A.

Water and Infrastructure Committee Report 19-110, dated 09/06/2019.

## **WAI-38      EXISTING STREETS**

DATE REFERRED    REFERENCE  
05/17/2019    CC 19-228

SUBJECT  
Councilmember Tamara Paltin, transmitting proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 18.20.040, MAUI COUNTY CODE, RELATING TO EXISTING STREETS."

DATE REFERRED    REFERENCE  
08/23/2019    CR 19-100  
                  **(Recommitted)**

SUBJECT  
Committee Chair, transmitting proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 18.20.040, MAUI COUNTY CODE, RELATING TO IMPROVEMENTS UPON EXISTING STREETS."

## **WAI-39      WATER CONSERVATION PILOT**

DATE REFERRED    REFERENCE  
05/17/2019    MISC

SUBJECT  
County Clerk, reporting that on 05/17/2019, the Council referred the matter relating to a water conservation pilot project. (EDB CR 19-49, as amended)

**WAI-40      ENGINEERING FEASIBILITY STUDY TO INCREASE DROUGHT  
RESILIENCY USING STORM WATER**

DATE REFERRED    REFERENCE  
05/17/2019    MISC

SUBJECT  
County Clerk, reporting that on 05/17/2019, the Council referred the matter relating to the results of an engineering feasibility study to increase drought resiliency using storm water. (EDB CR 19-49, as amended)

**WAI-43      COUNTY FACILITY MAINTENANCE MANAGER**

DATE REFERRED    REFERENCE  
05/17/2019    MISC

SUBJECT  
County Clerk, reporting that on 05/17/2019, the Council referred the matter relating to a County facility maintenance manager to coordinate capital improvement projects on County facilities. (EDB CR 19-49, as amended)

**WAI-44      DEDICATION OF ROADWAYS IN THE WAIKAPU GARDENS  
SUBDIVISION**

DATE REFERRED    REFERENCE  
06/07/2019    CC 19-251

SUBJECT  
Councilmember Alice L. Lee, relating to the dedication of roadways in the Waikapu Gardens subdivision.

**WAI-45      CLEANING AND MAINTAINING SIDEWALKS**

DATE REFERRED    REFERENCE  
06/07/2019    CC 19-252

SUBJECT  
Councilmember Alice L. Lee, relating to cleaning and maintaining sidewalks.

**WAI-48      UPCOUNTRY WATER METER LIST AND WATER CAPACITY IN  
LIGHT OF THE IIFS DECISIONS**

DATE REFERRED    REFERENCE  
07/05/2019    CC 19-291

SUBJECT  
Councilmember Yuki Lei Sugimura, relating to the status of the Upcountry water meter list and water capacity in light of the interim instream flow standards (IIFS) decisions.

**WAI-49      PURCHASE OF EAST MAUI IRRIGATION WATER DELIVERY  
SYSTEM**

DATE REFERRED    REFERENCE  
07/05/2019    CC 19-292

SUBJECT  
Councilmember Yuki Lei Sugimura, relating to exploring options to purchase the East Maui Irrigation water delivery system for food security, agriculture and the 37,000 residents of Upcountry Maui.

**WAI-50      ACQUISITION OF REAL PROPERTY FROM THE DEPARTMENT  
OF HAWAIIAN HOME LANDS FOR THE MAHINAHINA WATER  
TREATMENT FACILITY AND OTHER EXISTING AND  
PROPOSED INFRASTRUCTURE**

DATE REFERRED    REFERENCE  
08/09/2019    CC 19-330

SUBJECT  
Director of Water Supply, transmitting a proposed resolution entitled "APPROVING THE ACQUISITION OF REAL PROPERTY (LICENSES) FROM THE STATE OF HAWAII, DEPARTMENT OF HAWAIIAN HOME LANDS FOR THE MAHINAHINA WATER TREATMENT FACILITY AND OTHER EXISTING AND PROPOSED WATER INFRASTRUCTURE IN MAHINAHINA AND HONOKOWAI, MAUI, HAWAII."

Water and Infrastructure Committee Report 19-111, dated 09/06/2019.

**WAI-51      INTERGOVERNMENTAL      AGREEMENT      WITH      THE  
DEPARTMENT OF HAWAIIAN HOME LANDS, FOR LICENSES  
FOR MAHINAHINA AND HONOKOWAI**

DATE REFERRED    REFERENCE  
08/09/2019    CC 19-331

SUBJECT  
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 THE STATE OF HAWAII, DEPARTMENT OF HAWAIIAN HOME LANDS (AGREEMENT FOR LICENSES FOR MAHINAHINA AND HONOKOWAI."

Water and Infrastructure Committee Report  
19-111, dated 09/06/2019.

**WAI-52 PERMIT FEE ASSESSMENT OF PHOTOVOLTAIC SYSTEMS**

DATE REFERRED   REFERENCE  
08/09/2019   CC 19-329

SUBJECT  
Councilmember Alice L. Lee, relating to the way Photovoltaic Systems are assessed for permit fees.

**WAI-53 UPCOUNTRY TO SOUTH MAUI ROAD**

DATE REFERRED   REFERENCE  
08/23/2019   CC 19-349

SUBJECT  
Councilmember Alice L. Lee, relating to a new public road connecting Upcountry to South Maui.

**WAI-55 MAUI COUNTY LIGHT EMITTING DIODE (LED) STREETLIGHT CONVERSION PROJECT**

DATE REFERRED   REFERENCE  
09/06/2019   cc 19-374

SUBJECT  
Director of Public Works, relating to County's proposal to replace all existing County-owned High Pressure Sodium (HPS) streetlight fixtures located within Maui county roadway rights-of-way with Light Emitting Diode (LED) fixtures.

**WAI-57 COMMUNITY FACILITIES DISTRICTS**

DATE REFERRED   REFERENCE  
09/06/2019   CC 19-376

SUBJECT  
Councilmember Alice L. Lee, relating to Community Facilities Districts.

**WAI-58 INTERGOVERNMENTAL AGREEMENT WITH CITY AND COUNTY OF HONOLULU, HONOLULU BOARD OF WATER SUPPLY; THE COUNTY OF HAWAII, DEPARTMENT OF WATER SUPPLY; AND THE COUNTY OF KAUAI, DEPARTMENT OF WATER SUPPLY FOR MUTUAL AID AND ASSISTANCE DURING EMERGENCIES**

DATE REFERRED   REFERENCE  
10/29/2019   CC 19-423

SUBJECT  
Deputy 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 THE CITY AND COUNTY OF HONOLULU, HONOLULU BOARD OF WATER SUPPLY, THE COUNTY OF HAWAII, DEPARTMENT OF WATER SUPPLY, AND THE COUNTY OF KAUAI, DEPARTMENT OF WATER SUPPLY FOR MUTUAL AID AND ASSISTANCE DURING EMERGENCIES (HAWAII WATER AGENCY RESPONSE NETWORK (HIWARN) INTRASTATE PROGRAM FOR MUTUAL AID AND ASSISTANCE)."

DATE REFERRED   REFERENCE  
11/22/2019   CR 19-141  
(Recommitted)

SUBJECT  
Deputy 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 THE CITY AND COUNTY OF HONOLULU, HONOLULU BOARD OF WATER SUPPLY, THE COUNTY OF HAWAII, DEPARTMENT OF WATER SUPPLY, AND THE COUNTY OF KAUAI, DEPARTMENT OF WATER SUPPLY FOR MUTUAL AID AND ASSISTANCE DURING EMERGENCIES (HAWAII WATER AGENCY RESPONSE NETWORK (HIWARN) INTRASTATE PROGRAM FOR MUTUAL AID AND ASSISTANCE)."

**WAI-59      SAND DUNE RESTORATION IN SOUTH KIHAI**

DATE REFERRED   REFERENCE  
12/20/2019   CC 19-522

SUBJECT  
Councilmember Alice L. Lee, relating to sand dune restoration in South Kihei.

paf:ske:19-397b

**COUNCIL OF THE COUNTY OF MAUI**  
**WATER AND INFRASTRUCTURE**  
**COMMITTEE**

August 23, 2019

**Committee**  
**Report No. 19-100**

Honorable Chair and Members  
of the County Council  
County of Maui  
Wailuku, Maui, Hawaii

Chair and Members:

Your Water and Infrastructure Committee, having met on August 5, 2019, makes reference to County Communication 19-228, from Councilmember Paltin, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 18.20.040, MAUI COUNTY CODE, RELATING TO EXISTING STREETS."

The purpose of the proposed bill is to reverse Code changes made in 2015 and require improvements to existing streets for a subdivision creating two developable lots.

At the request of the Chair of your Committee, the Department of the Corporation Counsel transmitted a revised proposed bill, approved as to form and legality, entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 18.20.040, MAUI COUNTY CODE, RELATING TO IMPROVEMENTS UPON EXISTING STREETS." The revised proposed bill incorporated: a purpose clause, an exemption from the requirement to improve existing streets for an applicant on the priority list for the Upcountry water system who qualifies for the exemption from fire protection mainline infrastructure improvements, a revised condition under which a subdivider with prior approval would be exempted from the changes, and other amendments, including nonsubstantive revisions.

Your Committee notes the 2015 Code changes relating to improvements to existing streets were enacted as part of Ordinance 4255, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 14.13 AND SECTION 18.20.040, MAUI COUNTY CODE, RELATING TO WATER METER ISSUANCE PROVISIONS FOR THE UPCOUNTRY WATER

**COUNCIL OF THE COUNTY OF MAUI**  
**WATER AND INFRASTRUCTURE**  
**COMMITTEE**

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**Committee**  
**Report No. 19-100**

SYSTEM.” Ordinance 4255 states: “It is the council’s desire to eliminate obstacles for upcountry residents to receive water service.”

The Deputy Corporation Counsel explained Ordinance 4255 provided an exemption from fire protection mainline improvements, which applies to an applicant on the Upcountry water service priority list who meets certain criteria, including a two-lot subdivision or a single water service request.

The Deputy Corporation Counsel further explained when a water service request is made, the Department of Water Supply calculates the required size for the water main serving the property. For an applicant who meets the criteria in Section 14.13.065, Maui County Code, if the water main has the capacity to provide adequate water supply for the additional domestic and irrigation uses, but not fire protection, the Department of Fire and Public Safety will review the development application and specify fire protection measures in lieu of infrastructure mainline improvements.

The Deputy Corporation Counsel further explained Ordinance 4255 included a countywide exemption for all two-lot subdivisions from improvements to existing streets, such as curbs, gutters, and sidewalks.

The Chair of your Committee stated the revised proposed bill would remove the countywide exemption and only allow an exemption for an applicant on the priority list for the Upcountry water system who qualifies for the exemption from fire protection mainline infrastructure improvements. Your Committee notes this will align the Code with Ordinance 4255’s stated purpose.

The Deputy Corporation Counsel highlighted Section 4 of the revised proposed bill, which states “a valid subdivision with construction plans approved by the Department of Public Works that is valid on the effective date of this ordinance” would be governed by the current ordinance, not the revised proposed bill, if enacted.



**COUNCIL OF THE COUNTY OF MAUI**  
**WATER AND INFRASTRUCTURE**  
**COMMITTEE**

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**Committee**  
**Report No. 19-100**

Your Committee stated it supported the legislation, which would fulfill the Water Resources Committee's original intent.

Your Committee voted 6-1 to recommend passage of the revised proposed bill on first reading and filing of the communication. Committee Chair Lee, Vice-Chair Paltin, and members Kama, Molina, Rawlins-Fernandez, and Sinenci voted "aye." Committee member Hokama voted "no."

Your Water and Infrastructure Committee RECOMMENDS the following:

1. That Bill \_\_\_\_\_ (2019), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 18.20.040, MAUI COUNTY CODE, RELATING TO IMPROVEMENTS UPON EXISTING STREETS," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 19-228 be FILED.

This report is submitted in accordance with Rule 8 of the Rules of the Council.



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ALICE L. LEE, Chair

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2019)

A BILL FOR AN ORDINANCE AMENDING SECTION 18.20.040, MAUI COUNTY  
CODE, RELATING TO IMPROVEMENTS UPON EXISTING STREETS

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. This ordinance's purpose is to amend a current exemption, and thus require improvements to existing streets for a subdivision creating two developable lots, except for an applicant on the priority list for the upcountry water system who qualifies for the exemption from fire protection mainline infrastructure improvements under Section 14.13.065, Maui County Code.

SECTION 2. Section 18.20.040, Maui County Code, is amended by amending subsection A to read as follows:

"A. No improvements shall be required upon existing streets for the following:

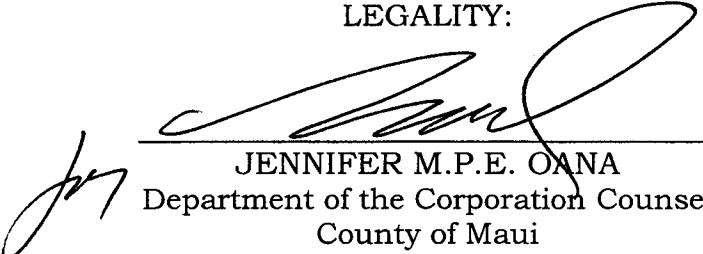
1. ~~[a]~~ A consolidation of lots[;].
2. ~~[for a]~~ A subdivision creating only road widening lots[;].
3. ~~[for a]~~ A consolidation of three developable lots or less ~~[which]~~ that is resubdivided without creating additional developable lots[;].
4. ~~[for a]~~ A subdivision ~~[into]~~ creating only two developable lots for an applicant on the priority list for the upcountry water system, as defined in section 14.13.030, if the subdivision meets the requirements to qualify for the exemption from fire protection mainline infrastructure improvements under section 14.13.065, subject to the following:
  - a. If warranted by public safety, the director may require the improvements as specified in this chapter.

- b. If a lot is further subdivided after receiving an exemption under this subsection as part of a two-lot subdivision, any new lot is not eligible for an exemption.
5. [or for a] A subdivided parcel used for a church[.], provided, however, that [Churches] churches shall dedicate land necessary for road widening purposes to comply with the requirements of this chapter. [Parcels that have undergone a subdivision into two developable lots under this subsection shall not qualify for this exemption with respect to any subsequent resubdivision of any of the parcel which creates additional developable lots.]”

SECTION 3. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 4. This ordinance shall take effect upon its approval, except that the version of Section 18.20.040, Maui County Code, in effect prior to this ordinance’s enactment shall apply to a valid subdivision with construction plans approved by the Department of Public Works that is valid on the effective date of this ordinance.

APPROVED AS TO FORM AND  
LEGALITY:



JENNIFER M.P.E. OANA  
Department of the Corporation Counsel  
County of Maui  
wai:misc:038abill01:ckc