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COUNCIL OF THE COUNTY OF MAUI

2019 MAR 29 PM 4: 24

**A G E N D A**

OFFICE OF THE  
COUNTY CLERK

Regular Meeting of April 5, 2019  
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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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 TAMARA PALTIN

C. PLEDGE OF ALLEGIANCE

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D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. \_\_\_\_\_ "RECOGNIZING APRIL 2019 AS SEXUAL ASSAULT AWARENESS MONTH AND CHILD ABUSE PREVENTION MONTH"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

Organizational Meeting of January 2, 2019

H. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 19-147 - ECONOMIC DEVELOPMENT DIRECTOR, transmitting a copy of Supplemental No. 2 to Memorandum of Understanding between the County of Maui and the State's Hawaii Tourism Authority for the County Product Enrichment Program.

NO. 19-148 - DIRECTOR OF FINANCE, informing of the acceptance of Sewerline Easement S-1, T.F.T. Subdivision, Lot A-1-A, TMK: (2) 3-4-025:017 POR.

NO. 19-149 - DIRECTOR OF FINANCE, informing of the acceptance of Sewerline Easements S-1 & S-2, Portions of Tokito Manta's Lot and Lot 3 of Aina-Hau Tract, TMK: (2) 3-4-034:005 POR and (2) 3-4-034:082 POR.

NO. 19-150 - DIRECTOR OF FINANCE, informing of the acceptance of Waterline Easement 1-A, Kehalani Modules 8 & 9 (Waterline Realignment), TMK: (2) 3-5-038:010, 011 & 012 POR.

NO. 19-151 - DIRECTOR OF FINANCE, informing of the acceptance of Waterline Easement D, Kehalani Module 9 Subdivision, TMK: (2) 3-5-038:083 POR.

NO. 19-152 - DIRECTOR OF FINANCE, informing of the acceptance of Waterline Easement E, Kehalani Module 9 Subdivision, TMK: (2) 3-5-038:084 POR.

NO. 19-153 - DIRECTOR OF FINANCE, informing of the acceptance of Waterline Easement F, Kehalani Module 9 Subdivision, TMK: (2) 3-5-038:085 POR.

NO. 19-154 - COUNCILMEMBER SUGIMURA, relating to Councilmembers' report on the Waikapu Community Association meeting on March 11, 2019 at the Valley Isle Fellowship Church, Wailuku, Maui, Hawaii.

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**H. COMMUNICATIONS (continued):**

NO. 19-155 - DIRECTOR OF FINANCE, transmitting a proposed resolution entitled, "AUTHORIZING THE DISPOSITION BY SEALED BIDS OF THE THREE COUNTY OWNED SANDHILLS ESTATES LOTS".

NO. 19-156 - DIRECTOR OF FINANCE, reporting on transfers/loans from the General Fund and Department of Water Supply Revenue Fund to the 2020 Proposed General Obligation Bond Fund as of February 28, 2019.

NO. 19-157 - DIRECTOR OF FINANCE, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.44, MAUI COUNTY CODE, RELATING TO BOND COVERAGE FOR MEMBERS AND SUBORDINATES OF THE MAUI REDEVELOPMENT AGENCY".

NO. 19-158 - MAYOR, transmitting the following:

1. Mayor's Proposed Budget Program;
2. A proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET FOR THE COUNTY OF MAUI FOR THE FISCAL YEAR JULY 1, 2019 TO JUNE 30, 2020";
3. A proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO THE CAPITAL PROGRAM FOR THE FISCAL YEAR ENDING JUNE 30, 2020";
4. A proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE ISSUANCE OF SIXTY-FOUR MILLION, SIX HUNDRED SEVEN THOUSAND DOLLARS (\$64,607,700) AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI FOR THE PURPOSE OF PROVIDING FUNDS TO PAY ALL OR A PART OF THE COST OF APPROPRIATIONS FOR PUBLIC IMPROVEMENTS OF AND FOR THE COUNTY OF MAUI; FIXING THE FORM, DENOMINATIONS AND CERTAIN OTHER FEATURES OF SUCH BONDS AND PROVIDING FOR THEIR SALE; AUTHORIZING THE DIRECTOR OF FINANCE TO DETERMINE CERTAIN DETAILS OF THE BONDS; AUTHORIZING THE ISSUANCE AND SALE OF A LIKE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE AND SALE OF SUCH BONDS; AUTHORIZING THE ISSUANCE OF REFUNDING GENERAL OBLIGATION BONDS OF THE COUNTY; AND PROVIDING FOR OTHER ACTIONS RELATED TO THE ISSUANCE, SALE AND DELIVERY OF SAID BONDS";
5. A proposed bill entitled "A BILL FOR AN ORDINANCE DETERMINING THAT PART OF THE PROCEEDS OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI HERETOFORE ISSUED IS IN EXCESS OF THE AMOUNTS REQUIRED FOR THE PURPOSES FOR WHICH SUCH BONDS WERE INITIALLY ISSUED, OR MAY OR SHOULD NOT BE APPLIED TO THOSE PURPOSES, AND DIRECTING SUCH PROCEEDS TO OTHER PUBLIC IMPROVEMENTS OR AUTHORIZED PURPOSES OF THE COUNTY OF MAUI";

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**H. COMMUNICATIONS (continued):**

6. A proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A LOAN FROM THE STATE OF HAWAII'S WATER POLLUTION CONTROL REVOLVING FUND FOR THE WEST MAUI RECYCLED WATER SYSTEM EXPANSION, FISCAL YEAR 2020 BUDGET ORDINANCE";
7. A proposed resolution entitled "ADOPTING THE FUEL TAX RATES FOR THE COUNTY OF MAUI, EFFECTIVE JULY 1, 2019";
8. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.44.015, MAUI COUNTY CODE, RELATING TO SALARIES OF DEPUTIES CORPORATION COUNSEL AND DEPUTIES PROSECUTING ATTORNEY"; and
9. Mayor's Proposed Budget Program Synopsis.

NO. 19-159 - COUNCILMEMBER RAWLINS-FERNANDEZ, transmitting a proposed resolution entitled, "AUTHORIZING THE COUNCIL CHAIR TO CONDUCT A FISCAL AND PERFORMANCE REVIEW OF THE USE, MANAGEMENT, AND EXPENDITURE OF PUBLIC FUNDS FOR ANAERGIA SERVICES LLC-RELATED PROJECTS".

NO. 19-160 - CHAIR, GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE, transmitting a proposed resolution entitled "NOMINATING AND APPROVING THE APPOINTMENT OF DAWNALYN FUJIWARA TO THE SALARY COMMISSION".

NO. 19-161 - COUNCIL CHAIR KING, transmitting a proposed resolution entitled, "APPROVING THE HAWAII STATE ASSOCIATION OF COUNTIES REPRESENTATIVE AND ALTERNATE FOR FISCAL YEAR 2020".

NO. 19-162 - DIRECTOR OF WATER SUPPLY, transmitting a draft proposed bill entitled "A BILL FOR AN ORDINANCE ADOPTING AN UPDATE TO THE WATER USE AND DEVELOPMENT PLAN FOR THE ISLAND OF MAUI".

**2. GENERAL COMMUNICATIONS:**

NONE.

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**I. COMMITTEE REPORTS:****NO. 19-38 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:**

Recommending the following:

1. **ADOPTION** of resolution to authorize the Mayor to execute and file an application with the United States Department of Housing and Urban Development for a grant of \$1,900,669 for the Community Development Block Grant Program for Program Year 2019/Fiscal Year 2020, which is the period from July 1, 2019 to June 30, 2020; and
2. **FILING** of communication.

**NO. 19-39 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:**

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 Department of Housing and Human Concerns, by increasing the appropriation for the Home Delivered Meals Program by \$42,207, for a total grant of \$98,000, to reflect an anticipated increase in voluntary contributions for the Home Delivered Meals Program.

**NO. 19-40 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:**

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2019 Budget, Appendix C, Capital Improvement Projects, Countywide Federal Aid Program (CBS-5022), by adding "Old Haleakala Highway Traffic Signal Upgrade at Pukalani Street" and deleting "Papalaua Street and Wainee Street traffic signal upgrades"; and
2. **FILING** of communication.

**NO. 19-41 - ENVIRONMENTAL, AGRICULTURAL, AND CULTURAL PRESERVATION COMMITTEE:**

Recommending the following:

1. **FIRST READING** of bill to authorize the Mayor to enter into intergovernmental agreements with the State Department of Health relating to contracts for glass recycling and electronic device recycling, pursuant to Section 20.20.020, Maui County Code; and
2. **FILING** of communication.

**NO. 19-42 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:**

Recommending the following:

1. **ADOPTION** of resolution approving the Mayor's appointment of Donald S. Guzman for Prosecuting Attorney; and
2. **FILING** of resolution disapproving the Mayor's appointment of Donald S. Guzman for Prosecuting Attorney.

I. COMMITTEE REPORTS (continued):NO. 19-43 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving the appointment of Isla Young (General Public) to the Kula Agricultural Park Committee for a term beginning on April 1, 2019, and expiring on March 31, 2024;
2. **ADOPTION** of resolution approving the appointment of Jo-Ann Ridao (Reappoint) to the Maui Redevelopment Agency for a term beginning on April 1, 2019, and expiring on March 31, 2024; and
3. **ADOPTION** of resolution approving the appointments of Peter Niess (Architect) for a term beginning on April 1, 2019, and expiring on March 31, 2024; and Darren Okimoto (Civil Engineer) (from alternate member to regular member) to continue his current term expiring on March 31, 2023, to the Urban Design Review Board.

NO. 19-44 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to authorize the Mayor to enter into an intergovernmental agreement with the National Cemetery Administration of the U.S. Department of Veterans Affairs, the Hawaii State Historic Preservation Officer, the Advisory Council on Historic Preservation, the State of Hawaii Department of Defense and Office of Veterans Services regarding a grant to support improvements to the Maui Veterans Cemetery at Makawao, Maui, Hawaii; to enter into an intergovernmental agreement with the State of Hawaii Office of Veterans Services regarding the maintenance of the Cemetery; and to approve a grounds management and maintenance plan to maintain the Cemetery at "Shrine Status"; and
2. **FILING** of Bill 96 (2017).

*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. 19-45 - MULTIMODAL TRANSPORTATION COMMITTEE:

Recommending **FILING** of communication relating to Contract C6660, between the County of Maui and Hawaiian Dredging Construction Company, Inc., for the North Shore Greenway Phase IV project for the Department of Public Works.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 21 (2019) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF MANAGEMENT, MAUI REDEVELOPMENT PROGRAM; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

BILL NO. 22 (2019) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF TRANSPORTATION, PUBLIC TRANSIT PROGRAM - HIGHWAY FUND; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

L. UNFINISHED BUSINESS:

COMMITTEE REPORTS:

NO. 19-37 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending **ADOPTION** of resolution to refer to the Molokai Planning Commission a proposed bill to grant a Change in Zoning for approximately 32,068 square feet of property in Kaunakakai, Molokai, Hawaii, identified for real property tax purposes as tax map key (2) 5-3-002:049, to make the zoning consistent with the Molokai Island Community Plan designation.

**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.**

**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.**