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**COUNCIL OF THE COUNTY OF MAUI**

2019 JUN 28 PM 3:48

**A G E N D A**

OFFICE OF THE  
COUNTY CLERK

Regular Meeting of July 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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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 ALICE LEE

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NONE.

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

Regular Meeting of February 15, 2019

H. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 19-266 - DIRECTOR OF FINANCE, informing that funds from the Countywide Costs Program totaling \$47,738.51 have been transferred to the Department of Police, Uniformed Patrol, Central Maui, relating to the purchase of a replacement vehicle.

NO. 19-267 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting Modification Order No. 3, from the State of Hawaii, Executive Office on Aging, for the Kupuna Caregivers Program in the amount of \$65,700 for the period of December 31, 2017 to June 30, 2020.

NO. 19-268 - DIRECTOR OF PARKS AND RECREATION, transmitting a notice of grant award from the No Kid Hungry program in the amount of \$5,000 for the period of June 10, 2019 to September 30, 2019.

NO. 19-269 - CHIEF OF POLICE, transmitting two grant modifications from the Office of National Drug Control Policy for the 2018 High Intensity Drug Trafficking Areas grant to increase the budget by \$55,600.

NO. 19-270 - CHIEF OF POLICE, transmitting a grant agreement with the State of Hawaii, Department of Human Services, Office of Youth Services for the Positive Outreach Interventions grant for the period of May 1, 2019 to April 30, 2020 in the amount of \$85,263.

NO. 19-271 - CHIEF OF POLICE, informing of the receipt of Forfeiture Funds in the amount of \$9,605 from the Department of Attorney General, State of Hawaii.

NO. 19-272 - MAYOR, informing of a vacancy on the Affirmative Action Advisory Council due to the resignation of Janet Driggers.

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**H. COMMUNICATIONS (continued):**

- NO. 19-273 - DIRECTOR OF FINANCE, informing of the acceptance of a Dedication Deed for Road Widening Lot, First Assembly of God Subdivision, Lot 2-C-4-B-2, TMK: (2) 3-8-080-038.
- NO. 19-274 - DIRECTOR OF FINANCE, informing of the acceptance of a Warranty Deed for Road Widening Lot, Land Court Application 1320, Map 37, Lot 1557, TMK: (2) 2-3-010:052.
- NO. 19-275 - DIRECTOR OF FINANCE, informing of the acceptance of a Warranty Deed for Road Widening Lot 17, Haliimaile Road, Baldwin Ranch Estates, TMK: (2) 2-5-003:054.
- NO. 19-276 - DIRECTOR OF FINANCE, informing of the acceptance of a Warranty Deed for Road Widening Lot 58, Kualono Subdivision, TMK: (2) 2-3-011:131.
- NO. 19-277 - DIRECTOR OF FINANCE, informing of the acceptance of Waterline Easements W-1, W-2, W-3, and W-4, Kehalani Module 8 Subdivision, TMK: (2) 3-5-001:111 por.
- NO. 19-278 - CHAIR, GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE, transmitting a proposed resolution entitled, "RELATING TO THE APPOINTMENT OF PEDRO VENENCIANO TO THE LIQUOR CONTROL COMMISSION FOR THE COUNTY OF MAUI".
- NO. 19-279 - COUNCILMEMBER SUGIMURA, relating to an energy efficiency audit of county facilities.
- NO. 19-280 - COUNCILMEMBER KAMA, relating to affordable housing impact fees.
- NO. 19-281 - COUNCIL VICE-CHAIR RAWLINS-FERNANDEZ, relating to amendments to Appendix A, Grants and Restricted Use Revenues – Schedule of Grants and Restricted Use Revenues by Departments and Programs for Fiscal Year 2020.
- NO. 19-282 - COUNCIL VICE-CHAIR RAWLINS-FERNANDEZ, relating to amendments to the Fiscal Year 2020 Budget to authorize transfers between categories of use within a program or department.

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**H. COMMUNICATIONS (continued):**

- NO. 19-283 - DIRECTOR OF FINANCE, reporting on temporary transfers/loans from the General Fund and the Department of Water Supply Revenue Fund to the 2020 Proposed General Obligation Bond Fund as of May 31, 2019.
- NO. 19-284 - COUNCILMEMBER KAMA, relating to Activity Goals and Measures – Fire and Public Safety Department.
- NO. 19-285 - COUNCILMEMBER LEE, relating to legal and illegal fireworks on Maui.
- NO. 19-286 - MAYOR, transmitting a proposed resolution entitled “REMOVAL OF BONNIE DE ROSE FROM THE COST OF GOVERNMENT COMMISSION”.
- NO. 19-287 - COUNCILMEMBER SUGIMURA, relating to counting every resident of Maui County and the impact of the 2020 U.S. Census.
- NO. 19-288 - COUNCILMEMBER LEE, relating to Waiehu Golf Course, Muni Golf Course comparisons.
- NO. 19-289 - COUNCILMEMBER SUGIMURA, relating to transportation options, including ferry services during natural disasters and in emergency situations.
- NO. 19-290 - PLANNING DIRECTOR, transmitting a proposed bill entitled “A BILL FOR AN ORDINANCE AMENDING SECTION 19.510.010, MAUI COUNTY CODE, RELATING TO UNRESOLVED LAND USE VIOLATIONS.”
- NO. 19-291 - COUNCILMEMBER SUGIMURA, relating to the status of the Upcountry water meter list and water capacity in light of the IIFS decisions.
- NO. 19-292 - COUNCILMEMBER 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.

**2. GENERAL COMMUNICATIONS:**

- NO. 19-3 - TYLER KIMURA, PARTNER, SPIRE HAWAII LLP, transmitting the Performance and Fiscal Audit of the Maui Invasive Species Committee.

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**I. COMMITTEE REPORTS:****NO. 19-63 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:**

Recommending **FILING** of communication transmitting the Fiscal Year 2019-2020 certification of the net taxable real property valuation for the County of Maui, in accordance with Section 3.48.135 and Section 3.48.580, Maui County Code.

**NO. 19-64 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:**

Recommending **FILING** of communication transmitting the Affordable Housing Fund Annual Plan and proposed bills to amend the Fiscal Year 2019 Budget for the following projects: Ewalu Phase II – Hale Mahaolu, Westside Staircase – Ka Hale A Ke Ola, and Renewal Project Phase III Building 7 – Ka Hale A Ke Ola.

**NO. 19-65 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:**

Recommending **FILING** of communication transmitting a proposed bill to amend Fiscal Year 2019 Budget “by adding a \$475,000 grant appropriation to Kaupo Community Association, Inc. for the construction of infrastructure improvements at the old Kaupo School property.”

**NO. 19-66 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:**

Recommending **FILING** of communication transmitting two reports on the settlement of claims as of December 31, 2018, in accordance with Section 3.16.020(C), Maui County Code.

**NO. 19-67 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:**

Recommending the following:

1. **ADOPTION** of resolution authorizing the Council Chair to contract for a fiscal and performance audit of the Maui Redevelopment Agency; and
2. **FILING** of communication.

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**I. COMMITTEE REPORTS (continued):****NO. 19-68 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:**

Recommending the following:

1. **FIRST READING** of bill to amend Chapter 2.44, Maui County Code, by adding a new Section 2.44.040, relating to the Director of Finance procuring a bond for the Members and subordinates of the Maui Redevelopment Agency; and
2. **FILING** of communication.

**NO. 19-69 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:**

Recommending **ADOPTION** of resolution approving the appointment of Mandy Saito as an Alternate (Engineer) to the Urban Design Review Board for a term expiring on March 31, 2024.

**NO. 19-70 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:**

Recommending **ADOPTION** of resolution approving the appointment of Leonardo Sequeira to the Council on Aging for a term expiring on March 31, 2021.

**NO. 19-71 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:**

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

**NO. 19-72 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:**

Recommending **ADOPTION** of resolution to authorize settlement of County of Maui v. Rick Markham, et al., Civil 17-1-0393(2).

*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. 19-73 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:**

Recommending **ADOPTION** of resolution to authorize partial settlement of Ocean Resort Villas Vacation Owners Association, et al. v. County of Maui, et al., SCAP 180000578.

*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. 19-74 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:**

Recommending **ADOPTION** of resolution to authorize settlement of Louis Cambra v. County of Maui, Disability Compensation Division Case 7-16-00151.

*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. 19-75 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:**

Recommending **ADOPTION** of resolution to authorize settlement of State Farm Mutual Automobile Insurance Company on behalf of its insured, Reginald Balidoy; Claim 30180603955-0001.

**NO. 19-76 - HEALTHY FAMILIES AND COMMUNITIES COMMITTEE:**

Recommending the following:

1. **ADOPTION** of resolution to permit the Lahaina Civic Center to be used by licensee Kemper Sports Marketing, Inc., for the Maui Invitational Basketball Tournament for 12 days each November from 2021 through 2030; and
2. **FILING** of communication.

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**I. COMMITTEE REPORTS (continued):****NO. 19-77 - WATER AND INFRASTRUCTURE COMMITTEE:**

Recommending the following:

1. **FILING** of communication transmitting the State of Hawaii Commission on Water Resource Management's water use reports for all registered well reporters and surface water users on Maui, for the month ending September 2018;
2. **FILING** of communication transmitting the State of Hawaii Commission on Water Resource Management's water use reports for all registered well reporters and surface water users on Maui, for the month ending October 2018;
3. **FILING** of communication transmitting the State of Hawaii Commission on Water Resource Management's water use reports for all registered well reporters and surface water users on Maui, for the month ending January 2019; and
4. **FILING** of communication transmitting the State of Hawaii Commission on Water Resource Management's water use reports for all registered well reporters and surface water users on Maui, for the month ending March 2019.

**NO. 19-78 - WATER AND INFRASTRUCTURE COMMITTEE:**

Recommending **FILING** of communication transmitting the Department of Water Supply's Monthly Source and Groundwater Use Reports for the month ending April 2019.

**NO. 19-79 - WATER AND INFRASTRUCTURE COMMITTEE:**

Recommending the following:

1. **FILING** of communication reporting acceptance of a sewer line easement dedication in the T. Oda Subdivision at 403 Waiale Road, Wailuku, Maui, Hawaii; and
2. **FILING** of communication reporting acceptance of a sewer line easement dedication in the Kaanapali Vista Subdivision at 144 Halelo Street, Lahaina, Maui, Hawaii.

**NO. 19-80 - WATER AND INFRASTRUCTURE COMMITTEE:**

Recommending **FILING** of communication reporting acceptance of a warranty deed for a road widening lot in the Puuomalei Tract, adjacent to Kaupakalua Road, in Haiku, Maui, Hawaii.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 38 (2019) - "A BILL FOR AN ORDINANCE AMENDING SECTION 13.04A.290, MAUI COUNTY CODE, TO PROHIBIT COMMERCIAL OCEAN RECREATIONAL ACTIVITY AT HANAKAO'O BEACH PARK"

L. UNFINISHED BUSINESS:

NONE.

**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.**