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COUNCIL OF THE COUNTY OF MAUI 2019 AUG -2 PM 4: 54

A G E N D A

OFFICE OF THE
COUNTY CLERK

Regular Meeting of August 9, 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

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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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

A. **ROLL CALL**

B. **OPENING REMARKS:** COUNCILMEMBER TAMARA PALTIN

C. **PLEDGE OF ALLEGIANCE**

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. _____ "CONGRATULATING NAIGHEL CALDERON, OF LĀNA'I HIGH & ELEMENTARY SCHOOL, ON BEING INDUCTED INTO THE HAWAII HIGH SCHOOL ATHLETIC ASSOCIATION HALL OF HONOR"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

Public Hearing of April 17, 2019
 Regular Meeting of April 23, 2019
 Public Hearing of April 24, 2019
 Regular Meeting of May 3, 2019

H. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 19-308 - CHIEF OF POLICE, transmitting the grant award document approved by the U.S. Department of Justice Office of Community Oriented Policing Services in the amount of \$181,512.

NO. 19-309 - CHIEF OF POLICE, informing of the Police Department's intent to expend \$3,159.61 in Federal Forfeiture Funds to purchase a replacement printer for the Juvenile section.

NO. 19-310 - PLANNING DIRECTOR, transmitting a grant-in-aid award notification from the State of Hawaii Office of Planning for the Coastal Zone Management Grant in the amount of \$416,950.

NO. 19-311 - COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MANAGER, transmitting the notice of grant award from the U.S. Department of Housing and Urban Development, Office of Community Planning and Development for the Community Development Block Grant Program, in the amount of \$1,830,988.

NO. 19-312 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, notifying that the Home Delivered Meals voluntary contributions received from senior program participants has exceeded the budgeted amount of \$98,000 by \$4,671.75 for a total of \$102,671.75.

NO. 19-313 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting the notice of grant award from the U.S. Department of Housing & Urban Development totaling \$25,813,932 for Section 8 Housing Program Grants, which includes HUD held reserves and Administrative Fees for calendar year 2019.

H. COMMUNICATIONS (continued):

- NO. 19-314 - DIRECTOR OF PUBLIC WORKS, transmitting the Request for Project Authorization, Agreement, and/or Modification approving the federal funds to advertise the Kea Street Pavement Reconstruction project bids.
- NO. 19-315 - DIRECTOR OF PARKS AND RECREATION, transmitting the notice of grant award from the State of Hawaii, Department of Education for the Play and Learn Sessions (PALS) Food Service Program in the amount of \$200,000.
- NO. 19-316 - DIRECTOR OF FINANCE, transmitting a summary of the temporary transfers/loans from the General Fund and Department of Water Supply Revenue Fund to the 2020 Proposed General Obligation Bond Fund, as of June 30, 2019.
- NO. 19-317 - DIRECTOR OF FINANCE, informing that funds from Countywide Costs programs totaling \$10,117.06 have been transferred to various programs to cover shortages due to unbudgeted salary increases and anticipated overtime incurred due to the implementation of the new Workday system.
- NO. 19-318 - MAYOR, informing of a vacancy on the Commission on Persons with Disabilities due to the resignation of Sheila Villanueva.
- NO. 19-319 - MAYOR, informing of a vacancy on the Committee on the Status of Women due to the resignation of Deneane Hamby.
- NO. 19-320 - MAYOR, informing of the appointments of Barbara Fernandez, Robert Burritt, and Douglas McBride to the Maui County Arborist Committee.
- NO. 19-321 - CHAIR, MAUI COUNTY COMMISSION ON CHILDREN AND YOUTH, updating the Council on the recent efforts of the Maui County Commission on Children and Youth.
- NO. 19-322 - DIRECTOR OF FINANCE, informing of the acceptance of Drainage Ditch Easement No. 3, Hauoli Street Drainage Basin & Outlet Repair, TMK: (2) 3-8-014:011 POR.
- NO. 19-323 - DIRECTOR OF FINANCE, informing of the acceptance of Sewerline Easement "S-2", Sandhills Estates, TMK: (2) 3-8-089:109.
- NO. 19-324 - COUNCILMEMBER KAMA, relating to Councilmembers' report on the meeting to review the new Environmental Assessment and Environmental Impact Statement rules and procedures on July 26, 2019.
- NO. 19-325 - COUNCILMEMBER PALTIN, transmitting an amendment to the proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM WAILUKU-KAHULUI PROJECT DISTRICT 5 (MAUI TROPICAL PLANTATION) AND AGRICULTURAL DISTRICT TO WAIKAPU COUNTRY TOWN (WCT) DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT WAILUKU, MAUI, HAWAII".

H. COMMUNICATIONS (continued):

- NO. 19-326 - DEPUTY DIRECTOR OF FINANCE, transmitting a report of short-term investments for the quarter ended June 30, 2019.
- NO. 19-327 - COUNCILMEMBER HOKAMA, relating to the fiscal year 2019 grant performance and evaluation report for Department of Housing and Human Concerns grantees.
- NO. 19-328 - COUNCILMEMBER HOKAMA, relating to Maui County telecommunications infrastructure issues, including property rights, privacy, and safety.
- NO. 19-329 - COUNCILMEMBER LEE, relating to the way Photovoltaic Systems are assessed for permit fees.
- NO. 19-330 - 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".
- NO. 19-331 - 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)".

2. GENERAL COMMUNICATIONS:

NONE.

I. COMMITTEE REPORTS:

- NO. 19-88 - AFFORDABLE HOUSING COMMITTEE:
Recommending **REFERRAL** of Miscellaneous Communication, dated May 21, 2019, relating to the Kaiaulu O Kupuohi Apartments Project in West Maui to the Economic Development and Budget Committee.
- NO. 19-89 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:
Recommending **ADOPTION** of resolution approving the appointment of Jamie Becraft to the Liquor Control Commission for a term expiring on March 31, 2023.
- NO. 19-90 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:
Recommending **ADOPTION** of resolution disapproving the appointment of Archie Kalepa to the Maui Planning Commission.

I. COMMITTEE REPORTS (continued):NO. 19-91 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing the removal of Ronald Kimball from the Cost of Government Commission; and
2. **FILING** of communication.

NO. 19-92 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **ADOPTION** of resolution to authorize settlement of Jacob Firth and Elva Marie Espinosa Brumblay v. County of Maui, et al.; Civil 18-1-0234(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; 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. 19-93 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill granting a request from Waikapu Properties, LLC on its own behalf and on behalf of MTP Land Partners, LLC; the William S. Filios Separate Property Trust dated April 3, 2000; and Waiale 905 Partners, LLC ("landowners"), for a Community Plan Amendment from Project District 5, Single-Family, and Agricultural to Waikapu Country Town (WCT) for certain parcels situated at Wailuku, Maui, Hawaii, comprising 495.905 acres, and identified for real property tax purposes as tax map keys (2) 3-6-004:006, (2) 3-6-005:007, (2) 3-6-006:036, a portion of (2) 3-6-002:003, and three portions of (2) 3-6-004:003 (collectively the "properties"), to facilitate the development of the proposed mixed-use Waikapu Country Town project;
2. **FIRST READING** of bill to amend Title 19, Maui County Code, by adding a new chapter for the Waikapu Country Town District and related definitions and development standards for the proposed Waikapu Country Town project;
3. **FIRST READING** of bill granting a Change in Zoning from Wailuku-Kahului Project District 5 (Maui Tropical Plantation) and Agricultural District to Waikapu Country Town (WCT) for the properties to facilitate the development of the Waikapu Country Town project;
4. **RECORDATION** of the unilateral agreement; and
5. **FILING** of communication.

I. COMMITTEE REPORTS (continued):**NO. 19-94 - WATER AND INFRASTRUCTURE COMMITTEE:**

Recommending **FILING** of communication relating to Contract C6589-1 (amendment 1 to contract), between the County of Maui and CH2M Hill Engineers, Inc., for Central Maui Landfill Groundwater Monitoring Services.

NO. 19-95 - WATER AND INFRASTRUCTURE COMMITTEE:

Recommending **FILING** of communication relating to Contract C6735, between the County of Maui and Fukunaga & Associates, Inc., for professional services related to the Kihei Wastewater Reclamation Facility Effluent Pump Station Renovation, a project under CBS-1119, Countywide Environmental Protection Agency (EPA) Compliance Wastewater Reclamation Facility Renovation Projects.

NO. 19-96 - WATER AND INFRASTRUCTURE COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution urging the Department of Public Works to evaluate the incorporation of visitability standards for new residential construction in the County's Building Code; and
2. **FILING** of communication.

NO. 19-97 - WATER AND INFRASTRUCTURE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to limit subdivision water main extension reimbursements to \$100,000, provide a consistent 50 percent reimbursement rate, and allow subdividers five years to complete the subdivision water system improvements.
2. **FILING** of communication.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 40 (2019) - "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL TO RURAL FOR PROPERTY SITUATED AT MAKAWAO, MAUI, HAWAII, TAX MAP KEYS (2) 2-4-002:011 AND (2) 2-4-002:006 (POR.)"

BILL NO. 41 (2019) - "A BILL FOR AN ORDINANCE TO AMEND THE MAKAWAO-PUKALANI-KULA COMMUNITY PLAN AND LAND USE MAP FROM AGRICULTURE TO PUBLIC/QUASI-PUBLIC FOR PROPERTY SITUATED AT MAKAWAO, MAUI, HAWAII, TAX MAP KEY (2) 2-4-002:006 (POR.)"

K. ORDINANCES - SECOND AND FINAL READING (continued):

BILL NO. 42 (2019) - "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM INTERIM AND AGRICULTURAL DISTRICTS TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT MAKAWAO, MAUI, HAWAII, TAX MAP KEYS (2) 2-4-002:011 AND (2) 2-4-002:006 (POR.)"

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.