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COUNCIL OF THE COUNTY OF MAUI 2019 AUG 30 PM 4: 22

A G E N D A

OFFICE OF THE
COUNTY CLERK

Regular Meeting of September 6, 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.mauhi.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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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 YUKI LEI SUGIMURA

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. _____ "CONGRATULATING THE 2019 CENTRAL EAST MAUI MAJOR ALL-STARS FOR WINNING THE HAWAII STATE LITTLE LEAGUE BASEBALL DIVISION CHAMPIONSHIP AND FINISHING TOP FIVE IN THE LITTLE LEAGUE WORLD SERIES"

NO. _____ "CONGRATULATING THE CENTRAL EAST MAUI SENIOR LITTLE LEAGUE ALL-STARS FOR WINNING THE 2019 SENIOR LEAGUE WORLD SERIES"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

Regular Meeting/Public Hearing of May 17, 2019

H. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 19-350 - CHIEF OF POLICE, transmitting a copy of the Memorandum of Agreement with the State of Hawaii, Department of Health for the records access for statistical data abstraction in the amount of \$7,500.

NO. 19-351 - CHIEF OF POLICE, transmitting a copy of the Memorandum of Agreement with the Department of Health, Alcohol and Drug Abuse Division for the Prohibiting Tobacco Sales to Persons Under the Age of Twenty-One program in the amount of \$11,000.

NO. 19-352 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a Letter of Intent from the State of Hawaii, Executive Office on Aging for Kupuna Care Program services in the amount of \$678,778.

NO. 19-353 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a Letter of Intent from the State of Hawaii, Executive Office on Aging for Kupuna Care Elder Abuse Prevention services in the amount of \$27,686.

NO. 19-354 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a Letter of Intent from the State of Hawaii, Executive Office on Aging for Kupuna Caregivers Program services in the amount of \$209,745.

NO. 19-355 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a Letter of Intent from the State of Hawaii, Executive Office on Aging for the Aging and Disability Resource Center Expansion services in the amount of \$383,576.

H. COMMUNICATIONS (continued):

- NO. 19-356 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a Letter of Intent from the State of Hawaii, Executive Office on Aging for Older Americans Act Title III Programs in the amount of \$794,204.
- NO. 19-357 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a Notice of Grant Award from the Corporation for National and Community Service for the Retired and Senior Volunteer Program in the amount of \$7,500, for a total of \$73,350.
- NO. 19-358 - DIRECTOR OF FINANCE, transmitting a summary of the temporary transfers/loans that have occurred from the General Fund and Department of Water Supply Revenue Fund to the 2020 Proposed General Obligation Bond Fund, as of July 31, 2019.
- NO. 19-359 - DIRECTOR OF TRANSPORTATION, transmitting the status of grants under the Department of Transportation and benchmarks for grantee performance.
- NO. 19-360 - COUNCILMEMBER KAMA, relating to Councilmembers' report on the MEO Core Four Business Planning Course Bankers' Dinner and Graduation, held on August 13, 2019.
- NO. 19-361 - COUNCILMEMBER SINENCI, relating to Councilmembers' report on the Malama Kai discussion on Lahaina's injection wells that took place at the Maui Ocean Center Dome Theater on August 21, 2019.
- NO. 19-362 - COUNCIL CHAIR KING, relating to Councilmembers' report on the Alliance of Maui Community Associations meeting that took place at Kaunoa Senior Center on August 26, 2019.
- NO. 19-363 - PRESIDING OFFICER PRO TEMPORE KAMA, relating to Councilmembers' report on the Hawaii Community Foundation Affordable Housing Stakeholders Meeting that took place on August 27, 2019.
- NO. 19-364 - COUNCIL CHAIR KING, transmitting a proposed resolution entitled "SUBMITTING THE MAUI COUNTY COUNCIL'S STATEWIDE CONCERNS TO THE HAWAII STATE ASSOCIATION OF COUNTIES EXECUTIVE COMMITTEE FOR POSSIBLE INCLUSION IN THE 2020 HSAC LEGISLATIVE PACKAGE".
- NO. 19-365 - COUNCILMEMBER HOKAMA, relating to the following Statewide concerns for possible inclusion in the Hawaii State Association of Counties 2020 Legislative Package:
1. Statewide concerns pertaining to cesspool conversions.

H. COMMUNICATIONS (continued):

- NO. 19-366 - COUNCIL CHAIR KING, relating to the following Statewide concerns for possible inclusion in the Hawaii State Association of Counties 2020 Legislative Package:
1. Amend the Sunshine Law to allow a quorum or more of Councilmembers to attend community meetings;
 2. Address illegal short term rentals;
 3. Support the invasive species special fund;
 4. Assist the counties on managed shoreline retreat; and
 5. Address overtourism.
- NO. 19-367 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, 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 HUMAN SERVICES TO IMPLEMENT THE OHANA ZONE – KAHULUI AFFORDABLE HOUSING FOR HOMELESS FAMILIES".
- NO. 19-368 - BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2020 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2020, AFFORDABLE HOUSING FUND (HABITAT FOR HUMANITY, AFFORDABLE HANA HOUSING PROJECT)".
- NO. 19-369 - DIRECTOR OF FINANCE, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, MAUI COUNTY CODE, RELATING TO DETERMINATION OF RATES".
- NO. 19-370 - MAYOR, relating to the designation of a Councilmember to serve on the Conservation Planning Committee, pursuant to Ordinance No. 4878.
- NO. 19-371 - FIRE CHIEF, transmitting a proposed resolution entitled "AUTHORIZING ACCEPTANCE OF THE DONATION OF 185 PAIRS OF FOOTWEAR TO THE OCEAN SAFETY BUREAU OF THE DEPARTMENT OF FIRE AND PUBLIC SAFETY, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE".
- NO. 19-372 - COUNCIL VICE-CHAIR RAWLINS-FERNANDEZ, transmitting a proposed resolution entitled "URGING THE STATE DEPARTMENT OF LAND AND NATURAL RESOURCES DENY THE DRAFT ENVIRONMENTAL ASSESSMENT OF PROPOSED NAVAL TRAINING IN THE WATERS OF MAUI, MOLOKA'I, AND LANA'I".

H. COMMUNICATIONS (continued):

- NO. 19-373 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 10.36.072, MAUI COUNTY CODE, RELATING TO THIRTY MILES PER HOUR – RESIDENTIAL DISTRICT EXCEPTION".
- NO. 19-374 - DIRECTOR OF PUBLIC WORKS, relating to the County's proposal to replace all existing County-owned High Pressure Sodium streetlight fixtures located within Maui County roadway rights-of-way with Light Emitting Diode fixtures.
- NO. 19-375 - 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 U.S. GEOLOGICAL SURVEY, PACIFIC ISLANDS WATER SCIENCE CENTER, UNITED STATES DEPARTMENT OF THE INTERIOR (COOPERATIVE WATER-RESOURCE MONITORING PROGRAM)".
- NO. 19-376 - COUNCILMEMBER LEE, relating to proposed amendments to Title 3, Maui County Code, relating to Community Facilities Districts.

2. GENERAL COMMUNICATIONS:

NONE.

I. COMMITTEE REPORTS:

NO. 19-101 - AFFORDABLE HOUSING COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to revise policies and procedures for the dedication of lands used for residential workforce housing rental units to qualify a property owner for exemption from real property taxation; and
2. **FILING** of communication.

NO. 19-102 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:

Recommending **FIRST READING** of bill to amend the Fiscal Year 2019 general obligation bond authorization ordinance by decreasing the appropriation under the Department of Management, Wailuku-Kahului Community Plan Area, Government Facilities, Wailuku Civic Complex, in the amount of \$14,233,688.

NO. 19-103 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **ADOPTION** of resolution approving the appointment of James "Ipo" Mossman to the Affirmative Action Advisory Council for a term expiring on March 31, 2020.

I. COMMITTEE REPORTS (continued):**NO. 19-104 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:**

Recommending **ADOPTION** of resolution approving the appointment of Patrick O'Neil to the Cost of Government Commission for a term expiring on March 31, 2024.

NO. 19-105 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **ADOPTION** of resolution approving the appointment of Robert Carroll to the Maui County Commission on Persons with Disabilities for a term expiring on March 31, 2020.

NO. 19-106 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving for inclusion in the 2020 Hawaii State Association of Counties Legislative Package a State bill to increase funding for agriculture;
2. **ADOPTION** of resolution approving for inclusion in the 2020 Hawaii State Association of Counties Legislative Package a State bill to authorize supplemental categorical funding for remote schools and appropriate funds; and
3. **REFERRAL** of matter relating to the promotion of traffic safety on two-lane roadways, to the Multimodal Transportation Committee.

NO. 19-107 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **REFERRAL** of communication relating to fireworks on Maui, to the Economic Development and Budget Committee.

NO. 19-108 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **ADOPTION** of resolution to authorize settlement of Kamoku Contracting, LLC v. County of Maui, Civil 18-1-0180(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.

I. COMMITTEE REPORTS (continued):NO. 19-109 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending the following:

1. **SECOND AND FINAL READING** of Bill 145 (2018), Draft 1, to amend the Pa`ia-Ha`iku Community Plan (1995), as amended, by conditionally allowing Short-Term Rental Homes in the Pa`ia-Ha`iku Community Plan Area; and
2. **SECOND AND FINAL READING** of Bill 146 (2018), Draft 1, to amend Chapter 19.65, Maui County Code, by reducing the number of Short-Term Rental Homes permits allowed in the Pa`ia-Ha`iku Community Plan Area from 88 to 55 and prohibiting new Short-Term Rental Home permits within the Special Management Area in Pa`ia-Ha`iku, except for applications deemed complete prior to the ordinance's effective date.

NO. 19-110 - WATER AND INFRASTRUCTURE COMMITTEE:

Recommending **ADOPTION** of resolution approving a time extension to December 31, 2020 to adopt the Maui Island Water Use and Development Plan, as an update to the Maui County Water Use and Development Plan.

NO. 19-111 - WATER AND INFRASTRUCTURE COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving the acquisition of real property in the form of licenses as easements in Mahinahina and Honokowai, from the State of Hawaii, Department of Hawaiian Home Lands, for portions of certain parcels totaling 25.091 acres, identified for real property tax purposes as tax map keys (2) 4-4-002:015 and (2) 4-4-002:018. The Department of Water Supply will issue source water credits for the licenses. The purpose of the resolution is to comply with Section 3.44.015.C, Maui County Code, requiring Council approval for real property acquisitions exceeding \$250,000; and
2. **FIRST READING** of bill authorizing the Mayor to enter into an intergovernmental agreement with the State of Hawaii, Department of Hawaiian Home Lands, for licenses as easements in Mahinahina and Honokowai, allowing the Department of Water Supply to secure the necessary easements related to the West Maui Water Source Development Project. The Department of Water Supply will issue source water credits for licenses.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

NONE.

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 REQUIRE AN AUXILIARY AID, SERVICE OR OTHER ACCOMMODATION DUE TO A DISABILITY SHOULD CALL THE OFFICE OF THE COUNTY CLERK AT 270-7748, AT LEAST THREE DAYS IN ADVANCE.