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**COUNCIL OF THE COUNTY OF MAUI**

2019 NOV -1 PM 3:07

**A G E N D A**

OFFICE OF THE  
COUNTY CLERK

Regular Meeting of November 8, 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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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

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D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NONE.

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

Regular Meeting of August 23, 2019

H. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

- NO. 19-424 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting Modification Order No. 13 of Resolution No. 10-57, to provide a status update on the Kula Ridge Affordable Housing Subdivision.
- NO. 19-425 - 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 September 30, 2019.
- NO. 19-426 - CHIEF OF POLICE, transmitting a grant agreement with the State of Hawaii, Department of Transportation for the MPD Traffic Records grant to increase the budget by \$30,000.
- NO. 19-427 - DIRECTOR OF TRANSPORTATION, transmitting a copy of the notice of release of grant award from the State of Hawaii, Department of Transportation for the Federal Transit Administration, Section 5311 Non-Urbanized Area Formula Program in the amount of \$537,140.
- NO. 19-428 - DIRECTOR OF TRANSPORTATION, transmitting a copy of the Authorization and Project Agreement in the amount of \$350,000 for the Maui MPO FY2020 Unified Planning Work Program.
- NO. 19-429 - MAYOR, informing of a vacancy on the Board of Ethics due to the resignation of Napua Greig.
- NO. 19-430 - DIRECTOR OF FINANCE, informing of the acceptance of Sewerline Easement 10, Skill Village Subdivision, TMK: (2) 2-5-012:044 POR.
- NO. 19-431 - DIRECTOR OF FINANCE, informing of the acceptance of Sewerline Easement S-1, Paunau Tract No. 2, Lot 11, TMK: (2) 4-6-026:067 POR.

H. COMMUNICATIONS (continued):

- NO. 19-432 - DIRECTOR OF FINANCE, informing of the acceptance of Sewerline Easement S-3, Sandhills Estates, TMK: (2) 3-8-089:111 POR.
- NO. 19-433 - DIRECTOR OF FINANCE, informing of the acceptance of a Warranty Deed for Road Widening Lot, Parcel A-2, Kuiaha-Kaupakulua Homesteads, TMK: (2) 2-7-013:049 POR.
- NO. 19-434 - DIRECTOR OF FINANCE, informing of the acceptance of Sewerline Easement S-2, Portion of Lot 2 of Kualii, Section 2 of the 2<sup>nd</sup> Partition of Hamakuapoko Hui, TMK (2) 2-6-004:015 POR.
- NO. 19-435 - DIRECTOR OF FINANCE, informing of the acceptance of Sewerline Easement S-3, Lot 3-A, Portion of Lot 3 of Section 2 of the 2<sup>nd</sup> Partition of Hamakuapoko Hui, TMK: (2) 2-6-004:014:0002 POR.
- NO. 19-436 - DIRECTOR OF FINANCE, informing of revised Waterline Easement W-1, Pueo Hills Subdivision, Lot 128-B-8, TMK: (2) 2-3-022-007 POR.
- NO. 19-437 - DIRECTOR OF FINANCE, informing of revised Waterline Easement W-2, Pueo Hills Subdivision, Lot 128-B-9, TMK: (2) 2-3-022-007 POR.
- NO. 19-438 - PRESIDING OFFICER PRO TEMPORE KAMA, relating to Councilmembers' report on a Talk-Story Session regarding homeless individuals in Kahului, held on October 23, 2019.
- NO. 19-439 - COUNCIL CHAIR KING, transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF ANA LILLIS AS LEGISLATIVE ANALYST IN THE OFFICE OF COUNCIL SERVICES".
- NO. 19-440 - DIRECTOR OF FINANCE, transmitting a report of short-term investments for the quarter ended September 30, 2019.
- NO. 19-441 - MAYOR, transmitting a proposed resolution entitled "APPROVING COST ITEMS FOR BARGAINING UNIT 13, INCLUDED EMPLOYEES".
- NO. 19-442 - MAYOR, transmitting a proposed resolution entitled "APPROVING COST ITEMS FOR BARGAINING UNIT 13, EXCLUDED EMPLOYEES".
- NO. 19-443 - MAYOR, transmitting a proposed resolution entitled "APPROVING COST ITEMS FOR BARGAINING UNIT 02, SUPERVISORY, BLUE COLLAR EMPLOYEES".
- NO. 19-444 - PROSECUTING ATTORNEY, 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 DEPARTMENT OF THE ATTORNEY GENERAL, STATE OF HAWAII", relating to granting of funds for the VOCA, Victim Assistance Grant, Special Needs Advocacy Project.

H. COMMUNICATIONS (continued):

- NO. 19-445 - PROSECUTING ATTORNEY, 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 DEPARTMENT OF THE ATTORNEY GENERAL, STATE OF HAWAII", relating to granting of funds for the Stop Violence Against Women Formula Grant, Domestic Violence Investigation.
- NO. 19-446 - CHIEF OF POLICE, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI THROUGH THE CHIEF OF POLICE TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF HEALTH".
- NO. 19-447 - CHIEF OF POLICE, transmitting a proposed resolution entitled "AUTHORIZING THE ADOPTION OF A REVISED RECORDS DISPOSITION SCHEDULE FOR THE DEPARTMENT OF POLICE PURSUANT TO SECTION 46-43, HAWAII REVISED STATUTES".
- NO. 19-448 - CHAIR, GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE, transmitting a proposed resolution entitled "OPTING OUT OF THE NEGOTIATION CLASS IN THE NATIONAL PRESCRIPTION OPIATE LITIGATION".
- NO. 19-449 - FIRE CHIEF, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT AMENDING THE MEMORANDUM OF AGREEMENT FOR LIFEGUARD SERVICES BETWEEN THE STATE OF HAWAII AND THE COUNTY OF MAUI FOR MAKENA BEACH PARK".
- NO. 19-450 - COUNCILMEMBER HOKAMA, relating to Violations of County Ordinances and Administrative Rules by Schools at County Parks Facilities.
- NO. 19-451 - COUNCILMEMBER PALTIN, relating to the impacts of mobile vacation rentals, including campers, trailers, and recreational vehicles.
- NO. 19-452 - COUNCILMEMBER PALTIN, relating to planning and land use policy for 5G technology.
- NO. 19-453 - COUNCIL CHAIR KING, relating to review of Special Management Area permit enforcement.
- NO. 19-454 - PLANNING DIRECTOR, transmitting a letter from the West Maui Community Plan Advisory Committee on the proposed West Maui Community Plan update.

2. GENERAL COMMUNICATIONS:

NONE.

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**I. COMMITTEE REPORTS:****NO. 19-128 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:**

Recommending the following:

1. **FIRST READING** of bill to further principles of County property tax reform, including through the establishment of tiers of real property tax rates; and
2. **FIRST READING** of bill to further principles of County property tax reform, including through the establishment of a new set of real property classifications.

**NO. 19-129 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:**

Recommending **ADOPTION** of resolution approving the appointment of J. Nalani Kaninau to the Board of Water Supply for a term expiring on March 31, 2022.

**NO. 19-130 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:**

Recommending the following:

1. **ADOPTION** of resolution to authorize the employment of the Legal Aid Society of Hawaii as special counsel to provide legal services to qualified individuals as administered through the Maui County Office on Aging and the Older Americans Act, for a total compensation not to exceed \$77,617 per year or \$155,234 total for two years; and
2. **FILING** of communication.

**NO. 19-131 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:**

Recommending **ADOPTION** of resolution authorizing settlement of Tommy Russo v. County of Maui, et al.; Civil 14-00515 JMS-KSC.

*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. 19-132 - HEALTHY FAMILIES AND COMMUNITIES COMMITTEE:**

Recommending the following:

1. **FIRST READING** of bill to prohibit commercial ocean recreational activity at Wahikuli Wayside Park, Lahaina, Maui, Hawaii; and
2. **FILING** of communication.

I. COMMITTEE REPORTS (continued):NO. 19-133 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending **FIRST READING** of bill to conditionally allow a grace period to temporarily extend Bed and Breakfast Home Permits and Short-Term Rental Home permits while an application for renewal is being processed.

NO. 19-134 - WATER AND INFRASTRUCTURE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill that will reduce the speed limit on Hina Avenue, from its intersection with Wakea Avenue to its intersection with Mokapu Street, from 30 miles per hour to 20 miles per hour; and
2. **FILING** of communication.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 53 (2019) - "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"

BILL NO. 54 (2019) - "A BILL FOR AN ORDINANCE TO AMEND THE WAILUKU-KAHULUI COMMUNITY PLAN LAND USE MAP FROM SINGLE-FAMILY TO PUBLIC/QUASI-PUBLIC FOR PROPERTY SITUATED AT LOWER MAIN STREET, WAILUKU, MAUI, HAWAII, TAX MAP KEY (2) 3-4-018:106"

BILL NO. 55 (2019) - "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-1 RESIDENTIAL DISTRICT TO P-2 PUBLIC/QUASI-PUBLIC DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT LOWER MAIN STREET, WAILUKU, MAUI, HAWAII, TAX MAP KEYS (2) 3-4-019:003 AND (2) 3-4-018:106"

BILL NO. 56 (2019) - "A BILL FOR AN ORDINANCE ADOPTING DIGITAL ZONING MAP (2) AS THE OFFICIAL ZONING MAP FOR THE ISLAND OF MAUI"

BILL NO. 57 (2019) - "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)"

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.**