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COUNCIL OF THE COUNTY OF MAUI

2019 DEC 13 PM 4:33

A G E N D A

OFFICE OF THE
COUNTY CLERK

Regular Meeting of December 20, 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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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 SHANE SINENCI

C. **PLEDGE OF ALLEGIANCE**

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. _____ "RECOGNIZING THE MONTH OF DECEMBER AS NATIONAL IMPAIRED DRIVING PREVENTION MONTH IN MAUI COUNTY"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

NONE.

H. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 19-497 - DIRECTOR OF FINANCE, transmitting 75 contracts/grants for November 2019.

NO. 19-498 - PROSECUTING ATTORNEY, transmitting the notice of grant award from the State of Hawaii, Department of Transportation for the Maui Prosecutor's Office Traffic Records Program in the amount of \$10,636.89.

NO. 19-499 - MAYOR, informing of a vacancy on the Cost of Government Commission due to the resignation of Sharron Courter.

NO. 19-500 - MAYOR, informing of a vacancy on the Kula Agricultural Park Committee due to the resignation of Brandon Shim.

NO. 19-501 - DIRECTOR OF PARKS AND RECREATION, transmitting the quarterly report regarding Fiscal Year 2020 Countywide Park Facilities for the period of July 1, 2019 through September 30, 2019.

NO. 19-502 - DIRECTOR OF FINANCE, informing of the acceptance of Waterline Easement "U-1R", Maui Lani Phase 6 Increment 4 Subdivision, TMK: (2) 3-8-099:218, 219 & 220.

NO. 19-503 - DIRECTOR OF FINANCE, informing of the acceptance of a Warranty Deed for Roadway Lot, Waiale Road, Portion of Royal Patent 4475, Land Commission Award 7713, Apana 23 to V. Kamamalu, TMK: (2) 3-4-003:019.

H. COMMUNICATIONS (continued):

- NO. 19-504 - DIRECTOR OF WATER SUPPLY, transmitting the State of Hawaii Commission on Water Resource Management water use reports for October 2019 for all registered well reporters in the County of Maui.
- NO. 19-505 - DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending November 2019.
- NO. 19-506 - DIRECTOR OF FINANCE, informing of the acceptance of Waterline Easement "W-1", Wo Hing Society Tract, TMK: (2) 4-5-001:045 POR.
- NO. 19-507 - PRESIDING OFFICER PRO TEMPORE, relating to Councilmembers' report on the second Community Meeting on Real Property Tax Changes held on December 11, 2019.
- NO. 19-508 - COUNCILMEMBER SUGIMURA, relating to Councilmembers' report on the Waikapu Community Association General Membership meeting on December 9, 2019.
- NO. 19-509 - COUNCILMEMBER PALTIN, relating to Councilmembers' report on Kaunoa's Retired & Senior Volunteer Program Recognition Event held on November 1, 2019.
- NO. 19-510 - COUNCILMEMBER PALTIN, relating to Councilmembers' report on the Maui County Employees Awards Program event held on November 15, 2019.
- NO. 19-511 - CHAIR, ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2020 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANTS AND RESTRICTED USE REVENUES – SCHEDULE OF GRANTS AND RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS, OFFICE OF THE MAYOR (COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM)".
- NO. 19-512 - CHAIR, GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE, transmitting a proposed resolution entitled "RELATING TO THE APPOINTMENT OF SEWARD AKAHI TO THE BOARD OF ETHICS FOR THE COUNTY OF MAUI".
- NO. 19-513 - CHAIR, GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE, transmitting a proposed resolution entitled "RELATING TO THE APPOINTMENT OF EDWARD ROMSON TO THE COUNCIL ON AGING".

H. COMMUNICATIONS (continued):

- NO. 19-514 - COUNCILMEMBER PALTIN, transmitting a proposed resolution entitled "APPROVING A TIME EXTENSION FOR THE WEST MAUI COMMUNITY PLAN ADVISORY COMMITTEE TO FORWARD ITS RECOMMENDED REVISIONS ON THE DRAFT WEST MAUI COMMUNITY PLAN TO THE PLANNING DIRECTOR".
- NO. 19-515 - COUNCIL CHAIR KING, transmitting a proposed resolution entitled "ACKNOWLEDGING A CLIMATE EMERGENCY AND COMMITTING TO AN IMMEDIATE JUST TRANSITION AND EMERGENCY MOBILIZATION EFFORT TO RESTORE A SAFE CLIMATE".
- NO. 19-516 - COUNCILMEMBER PALTIN, transmitting a proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2020 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL RELATING TO TORT LIABILITY".
- NO. 19-517 - COUNCILMEMBER PALTIN, transmitting a proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2020 MAUI COUNTY LEGISLATIVE PACKAGE A STATE BILL RELATING TO TRANSIENT ACCOMMODATIONS TAX".
- NO. 19-518 - 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, ALARM SYSTEM REVOLVING FUND".
- NO. 19-519 - COUNCIL CHAIR KING, relating to funding for a comprehensive affordable housing plan.
- NO. 19-520 - COUNCIL VICE-CHAIR RAWLINS-FERNANDEZ, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO SHORT-TERM RENTAL HOMES IN THE MOLOKA'I COMMUNITY PLAN AREA".
- NO. 19-521 - EMERGENCY MANAGEMENT ADMINISTRATOR, requesting recommendations of individuals to serve as Community Plan District Liaisons for the 2020 Maui County Hazard Mitigation Plan.
- NO. 19-522 - COUNCILMEMBER LEE, relating to sand dune restoration in South Kihei.

2. GENERAL COMMUNICATIONS:

NONE.

I. COMMITTEE REPORTS:

NO. 19-152 - AFFORDABLE HOUSING COMMITTEE:

Recommending **ADOPTION** of resolution amending Resolution 18-187 (Modification No. 1) to extend time deadlines for commencement of construction and completion of the Wailuku Apartment Rental Housing Project.

NO. 19-153 - 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 2020 Budget, by increasing the grant appropriation for the Emergency Management Agency, State Homeland Security Grant (SHSG) Program, by \$204,000.

NO. 19-154 - 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 2020 Budget, by adding a new grant appropriation under the Department of Housing and Human Concerns entitled "Voluntary Contributions" in the amount of \$80,000, recognizing opportunities for seniors and family members to voluntarily contribute to the Office on Aging for services they receive.

NO. 19-155 - 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 2020 Budget, by increasing the grant appropriation for the Department of Housing and Human Concerns, Strategic Prevention Framework Partnerships for Success, by \$110,000 for the continued development and coordination of the County's substance abuse prevention system.

NO. 19-156 - 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 2020 Budget, by increasing the grant appropriation for the Department of Police, Department of Health (DOH) Grants, by \$98,355, to cover increasing costs for salaries and premium pay.

I. COMMITTEE REPORTS (continued):NO. 19-157 - 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 2020 Budget, by increasing the grant appropriation for the Department of Police, Edward Byrne Memorial Justice Assistance Grants, by \$94,847.

NO. 19-158 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend Appendix A, Part II, Special Purpose Revenues - Schedule of Revolving/Special Funds for the Fiscal Year 2020 Budget, by adding a proviso under the Affordable Housing Fund for Habitat for Humanity for the Affordable Hana Housing Project in the amount of \$5,000,000. The project includes land acquisition and new construction of 25 affordable single-family homes, with an affordability period of 30 years; and
2. **FILING** of communication.

NO. 19-159 - 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 State Department of the Attorney General for funds related to the Victims of Crime Act Victim Assistance Grant Program, Special Needs Advocacy Project, in the amount of \$162,470; and
2. **FILING** of communication.

NO. 19-160 - 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 State Department of the Attorney General for funds related to the Stop Violence Against Women Formula Grant, Domestic Violence Investigation, in the amount of \$18,321; and
2. **FILING** of communication.

I. COMMITTEE REPORTS (continued):

NO. 19-161 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **FIRST READING** of bill to authorize the Mayor to enter into intergovernmental agreements with the State Department of Labor and Industrial Relations, Hawaii Occupational Safety and Health Division, for the settlement of alleged violations at the Kahului, Kihei, and Lahaina Wastewater Reclamation Facilities.

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. 19-162 - MULTIMODAL TRANSPORTATION COMMITTEE:

Recommending **ADOPTION** of resolution requesting Mayor's appointment of a committee to review Chapter 5.16, Maui County Code, relating to taxicabs.

NO. 19-163 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to grant a Change in Zoning from R-2 Residential District to B-2 Community Business District (Conditional Zoning) for approximately 2.5 acres, identified for real property tax purposes as tax map keys (2) 3-9-003:003 and (2) 3-9-003:005, situated at Kihei, Maui, Hawaii, for Nation Land Company, LLC;
2. **RECORDATION** of the unilateral agreement; and
3. **FILING** of communication.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 67 (2019) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2020 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF PARKS AND RECREATION (HANNIBAL TAVARES COMMUNITY CENTER IMPROVEMENTS)"

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

BILL NO. 68 (2019) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2020 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANTS AND RESTRICTED USE REVENUES - SCHEDULE OF GRANTS AND RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF POLICE (HIGH INTENSITY DRUG TRAFFICKING AREAS (HIDTA))"

BILL NO. 69 (2019) - "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 (KAIAULU O KUPUOHI APARTMENTS PROJECT)"

BILL NO. 70 (2019) - "A BILL FOR AN ORDINANCE RELATING TO POLICE AUTHORITY TO HAVE MOTOR VEHICLES TOWED"

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.