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**COUNCIL OF THE COUNTY OF MAUI**

2020 FEB 14 PM 4:42

**A G E N D A**

OFFICE OF THE  
COUNTY CLERK

Regular Meeting of February 21, 2020  
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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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 TASHA KAMA

C. **PLEDGE OF ALLEGIANCE**

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D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. \_\_\_\_\_ "EXTENDING CONDOLENCES TO THE FAMILY OF THE LATE JANET "JAN"  
MILLER DAPITAN"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

Regular Meeting of November 22, 2019  
Regular Meeting of December 6, 2019  
Special Meeting of December 12, 2019

H. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

- NO. 20-122 - CHIEF OF POLICE, transmitting a grant agreement with the State of Hawaii, Department of Transportation for the MPD Distracted Driving Enforcement grant in the amount of \$73,515.52.
- NO. 20-123 - CHIEF OF POLICE, transmitting a grant agreement with the State of Hawaii, Department of the Attorney General for the Enhanced Physical Evidence Detection grant in the amount of \$36,200.
- NO. 20-124 - CHIEF OF POLICE, transmitting a grant agreement with the State of Hawaii, Department of Transportation for the MPD Roadblock grant in the amount of \$418,521.62.
- NO. 20-125 - ECONOMIC DEVELOPMENT DIRECTOR, transmitting a copy of Supplemental No. 3 to Memorandum of Understanding between the County of Maui and the State of Hawaii - Hawaii Tourism Authority for the County Product Enrichment Program in the amount of \$100,000.
- NO. 20-126 - DIRECTOR OF FINANCE, transmitting 63 contracts/grants for January 2020.
- NO. 20-127 - DIRECTOR OF FINANCE, transmitting two reports on the settlement of claims as of December 31, 2019.

H. COMMUNICATIONS (continued):

- NO. 20-128 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, notifying that the Assisted Transportation voluntary contributions received from senior program participants has exceeded the budgeted amount by \$5,504.
- NO. 20-129 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, notifying that the Home Delivered Meals voluntary contributions received from senior program participants has exceeded the budgeted amount by \$14,000.
- NO. 20-130 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting the notice of grant award from the State of Hawaii, Executive Office on Aging, for the Nutrition Services Incentive Program in the amount of \$86,573.
- NO. 20-131 - DIRECTOR OF WATER SUPPLY, transmitting the State of Hawaii Commission on Water Resource Management water use reports for December 2019 for all registered well reporters in the County of Maui.
- NO. 20-132 - DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending January 2020.
- NO. 20-133 - DIRECTOR OF FINANCE, informing of the acceptance of Sewerline Easement "S-1", Kaanapali Vista Subdivision, TMK: (2) 4-4-009:010 por.
- NO. 20-134 - DIRECTOR OF FINANCE, informing of the acceptance of Waterline Easement "W-2", Iselin Subdivision, TMK: (2) 2-3-008:015 por.
- NO. 20-135 - COUNCILMEMBER PALTIN, relating to Councilmembers' report on the Alliance of Maui County Community Associations meeting held on January 27, 2020.
- NO. 20-136 - COUNCILMEMBER PALTIN, relating to Councilmembers' report on the Ahupua`a Investment Summit held on January 31 and February 1, 2020.
- NO. 20-137 - COUNCILMEMBER PALTIN, relating to Councilmembers' report on the Hui No`eau Visual Arts Center's Annual President's Reception held on January 16, 2020.
- NO. 20-138 - COUNCILMEMBER KING, relating to Water Filtration and Refill Stations.

H. COMMUNICATIONS (continued):

NO. 20-139 - BUDGET DIRECTOR, transmitting the following proposed bills entitled:

1. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2020 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF PARKS AND RECREATION, PAIA-HAIKU COMMUNITY PLAN AREA, PARKS AND RECREATION, BOND FUND, ALFRED "FLAKO" BOTEILHO, SR. GYM IMPROVEMENTS; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)";
2. "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; LANAI COMMUNITY PLAN AREA, LANAI YOUTH CENTER AND SKATE PARK; PAIA-HAIKU COMMUNITY PLAN AREA, ALFRED "FLAKO" BOTEILHO, SR. GYM IMPROVEMENTS"; and
3. "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4985, BILL NO. 34 (2019), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (DEPARTMENT OF PARKS AND RECREATION - ALFRED "FLAKO" BOTEILHO, SR. GYM IMPROVEMENTS)".

NO. 20-140 - COUNCILMEMBER SINENCI, relating to an Axis Deer Management Plan.

NO. 20-141 - FIRE CHIEF, transmitting a proposed resolution entitled "AUTHORIZING ACCEPTANCE OF THE DONATION OF \$80,000 FROM THE HAWAII PROFESSIONAL FIREFIGHTERS FOUNDATION TO THE DEPARTMENT OF FIRE AND PUBLIC SAFETY, FOR THE PURCHASE OF FIREFIGHTING EQUIPMENT, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE".

NO. 20-142 - COUNCILMEMBER SUGIMURA, transmitting a proposed resolution entitled "URGING THE STATE LEGISLATURE TO SUPPORT BILLS RELATING TO CRIMINAL OFFENSES AGAINST SENIORS".

NO. 20-143 - COUNCILMEMBER SUGIMURA, relating to Waihe`e Well Source Development.

NO. 20-144 - COUNCIL CHAIR LEE, relating to the enforcement of vehicle weight restrictions on County roads, Chapter 10.68, Maui County Code.

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**H. COMMUNICATIONS (continued):**

- NO. 20-145 - 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 LAND AND NATURAL RESOURCES, BOARD OF LAND AND NATURAL RESOURCES FOR A RIGHT-OF-ENTRY PERMIT FOR THE WEST MAUI WELL DEVELOPMENT".

**2. GENERAL COMMUNICATIONS:**

NONE.

**I. COMMITTEE REPORTS:**

- NO. 20-21 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:

Recommending **FILING** of communication relating to Kaunakakai Drainage System B on Molokai.

- NO. 20-22 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to approve restoration of the Maui County Seal tapestry in the Council Chamber; and
2. **FILING** of communication.

- NO. 20-23 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to authorize the Mayor to submit an application to the State Department of Business, Economic Development and Tourism, for processing and recommendation to the Governor, to re-designate Lanai Island as an enterprise zone for a 20-year period; and
2. **FILING** of communication.

- NO. 20-24 - 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 appropriation under the Department of Housing and Human Concerns entitled "Hawaii Housing Finance and Development Corporation, Dwelling Unit Revolving Fund, Kahului Emergency Housing" in the amount of \$5,000,000.

I. COMMITTEE REPORTS (continued):NO. 20-25 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to authorize the Mayor to enter into an intergovernmental agreement with the State of Hawaii to finance the West Maui Reliable Capacity project with a loan from the Drinking Water Treatment Revolving Loan Fund not to exceed \$4,250,000;
2. **FIRST READING** of bill to amend the Fiscal Year 2020 Budget by 1) increasing estimated revenues from Special Assessments by \$5,525,759; 2) increasing Other Intergovernmental estimate revenues by \$4,250,000; 3) amending Section 4.J.4.a., Department of Water Supply, West Maui Community Plan Area, Water Supply, by adding an appropriation under a) Water Fund – Restricted for the West Maui Reliable Capacity project in the amount of \$5,525,759, and b) State Revolving Fund Loan Fund for the West Maui Reliable Capacity project in the amount of \$4,250,000; and 4) adjusting the totals accordingly;
3. **FIRST READING** of bill to amend the Fiscal Year 2020 Budget, Appendix C, Capital Improvement Projects, Department of Water Supply, West Maui Community Plan Area, by increasing the appropriation for the West Maui Reliable Capacity project by \$9,775,759 and by expanding the scope of the project description to include the design and construction phase for West Maui Well No. 2; and
4. **FILING** of communication.

NO. 20-26 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2020 general obligation bond authorization ordinance under the Department of Environmental Management, Wailuku-Kahului Community Plan Area, Sanitation, by adding the Central Maui Landfill Expansion project in the amount of \$12,500,000, for design, permit, and construction to expand Phase III of the Central Maui Landfill facility; and
2. **FILING** of communication.

I. COMMITTEE REPORTS (continued):NO. 20-27 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2020 general obligation bond authorization ordinance under the Department of Environmental Management, Wailuku-Kahului Community Plan Area, Sanitation, by adding the CML Phase VB Extension Leachate Recirculation System project in the amount of \$650,000, for design and construction of infrastructure to expand the recirculation of leachate into the Phase VB Extension waste mass;
2. **FIRST READING** of bill to amend the Fiscal Year 2020 general obligation bond authorization ordinance under the Department of Environmental Management, Wailuku-Kahului Community Plan Area, Sanitation, by adding the CML Extension of Primary Litter Screen and Drainage Improvements project in the amount \$500,000, to design and construct an extension to the 50-foot high litter screens along the Pulehu Road property line to service the new Phase VB Extension disposal cell; and
3. **FILING** of communications.

NO. 20-28 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **ADOPTION** of resolution approving the appointment of Russell Johnson to the Real Property Tax Review Board for a term expiring on March 31, 2021.

NO. 20-29 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to authorize the employment of Sher Edling LLP as special counsel to represent the County in litigation involving fossil-fuel companies for climate change; and
2. **FILING** of Committee Report 20-5.

*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.*

I. COMMITTEE REPORTS (continued):

NO. 20-30 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend Chapter 2.41, Maui County Code, relating to attendance at board, commission, and committee meetings by appointed members; and
2. **FILING** of communication.

NO. 20-31 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending **FILING** of communication relating to a community plan amendment and change in zoning request for the Chopra Hale Apartments project.

J. RESOLUTIONS - SECOND AND FINAL READING:

NO. 20-12 "PROPOSING AN AMENDMENT TO SECTION 9-20 OF THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO THE AFFORDABLE HOUSING FUND"

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 17 (2020) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2020 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, ENVIRONMENTAL PROTECTION AND SUSTAINABILITY PROGRAM – ENVIRONMENTAL PROTECTION AND SUSTAINABILITY FUND (VEHICLE DISPOSAL PROGRAM) TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

BILL NO. 18 (2020) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2020 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF MANAGEMENT, WAILUKU-KAHULUI COMMUNITY PLAN AREA, GOVERNMENT FACILITIES, GENERAL FUND, KALANA O MAUI CAMPUS PARKING EXPANSION; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

BILL NO. 19 (2020) - "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 MANAGEMENT, WAILUKU-KAHULUI COMMUNITY PLAN AREA (KALANA O MAUI CAMPUS PARKING EXPANSION)"



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

- BILL NO. 20 (2020) - "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 ENVIRONMENTAL MANAGEMENT, KIHEI-MAKENA COMMUNITY PLAN AREA (KIHEI-MAKENA SEWER EXPANSION)"
- BILL NO. 21 (2020) - "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4985, BILL NO. 34 (2019), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (DEPARTMENT OF ENVIRONMENTAL MANAGEMENT – KIHEI-MAKENA SEWER EXPANSION)"
- BILL NO. 22 (2020) - "A BILL FOR AN ORDINANCE RELATING TO SHORT-TERM RENTAL HOMES IN THE MOLOKA'I COMMUNITY PLAN AREA"
- BILL NO. 23 (2020) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2020 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE DEPARTMENT OF FIRE AND PUBLIC SAFETY (ADMINISTRATION PROGRAM AND OCEAN SAFETY PROGRAM)"
- BILL NO. 24 (2020) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2020 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF PUBLIC WORKS, SPECIAL MAINTENANCE PROGRAM – GENERAL FUND; COUNTYWIDE, ROAD IMPROVEMENTS, HIGHWAY FUND; MAKAWAO-PUKALANI-KULA COMMUNITY PLAN AREA, ROAD IMPROVEMENTS, HIGHWAY FUND; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"
- BILL NO. 25 (2020) - "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 PUBLIC WORKS (COUNTYWIDE TRAFFIC CALMING PROGRAM; OLD HALEAKALA HIGHWAY TRAFFIC SIGNAL UPGRADE AT PUKALANI STREET; GUARDRAIL AND SHOULDER IMPROVEMENTS AT VARIOUS LOCATIONS)"
- BILL NO. 26 (2020) - "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 (HITACHI ADVANCED CLEAN ENERGY CORPORATION (HIACE))"

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

BILL NO. 27 (2020) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2020 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE OFFICE OF THE MAYOR, ECONOMIC DEVELOPMENT PROGRAM (ENVIRONMENTAL PROTECTION)"

BILL NO. 28 (2020) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR 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"

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.**