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COUNCIL OF THE COUNTY OF MAUI 2020 JUN 12 PM 3:36

A G E N D A

Regular Meeting of June 19, 2020
9:00 a.m.

OFFICE OF THE
COUNTY CLERK

Meeting Site: Online Only via BlueJeans link <https://maui.bluejeans.com/295235670>

Please contact the Office of the County Clerk for more information.

Meeting will be televised on Akaku: Maui Community Media, Channel 53, and
livestreamed on <https://mauicounty.legistar.com>

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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.

Individuals may provide oral testimony by phone or videoconference. To join the meeting by phone, call 1-408-317-9253 and input meeting code 295235670. To join by videoconference, use the following link: <https://maui.bluejeans.com/295235670>.

If the connection between any testifier and the videoconference 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 may contact the Office of the County Clerk (808-270-7748) prior to the meeting.

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: COUNCIL VICE-CHAIR KEANI RAWLINS-FERNANDEZ

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NONE.

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

Regular Meeting of March 27, 2020
Emergency Meeting of April 3, 2020
Regular Meeting of April 3, 2020

H. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 20-319 - CHIEF OF POLICE, transmitting a grant agreement with the State of Hawaii, Department of Human Services, Office of Youth Services, for the Positive Outreach Interventions grant in the amount of \$83,132.

NO. 20-320 - CHIEF OF POLICE, informing of the receipt of \$2,402.40 from the Federal Bureau of Investigation which will be used for law enforcement purposes in accordance with Federal Forfeiture Guidelines.

NO. 20-321 - DIRECTOR OF FINANCE, informing that: 1) a deficit of estimated revenues of \$1.9 million to the General Fund is anticipated due to a reduced Transient Accommodations Tax allocation; and 2) the Department of Environmental Management, Solid Waste Division, anticipates a shortfall of \$2.6 million for Fiscal Year 2020.

NO. 20-322 - DIRECTOR OF FINANCE, transmitting 66 contracts/grants for May 2020.

NO. 20-323 - MAYOR, informing of a vacancy on the Maui Planning Commission due to the resignation of Lorraine Sablas.

NO. 20-324 - MAYOR, informing of the appointments of Barbara Fernandez, Christopher Berquist, and John Patnode to the Maui County Arborist Committee.

NO. 20-325 - DIRECTOR OF FINANCE, informing of the acceptance of Waterline Easement AU-1, TMK: (2) 4-6-016:004 POR.

NO. 20-326 - DIRECTOR OF FINANCE, informing of the acceptance of a Warranty Deed for Road Widening Lot 18, Tam Yau Estates, TMK: (2) 2-3-043:051 POR.

H. COMMUNICATIONS (continued):

- NO. 20-327 - DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply's Monthly Source and Groundwater Use Report for the month ending May 2020.
- NO. 20-328 - DIRECTOR OF WATER SUPPLY, transmitting the State of Hawaii Commission on Water Resource Management water use reports for April 2020 for all registered well reporters in the County of Maui.
- NO. 20-329 - COUNCIL VICE-CHAIR RAWLINS-FERNANDEZ, transmitting a proposed resolution entitled "SUPPORTING AND URGING THE MAYOR TO SUPPORT A FEMINIST ECONOMIC RECOVERY PLAN FOR COVID-19".
- NO. 20-330 - CHAIR, GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE, transmitting a proposed resolution entitled "RELATING TO THE APPOINTMENT OF NOEL (CHIVO) CHING-JOHNSON TO THE ANIMAL CONTROL BOARD".
- NO. 20-331 - CHAIR, GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE, transmitting a proposed resolution entitled "RELATING TO THE APPOINTMENT OF MELISSA PADILLA TO THE LIQUOR CONTROL ADJUDICATION BOARD FOR THE COUNTY OF MAUI".
- NO. 20-332 - COUNCILMEMBER KING, transmitting a proposed resolution entitled "APPROVING THE HAWAII STATE ASSOCIATION OF COUNTIES' OFFICERS AND ALTERNATES, ANNUAL BUDGET, AND NOMINEES TO THE NATIONAL ASSOCIATION OF COUNTIES AND WESTERN INTERSTATE REGION BOARDS OF DIRECTORS FOR FISCAL YEAR 2021".
- NO. 20-333 - COUNCILMEMBER KING, transmitting a proposed resolution entitled "SUPPORTING 'ĀINA ALOHA ECONOMIC FUTURES INITIATIVE AND TRANSITION TO A CIRCULAR ECONOMY".
- NO. 20-334 - DIRECTOR OF PARKS AND RECREATION, transmitting a proposed resolution entitled "AUTHORIZING A GRANT OF A LEASE OF COUNTY REAL PROPERTY TO KAUPAKALUA ROPING CLUB & YOUTH RODEO, INC."
- NO. 20-335 - COUNCILMEMBER SUGIMURA, relating to the review and standards for the dedication of a road to the County of Maui.

2. GENERAL COMMUNICATIONS:

NO. 20-3 - CHARLES JENCKS, HONUUA'ULA PARTNERS, LLC, submitting an annual compliance report in accordance with Condition 29 of Ordinance No. 3554, establishing Kihei-Makena Project District 9 (Wailea 670) zoning (Conditional Zoning) for approximately 670 acres situated at Paehu, Palaua, Keauhou, Maui, Hawaii.

I. COMMITTEE REPORTS:

NO. 20-60 - CLIMATE ACTION AND RESILIENCE COMMITTEE:

Recommending **FILING** of communication relating to Contract C7010, between the County and Goodfellow Bros. LLC, "Kam I Beach Park Dune Restoration (Kihei WWPS Erosion Mitigation)".

NO. 20-61 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:

Recommending **FILING** of correspondence relating to a proposed 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 Police entitled "Maui Police Foundation" in the amount of \$51,000, to acquire drones for the Traffic Section and a utility vehicle for the Support Services Section.

NO. 20-62 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing the acquisition of approximately 48.774 acres identified as tax map key (2) 2-7-007:005, Hamakualoa, Makawao, Maui, Hawaii, being more particularly described as Lot 6, Haiku Sugar East Subdivision, for an amount not to exceed \$1,700,000; and
2. **FILING** of communication.

NO. 20-63 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **FILING** of correspondence relating to County of Maui v. Rick Markham, et al.; Civil 17-1-0393(2).

NO. 20-64 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **ADOPTION** of resolution to authorize the settlement of Hawaii Pacific Trenchless, Inc. vs. Goodfellow Brothers, LLC, et al., Civil 2CC181000436(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. 20-65 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **FIRST READING** of bill to authorize the Mayor to enter into an intergovernmental agreement with the State of Hawaii, Department of Labor and Industrial Relations, Hawaii Occupational Safety and Health Division, for the settlement of alleged violations of the Hawaii Occupational Safety and Health Standards by the Department of Fire and Public Safety, regarding training, use of protective equipment, and reporting of employee injuries in January 2020, as described in the respective Citation(s) and Notification of Penalty.

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. 20-66 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to refer to the Lanai, Maui, and Molokai Planning Commissions a bill to establish regulatory standards for canopy tours and ziplines; and
2. **FILING** of communication.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 73 (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 (EAST MAUI ECONOMIC DEVELOPMENT AND CULTURAL PROGRAMS)"

BILL NO. 74 (2020) - "A BILL FOR AN ORDINANCE AMENDING TITLE 3, MAUI COUNTY CODE, RELATING TO THE MAUI COUNTY GRANTS PROGRAM"

BILL NO. 75 (2020) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN AMENDMENT TO AN INTERGOVERNMENTAL AGREEMENT WITH THE BOARD OF LAND AND NATURAL RESOURCES, STATE OF HAWAII, REGARDING THE PURCHASE OF WATER ALLOCATION CREDITS FROM THE CAMP MALUHIA SITE NO. 1 WELL DEVELOPMENT FOR STATE PROJECTS"

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 DURING THE HOURS OF 10:00 A.M. AND 2:00 P.M. BY APPOINTMENT ON REGULAR BUSINESS DAYS. "BOARD PACKETS" ARE ALSO AVAILABLE ELECTRONICALLY AS SOON AS PRACTICABLE UPON REQUEST.

ITEMS LISTED ON THE AGENDA MAY BE ACCESSED AT MAUICOUNTY.LEGISTAR.COM.