

# **Council of the County of Maui**

## **A G E N D A**

Regular Meeting of March 8, 2019

9:00 AM

### **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: [www.co.maui.hi.us/Archive.aspx?AMID=226](http://www.co.maui.hi.us/Archive.aspx?AMID=226)

email: [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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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 MICHAEL J. MOLINA

**C. PLEDGE OF ALLEGIANCE****D. TESTIMONY ON CEREMONIAL RESOLUTIONS****E. CEREMONIAL RESOLUTIONS:**

[Reso1](#) "RECOGNIZING MARCH 2019 AS RED CROSS MONTH IN THE COUNTY OF MAUI"

[Reso2](#) "RECOGNIZING MARCH 2019 AS WOMEN'S HISTORY MONTH IN MAUI COUNTY".

**F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY****G. MINUTES:**

[M-181221](#) Regular Meeting of December 21, 2018

[M-181227](#) Special Meeting/Public Hearing of December 27, 2018

**H. COMMUNICATIONS:****1. COUNTY COMMUNICATIONS:**

[CC 19-96](#) ACTING DIRECTOR OF FINANCE, transmitting 39 contracts/grants for January 2019.

[CC 19-97](#) INTERIM DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a copy of the notice of grant award from the State of Hawaii, Executive Office on Aging for the Nutrition Services Incentive Program in the amount of \$114,006.

[CC 19-98](#) MAYOR, informing of a vacancy on the Commission on Children and Youth due to the resignation of Justin Bibee.

[CC 19-99](#) MAYOR, informing of the appointments of Jeri Dean, Hans Michel, Dylan Payne, and Aina Kohler to the West Maui Community Plan Advisory Committee.

[CC 19-100](#) COUNCILMEMBER KAMA, relating to Councilmembers' report on the Opportunity Zones and Healthy Communities: Maui meeting on February 20, 2019 at the Maui Arts and Cultural Center.

- [CC 19-101](#) COUNCIL CHAIR KING, transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF CHRISTY K. CHUNG AS A LEGISLATIVE ANALYST IN THE OFFICE OF COUNCIL SERVICES".
- [CC 19-102](#) COUNCIL CHAIR KING, transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF ALISON NICOLE STEWART AS A LEGISLATIVE ANALYST IN THE OFFICE OF COUNCIL SERVICES".
- [CC 19-103](#) ACTING DIRECTOR OF WATER SUPPLY, transmitting the State of Hawaii's Commission on Water Resources Management water use reports for December 2018 for all registered well reporters in the County of Maui.
- [CC 19-104](#) ACTING DIRECTOR OF FINANCE, informing of the acceptance of Sewerline Easement S-1, 103 Hema Place, identified as TMK: (2) 2-6-006:041 POR.
- [CC 19-105](#) ACTING DIRECTOR OF FINANCE, informing of the acceptance of Waterline Easement W-1 affecting Lot F, Valley Isle Produce Subdivision No.3, identified as TMK: (2) 3-7-011:019 POR.
- [CC 19-106](#) ACTING DIRECTOR OF FINANCE, informing of the acceptance of Sewerline Easement S-1, Maui Country Club, identified as TMK: (2) 3-8-001:071 POR.
- [CC 19-107](#) COUNCILMEMBER MOLINA, relating to the United States Federal Reserve System's order requiring the Bank of America to provide mortgages on Hawaiian Home Lands.
- [CC 19-108](#) PRESIDING OFFICER PRO TEMPORE KAMA, relating to Bank of America's \$150,000,000 loan commitment for Native Hawaiians on Hawaiian Home Lands.
- [CC 19-109](#) ACTING DIRECTOR OF FINANCE, transmitting two reports on the settlement of claims as of December 31, 2018.
- [CC 19-110](#) ACTING DIRECTOR OF FINANCE, transmitting the Director of Finance's Quarterly Report for Fiscal Year July 1, 2018 to June 30, 2019 as of December 31, 2018 and the Capital Improvement Project as of December 31, 2018.
- [CC 19-111](#) ACTING DIRECTOR OF FINANCE, reporting on transfers/loans from the General Fund and Department of Water Supply Revenue Fund to the 2020 Proposed General Obligation Bond Fund as of December 31, 2018.
- [CC 19-112](#) DIRECTOR OF FINANCE, reporting on transfers/loans from the General Fund and the Department of Water Supply Revenue Fund to the 2020 Proposed General Obligation Bond Fund as of January 31, 2019.
- [CC 19-113](#) CHAIR, SALARY COMMISSION, relating to the salary increases for Department Directors and Deputies and County Auditor.
- [CC 19-114](#) DIRECTOR OF FINANCE, transmitting the Hawaiian Cultural Restoration Revolving Fund Annual Revenues and Expenditures Report.
- [CC 19-115](#) COUNCIL VICE-CHAIR RAWLINS-FERNANDEZ, relating to possible salary increases for certain Bargaining Unit 3 positions based on the Maui County Clerical Repricing Committee's recommendations.

- [CC 19-116](#) COUNCIL VICE-CHAIR RAWLINS-FERNANDEZ, relating to strengthening the local economy through criminal justice reform.
- [CC 19-117](#) BUDGET DIRECTOR, transmitting the Affordable Housing Fund Program Fiscal Year 2019 Annual Plan and the following proposed bills entitled:
1. "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES - SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2019, AFFORDABLE HOUSING FUND (HALE MAHAOLU EWALU PHASE II)";
  2. "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES - SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2019, AFFORDABLE HOUSING FUND (KA HALE A KE OLA, WESTSIDE STAIRCASE)"; and
  3. "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES - SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2019, AFFORDABLE HOUSING FUND (KA HALE A KE OLA, RENEWAL PROJECT PHASE III BUILDING 7)".
- [CC 19-118](#) BUDGET DIRECTOR, transmitting the following:
1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF FIRE AND PUBLIC SAFETY, ADMINISTRATION PROGRAM, TRAINING PROGRAM, FIRE/RESCUE OPERATIONS PROGRAM, FIRE PREVENTION PROGRAM, AND OCEAN SAFETY PROGRAM; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"; and
  2. "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2019".
- [CC 19-119](#) COUNCILMEMBER SINENCI, relating to the protection and preservation of East Maui streams, including environmental impacts, diversion, cultural traditions, native species, and recreational uses.
- [CC 19-120](#) MAYOR, transmitting a proposed resolution entitled "REMOVAL OF RONALD KIMBALL FROM THE COST OF GOVERNMENT COMMISSION".
- [CC 19-121](#) COUNCILMEMBER LEE, transmitting a proposed resolution entitled "AMENDING THE RULES OF THE COUNCIL RELATING TO ORAL TESTIMONY".
- [CC 19-122](#) COUNCIL CHAIR KING, relating to the Mayor's ability to appoint disapproved department heads as interim department heads.

- [CC 19-123](#) COUNCIL VICE-CHAIR RAWLINS-FERNANDEZ, transmitting a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL TO ADVISE AND REPRESENT THE COUNCIL ON THE MAYOR'S APPOINTMENT AS "INTERIM" ADMINISTRATIVE HEADS THE SAME INDIVIDUALS DISAPPROVED BY THE COUNCIL".
- [CC 19-124](#) COUNCILMEMBER HOKAMA, relating to Opportunity Zones and Healthy Communities.
- [CC 19-125](#) COUNCILMEMBER SUGIMURA, relating to funding mechanisms for multimodal transportation in Maui County.
- [CC 19-126](#) COUNCILMEMBER SUGIMURA, relating to transportation and parking in Wailuku.
- [CC 19-127](#) ACTING PLANNING DIRECTOR, relating to Council-initiated Community Plan Amendment and Change of Zoning applications filed by Chris Hart and Partners, Inc. on behalf of St. Anthony Church and Schools, Wailuku, Maui, Hawaii; TMK: (2) 3-4-019:003 and (2) 3-4-018:106.
- [CC 19-128](#) ACTING DIRECTOR OF PUBLIC WORKS, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF ROADWAY LOTS FOR THE WAILUKU PARKSIDE SUBDIVISION, PHASE I AND PHASE II SITUATED IN WAILUKU, MAUI, HAWAII, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".

## **2. GENERAL COMMUNICATIONS:**

NONE.

### **I. COMMITTEE REPORTS:**

#### **Economic Development and Budget Committee**

- [CR 19-18](#) 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 2019 Budget, for the Department of Police, by increasing the grant appropriation for the Paul Coverdell Forensic Sciences Improvement Act by \$32,472, for a total grant award of \$37,472, for a Crime Lab Accreditation project.
- [CR 19-19](#) 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 2019 Budget, for the Department of Police, by increasing the grant appropriation for the Edward Byrne Memorial Justice Assistance Grants by \$86,278, for a total grant of \$182,278, to be used for the following projects: 1) the Statewide Multi-Jurisdictional Drug Task Force, \$41,613; 2) Enhance Physical Evidence Detection, \$55,685; and 3) Cybercrime Unit Enhancement, \$84,980.

[CR 19-20](#)

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 2019 Budget, for the Department of Fire and Public Safety; by adding a new appropriation entitled "Hawaii Tourism Authority" in the amount of \$125,000 for the acquisition of emergency rescue equipment relating to ocean safety.

[CR 19-21](#)

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 2019 Budget, by transferring \$9,648 in appropriations under the Plan Review, Processing, and Inspection Revolving Fund (Fire) for operations or services to an appropriation for equipment, for the purchase of a fire extinguisher trainer and to replace malfunctioning equipment for the Keiki ID Program; and
2. **FILING** of communication.

[CR 19-22](#)

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2019 Budget by 1) increasing Bond/Lapsed Bond by \$151,580; and 2) amending Section 4.G.9.a.(1), Department of Public Works, West Maui Community Plan Area, Road Improvements, Bond Fund, by deleting the appropriations of \$500,000 for the Front Street Breakwall Repair Fronting Lahaina Center project, and \$700,000 for the Front Street Deck and Rail Repair Near Lahainaluna Road project, and adding the Front Street Improvements project in the amount of \$1,351,580;
2. **FIRST READING** of bill to amend the Fiscal Year 2019 general obligation bond authorization ordinance under the Department of Public Works, West Maui Community Plan Area, Road Improvements, by 1) deleting the appropriations of \$500,000 for the Front Street Breakwall Repair Fronting Lahaina Center project, and \$700,000 for the Front Street Deck and Rail Repair Near Lahainaluna Road project; and 2) adding the Front Street Improvements project in the amount of \$1,351,580;
3. **FIRST READING** of bill to amend the Fiscal Year 2019 Budget, Appendix C, Capital Improvement Projects, Department of Public Works, West Maui Community Plan Area, by 1) deleting the Front Street Breakwall Repair Fronting Lahaina Center project with an appropriation of \$500,000; 2) deleting the Front Street Deck and Rail Repair Near Lahainaluna Road project with an appropriation of \$700,000; and 3) adding the Front Street Improvements project with an appropriation of \$1,351,580; and
4. **FILING** of communication.

**Environmental, Agricultural, and Cultural Preservation Committee**

[CR 19-23](#)

Recommending the following:

1. **FIRST READING** of bill to repeal Chapter 16.16A, Maui County Code, and establish a new Chapter 16.16B, Maui County Code, pertaining to the Energy Code; and
2. **FILING** of communication.

**Governance, Ethics, and Transparency Committee**

[CR 19-24](#)

Recommending the following:

1. **ADOPTION** of resolution approving the appointment of Michael Gurat to the Affirmative Action Advisory Council for a term beginning on April 1, 2019, and expiring on March 31, 2024;
2. **ADOPTION** of resolution approving the appointment of Geraldine Lewis to the Board of Ethics for a term beginning on April 1, 2019, and expiring on March 31, 2024;
3. **ADOPTION** of resolution approving the appointment of Emmanuel Baltazar to the Board of Variances and Appeals for a term beginning on April 1, 2019, and expiring on March 31, 2024;
4. **ADOPTION** of resolution approving the appointments of Yarrow Flower, Hanna Mounce, and Buddy James Nobriga to the Board of Water Supply for terms beginning on April 1, 2019, and expiring on March 31, 2024;
5. **ADOPTION** of resolution approving the appointment of Blake Takayama to the Civil Service Commission for a term beginning on April 1, 2019, and expiring on March 31, 2024;
6. **ADOPTION** of resolution approving the appointments of Bonnie De Rose (Reappoint), Paula Heiskell (Reappoint), Barbara Mattson (Reappoint), Brenda "Michelle" Del Rosario, and Sarah Simmons to the Cost of Government Commission for terms beginning on April 1, 2019, and expiring on March 31, 2024;
7. **ADOPTION** of resolution approving the appointment of Debra Cabebe to the Council on Aging for a term beginning on April 1, 2019, and expiring on March 31, 2024;
8. **ADOPTION** of resolution approving the appointments of Dwight Burns and Lisa Vares to the Fire and Public Safety Commission for terms beginning on April 1, 2019, and expiring on March 31, 2024;
9. **ADOPTION** of resolution approving the appointment of Allan Almeida to the Liquor Control Adjudication Board for a term beginning on April 1, 2019, and expiring on March 31, 2024;
10. **ADOPTION** of resolution approving the appointment of Jerrybeth De Mello to the Liquor Control Commission for a term beginning on April 1, 2019, and expiring on March 31, 2024;
11. **ADOPTION** of resolution approving the appointments of Joseph D'Alessandro and Evalina "Nani" Watanabe to the Maui County Commission on Persons with Disabilities for terms beginning on April 1, 2019, and expiring on March 31, 2024;



12. **ADOPTION** of resolution approving the appointment of Daniel Kanahele (Hawaiian culture/ethnic history) to the Maui County Cultural Resources Commission for a term beginning on April 1, 2019, and expiring on March 31, 2024, and disapproving the appointment of Thomas Cannon (Architect);
13. **ADOPTION** of resolution approving the appointment of Kellie Pali (Reappoint) to the Maui Planning Commission for a term beginning on April 1, 2019, and expiring on March 31, 2024;
14. **ADOPTION** of resolution approving the appointments of Laakea Poepoe (Reappoint; Native Hawaiian Traditional and Customary Practices Expert), Julie-Ann Bicoy, and Bridget Mowat to the Molokai Planning Commission for terms beginning on April 1, 2019, and expiring on March 31, 2024;
15. **ADOPTION** of resolution approving the appointment of Matthew Mano to the Police Commission for a term beginning on April 1, 2019, and expiring on March 31, 2024;
16. **ADOPTION** of resolution approving the appointments of Brooks Aoki (Engineer) (from alternate member to regular member) and Harry Hecht (Engineer) (from alternate member to regular member) to each continue their current term expiring on March 31, 2021, and Luana Kawa`a (Hawaiian language) to the Public Works Commission for terms beginning on April 1, 2019, and expiring on March 31, 2024;
17. **ADOPTION** of resolution approving the appointment of Thomas Croly to the Real Property Tax Review Board for a term beginning on April 1, 2019, and expiring on March 31, 2024;
18. **ADOPTION** of resolution approving the appointments of Scott Parker and Stanford Laniyas to the Salary Commission for terms beginning on April 1, 2019, and expiring on March 31, 2024; and
19. **FILING** of resolution approving the appointments of Sheron Bissen and Jessica Crouse to the Committee on the Status of Women.

### **Multimodal Transportation Committee**

#### **[CR 19-25](#)**

Recommending the following:

1. **FIRST READING** of bill to amend the Traffic Code of the County of Maui to prohibit parking, stopping, or standing vehicles in medial strips; and
2. **FILING** of communication.

### **Planning and Sustainable Land Use Committee**

- [CR 19-26](#) Recommending **FILING** of communication relating to the Planning Director's 2017 status report on the implementation of eight of the nine Maui County community plans.

### **Water and Infrastructure Committee**

- [CR 19-27](#) Recommending **filing** of communication relating to Kualono Subdivision Waterline Easements.

- [CR 19-28](#) Recommending the following:
1. **ADOPTION** of resolution urging the Mayor to take the steps necessary to acquire and replace the Lower Nahiku Bridge, located on Lower Nahiku Road, Nahiku, Maui, Hawaii; and
  2. **FILING** of communication.

- [CR 19-29](#) Recommending the following:
1. **FIRST READING** of bill to extend the time applicants are given to reserve an allocation of water service from 30 to 60 days; and
  2. **FILING** of communication.

- [CR 19-30](#) Recommending the following:
1. **FIRST READING** of bill to extend the duration of water meter reservations from two years plus two six-month extensions to a total of five years; and
  2. **FILING** of communication.

### **J. RESOLUTIONS:**

NONE.

### **K. ORDINANCES - SECOND AND FINAL READING:**

[Bill 4 \(2019\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF FIRE AND PUBLIC SAFETY, TRAINING PROGRAM; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

[Bill 5 \(2019\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF POLICE, COUNTYWIDE, GOVERNMENT FACILITIES, COUNTYWIDE POLICE FACILITIES; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

- [Bill 6 \(2019\)](#) "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4858, BILL NO. 54 (2018), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (DEPARTMENT OF POLICE - COUNTYWIDE POLICE FACILITIES)"
- [Bill 7 \(2019\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C - CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF POLICE, COUNTYWIDE, COUNTYWIDE POLICE FACILITIES"
- [Bill 8 \(2019\)](#) "A BILL FOR AN ORDINANCE GRANTING THE JOHN & KAMAKA KUKAHIKO OF MAKENA CORPORATION A CONDITIONAL PERMIT TO CONDUCT SPECIAL EVENTS WITHIN THE COUNTY A-2 APARTMENT DISTRICT, TAX MAP KEY NUMBER (2) 2-1-007:079, MAKENA, MAUI, HAWAII"

**L. UNFINISHED BUSINESS:**

NONE.

"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 HAVE DISABILITIES REQUIRING SPECIAL ASSISTANCE SHOULD CALL THE OFFICE OF THE COUNTY CLERK AT 270-7748, AT LEAST THREE DAYS IN ADVANCE.