

RECEIVED TO 02/22/2019 AT 9:00 A.M. IN COUNCIL CHAMBER.

RECEIVED

2019 FEB 15 PM 6:29

COUNCIL OF THE COUNTY OF MAUI

2019 FEB -8 PM 5:28

OFFICE OF THE
COUNTY CLERK

A G E N D A

OFFICE OF THE
COUNTY CLERK

Regular Meeting of February 15, 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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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 ALICE LEE
 - C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONSE. CEREMONIAL RESOLUTIONS:

NONE.

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONYG. MINUTES:

Regular Meeting of December 11, 2018

H. COMMUNICATIONS:1. COUNTY COMMUNICATIONS:

- NO. 19-72 - ACTING DIRECTOR OF HOUSING AND HUMAN CONCERNS, notifying that the Home Delivered Meals voluntary contributions received from senior program participants will exceed the budgeted amount of \$55,793 by \$42,207 for a total of \$98,000.
- NO. 19-73 - CHIEF OF POLICE, informing of the receipt of \$16,632.94 in Forfeiture Funds from the Department of Attorney General, State of Hawaii.
- NO. 19-74 - ACTING MAYOR, informing of the following vacancies:
1. Cultural Resources Commission, due to the resignation of Christy Gusman on January 14, 2019;
 2. Salary Commission, due to the resignation of Victoria Reyes on January 14, 2019; and
 3. Liquor Control Commission, due to the resignation of Dawn Bicoy-Stephenson on January 22, 2019.
- NO. 19-75 - ACTING DIRECTOR OF FINANCE, informing of the acceptance of Waterline Easements U-1, U-2, U-3, W-1, W-2, and W-3B, Waiale Elua Subdivision, TMK: (2) 3-5-002:020 (por).
- NO. 19-76 - ACTING DIRECTOR OF FINANCE, informing of the acceptance of Waterline Easement W-3A, Waiale Elua Subdivision, TMK: (2) 3-5-002:012 (por).
- NO. 19-77 - ACTING DIRECTOR OF FINANCE, informing of the acceptance of Waterline Easement R-5, (Oma`Oma`O Street), Kehalani Mauka (Large Lot) Subdivision No. 3-B, TMK: (2) 3-5-001:094 (por).

H. COMMUNICATIONS (continued):

- NO. 19-78 - ACTING DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending January 2019.
- NO. 19-79 - COUNCIL CHAIR KING, transmitting a proposed resolution entitled, "AUTHORIZING THE COUNCIL CHAIR TO CONTRACT FOR A FISCAL AUDIT OF THE MAUI COUNTY COUNCIL".
- NO. 19-80 - ACTING DIRECTOR OF FINANCE, transmitting proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, MAUI COUNTY CODE, RELATING TO LONG TERM DEDICATION FOR RESIDENTIAL WORKFORCE HOUSING RENTAL UNIT PROJECTS AND REPEALING THE EXEMPTION FOR LOW AND MODERATE INCOME HOUSING".
- NO. 19-81 - COUNCILMEMBER SINENCI, relating to a County archaeologist.
- NO. 19-82 - BUDGET DIRECTOR, transmitting the Budget Implementation Report as of December 31, 2018 (Fiscal Year 2019 Second Quarter).
- NO. 19-83 - BUDGET DIRECTOR, transmitting a proposed bill entitled, "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 PUBLIC WORKS, COUNTYWIDE, COUNTYWIDE FEDERAL AID PROGRAM".
- NO. 19-84 - COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MANAGER, transmitting a proposed resolution entitled, "AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM".
- NO. 19-85 - ACTING DIRECTOR OF ENVIRONMENTAL MANAGEMENT, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO INTERGOVERNMENTAL AGREEMENTS WITH THE STATE OF HAWAII DEPARTMENT OF HEALTH RELATING TO CONTRACTS FOR GLASS RECYCLING AND E-WASTE".
- NO. 19-86 - FIRE CHIEF, transmitting a proposed resolution entitled, "AUTHORIZING ACCEPTANCE OF THE DONATION OF FITNESS EQUIPMENT TO THE DEPARTMENT OF FIRE AND PUBLIC SAFETY, NAPILI FIRE STATION, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE".
- NO. 19-87 - FIRE CHIEF, transmitting a proposed resolution entitled, "AUTHORIZING ACCEPTANCE OF THE DONATION OF 185 PAIRS OF FOOTWEAR TO THE OCEAN SAFETY BUREAU OF THE DEPARTMENT OF FIRE AND PUBLIC SAFETY, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE".

H. COMMUNICATIONS (continued):

- NO. 19-88 - COUNCILMEMBER HOKAMA, relating to the Waiehu Municipal Golf Course maintenance and improvements.
- NO. 19-89 - COUNCILMEMBER SUGIMURA, relating to Complete Streets.
- NO. 19-90 - COUNCILMEMBER SUGIMURA, relating to Vision Zero: Eliminating Traffic Fatalities and Injuries.
- NO. 19-91 - COUNCILMEMBER SUGIMURA, relating to the Maui Metropolitan Planning Organization.
- NO. 19-92 - COUNCILMEMBER SUGIMURA, relating to Maui County Transit-Oriented Development.
- NO. 19-93 - ACTING DIRECTOR OF PLANNING, transmitting a Conditional Permit application submitted by Christine Ward, transmitting documents and a draft bill entitled, "A BILL FOR AN ORDINANCE GRANTING CHRISTINE WARD A CONDITIONAL PERMIT TO OPERATE A STORE AND LUNCH COUNTER WITHIN THE COUNTY AGRICULTURAL DISTRICT, FOR PROPERTY SITUATED AT 8615 KAMEHAMEHA V HIGHWAY, PUKO'O, MOLOKAI, HAWAII AND IDENTIFIED AS A PORTION OF TAX MAP KEY NUMBER (2) 5-7-005:004".
- NO. 19-94 - COUNCILMEMBER SUGIMURA, relating to zoning standards for canopy tour and zipline operations in the Agricultural District.
- NO. 19-95 - COUNCILMEMBER PALTIN, relating to a new zoning district for the proposed 495.905-acre Waikapu Country Town project, Waikapu, Maui, Hawaii, including related land use entitlements.

2. GENERAL COMMUNICATIONS:

- NO. 19-2 - LAUREN ARMSTRONG, MAUI METROPOLITAN PLANNING ORGANIZATION, transmitting the Maui Metropolitan Planning Organization Annual Report for Fiscal Year 2018.

I. COMMITTEE REPORTS:

- NO. 19-1 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to amend the Fiscal Year 2019 Budget for the Department of Finance by transferring \$32,290 from Countywide Costs, General Costs, Category A (Salaries) to Administration Program, Category A (Salaries), for the Internal Control Officer; and
2. **FILING** of communication.

I. COMMITTEE REPORTS (continued):**NO. 19-2 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:**

Recommending **ADOPTION** of resolution to amend the Fiscal Year 2019 Budget within the Department of Public Works by transferring \$150,000 from the Engineering Program – General Fund, Category A (Salaries) to Category B (Operations) to fund a projected budgetary shortfall because of higher than anticipated expenditures for utilities and repair and maintenance services under the County Building Services section, and unforeseen repairs.

NO. 19-3 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2019 Budget by:
 - 1) increasing Carryover/Savings from the General Fund by \$33,200;
 - 2) amending Section 3.B.5.b., Department of Fire and Public Safety, Training Program, by increasing Category C (Equipment) and Total Appropriations by \$33,200 to fund the purchase of 15 automated external defibrillators and accessories; and 3) adjusting the totals accordingly; and
2. **FILING** of communication.

NO. 19-4 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2019 Budget by:
 - 1) increasing Bond/Lapsed Bond by \$80,000; 2) amending Section 4.F.1.a.(1), Department of Police, Countywide, Government Facilities, Bond Fund, by increasing the appropriation for Countywide Police Facilities by \$80,000 to upgrade the air-conditioning system in the Department of Police's forensic facility; and 3) adjusting the totals accordingly;
2. **FIRST READING** of bill to amend the Fiscal Year 2019 general obligation bond authorization ordinance by increasing the appropriation under the Department of Police, Countywide, Government Facilities, Countywide Police Facilities, by \$80,000;
3. **FIRST READING** of bill to amend the Fiscal Year 2019 Budget, Appendix C, Capital Improvement Projects, Department of Police, by increasing the appropriation for Countywide Police Facilities by \$80,000; and
4. **FILING** of communication.

I. COMMITTEE REPORTS (continued):

NO. 19-5 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving the Mayor's appointment of Sananda K. Baz for Managing Director; and
2. **FILING** of resolution disapproving the Mayor's appointment of Sananda K. Baz for Managing Director.

NO. 19-6 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution disapproving the Mayor's appointment of Patrick K. Wong for Corporation Counsel; and
2. **FILING** of resolution approving the Mayor's appointment of Patrick K. Wong for Corporation Counsel.

NO. 19-7 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution disapproving the Mayor's appointment of John D. Kim for Prosecuting Attorney; and
2. **FILING** of resolution approving the Mayor's appointment of John D. Kim for Prosecuting Attorney.

NO. 19-8 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving the Mayor's appointment of Jeffrey T. Pearson for Director of Water Supply; and
2. **FILING** of resolution disapproving the Mayor's appointment of Jeffrey T. Pearson for Director of Water Supply.

NO. 19-9 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving the Mayor's appointment of Scott K. Teruya for Director of Finance; and
2. **FILING** of resolution disapproving the Mayor's appointment of Scott K. Teruya for Director of Finance.

I. COMMITTEE REPORTS (continued):

NO. 19-10 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving the Mayor's appointment of David C. Goode for Director of Public Works; and
2. **FILING** of resolution disapproving the Mayor's appointment of David C. Goode for Director of Public Works.

NO. 19-11 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving the Mayor's appointment of Michael M. Miyamoto for Director of Environmental Management; and
2. **FILING** of resolution disapproving the Mayor's appointment of Michael M. Miyamoto for Director of Environmental Management.

NO. 19-12 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving the Mayor's appointment of Michele McLean for Planning Director; and
2. **FILING** of resolution disapproving the Mayor's appointment of Michele McLean for Planning Director.

NO. 19-13 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution disapproving the Mayor's appointment of William Robert Spence for Director of Housing and Human Concerns; and
2. **FILING** of resolution approving the Mayor's appointment of William Robert Spence for Director of Housing and Human Concerns.

NO. 19-14 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving the Mayor's appointment of Marc Takamori for Director of Transportation; and
2. **FILING** of resolution disapproving the Mayor's appointment of Marc Takamori for Director of Transportation.

I. COMMITTEE REPORTS (continued):**NO. 19-15 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:**

Recommending the following:

1. **ADOPTION** of resolution approving the Mayor's appointment of Karla H. Peters for Director of Parks and Recreation; and
2. **FILING** of resolution disapproving the Mayor's appointment of Karla H. Peters for Director of Parks and Recreation.

NO. 19-16 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to grant a request from John & Kamaka Kukahiko of Makena Corporation for a ten-year Conditional Permit to conduct a maximum of 110 small-scale special events per year on a 0.811-acre parcel within the County A-2 Apartment District at 5034 Makena Road, Kihei, Maui, Hawaii, identified for real property tax purposes as tax map key (2) 2-1-007:079; and
2. **FILING** of communication.

NO. 19-17 - WATER AND INFRASTRUCTURE COMMITTEE:Recommending **REFERRAL** of communication, relating to the Waiale Road and Waiinu Road intersection, to the Multimodal Transportation Committee.**J. RESOLUTIONS:**

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 1 (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 FINANCE, COUNTYWIDE, OTHER PROJECTS, COUNTYWIDE EQUIPMENT; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)".

BILL NO. 2 (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 FINANCE - COUNTYWIDE EQUIPMENT)".

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

BILL NO. 3 (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 FINANCE, COUNTYWIDE, COUNTYWIDE EQUIPMENT (DEPARTMENT OF FIRE AND PUBLIC SAFETY)".

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