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COUNCIL OF THE COUNTY OF MAUI

A G E N D A

OFFICE OF THE
COUNTY CLERK

Regular Meeting of July 24, 2020
9:00 a.m.

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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NONE.

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

Public Hearing of April 17, 2020
Public Hearing of April 29, 2020 (Real Property Tax)
Public Hearing of May 15, 2020 (Fuel Tax)
Public Hearing of May 15, 2020 (Weight Tax)

H. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 20-365 - CHIEF OF POLICE, transmitting a copy of the grant agreement with the Office of National Drug Control Policy for the HIDTA grant for the period of January 1, 2020 to December 31, 2021 in the amount of \$271,950.00.

NO. 20-366 - CHIEF OF POLICE, transmitting a copy of the grant agreement with the State of Hawaii, Department of Health for the Emergency Medical System grant for the period of July 1, 2020 to June 30, 2021 in the amount of \$376,865.83.

NO. 20-367 - DIRECTOR OF FINANCE, transmitting 123 contracts/grants for June 2020.

NO. 20-368 - CHAIR, CIVIL SERVICE COMMISSION, transmitting the performance evaluation of the Director of Personnel Services.

NO. 20-369 - DIRECTOR OF PARKS AND RECREATION, transmitting the quarterly report regarding Fiscal Year 2020 Countywide Park Facilities for the period of January 1, 2020 through March 31, 2020.

NO. 20-370 - DIRECTOR OF PARKS AND RECREATION, transmitting the quarterly report regarding Fiscal Year 2020 Countywide Park Facilities for the period of April 1, 2020 through June 30, 2020.

NO. 20-371 - DIRECTOR OF FINANCE, informing of the acceptance of Sewerline Easement Lot 12, Haynes Subdivision, TMK: (2) 3- 4- 003:054.

H. COMMUNICATIONS (continued):

- NO. 20-372 - DIRECTOR OF FINANCE, informing of the acceptance of Drainage Easement Nos. 1, 8, 9, 102 and D-2, Pukalani Terrace and Country Club Subdivision, TMK: (2) 2-3-061:114; (2) 2-3-057:138; (2) 2-3-009:004; (2) 2-3-056:097; and (2) 2-3-008:036.
- NO. 20-373 - DIRECTOR OF FINANCE, informing of the acceptance of Sewerline Easement "S", Portion of Poalima 66 of Grant 3343 to Claus Spreckles, TMK: (2) 3-4-033:007 POR.
- NO. 20-374 - DIRECTOR OF WATER SUPPLY, transmitting the State of Hawaii Commission on Water Resource Management water use reports for May 2020 for all registered well reporters in the County of Maui.
- NO. 20-375 - DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending June 2020.
- NO. 20-376 - COUNCIL CHAIR LEE, relating to a Councilmembers' report on the Waikapu Community Association meeting held on July 13, 2020.
- NO. 20-377 - COUNCIL CHAIR LEE, relating to a Councilmembers' report on the blessing for the Huliau housing project held on July 14, 2020, at the old University of Hawaii Maui College dormitories.
- NO. 20-378 - COUNCILMEMBER PALTIN, transmitting a proposed resolution entitled, "URGING CONDOMINIUM, APARTMENT OWNERS', AND HOMEOWNERS' ASSOCIATIONS TO SUSPEND OR MODIFY RULES TO PROVIDE RESPITE TO RESIDENTS AND MEMBERS OF THE BROADER COMMUNITY WHO MAY BE STRUGGLING AS A RESULT OF THE EFFECTS OF THE CORONAVIRUS PANDEMIC".
- NO. 20-379 - COUNCIL CHAIR LEE, transmitting a proposed resolution entitled, "PRIORITIZING MAUI COUNTY BUSINESSES FOR PUBLICLY FUNDED JOBS AND PROJECTS".
- NO. 20-380 - CHAIR, GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE, transmitting a proposed resolution entitled, "RELATING TO THE APPOINTMENT OF HAROLEN KAIWI TO THE BOARD OF WATER SUPPLY FOR THE COUNTY OF MAUI".
- NO. 20-381 - CHAIR, GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE, transmitting a proposed resolution entitled, "RELATING TO THE APPOINTMENT OF SUSAN PU TO THE COST OF GOVERNMENT COMMISSION FOR THE COUNTY OF MAUI".

H. COMMUNICATIONS (continued):

- NO. 20-382 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a proposed bill entitled, "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL DISTRICT TO URBAN DISTRICT (CONDITIONAL BOUNDARY AMENDMENT) FOR PROPERTY SITUATED AT OLOWALU, MAUI, HAWAII, TAX MAP KEY NOS. (2) 4-8-003:103 (POR.), CONTAINING A TOTAL OF 14.7 ACRES".
- NO. 20-383 - COUNCILMEMBER PALTIN, transmitting a proposed bill entitled, "A BILL FOR AN ORDINANCE AMENDING RESIDENTIAL WORKFORCE HOUSING POLICY TO MORE EFFECTIVELY PROMOTE THE AVAILABILITY OF AFFORDABLE HOUSING".
- NO. 20-384 - COUNCILMEMBER SUGIMURA, relating to Hawaiian Electric, Clean Energy Investment in Hawaii.
- NO. 20-385 - COUNCIL CHAIR LEE, transmitting a proposed resolution entitled, "SUPPORTING MAUI COUNTY STUDENTS' DISTANCE LEARNING".
- NO. 20-386 - PRESIDING OFFICER PRO TEMPORE KAMA, transmitting a proposed bill entitled, "A BILL FOR AN ORDINANCE AMENDING TITLE 3, MAUI COUNTY CODE, RELATING TO THE MAUI COUNTY GRANTS PROGRAM".
- NO. 20-387 - DIRECTOR OF FINANCE, transmitting the Short-Term Investments Report as of June 30, 2020.
- NO. 20-388 - MANAGING DIRECTOR, transmitting the Fiscal Year 2020 4th Quarter CIP Reports.
- NO. 20-389 - COUNCIL VICE-CHAIR RAWLINS-FERNANDEZ, transmitting a proposed bill entitled, "A BILL FOR AN ORDINANCE AMENDING CHAPTER 1.16, MAUI COUNTY CODE, RELATING TO PUBLIC INSPECTION OF ADMINISTRATIVE RULES".
- NO. 20-390 - DIRECTOR OF PUBLIC WORKS, transmitting a proposed bill entitled, "A BILL FOR AN ORDINANCE AMENDING CHAPTER 12.40, MAUI COUNTY CODE, RELATING TO NAMES OF PUBLIC FACILITIES DESIGNATED".
- NO. 20-391 - COUNCILMEMBER HOKAMA, relating to traffic flow and road connectivity.
- NO. 20-392 - COUNCILMEMBER PALTIN, relating to removing silt basin grates in Kahoma Stream.

2. GENERAL COMMUNICATIONS:

NO. 20-4 - CAROL REIMANN, A & B PROPERTIES, LLC, submitting an annual compliance report in accordance with Condition 19 of Ordinance No. 3559, for Maui Business Park Phase II – Change in Zoning.

I. COMMITTEE REPORTS:

NO. 20-84 - AFFORDABLE HOUSING COMMITTEE:

Recommending **ADOPTION** of resolution to extend the deadlines for starting and completing construction of the Waikapu Development Venture Workforce Housing Project on 12.5 acres identified for real property tax purposes as tax map key (2) 3-5-002:011, located on Honoapiilani Highway and bounded by Waiale Road.

NO. 20-85 - AFFORDABLE HOUSING COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to establish a Commission on Healing Solutions for Homelessness; and
2. **FILING** of communication.

NO. 20-86 - CLIMATE ACTION AND RESILIENCE COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution supporting the `Aina Aloha Economic Futures Initiative and transition to a circular economy; and
2. **FILING** of communication.

NO. 20-87 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending the following:

1. **REFERRAL** of resolution relating to a proposed amendment to Section 3-6 of the Revised Charter of the County of Maui (1983), as amended, to allow attorneys within the Office of Council Services to serve as legal representatives of the Council and its members, to the Council Chair for the next Council term, for transmittal to the next Charter Commission; and
2. **FILING** of correspondence dated January 10, 2020.

I. COMMITTEE REPORTS (continued):NO. 20-88 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **REFERRAL** of resolution relating to a proposed amendment to Section 8-8 of the Revised Charter of the County of Maui (1983), as amended, to establish that of the nine members of the Maui, Molokai, and Lanai planning commissions, seven members of each planning commission must be appointed by the Council and the remaining two members of each planning commission must be appointed by the Mayor, to the Council Chair for the next Council term, for transmittal to the next Charter Commission.

NO. 20-89 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **REFERRAL** of resolution relating to a proposed amendment to Sections 3-8 and 8-2 of the Revised Charter of the County of Maui (1983), as amended, to allow the Council, in addition to the Mayor, to initiate removal of and provide direction to the County's chief legal advisor and legal representative, the Corporation Counsel, to the Council Chair for the next Council term, for transmittal to the next Charter Commission.

NO. 20-90 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **ADOPTION** of resolution to authorize settlement of Bacon Universal Co., Inc., Claim 30192754170-0001, for \$121,181.88.

With reference to this agenda item, one or more executive meetings are anticipated in accordance with 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. 20-91 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **ADOPTION** of resolution to authorize settlement of Perlita Casino, Claim 30193234263-0001, for \$76,394.70.

With reference to this agenda item, one or more executive meetings are anticipated in accordance with 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. 20-92 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **ADOPTION** of resolution to authorize settlement of County of Maui v. Rick Markham, et al.; Civil 17-1-0393(2).

With reference to this agenda item, one or more executive meetings are anticipated in accordance with 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. 20-93 - HEALTHY FAMILIES AND COMMUNITIES COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Chapter 12.24A, Maui County Code, to remove from the list of "exceptional trees" 34 monkey pod (*samanea saman*) trees along Honoapiilani Highway north of the intersection with Kuihelani Highway, in Waikapu, Maui, Hawai'i; and
2. **FILING** of communication.

NO. 20-94 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to grant a State Land Use District Boundary Amendment from Agricultural to Urban for property at Paia, Maui, Hawaii, comprising of approximately 1.10 acres; and identified for real property tax purposes as tax map key (2) 2-5-005:063 (por.), for the proposed Paia Courtyard project;
2. **FIRST READING** of bill to grant a Change in Zoning from Interim District, to B-CT Country Town Business District and to Public/Quasi-Public (Conditional Zoning) for property located at Paia, Maui, Hawaii, comprising of approximately 1.10 acres, and 2.93 acres, respectively; and identified for real property tax purposes as two portions of tax map key (2) 2-5-005:063, for the proposed Paia Courtyard project;
3. **RECORDATION** of the unilateral agreement; and
4. **FILING** of communication.

J. RESOLUTIONS – SECOND AND FINAL READING:

NO. 20-98 - "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO ESTABLISH STRICTER TERM LIMITS FOR COUNCIL MEMBERS"

NO. 20-99 - "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO CONFLICTING INTERPRETATIONS OF THE CHARTER"

NO. 20-100 - "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO CHARTER COMMISSION"

NO. 20-101 - "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO ESTABLISH STRICTER TERM LIMITS FOR THE MAYOR"

J. RESOLUTIONS – SECOND AND FINAL READING (continued):

NO. 20-102 - "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO ESTABLISHING A DEPARTMENT OF AGRICULTURE"

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 77 (2020) - "A BILL FOR AN ORDINANCE RELATING TO THE CIRCUIT BREAKER TAX CREDIT, HOMEOWNER EXEMPTION, AND HOUSEHOLD INCOME"

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.