

COUNCIL OF THE COUNTY OF MAUI

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A G E N D A

Regular Meeting of September 11, 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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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 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 TAMARA PALTIN

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 July 10, 2020

H. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

- NO. 20-434 - DIRECTOR OF FINANCE, transmitting a request for an extension to submit the summary report of the temporary transfers/loans from the General Fund and the Department of Water Supply Revenue Fund to the 2020 proposed General Obligation Bond Fund as of July 31, 2020, by September 30, 2020 to allow for additional time to review all the projects to be included in the upcoming General Obligation Bond issuance.
- NO. 20-435 - DIRECTOR OF FINANCE, reporting on temporary transfers/loans from the General Fund and Department of Water Supply Revenue Fund to the 2020 Proposed General Obligation Bond Fund as of June 30, 2020.
- NO. 20-436 - DIRECTOR OF TRANSPORTATION, transmitting a copy of the notice of grant award from the State Department of Transportation for the transportation planning portion of the Maui MPO FY2021 Unified Planning Work Program totaling \$400,000.
- NO. 20-437 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a copy of the notice of grant award from Matson Foundation Contribution in the amount of \$1,000.
- NO. 20-438 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a copy of the notice of grant award from the State of Hawaii, Department of Human Services for the Kahului Affordable Housing for Homeless Families Program in the amount of \$864,200, of which \$432,100 has been appropriated in the Fiscal Year 2021.
- NO. 20-439 - 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 Aging and Disability Resource Center in the amount of \$92,000.

H. COMMUNICATIONS (continued):

- NO. 20-440 - DIRECTOR OF FINANCE, transmitting 74 contracts/grants for August 2020.

- NO. 20-441 - MAYOR, informing of a vacancy on the Commission on Persons with Disabilities due to the resignation of Petrina Costello.

- NO. 20-442 - DIRECTOR OF FINANCE, informing of the acceptance of Sewerline Easement "A", 491 Lihi Street, TMK: (2) 3-8-037:002 POR.

- NO. 20-443 - DIRECTOR OF FINANCE, informing of the acceptance of Waterline Easement "W-5", Makena Farms Subdivision, affecting Lot 4-J, TMK: (2) 2-1-007:067 POR.

- NO. 20-444 - DIRECTOR OF FINANCE, informing of the acceptance of Waterline Easement "A-2", Makena Farms Subdivision, affecting a portion of Lot 4-D, TMK: (2) 2-1-007:067 POR.

- NO. 20-445 - DIRECTOR OF FINANCE, informing of the acceptance of Waterline Easement "W-1", Maui Preparatory Academy Subdivision, TMK: (2) 4- 3- 001:085 POR.

- NO. 20-446 - CHAIR, ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE, transmitting the following:
 - 1. County Communication 20-431, from Council Vice Chair Rawlins-Fernandez relating to the Fiscal Year 2021 appropriation for Other Post-Employment Benefits; and
 - 2. Correspondence dated August 31, 2020, from the Budget Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO DEPARTMENT OF FINANCE, COUNTYWIDE COSTS, POST-EMPLOYMENT OBLIGATIONS".

- NO. 20-447 - COUNCILMEMBER SUGIMURA, transmitting a proposed resolution entitled "SUPPORTING THE VITAL ROLE OF THE FREE PRESS AND THE RIGHTS OF MAUI COUNTY WORKERS EMPLOYED AT THE LOCAL DAILY NEWSPAPER".

- NO. 20-448 - CHAIR, GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE, transmitting a proposed resolution entitled "APPROVING FOR INCLUSION IN THE 2021 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO ALLOW VIRTUAL MEETINGS BY INTERACTIVE CONFERENCE TECHNOLOGY".

H. COMMUNICATIONS (continued):

- NO. 20-449 - COUNCIL CHAIR LEE, transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF KEONI SHIROTA AS COMMITTEE SECRETARY IN THE OFFICE OF COUNCIL SERVICES".
- NO. 20-450 - COUNCILMEMBER PALTIN, transmitting a proposed resolution entitled "URGING THE MAYOR TO AUTHORIZE APPLE AND GOOGLE TO RELEASE SUSTAIN HAWAII'S PERSEUS CONTACT TRACING APPLICATION FOR VOLUNTARY USE BY COUNTY CONSTITUENTS".
- NO. 20-451 - COUNCILMEMBER SUGIMURA, relating to the Hawaii Taro Farm, LLC.
- NO. 20-452 - COUNCILMEMBER SUGIMURA, relating to cultural preservation for 'Āhihi-Kīna'u Natural Area Reserve.
- NO. 20-453 - PLANNING DIRECTOR, transmitting a document entitled "Report on the Planning Department Cost of Services (User Fee) Study" dated March 2020 by Matrix Consulting Group.
- NO. 20-454 - COUNCILMEMBER HOKAMA, relating to auditing the Community Development Block Grant program for the County of Maui.
- NO. 20-455 - DIRECTOR OF FINANCE, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, MAUI COUNTY CODE, RELATING TO REAL PROPERTY TAX EXEMPTIONS FOR VERY LOW INCOME, LOW INCOME, BELOW MODERATE INCOME AND MODERATE INCOME RENTAL UNIT PROJECTS".
- NO. 20-456 - DIRECTOR OF FINANCE, transmitting the Summary of Total Funded Indebtedness of the County's Outstanding and Unpaid as of July 1, 2020.
- NO. 20-457 - PROSECUTING ATTORNEY, 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 DEPARTMENT OF THE ATTORNEY GENERAL, STATE OF HAWAII".
- NO. 20-458 - 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 U.S. GEOLOGICAL SURVEY, PACIFIC ISLANDS WATER SCIENCE CENTER, UNITED STATES DEPARTMENT OF THE INTERIOR (COOPERATIVE WATER-RESOURCE MONITORING PROGRAM)".

H. COMMUNICATIONS (continued):

- NO. 20-459 - COUNCIL CHAIR LEE, relating to suggestions by HALE Hawai'i, grassroots organization whose focus is to help Hawai'i's people and its leaders to keep Hawai'i safe from COVID-19.

- NO. 20-460 - COUNCILMEMBER HOKAMA, relating to the Kanahā Beach Greywater Reuse Demonstration Project as it relates to the Department of Parks and Recreation.

- NO. 20-461 - COUNCILMEMBER PALTIN, relating to annual zoning conditions compliance reports for the 55-acre Haliimaile residential subdivision (Ordinance 3312).

- NO. 20-462 - COUNCILMEMBER PALTIN, relating to the purchase of 257.7 acres, Mā'alaea Mauka, identified as TMK: (2) 3-6-001:018.

- NO. 20-463 - COUNCILMEMBER SUGIMURA, relating to COVID-19 pandemic impact of connectivity for rural communities and the gig digital economy, including distance learning, telemedicine, and social effects.

2. GENERAL COMMUNICATIONS:

NONE.

I. COMMITTEE REPORTS:

- NO. 20-107 - AFFORDABLE HOUSING COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving with modifications the Hale Kaiola Residential Workforce Housing project, in accordance with Section 2.97, Maui County Code, located at Ohukai Street and Kaiola Place in Kihei, Maui, identified for real property tax purposes as tax map key (2) 3- 9- 029:049;

2. **FILING** of resolution approving the Hale Kaiola Workforce Housing Project; and

3. **FILING** of resolution disapproving the Hale Kaiola Workforce Housing Project.

I. COMMITTEE REPORTS (continued):NO. 20-108 - AFFORDABLE HOUSING COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving with modifications the Liloa Hale Senior Rental Housing Project, in accordance with Section 2.97, Maui County Code, in Kihei, Maui, identified for real property tax purposes as tax map key (2) 2-2-002:072 (por.);
2. **FILING** of resolution approving the Liloa Hale Senior Housing Project; and
3. **FILING** of resolution disapproving the Liloa Hale Senior Housing Project.

NO. 20-109 - 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 2021 Budget, by increasing the appropriation for the Department of Housing and Human Concerns, Aging and Disability Resource Center (ADRC) Expansion, by \$191,889.

NO. 20-110 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:

Recommending the following:

1. **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 2021 Budget, by adding a new appropriation under the Department of Water Supply, entitled "State of Hawaii, Kanaha Beach Park Greywater Reuse Demonstration Project" in the amount of \$450,000, for the planning, design, construction, and necessary equipment to complete the project;
2. **FIRST READING** of bill to amend the Fiscal Year 2021 Budget, Appendix C – Capital Improvement Projects, Department of Water Supply, Wailuku-Kahului Community Plan Area, by adding a project and project description, entitled "State of Hawaii, Kanaha Beach Park Greywater Reuse Demonstration Project," in the amount of \$450,000; and
3. **FILING** of communication.

I. COMMITTEE REPORTS (continued):

NO. 20-111 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution approving for inclusion in the 2021 Hawaii State Association of Counties Legislative Package a State bill to allocate a portion of liquor fines collected per year to fund alcohol addiction treatment programs;
2. **ADOPTION** of resolution approving for inclusion in the 2021 Hawaii State Association of Counties Legislative Package a State bill to create a single-payer healthcare system covering all Hawaii residents;
3. **ADOPTION** of resolution approving for inclusion in the 2021 Hawaii State Association of Counties Legislative Package a State bill to give counties the authority to establish rental-car limits within the county;
4. **ADOPTION** of resolution approving for inclusion in the 2021 Hawaii State Association of Counties Legislative Package a State bill to allow Maui County to re-establish and extend Maui County's authority for a general excise tax surcharge to June 30, 2021;
5. **ADOPTION** of resolution approving for inclusion in the 2021 Maui County Council Legislative Package a State bill to allocate a portion of liquor fines collected per year to fund alcohol addiction treatment programs;
6. **ADOPTION** of resolution approving for inclusion in the 2021 Maui County Council Legislative Package a State bill to create a single-payer healthcare system covering all Hawaii residents;
7. **ADOPTION** of resolution approving for inclusion in the 2021 Maui County Council Legislative Package a State bill to give counties the authority to establish rental-car limits within the county; and
8. **ADOPTION** of resolution approving for inclusion in the 2021 Maui County Council Legislative Package a State bill to allow Maui County to re-establish and extend Maui County's authority for a general excise tax surcharge to June 30, 2021.

NO. 20-112 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **ADOPTION** of resolution to authorize settlement of Geoffrey E. Wittmer as the Special Administrator for the Estate of Eric G. Wittmer, deceased v. County of Maui Police Department, et al., Civil – 19-1-0198(1).

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. 20-113 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to grant Trina T. Pinsky a three-year Conditional Permit to establish and operate the Haleakala Upcountry Market to sell flowers, vegetables, and made-on-Maui products and to operate a food truck on 2.53 acres in the State and County Rural District located at 16157 Haleakala Highway, Kula, Maui, Hawaii, identified for real property tax purposes as tax map key (2) 2-3-013:025-0001; and
2. **FILING** of communication.

NO. 20-114 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to prohibit the issuance of transient accommodation permits on Lanai until caps for Bed and Breakfast Home permits and Short-Term Rental Home permits are established for the island or until Chapter 19.97, Maui County Code, has been in effect for one year, whichever is earlier; and
2. **FILING** of communication.

NO. 20-115 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to prevent long term rental and owner-occupied properties from converting to Transient Vacation Rental use in the Apartment, Light Industrial, and Heavy Industrial Districts, by prohibiting Transient Vacation Rental use on properties where Transient Vacation Rental use had not occurred prior to January 1, 2020; and
2. **FILING** of communication.

NO. 20-116 - WATER, INFRASTRUCTURE, AND TRANSPORTATION COMMITTEE:

Recommending **ADOPTION** of resolution authorizing the disposition of real property, identified for real property tax purposes as tax map keys (2) 3-4-008:040 and (2) 3-4-008:050, located at 2154 Kaohu Street and 251 Napua Street, Wailuku, Maui, Hawaii, to be used for employee and fleet vehicle parking at the Kalana O Maui Campus.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 87 (2020) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 12.40, MAUI COUNTY CODE, RELATING TO NAMES OF PUBLIC FACILITIES DESIGNATED"

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.