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COUNCIL OF THE COUNTY OF MAUI

2020 OCT 16 PM 4: 22

A G E N D A

OFFICE OF THE
COUNTY CLERK

Regular Meeting of October 23, 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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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 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 CHAIR ALICE LEE

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. _____ "HONORING THE EXTRAORDINARY LIFE OF THE LATE WILLIAM "WILLIE K"
KAHAIALI'I"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

G. MINUTES:

Regular Meeting of August 28, 2020
Regular Meeting of September 11, 2020

H. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NO. 20-504 - CHIEF OF POLICE, transmitting a copy of the grant agreement with the State of Hawaii, Department of Transportation for the MPD Distracted Driving Enforcement grant in the amount of \$76,263.39.

NO. 20-505 - CHIEF OF POLICE, transmitting a copy of the grant agreement with the State of Hawaii, Department of Transportation for the MPD Roadblock grant in the amount of \$418,062.82.

NO. 20-506 - CHIEF OF POLICE, transmitting a copy of the grant agreement with the State of Hawaii, Department of Transportation for the MPD Traffic Records grant in the amount of \$211,581.

NO. 20-507 - CHIEF OF POLICE, transmitting a copy of the grant agreement with the State of Hawaii, Department of Transportation for the MPD Speed Enforcement grant in the amount of \$169,475.35.

NO. 20-508 - CHIEF OF POLICE, transmitting a copy of the letter from the Maui Police Foundation for the Maui Police Auxiliary Program in the amount of \$22,000.

NO. 20-509 - CHIEF OF POLICE, informing of the receipt of \$15,769.10 in Forfeiture Funds from the Department of the Attorney General, State of Hawaii.

H. COMMUNICATIONS (continued):

- NO. 20-510 - CHIEF OF POLICE, informing of the acquisition of forfeiture items from the State Department of the Attorney General.
- NO. 20-511 - CHIEF OF POLICE, transmitting a copy of the letter from the Maui Police Foundation to increase the budget by \$677.64 for the Traffic Division's Drone Program.
- NO. 20-512 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting Contract Modification Order No. 6 from the State of Hawaii, Executive Office on Aging for the Title III Program in the amount of \$1,445.
- NO. 20-513 - DIRECTOR OF FINANCE, transmitting 106 contracts/grants for the month of September 2020.
- NO. 20-514 - DIRECTOR OF TRANSPORTATION, transmitting a copy of the notice of grant award from the State of Hawaii, Department of Transportation for the Federal Transit Administration, 49 U.S.C. Section 5311 Non-Urbanized Area Formula Program in the amounts of \$492,600 and \$534,000.
- NO. 20-515 - DIRECTOR OF PUBLIC WORKS, transmitting a copy of the Request for Project Authorization, Agreement, and/or Modification approving the federal funds to advertise for Iolani Street, Liholani Street, and Makani Road Pavement Reconstruction, Federal-Aid Project No. STP-0900(099).
- NO. 20-516 - DIRECTOR OF ENVIRONMENTAL MANAGEMENT, transmitting the 2020 Annual Compliance Report in accordance with the Polystyrene Food Service Container Ban, Ordinance No. 4457.
- NO. 20-517 - MAYOR, informing of a vacancy on the Police Commission due to the resignation of Roger J. Dixon, effective September 28, 2020.
- NO. 20-518 - DIRECTOR OF FINANCE, informing of the acceptance of Access Easement "A-1", The Gorilla Foundation Subdivision, TMK: (2) 4-3-001:017 POR.
- NO. 20-519 - DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply's Monthly Source and Groundwater Use Report for the month ending September 2020.
- NO. 20-520 - COUNCIL CHAIR LEE, transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF ERIC ABE AS COUNCIL SERVICES TECHNICIAN IN THE OFFICE OF COUNCIL SERVICES".

H. COMMUNICATIONS (continued):

- NO. 20-521 - COUNCILMEMBER KING, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO COUNTY WASTEWATER FACILITIES IN SEA LEVEL RISE EXPOSURE AREAS".
- NO. 20-522 - DIRECTOR OF FINANCE, transmitting the Short-Term Investment Reports for Fiscal Year July 1, 2020 to June 30, 2021 as of September 30, 2020.
- NO. 20-523 - BUDGET DIRECTOR, transmitting the following proposed bills entitled:
1. "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5101, BILL NO. 66 (2020), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (DEPARTMENT OF TRANSPORTATION – CENTRAL MAUI TRANSIT HUB)";
 2. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF TRANSPORTATION, WAILUKU-KAHULUI COMMUNITY PLAN AREA, GOVERNMENT FACILITIES, BOND FUND, CENTRAL MAUI TRANSIT HUB; TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)";
 3. "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5101, BILL NO. 66 (2020), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (DEPARTMENT OF TRANSPORTATION – CENTRAL MAUI TRANSIT HUB)"; and
 4. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF TRANSPORTATION, CENTRAL MAUI TRANSIT HUB".
- NO. 20-524 - ENERGY COMMISSIONER, transmitting a proposed resolution entitled "AUTHORIZING THE OPERATION OF ELECTRIC VEHICLE DC FAST CHARGER CONCESSIONS BY HAWAIIAN ELECTRIC COMPANY AT THE LAHAINA AQUATIC CENTER, HAIKU COMMUNITY CENTER, AND KALANA O MAUI BUILDING".
- NO. 20-525 - COUNCIL CHAIR LEE, relating to HB 1862, Environmental Protection.
- NO. 20-526 - COUNCILMEMBER PALTIN, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE PROHIBITING THE SALE AND RENTAL OF DISPOSABLE BODYBOARDS".

H. COMMUNICATIONS (continued):

- NO. 20-527 - COUNCIL CHAIR LEE, relating to a lease of State property located at TMK: 3-1-004:005, Kahakuloa, Hawaii, by Ahupua'a O Kahakuloa for a distance learning center.
- NO. 20-528 - COUNCILMEMBER PALTIN, transmitting a proposed resolution entitled "URGING THE STATE OF HAWAII TO CONDUCT A FULL PUBLIC DISCUSSION THROUGH THE STATE'S CERTIFICATE OF NEED REVIEW PROCESS TO EXPLORE THE CONSEQUENCES OF KAISER PERMANENTE'S PROPOSED PLANS TO CLOSE THE GASTROINTESTINAL AND AMBULATORY SURGERY SERVICES AT WAILUKU CLINIC".
- NO. 20-529 - COUNCILMEMBER KING, relating to floodplain and drainage area management.

2. GENERAL COMMUNICATIONS:

NONE.

I. COMMITTEE REPORTS:

NO. 20-129 - AFFORDABLE HOUSING COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution disapproving the Lihau'ula Workforce Housing Project on 27.79 acres in Olowalu, Maui, Hawaii, in accordance with Section 201H-38, Hawaii Revised Statutes, identified for real property tax purposes as tax map key (2) 4-8-003:103;
2. **FILING** of resolution approving the Lihau'ula Workforce Housing Project pursuant to Section 201H-38, Hawaii Revised Statutes; and
3. **FILING** of resolution approving with modifications the Lihau'ula Workforce Housing Project pursuant to Section 201H-38, Hawaii Revised Statutes.

NO. 20-130 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution urging: (1) the University of Hawai'i Maui College, the construction-related and health care trade unions in the County, the State, the Maui County Workforce Development Board, the Economic Recovery Task Force, and the Maui Economic Development Board to create and expand workforce development programs to get Maui County residents back to work; and (2) the Governor and Mayor to allocate CARES Act or other similar federal funding to programs in the State and County dedicated to workforce development and training programs during the COVID-19 pandemic; and
2. **FILING** of communication.

I. COMMITTEE REPORTS (continued):**NO. 20-131 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:**

Recommending the following:

1. **FIRST READING** of bill to correct an erroneous reference in Chapter 3.27, Maui County Code, to clarify that deposits to the Vehicle Disposal Fee Fund may be only used for the purpose stated in Section 3.27.020; and
2. **FILING** of communication.

NO. 20-132 - ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2021 Budget to
1) decrease the fringe benefits and administrative overhead charges for the Solid Waste Administration Program relating to the reduction of salaries and wages; 2) restore the fringe benefits and administrative overhead charges for the Environmental Protection and Sustainability Program; 3) properly reflect the appropriation for Food Security Hawaii; and 4) adding "Government Facilities" for the Molokai Community Plan Area under the Department of Police. The proposed amendment makes the necessary adjustments to the Fringe Benefit Costs and Administrative Overhead Charges to the respective accounts to result in a balanced budget by fund;
2. **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:
a) removing the proviso for up to \$250,000 for the purchase and installation of an ice machine and a generator for Lanai Senior Center and by decreasing the appropriation by \$250,000 under the Department of Fire and Public Safety grant entitled "Federal Emergency Management Agency (FEMA) Public Assistance Grant"; b) adding a grant under the Department of Housing and Human Concerns, entitled "Federal Emergency Management Agency (FEMA) Public Assistance" in the amount of \$250,000, and c) adding a proviso under this grant for up to \$250,000 for the purchase and installation of an ice machine and a generator for Lanai Senior Center;
3. **FIRST READING** of bill to amend the Fiscal Year 2021 Budget, Appendix C, Capital Improvement Projects, by amending the project description for the Countywide Road Resurfacing and Pavement Preservation, Department of Public Works to delete projects removed by the Council; and by increasing the appropriation for the Countywide Federal Aid Program in the amount of \$17,533,000 to include the grant funds appropriated in Appendix A, Part I, from the Federal Highway Administration, Federal Aid and Other Transportation Grants;

I. COMMITTEE REPORTS (continued):

4. **FIRST READING** of bill to amend the Fiscal Year 2021 Budget, by amending Section 14, Special Purpose Revenues, General Budget Provisions, by revising the reference from "Y" to "Z" due to the addition of a fund entitled "Home Acquisition and Ownership Programs Revolving Fund (Chapter 3.34, Maui County Code)";
5. **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 proviso under the Office of the Mayor, Community Development Block Grant (CDBG) Program Administration to read, "Disbursements for salaries and premium pay is not restricted by Section 5"; and
6. **FILING** of communication.

NO. 20-133 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **FILING** of communication relating to the Council's legal obligations, liabilities, or responsibilities to approve the use of a contact-tracing application before it is made public within the County.

NO. 20-134 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **ADOPTION** of resolution approving the appointment of Melody Uchimura to the Maui County Commission on Persons with Disabilities, for a term expiring on March 31, 2022.

NO. 20-135 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending **FILING** of communication relating to the Maui Island Plan, Chapter 4, Economic Development, relating to agricultural tourism in the Agricultural District.

NO. 20-136 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending **FILING** of communication relating to the repetitive loss properties floodplain management plan and annual status report.

NO. 20-137 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend the Comprehensive Zoning Ordinance to establish that the standards for accessory dwellings' fire apparatus access roads are the same as in the Fire Code; and
2. **FILING** of communication.

I. COMMITTEE REPORTS (continued):

NO. 20-138 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to grant a Change in Zoning from Open Zone to R-1 Residential District (Conditional Zoning) for approximately 6.943 acres at South Kihei Road and Kilohana Drive, Kihei, Maui, Hawaii, identified for real property tax purposes as tax map key (2) 3-9-004:141, for the proposed Kilohana Makai Workforce Housing project; and
2. **RECORDATION** of the unilateral agreement; and
3. **FILING** of communication

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 100 (2020) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.35, MAUI COUNTY CODE, RELATING TO GRANT OF LOAN REQUIREMENTS"

BILL NO. 101 (2020) - "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)"

BILL NO. 102 (2020) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE HONOLULU BOARD OF WATER SUPPLY, HAWAII COUNTY DEPARTMENT OF WATER SUPPLY, AND KAUAI COUNTY DEPARTMENT OF WATER SUPPLY FOR MUTUAL AID AND ASSISTANCE DURING EMERGENCIES (HAWAII WATER AGENCY RESPONSE NETWORK (HIWARN) INTRASTATE PROGRAM FOR MUTUAL AID AND ASSISTANCE)"

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.