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COUNCIL OF THE COUNTY OF MAUI 2020 NOV -2 PM 5: 20

A G E N D A

OFFICE OF THE
COUNTY CLERK

Regular Meeting of November 10, 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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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: VICE-CHAIR KEANI RAWLINS-FERNANDEZ

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 September 25, 2020

H. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

- NO. 20-530 - DIRECTOR OF PUBLIC WORKS, transmitting a copy of the FFY 2019-2022 Maui Transportation Improvement Program Revision #7 Administrative Modification which includes the Old Haleakala Highway Traffic Signal Improvements at Pukalani Street Project, Federal-Aid Project STP-0367(001)
- NO. 20-531 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a notice of grant award, from the State of Hawaii, Hawaii Housing Finance and Development Corporation, for the Home Investment Partnership Program, in the amount of \$2,850,000.
- NO. 20-532 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a copy of the Contract Modification Order No. 2 from the State of Hawaii, Executive Office on Aging for the Kupuna Care Program in the amount of \$133,712.
- NO. 20-533 - DIRECTOR OF FINANCE, transmitting two reports on the settlement of claims as of September 30, 2020.
- NO. 20-534 - DIRECTOR OF ENVIRONMENTAL MANAGEMENT, transmitting a copy of the contract agreement for Advance Glass Disposal Fee Adm. Serv. Log No. 21-009 from the State of Hawaii Department of Health in the amount of \$124,800.
- NO. 20-535 - ACTING PROSECUTING ATTORNEY, informing of the expenditure of State Asset Forfeiture Funds for the first quarter of FY 2021.
- NO. 20-536 - COUNTY CLERK, transmitting the notice of grant award from the Center for Tech and Civic Life in the amount of \$130,456.
- NO. 20-537 - MAYOR, informing of a vacancy on the Board of Ethics due to the resignation of Travis Thompson.
- NO. 20-538 - MAYOR, informing of a vacancy on the Commission on Persons with Disabilities due to the resignation of Robert Carroll.

H. COMMUNICATIONS (continued):

- NO. 20-539 - MAYOR, informing of the appointment of Pili Aloha Nahooikaika to the Committee on the Status of Women.
- NO. 20-540 - DIRECTOR OF WATER SUPPLY, transmitting the State of Hawaii Commission on Water Resource Management water use reports for August 2020 for all registered well reporters in the County of Maui.
- NO. 20-541 - DIRECTOR OF FINANCE, informing of the acceptance of Sewerline Easement "S-3", Kahului Town Site Subdivision, TMK: (2) 3-7-005:003 POR.
- NO. 20-542 - DIRECTOR OF FINANCE, informing of the acceptance of Sewerline Easement "S-4", Kahului Town Site Subdivision, TMK: (2) 3-7-005:003 POR.
- NO. 20-543 - COUNCIL CHAIR LEE, transmitting a proposed resolution entitled "URGING THE STATE OF HAWAI'I, UNIVERSITY OF HAWAI'I BOARD OF REGENTS, AND UNIVERSITY OF HAWAI'I COMMUNITY COLLEGES TO SUPPORT THE RETENTION AND EXPANSION OF THE ENGINEERING TECHNOLOGY PROGRAMS AT THE UNIVERSITY OF HAWAI'I MAUI COLLEGE".
- NO. 20-544 - COUNCIL CHAIR LEE, transmitting a proposed resolution entitled "APPROVING PROPOSALS FOR INCLUSION IN THE 2021 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE".
- NO. 20-545 - PRESIDING OFFICER PRO TEMPORE KAMA, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 12.55, MAUI COUNTY CODE, PROHIBITING THE DISTRIBUTION OF GOODS AND FUNDS TO UNSHELTERED INDIVIDUALS IN PUBLIC AREAS WITHOUT SIMULTANEOUS PROVISION OF WRAP-AROUND SERVICES".
- NO. 20-546 - DIRECTOR OF FINANCE, transmitting the Short-Term Investment Reports as of September 30, 2020 (Fiscal Year 2021 First Quarter).
- NO. 20-547 - DIRECTOR OF FINANCE transmitting the Supplemental Summary of Total Funded Indebtedness Outstanding as of September 23, 2020, with supporting schedules detailing the bonds and loans included in the Supplemental Summary.
- NO. 20-548 - DIRECTOR OF FINANCE, relating to the acquisition of real property located at 20 South Church Street, TMK: (2) 3-4-013:010 and (2) 3-4-013:023 POR.
- NO. 20-549 - MANAGING DIRECTOR, transmitting the Fiscal Year 2021 1st Quarter CIP Reports.

H. COMMUNICATIONS (continued):

- NO. 20-550 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a proposed resolution entitled "APPROVING PAYMENT OF THE TRAFFIC MITIGATION FEE FOR WEST MAUI FOR THE KAIAULU O KUPUOHI AFFORDABLE HOUSING PROJECT".
- NO. 20-551 - BUDGET DIRECTOR, transmitting the Budget Implementation Report as of September 30, 2020 (Fiscal Year 2021 First Quarter).
- NO. 20-552 - 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 APPENDIX A, PART I, GRANTS AND RESTRICTED USE REVENUES – SCHEDULE OF GRANTS AND RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS, OFFICE OF THE MAYOR, COVID-19 DISASTER RECOVERY GRANT, COVID-19 EMPLOYMENT RECOVERY GRANT".
- NO. 20-553 - BUDGET DIRECTOR, transmitting the following proposed bills entitled:
1. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANTS AND RESTRICTED USE REVENUES – SCHEDULE OF GRANTS AND RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS, OFFICE OF THE MAYOR, STATE OF HAWAII – UPCOUNTRY MAUI AGRICULTURAL PARK"; and
 2. "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, OFFICE OF THE MAYOR, MAKAWAO-PUKALANI-KULA COMMUNITY PLAN AREA, STATE OF HAWAII – UPCOUNTRY MAUI AGRICULTURAL PARK".
- NO. 20-554 - BUDGET DIRECTOR, transmitting the following proposed bills entitled:
1. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANTS AND RESTRICTED USE REVENUES – SCHEDULE OF GRANTS AND RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF PLANNING, WEST MAUI TRANSIT-ORIENTED DEVELOPMENT (TOD) CORRIDOR PLAN".
 2. "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 PLANNING, WEST MAUI COMMUNITY PLAN AREA, WEST MAUI TRANSIT-ORIENTED DEVELOPMENT (TOD) CORRIDOR PLAN"; and

H. COMMUNICATIONS (continued):

- NO. 20-555 - 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 APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF THE PROSECUTING ATTORNEY, CHILDREN'S PEACE CENTER; DEPARTMENT OF PUBLIC WORKS, COUNTYWIDE ROAD RESURFACING AND PAVEMENT PRESERVATION, COUNTYWIDE FEDERAL AID PROGRAM".
- NO. 20-556 - DIRECTOR OF ENVIRONMENTAL MANAGEMENT, transmitting a proposed resolution entitled "AUTHORIZING THE PURCHASE OF LOT 2-A-1-A, CENTRAL MAUI SANITARY LANDFILL SUBDIVISION, ISLAND AND COUNTY OF MAUI, PURSUANT TO CHAPTER 3.44, MAUI COUNTY CODE".
- NO. 20-557 - COUNCILMEMBER KING, transmitting a proposed resolution entitled "URGING THE MAYOR TO ESTABLISH A RAPID RESPONSE COVID-19 TASK FORCE".
- NO. 20-558 - DIRECTOR OF PARKS AND RECREATION, transmitting a proposed resolution entitled "AUTHORIZING A GRANT OF A LEASE OF COUNTY RECREATIONAL SPACE TO MAUI YOUNG MEN'S CHRISTIAN ASSOCIATION".
- NO. 20-559 - DIRECTOR OF PARKS AND RECREATION, transmitting a proposed resolution entitled "AUTHORIZING A GRANT OF A LEASE OF COUNTY RECREATIONAL SPACE TO PAIA YOUTH COUNCIL, INC.".
- NO. 20-560 - COUNCILMEMBER SUGIMURA, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE ESTABLISHING AN ARTS COMMISSION".
- NO. 20-561 - PLANNING DIRECTOR, transmitting the Planning Department's fourth report on the status of all active conditional permits.

2. GENERAL COMMUNICATIONS:

- NO. 20-5 - NATALIE I. KIEHM, A&B PROPERTIES HAWAII, LLC., submitting the 2020 Annual Report in accordance with Condition 3 of Ordinance No. 4146, Kihei Residential Project change in zoning.
- NO. 20-6 - CAROL K. REIMANN, A&B PROPERTIES HAWAII, LLC., submitting an annual status report in accordance with Condition 17 of Ordinance No. 3312, change in zoning from Interim District to R-1 Residential District & PK-1 Neighborhood Park District.

I. COMMITTEE REPORTS:**NO. 20-139 - AFFORDABLE HOUSING COMMITTEE:**

Recommending the following:

1. **REFERRAL** of the matter relating to Hale O Pi'ikea Affordable Housing Project in Kihei, Maui, Hawaii, to the Economic Development and Budget Committee; and
2. **FILING** of communication.

NO. 20-140 - CLIMATE ACTION AND RESILIENCE COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution supporting an agenda to Transform, Heal, and Renew by Investing in a Vibrant Economy: "THRIVE"; and
2. **FILING** of communication.

NO. 20-141 - CLIMATE ACTION AND RESILIENCE COMMITTEE:

Recommending **FILING** of communication relating to an entity to coordinate climate action, including mitigation and adaptation.

NO. 20-142 - CLIMATE ACTION AND RESILIENCE COMMITTEE:

Recommending **FILING** of communication relating to the review of New York City's Climate Mobilization Act and other municipal laws on mitigation and adaption of climate change.

NO. 20-143 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill to amend Chapter 2.56, Maui County Code, to require, to the extent permitted by law, advisory opinions rendered by the Board of Ethics be posted on the County's website within 30 calendar days from the date of the opinion, and advisory opinions already rendered be posted on the County's website within a reasonable amount of time; and
2. **FILING** of communication.

I. COMMITTEE REPORTS (continued):**NO. 20-144 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:**

Recommending **ADOPTION** of resolution to authorize settlement of Theresa Ann Cox v. County of Maui, et al.; HCRC NO. RE-M-1165; HUD 09-18-2683-8.

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. 20-145 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution to adopt the Lāna'i City Country Town Business District Design Guidelines and Standards; and
2. **FILING** of communication.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 103 (2020) - "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)"

BILL NO. 104 (2020) - "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)"

BILL NO. 105 (2020) - " 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)"

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

- BILL NO. 106 (2020) - "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"
- BILL NO. 107 (2020) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.27, MAUI COUNTY CODE, RELATING TO A VEHICLE DISPOSAL FEE FUND"
- BILL NO. 108 (2020) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, SOLID WASTE ADMINISTRATION PROGRAM – SOLID WASTE MANAGEMENT FUND, ENVIRONMENTAL PROTECTION AND SUSTAINABILITY PROGRAM – ENVIRONMENTAL PROTECTION AND SUSTAINABILITY FUND; OFFICE OF THE MAYOR, ECONOMIC DEVELOPMENT PROGRAM; DEPARTMENT OF POLICE, MOLOKAI POLICE STATION ROOF REPLACEMENT"
- BILL NO. 109 (2020) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANTS AND RESTRICTED USE REVENUES – SCHEDULE OF GRANTS AND RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF FIRE AND PUBLIC SAFETY; DEPARTMENT OF HOUSING AND HUMAN CONCERNS, (FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) PUBLIC ASSISTANCE GRANT)"
- BILL NO. 110 (2020) - "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 PUBLIC WORKS, COUNTYWIDE ROAD RESURFACING AND PAVEMENT PRESERVATION, COUNTYWIDE FEDERAL AID PROGRAM"
- BILL NO. 111 (2020) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO SECTION 14 OF THE GENERAL BUDGET PROVISIONS"
- BILL NO. 112 (2020) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANTS AND RESTRICTED USE REVENUES – SCHEDULE OF GRANTS AND RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS, OFFICE OF THE MAYOR, COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM"
- BILL NO. 113 (2020) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.35, MAUI COUNTY CODE, RELATING TO ACCESSORY DWELLINGS"

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.