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COUNCIL OF THE COUNTY OF MAUI

2021 AUG 17 PM 4: 13

A G E N D A

OFFICE OF THE
COUNTY CLERK

Regular Meeting of August 24, 2021
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.mauhi.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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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 video conference. To join the meeting by phone, call 1-408-317-9253 and input meeting code 295235670. To join by video conference, use the following link: <https://maui.bluejeans.com/295235670>.

Testifiers will be asked to disconnect from the video conference meeting once their testimony has concluded. Once the testimony period has closed, only the Councilmembers, staff, and designated resource persons will be connected to the video conference meeting. All other individuals will be disconnected. Individuals wanting to view the remainder of the meeting may do so on Akaku Channel 53 or on <https://mauicounty.legistar.com/>. Individuals may be disconnected from the meeting for breaking decorum.

If the connection between any testifier and the video conference 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 MICHAEL MOLINA

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. _____ "CONGRATULATING HALE KAU KAU FOR 30 YEARS OF DEVOTED AND COMPASSIONATE SERVICE TO THE COMMUNITY THROUGH ITS MEAL PROGRAM"

NO. _____ "RECOGNIZING AUGUST 2021 AS PEDESTRIAN SAFETY MONTH"

F. SET THE CONSENT CALENDAR

G. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

H. MINUTES:

Regular Meeting/Public Hearing of May 21, 2021
Regular Meeting of June 4, 2021

I. ACTION ON THE CONSENT CALENDAR

COUNTY COMMUNICATIONS:

NO. 21-397 - ACTING FIRE CHIEF, transmitting the notice of grant award from the State of Hawaii, Department of Transportation, in the amount of \$39,754 to be used for extrication tools essential to firefighting.

NO. 21-398 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a notice of grant award from the State of Hawaii, Executive Office on Aging for the Kupuna Care Program, in the amount of \$999,606.

NO. 21-399 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a notice of grant award from the State of Hawaii, Executive Office on Aging for the Aging & Disability Resource Center, in the amount of \$419,577.

NO. 21-400 - DIRECTOR OF FINANCE, informing of the sale of \$84,740,000 of General Obligation Bonds Series 2021 on August 4, 2021.

NO. 21-401 - DIRECTOR OF FINANCE, relating to the annual inventory report regarding County property for the period ending June 30, 2021.

NO. 21-402 - ACTING MAYOR, informing of a vacancy on the Real Property Tax Review Board due to the resignation of Russell Johnson.

NO. 21-403 - ACTING MAYOR, informing of a vacancy on the Hana Advisory Committee due to the resignation of David Kaina.

NO. 21-404 - MAYOR, informing of a vacancy on the Maui County Arborist Committee due to the resignation of Douglas McBride.

J. COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

- NO. 21-405 - COUNCIL CHAIR LEE, relating to "New Invasive Species Alert, Rose-Ringed Parakeets on Maui".

- NO. 21-406 - COUNCILMEMBER PALTIN, transmitting a proposed resolution entitled "URGING THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION TO PROMPTLY ISSUE THE PROPOSED RULE ENTITLED 'ENHANCING PROTECTIONS FOR HAWAIIAN SPINNER DOLPHINS TO PREVENT DISTURBANCE'".

- NO. 21-407 - DIRECTOR OF FINANCE, transmitting two reports on the settlement of claims as of June 30, 2021.

- NO. 21-408 - BUDGET DIRECTOR, transmitting the following proposed bills entitled:
 - 1. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE DEPARTMENT OF HOUSING AND HUMAN CONCERNS, HUMAN CONCERNS AND ANIMAL MANAGEMENT PROGRAMS; OFFICE OF THE MAYOR, ADMINISTRATION PROGRAM; AND DEPARTMENT OF PARKS AND RECREATION, ADMINISTRATION PROGRAM";
 - 2. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX D – CONDITIONAL LANGUAGE";
 - 3. "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5219, BILL NO. 48 (2021), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (DEPARTMENT OF FIRE AND PUBLIC SAFETY – PUKO`O FIRE STATION)"; and
 - 4. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX B REVENUES – FEES, RATES, ASSESSMENTS AND TAXES".

- NO. 21-409 - COUNCILMEMBER KING, relating to the use of occupancy and income in property tax valuations for hotels and resorts.

- NO. 21-410 - COUNCILMEMBER PALTIN, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 3.25.020, MAUI COUNTY CODE, RELATING TO TIERED FEES FOR MOTOR VEHICLE REGISTRATION".

- NO. 21-411 - COUNCILMEMBER SINENCI, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 20, MAUI COUNTY CODE, RELATING TO GRADING AND GRUBBING PERMIT REVIEW".

J. COMMUNICATIONS (continued):

- NO. 21-412 - COUNCILMEMBER SINENCI, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE EXCLUSION FOR GRADING AND GRUBBING PERMITS FOR TRENCHING FOR UNDERGROUND UTILITIES".

- NO. 21-413 - ACTING CHIEF OF POLICE, 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 U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT HOMELAND SECURITY INVESTIGATIONS".

- NO. 21-414 - 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. 21-415 - 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. 21-416 - COUNCILMEMBER JOHNSON, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.28.070, MAUI COUNTY CODE, REQUIRING A MEMBER WITH ENVIRONMENTAL BACKGROUND ON THE LĀNA'I PLANNING COMMISSION".

- NO. 21-417 - COUNCILMEMBER PALTIN, relating to the Department of Parks and Recreation lease grant with the Veterans of Foreign Wars – Activities Site.

- NO. 21-418 - COUNCILMEMBER SUGIMURA, relating to the Public Works Baseyards Master Plan.

- NO. 21-419 - COUNCILMEMBER SUGIMURA, relating to Park Maui.

- NO. 21-420 - COUNCILMEMBER MOLINA, relating to aircraft noise and flight paths over Haiku and Paia.

- NO. 21-421 - PLANNING DIRECTOR, providing an update on the UH-Sea Grant Dune Restoration Program.

- NO. 21-422 - COUNCILMEMBER PALTIN, transmitting a proposed resolution entitled "REFERRING TO THE PLANNING COMMISSIONS A PROPOSED BILL RELATING TO PHASING OUT TRANSIENT ACCOMMODATIONS IN THE APARTMENT DISTRICTS".

2. GENERAL COMMUNICATIONS:

NONE.

K. COMMITTEE REPORTS:**NO. 21-60 - AGRICULTURE AND PUBLIC TRUST COMMITTEE:**

Recommending the following:

1. **FIRST READING** of bill authorizing the Mayor to enter into a Joint Funding Agreement with U.S. Geological Survey, Pacific Islands Water Science Center, United States Department of the Interior, to continue its cooperative water-resource monitoring program for the period October 1, 2021 to September 30, 2022, at a cost of \$104,555 to the County; and
2. **FILING** of communication.

NO. 21-61 - AGRICULTURE AND PUBLIC TRUST COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill authorizing the Mayor to enter into a Joint Funding Agreement with U.S. Geological Survey, Pacific Islands Water Science Center, United States Department of the Interior, for a study to assess groundwater availability under scenario-based recharge changes on the island of Maui, for the period October 1, 2021 to March 31, 2023, at a cost of \$168,000 to the County; and
2. **FILING** of communication.

NO. 21-62 - BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending Section 3.48.554, Maui County Code, to add a reference to Kuleana Act government grant land, clarify the definition of an owner who is a lineal descendent, and allow for retroactive application of the exemption for assessment years 2010 through 2031; and
2. **FILING** of communication.

NO. 21-63 - CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE:

Recommending the following:

1. **FILING** of communication relating to Grant Agreement G5330, between the County of Maui and Maui Disposal Co., Inc., for the Glass Recovery Program, in the amount of \$62,400;
2. **FILING** of communication relating to Amendment 1 to Contract C7093, between the County of Maui and A-Mehr, Inc., for the Central Maui Landfill Organics Processing Facility, in the amount of \$26,430; and
3. **FILING** of communication relating to Amendment 2 to Contract C6968, between the County of Maui and Cameron Chemical Corp., for household hazardous waste collection and disposal, in the amount of \$22,000.

K. COMMITTEE REPORTS (continued):

NO. 21-64 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

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

NO. 21-65 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **ADOPTION** of resolution urging the Department of the Corporation Counsel to work with special counsel Bronster Fujichaku Robbins, a Law Corporation, to file legal claims on the County's behalf under Resolution 20-97, for failure to fulfill loan commitments and fraudulent foreclosures.

NO. 21-66 - HUMAN CONCERNS AND PARKS COMMITTEE:

Recommending the following:

1. **ADOPTION** of resolution authorizing an extension to the grant of a lease of County recreational space located at Keopuolani Regional Park, Wailuku, Maui, Hawaii, of approximately 6.367 acres, to Maui Nui Botanical Gardens Inc.; and
2. **FILING** of communication.

NO. 21-67 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill granting a Change in Zoning from R-3 Residential District and R-2 Residential District to A-2 Apartment District for properties identified for real property tax purposes as tax map keys (2) 3-8-007:050, (2) 3-8-007:095; and (2) 3-8-007:096; and
2. **FILING** of communication.

NO. 21-68 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending the following:

1. **FIRST READING** of bill amending the Community Plan Designation from Park and Mutli-Family to Public/Quasi Public for a portion of the property identified for real property tax purposes as tax map key (2) 3-8-007:097, located in Kahului, Maui, Hawaii;
2. **FIRST READING** of bill granting a Change in Zoning from R-2 Residential District to P-2 Public/Quasi Public District for a portion of the property identified for real property tax purposes as tax map key (2) 3-8-007:097, located in Kahului, Maui, Hawaii; and
3. **FILING** of communication.

L. RESOLUTIONS:

NONE.

M. ORDINANCES - SECOND AND FINAL READING:

BILL NO. 70 (2021) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE OFFICE OF THE MAYOR, ADMINISTRATION PROGRAM (RE-TREE HAWAII)"

BILL NO. 71 (2021) - "A BILL FOR AN ORDINANCE AMENDING SECTIONS 2.28.050 AND 2.28.080, MAUI COUNTY CODE, RELATING TO ALTERNATES FOR ADVISORY COMMITTEES TO THE MAUI PLANNING COMMISSION"

BILL NO. 72 (2021) - "A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 2.50, MAUI COUNTY CODE, RELATING TO PESTICIDE AND FERTILIZER USE ON COUNTY PROPERTY"

N. 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.

THIS ONLINE MEETING IS BEING CONDUCTED IN ACCORDANCE WITH THE GOVERNOR'S MOST RECENT EMERGENCY PROCLAMATION ON COVID-19. IF BLUEJEANS CONNECTIVITY AFFECTING QUORUM IS LOST, THE COUNCIL WILL BE IN RECESS. IT WILL NOT BE CONSIDERED A LOSS OF QUORUM UNLESS CONNECTIVITY CANNOT BE RESTORED WITHIN 30 MINUTES. IF CONNECTIVITY AFFECTING QUORUM CANNOT BE RESTORED WITHIN 30 MINUTES, THE MEETING WILL AUTOMATICALLY RECONVENE THE FOLLOWING TUESDAY AT 9:00 A.M., USING THE SAME VIRTUAL CONNECTIONS, UNLESS THE COUNCIL ANNOUNCES A DIFFERENT DATE AND TIME.