

COUNCIL OF THE COUNTY OF MAUI

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2022 JUL -8 PM 4:09

A G E N D A

Regular Meeting of July 15, 2022
9:00 a.m.

OFFICE OF THE
COUNTY CLERK

Meeting Site:

Online via BlueJeans link <https://maui.bluejeans.com/295235670>

In Person Testimony and Viewing:

Council Chamber, Kalana O Maui Building, 8th Floor, 200 South High Street, Wailuku, Hawai'i

Courtesy Live Broadcast:

Akakū – Maui Community Media, Channel 53

website: <http://co.maui.hi.us/Archive.aspx?AMID=226>

e-mail: county.clerk@mauicounty.us

OFFICIAL TESTIMONY LOCATIONS

Members of the public may view the meeting and provide testimony in person at the following location:
Council Chamber, Kalana O Maui Building, 8th Floor, 200 South High Street, Wailuku, Hawai'i.

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>.

Written testimony may be submitted by e-mail to county.clerk@mauicounty.us, by fax to (808) 270-7171, or to the Office of the County Clerk, 200 South High Street, Ste. 708, Wailuku, Hawai'i, 96793. Written testimony must be received at least 24 hours prior to the meeting; except if a meeting will be held on a Monday, written testimony must be received by 12:00 noon on the business day preceding the meeting.

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.

COURTESY TESTIMONY SITES – COUNCIL DISTRICT OFFICES

East Maui
Hāna Cultural Center & Museum
4974 Uakea Road, Hāna
(808) 248-7513

South Maui
MEDB Building
1305 North Holopono St., Ste. 9, Kihei
(808) 793-0012

Moloka'i
Moloka'i District Complex
100 Ainoa Street, Kaunakakai
(808) 553-3888

West Maui
Old Lahaina Center
845 Wainee Street, Ste. 205, Lahaina
(808) 856-0123

Lāna'i
Lāna'i Community Center
8th Street, Lāna'i City
(808) 565-7094

Makawao-Ha'ikū-Pā'ia
Heritage Hall
401 Baldwin Ave, Ste. 102, Pā'ia
(808) 793-0099

Subject to change and staffing availability without notice. Visit mauicounty.us for more information.

TESTIMONY PROCEDURES

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.

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 at 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.

A. ROLL CALL

B. OPENING REMARKS: COUNCILMEMBER KELLY KING

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NO. 22-169 "EXTENDING CONDOLENCES TO THE FAMILY OF THE LATE COLETTE
YVETTE PI'IPI'I MACHADO"

F. SET THE CONSENT CALENDAR

G. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

H. MINUTES:

NONE.

I. ACTION ON THE CONSENT CALENDARCOUNTY COMMUNICATIONS:

- NO. 22-156 - DIRECTOR OF PUBLIC WORKS, transmitting a copy of the FFY 2022-2025 Maui Transportation Improvement Program Revision #4 Administrative Modification which includes the Makawao Avenue Pavement Reconstruction Phase 1 project, Federal-Aid Project STP-0365(001).
- NO. 22-157 - DIRECTOR OF PUBLIC WORKS, transmitting a copy of the FFY 2022-2025 Maui Transportation Improvement Program Revision #4 Administrative Modification, which includes the Papalaua Street Traffic Signal Upgrade at Wainee Street Project, Federal-Aid Project STP-3020(001).
- NO. 22-158 - CHIEF OF POLICE, transmitting a copy of the grant modification with the State of Hawaii, Department of the Attorney General for the Cybercrime Unit Enhancement grant in the amount of \$47,311.
- NO. 22-159 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a copy of Contract Log No. 20-251 Modification No. 6 from the State of Hawaii Executive Office on Aging, for the Aging & Disability Resource Center, in the amount of \$29,524.
- NO. 22-160 - DIRECTOR OF HOUSING AND HUMAN CONCERNS, notifying of anticipated voluntary contributions to be received from seniors participating in the Assisted Transportation Program, in the amount of \$16,214, with no letter of intent.
- NO. 22-161 - DIRECTOR OF FINANCE, informing of the acceptance of Waterline Easement A, Honua'ula/Wailea Water Tank Subdivision, TMK: (2) 2-1-008:056 POR.
- NO. 22-162 - DIRECTOR OF FINANCE, informing of the acceptance of a Water Tank Lot, Wailea Upper Level Tank, Honua'ula/Wailea Water Tank Subdivision, Lot 2, TMK: (2) 2-1-008:056 POR.
- NO. 22-163 - MAYOR, informing of the appointment of Chenoa Christina Ranis to the Committee on the Status of Women due to the resignation of Sheron Bissen.
- NO. 22-164 - MAYOR, informing of a vacancy on the Fire and Public Safety Commission due to the resignation of Luke Makani Bailey.
- NO. 22-165 - MAYOR, informing of a vacancy on the Public Works Commission due to the resignation of Alberta de Jetley.
- NO. 22-166 - MAYOR, informing of a vacancy on the Maui County Cultural Resources Commission due to the resignation of Daniel Kanahele.

J. COMMUNICATIONS:**1. COUNTY COMMUNICATIONS:**

NO. 22-167 - COUNCILMEMBER SINENCI, transmitting a proposed amendment to Resolution 22-119, CD1, FD1, a proposed FD2 version, entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO ESTABLISH MAUI COUNTY COMMUNITY WATER AUTHORITIES AND AN EAST MAUI REGIONAL COMMUNITY BOARD".

NO. 22-168 - DIRECTOR OF FINANCE, reporting on temporary transfers/loans from the General Fund and Department of Water Supply Revenue Fund to the General Obligation Bonds Series 2023 Fund as of May 31, 2022.

NO. 22-169 - COUNTY AUDITOR, informing of the plan of audits proposed to be conducted during Fiscal Year 2023.

NO. 22-170 - DEPUTY DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply's Monthly Source and Groundwater Use Reports for the month ending June 2022.

K. COMMITTEE REPORTS:

NO. 22-61 - AFFORDABLE HOUSING COMMITTEE:

Recommending the following:

1. **ADOPTION** of Resolution 22-131, CD1, approving with modifications the independent development of the Hale Waipu'ilani Housing Project, under Section 2.97, Maui County Code, located at 16 East Waipu'ilani Road, Kihei, Maui, Hawai'i, identified for real property tax purposes as tax map key (2) 3-9-046:011;
2. **FILING** of Resolution 22-130, approving the independent development of the Hale Waipu'ilani Housing Project; and
3. **FILING** of Resolution 22-132, disapproving the independent development of the Hale Waipu'ilani Housing Project.

NO. 22-62 - AFFORDABLE HOUSING COMMITTEE:

Recommending **FIRST READING** of Bill 107, CD1 (2022), to establish a new method of determining the sales price of an affordable dwelling unit to include the total housing costs associated with home ownership such as principal, interest, taxes, homeowner's insurance, private mortgage insurance, and homeowner's association dues.

K. COMMITTEE REPORTS (continued):**NO. 22-63 - BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE:**

Recommending **FIRST READING** of Bill 93 (2022) to amend Sections 3.48.450 and 3.48.466, Maui County Code, to increase the homeowner exemptions for a principal home to \$300,000, and for a long-term rental to \$400,000, beginning January 1, 2023.

NO. 22-64 - BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE:

Recommending **FIRST READING** of Bill 110, CD1 (2022) to amend Chapter 3.48, Maui County Code, to allow a real property tax of 50 percent of the minimum real property tax per year for severely disabled veterans, who are defined as individuals who have been given a 70 percent or higher disability rating by the United States Department of Veterans Affairs.

NO. 22-65 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **ADOPTION** of Resolution 22-147 approving the appointment of Patricia-Helen Kahulumealani Lindsey Maluo-Pearson to the Maui County Cultural Resources Commission, for a term expiring on March 31, 2025.

NO. 22-66 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **ADOPTION** of Resolution 22-148 approving the appointment of Edward James Rickord to the Board of Variances and Appeals for the County of Maui, for a term expiring on March 31, 2024.

NO. 22-67 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending **FIRST READING** of Resolution 22-158 authorizing proceedings in eminent domain to acquire the 0.4798-acre property located at 5385 Lower Honoapiilani Road, Lahaina, Maui, Hawaii, and identified for real property tax purposes as tax map key (2) 4-3-002:057, to be used as a public building for Hawaiian cultural education and other public purposes.

NO. 22-68 - HUMAN CONCERNS AND PARKS COMMITTEE:

Recommending **FILING** of communication relating to an amendment to Contract C7153, between the County of Maui and Grindline Skateparks, Inc., for improvements to Kalama Skate Park.

NO. 22-69 - HUMAN CONCERNS AND PARKS COMMITTEE:

Recommending **ADOPTION** of Resolution 22-110 approving the donation of Covid-19 supplies such as at-home test kits, personal protective equipment, and other related goods to the public, public health agencies, medical providers, and nonprofit organizations on an as-needed basis through December 31, 2022.

L. RESOLUTIONS:

- NO. 22-170 "RELATING TO THE APPOINTMENT OF ANDREE-MICHELLE CONLEY-KAPOI TO THE MAUI COUNTY CULTURAL RESOURCES COMMISSION"
- NO. 22-171 "URGING THE MAYOR TO CONDUCT OR AUTHORIZE A COMPREHENSIVE FEASIBILITY STUDY OF THE EMI WATER SYSTEM"
- NO. 22-172 "REFERRING TO THE PLANNING COMMISSIONS A PROPOSED BILL AMENDING THE CRITERIA FOR TRANSIENT VACATION RENTAL USE WITHIN THE A-1 AND A-2 APARTMENT DISTRICTS"
- NO. 22-173 "APPOINTMENTS TO THE SOUTH MAUI COMMUNITY PLAN ADVISORY COMMITTEE"

M. RESOLUTIONS - SECOND AND FINAL READING:

- NO. 22-119, CD1, FD1 "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO ESTABLISH A MAUI NUI COMMUNITY WATER SYSTEMS AND AN EAST MAUI REGIONAL COMMUNITY BOARD"
- NO. 22-144, CD1, FD1 "PROPOSING AN AMENDMENT TO CHAPTER 8 OF ARTICLE 8 OF THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO ESTABLISH PLANNING COMMISSIONS FOR ALL COMMUNITY PLAN AREAS ON MAUI AND DISSOLVE THE MAUI PLANNING COMMISSION"
- NO. 22-165 "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO PROMOTING CLIMATE CHANGE ADAPTATION"

N. BILLS:

- NO. 112 (2022) - "A BILL FOR AN ORDINANCE AMENDING SECTION 2.08.060, MAUI COUNTY CODE, TO ESTABLISH THE PAY PLAN FOR A PROCUREMENT SPECIALIST AND A HAWAIIAN LANGUAGE COMMUNICATIONS SPECIALIST IN THE OFFICE OF COUNCIL SERVICES"
- NO. 113 (2022) - "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2023, HIGHWAY BEAUTIFICATION AND DISPOSAL OF ABANDONED OR DERELICT VEHICLES REVOLVING FUND, EMERGENCY FUND"

N. BILLS (continued):

- NO. 114 (2022) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; OFFICE OF THE COUNTY COUNCIL, WAILUKU-KAHULUI COMMUNITY PLAN AREA, GOVERNMENT FACILITIES, BOND FUND, OFFICE OF COUNCIL SERVICES OFFICE RENOVATIONS; TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"
- NO. 115 (2022) - "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, OFFICE OF THE COUNTY COUNCIL, WAILUKU-KAHULUI COMMUNITY PLAN AREA, OFFICE OF COUNCIL SERVICES OFFICE RENOVATIONS"
- NO. 116 (2022) - "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5394, BILL NO. 71, CD1, FD2 (2022), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (OFFICE OF COUNCIL SERVICES OFFICE RENOVATIONS)"

O. BILLS - SECOND AND FINAL READING:

- NO. 21, CD1, FD1 (2022) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 20.35, MAUI COUNTY CODE, RELATING TO PROTECTING SEABIRDS FROM OUTDOOR LIGHTING"
- NO. 65 (2022) - "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF LAND AND NATURAL RESOURCES, REGARDING THE ISSUANCE OF A MANAGEMENT RIGHT-OF-ENTRY FOR BRUSH CLEARING AND PUBLIC PARKING PURPOSES"
- NO. 92, CD1 (2022) - "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.60, MAUI COUNTY CODE, RELATING TO A RESIDENCY REQUIREMENT FOR BOARD, COMMISSION, AND COMMITTEE MEMBERS"

P. 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, STE. 708, 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.

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 THE BLUEJEANS CONNECTION IS PREMATURELY TERMINATED, FOR WHATEVER REASON, PLEASE LOG BACK INTO THE SAME LINK. 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.

IF AKAKU PREMATURELY CEASES BROADCASTING THE MEETING, THE MEETING WILL CONTINUE VIA INTERACTIVE CONFERENCE TECHNOLOGY AND A RECORDING WILL BE SENT TO AKAKU TO BE INCLUDED WITH ARCHIVED MEETING VIDEOS.

ANYONE REQUESTING AN AUXILIARY AID OR SERVICE OR AN ACCOMMODATION DUE TO A DISABILITY SHOULD CONTACT THE OFFICE OF THE COUNTY CLERK AT LEAST THREE WORKING DAYS PRIOR TO THE MEETING DATE AT (808) 270-7748 OR COUNTY.CLERK@MAUICOUNTY.US.