

Council of the County of Maui

A G E N D A

Regular Meeting of November 18, 2022

9:00 AM

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

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: Akaku - Maui Community Media, Channel 53

website: www.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.

If audiovisual connection is lost at the official location for in-person testimony and viewing, the Council will be in recess for up to 30 minutes to restore connectivity. If connectivity cannot be restored within 30 minutes, the meeting will automatically reconvene the following Tuesday at 9:00 a.m., using the same official location for in-person testimony and viewing, unless the Council announces a different date, time, and location.

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 RESIDENCY AREA 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

Lāna'i: 814 Fraser Avenue, Lāna'i City, (808) 565-7094

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

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

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

Councilmembers may or may not participate from Courtesy Testimony Sites. If any Courtesy Testimony Site loses its audio connection to the meeting, the meeting will continue without that location, irrespective of whether a Councilmember is participating from there.

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.

If the connection between any testifier and the video conference is lost, the meeting will still continue.

A. ROLL CALL

B. OPENING REMARKS:

COUNCILMEMBER GABE JOHNSON

C. PLEDGE OF ALLEGIANCE

D. PRESENTATION OF WRITTEN OR ORAL TESTIMONY

E. CEREMONIAL RESOLUTIONS:

[Reso 22-256](#) "CONGRATULATING PUUNENE NICHIREN MISSION ON ITS 100TH ANNIVERSARY"

F. SET THE CONSENT CALENDAR

G. MINUTES:

NONE.

H. ACTION ON THE CONSENT CALENDAR

COUNTY COMMUNICATIONS:

[CC 22-281](#) 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 Nutrition Services Incentive Program, in the amount of \$33,712.

- [CC 22-282](#) DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a copy of the notice of grant award from the U.S. Department of Housing & Urban Development for the Section 8 Housing Program, in the amount of \$153,592.
- [CC 22-283](#) DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a copy of the letter of intent from the State of Hawaii, Executive Office on Aging, for the Kupuna Care Program in the amount of \$1,142,917.
- [CC 22-284](#) DIRECTOR OF FINANCE, transmitting two reports on the settlement of claims as of September 30, 2022.
- [CC 22-285](#) 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 Fund as of September 30, 2022.
- [CC 22-286](#) DEPUTY DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply's Monthly Source and Groundwater Use Reports for the month ending October 2022.

I. COUNTY COMMUNICATIONS:

1. COUNTY COMMUNICATIONS:

NONE.

2. GENERAL COMMUNICATIONS:

NONE.

J. COMMITTEE REPORTS:

Affordable Housing Committee

- [CR 22-119](#) Recommending **FIRST READING** of Bill 103, CD1 (2022), to amend residential workforce housing deed restriction provisions to require units be sold to owner-occupants in perpetuity and to increase the time period for all other restrictions.

Agriculture and Public Trust Committee

- [CR 22-120](#) Recommending the following:
1. **FIRST READING** of Bill 154, CD1 (2022), to establish a cultural overlay map, cultural sensitivity designations, and related review processes to preserve cultural resources and promote careful planning; and
 2. **FILING** of communication.

Budget, Finance, and Economic Development Committee

[CR 22-121](#) Recommending **FIRST READING** of Bill 150 (2022) to establish a Parking Revenue Fund to generate funding for the County's parking operations, including maintenance, repair, security, safety, improvement, equipment, beautification, expansion, staff compensation, parking facility bond payments, and other related costs.

Government Relations, Ethics, and Transparency Committee

[CR 22-122](#) Recommending **FILING** of Resolution 22-236, relating to the settlement of Donald S. Guzman v. County of Maui, et al., Civil 21-00202 DKW-RT

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.

[CR 22-123](#) Recommending **ADOPTION** of Resolution 22-117 amending Resolution 18-210 and approving the disposition of 33.373 acres of County real property located in Launiupoko, Maui, Hawaii, to the Department of Transportation, State of Hawai'i ("State"), for the Honoapiilani Highway Realignment, Phase 1B-2, conditioned upon the County's receipt of payment by the State in the amount of \$1,251,798 for the additional area used for the Lahaina Bypass, in accordance with Section 3.44.020, Maui County Code.

K. RESOLUTIONS:

[Reso 22-257](#) "APPROVING PROPOSALS FOR INCLUSION IN THE 2023 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE"

[Reso 22-258](#) "REFERRING TO THE LĀNA'I, MAUI, AND MOLOKAI PLANNING COMMISSIONS AND ADVISORY COMMITTEES TO THE MAUI PLANNING COMMISSION A PROPOSED BILL AMENDING CHAPTERS 12.24 AND 19.36, MAUI COUNTY CODE, RELATING TO THE LANDSCAPE PLANTING PLAN"

L. RESOLUTIONS - SECOND AND FINAL READING:**M. BILLS:**

[Bill 191 \(2022\)](#) "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.34, MAUI COUNTY CODE, RELATING TO GRANTS FOR HOME RESTORATION"

[Bill 192 \(2022\)](#) "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, RELATING TO REAL PROPERTY TAX CLASSIFICATIONS AND EXEMPTIONS"

- [Bill 193](#)
[\(2022\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF PARKS AND RECREATION, WAILUKU-KAHULUI COMMUNITY PLAN AREA, PARKS AND RECREATION, BOND FUND, WAR MEMORIAL GYM BUILDING IMPROVEMENTS; TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"
- [Bill 194](#)
[\(2022\)](#) "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, DEPARTMENT OF PARKS AND RECREATION, WAILUKU-KAHULUI COMMUNITY PLAN AREA, WAR MEMORIAL GYM BUILDING IMPROVEMENTS"
- [Bill 195](#)
[\(2022\)](#) "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 (DEPARTMENT OF PARKS AND RECREATION)"
- [Bill 196](#)
[\(2022\)](#) "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE UNITED STATES DEPARTMENT OF THE ARMY (US ARMY) REGARDING A DESIGN AGREEMENT FOR THE IAO STREAM, MAUI, HAWAII - FLOOD RISK MANAGEMENT"
- [Bill 197](#)
[\(2022\)](#) "A BILL FOR AN ORDINANCE AMENDING SECTION 2.82.050, MAUI COUNTY CODE, RELATING TO GREENPRINT"

N. BILLS - SECOND AND FINAL READING:

- [Bill 124](#)
[\(2022\)](#) "A BILL FOR AN ORDINANCE ADOPTING THE HAWAII STATE FIRE CODE, WITH CERTAIN AMENDMENTS THERETO"
- [Bill 126](#)
[\(2022\)](#) "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 HEALTH"
- [Bill 133, CD1](#)
[\(2022\)](#) "A BILL FOR AN ORDINANCE TO AMEND TITLE 10, VEHICLES AND TRAFFIC, MAUI COUNTY CODE, RELATING TO COMMERCIAL DOCKLESS VEHICLES AND PENALTIES"
- [Bill 151, CD1](#)
[\(2022\)](#) "A BILL FOR AN ORDINANCE AMENDING TITLE 10, MAUI COUNTY CODE, RELATING TO IMPLEMENTATION OF A PARKING AMBASSADOR PROGRAM TO ENFORCE COUNTY AND STATE PARKING RULES AND LAWS, A PAID PARKING SYSTEM, AND PERMIT PARKING ZONES"
- [Bill 152](#)
[\(2022\)](#) "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, AFFORDABLE HOUSING FUND (PULELEHUA AFFORDABLE HOUSING PROJECT)"

- [Bill 153, CD1 \(2022\)](#) "A BILL FOR AN ORDINANCE REPEALING CHAPTER 16.16B, MAUI COUNTY CODE, AND ESTABLISHING A NEW CHAPTER 16.16C, MAUI COUNTY CODE, RELATING TO THE ENERGY CODE"
- [Bill 171 \(2022\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF PUBLIC WORKS, COUNTYWIDE, GOVERNMENT FACILITIES, BOND FUND, DPW HIGHWAY DIVISION COUNTYWIDE BASEYARD FACILITIES; TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"
- [Bill 172 \(2022\)](#) "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, DEPARTMENT OF PUBLIC WORKS, COUNTYWIDE, DPW HIGHWAY DIVISION COUNTYWIDE BASEYARD FACILITIES PROGRAM"
- [Bill 173 \(2022\)](#) "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 (DEPARTMENT OF PUBLIC WORKS)"
- [Bill 174 \(2022\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, SOLID WASTE OPERATIONS PROGRAM; DEPARTMENT OF FINANCE, COUNTYWIDE, OTHER PROJECTS, BOND FUND, COUNTYWIDE EQUIPMENT; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"
- [Bill 175 \(2022\)](#) "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, DEPARTMENT OF FINANCE, COUNTYWIDE, COUNTYWIDE EQUIPMENT"
- [Bill 176 \(2022\)](#) "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 (DEPARTMENT OF FINANCE)"
- [Bill 177 \(2022\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO OFFICE OF THE MAYOR, ECONOMIC DEVELOPMENT PROGRAM, SOUTH MAUI ECONOMIC DEVELOPMENT, ENVIRONMENTAL, AND CULTURAL PROGRAMS"
- [Bill 178 \(2022\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF PUBLIC WORKS, COUNTYWIDE, ROAD IMPROVEMENTS, BOND FUND, COUNTYWIDE FEDERAL AID PROGRAM; TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

- [Bill 179](#)
[\(2022\)](#) "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, DEPARTMENT OF PUBLIC WORKS, COUNTYWIDE, COUNTYWIDE FEDERAL AID PROGRAM"
- [Bill 180](#)
[\(2022\)](#) "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 (DEPARTMENT OF PUBLIC WORKS)"
- [Bill 181](#)
[\(2022\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2023 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 PUBLIC WORKS (FEDERAL HIGHWAY ADMINISTRATION, FEDERAL-AID AND OTHER TRANSPORTATION GRANTS)"
- [Bill 182](#)
[\(2022\)](#) "A BILL FOR AN ORDINANCE AMENDING SECTION 3.25.030, MAUI COUNTY CODE, RELATING TO HIGHWAY BEAUTIFICATION FEE"
- [Bill 183](#)
[\(2022\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX B, REVENUES - FEES, RATES, ASSESSMENTS AND TAXES, DEPARTMENT OF FINANCE, SPECIAL REVENUE/TRUST AND AGENCY FUND, HIGHWAY BEAUTIFICATION"
- [Bill 184](#)
[\(2022\)](#) "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"
- [Bill 188](#)
[\(2022\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF POLICE, WEST MAUI COMMUNITY PLAN AREA, GOVERNMENT FACILITIES, BOND FUND, LAHAINA ANTENNA REPLACEMENT; TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"
- [Bill 189](#)
[\(2022\)](#) "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, DEPARTMENT OF POLICE, WEST MAUI COMMUNITY PLAN AREA, LAHAINA ANTENNA REPLACEMENT"
- [Bill 190](#)
[\(2022\)](#) "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 (DEPARTMENT OF POLICE)"

O. 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.

THIS MEETING IS BEING CONDUCTED IN ACCORDANCE WITH SECTION 92-3.7, HAWAII REVISED STATUTES. NOTHING SAID IN THE MEETING OR INCLUDED IN THE AGENDA IS INTENDED TO CREATE OBLIGATIONS IN EXCESS OF THOSE REQUIRED UNDER SECTION 92-3.7, HRS.

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.