

Council of the County of Maui

A G E N D A

Regular Meeting of March 19, 2021

9:00 AM

Meeting Site:

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

Remote Testimony Sites:

None.

Meeting will be televised on Akaku: Maui Community Media, Channel 53, and
livestreamed on <https://mauicounty.legistar.com>

website: www.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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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 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. They will be able to view the remainder of the meeting 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:

KELLY TAKAYA KING

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

[Reso -](#)

"RECOGNIZING MARCH 2021 AS DEVELOPMENTAL DISABILITIES AWARENESS MONTH"

F. PRESENTATION OF WRITTEN OR ORAL TESTIMONY**G. MINUTES:**

NONE.

H. COMMUNICATIONS:**1. COUNTY COMMUNICATIONS:**

- [CC 21-141](#) DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply's Monthly Source and Groundwater Use Report for the month ending February 2021.
- [CC 21-142](#) DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting Contract Modification No. 8 from the State of Hawaii, Executive Office on Aging for the Title III Program in the amount of \$104,864.
- [CC 21-143](#) DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a notice of grant award from the State of Hawaii, Executive Office on Aging, for the Nutrition Services Incentive Program in the amount of \$125,721.
- [CC 21-144](#) DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a notice of grant award from the State of Hawaii, Executive Office on Aging, for the Nutrition Services Incentive Program in the amount of \$1,253.
- [CC 21-145](#) FINANCE DIRECTOR, transmitting 69 contracts/grants for February 2021.
- [CC 21-146](#) CHAIR, CIVIL SERVICE COMMISSION, transmitting the performance evaluation of the Director of Personnel Services.
- [CC 21-147](#) DIRECTOR OF FINANCE, informing of the acceptance of Roadway/Road Widening Lot F-3, Puumalei Tract Subdivision, TMK: (2) 2-7-002:007 POR.
- [CC 21-148](#) COUNCILMEMBER SINENCI, transmitting a proposed resolution entitled "EXPRESSING INTEREST IN ACCEPTING THE LĀNAI AGRICULTURAL PARK LEASE".
- [CC 21-149](#) CHAIR, CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE, transmitting the following:
1. County Communication 19-248, relating to the feral cat problem on Maui;
 2. County Communication 19-306, relating to managing feral chickens;
 3. County Communication 20-140, relating to an Axis Deer Management Plan; and
 4. County Communication 20-268, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE MAUI COUNTY CODE, CHAPTER 6.04.040, RELATING TO FEEDING FERAL ANIMALS".

- [CC 21-150](#) CHAIR, CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE, transmitting County Communication 20-482, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 6.08.010, MAUI COUNTY CODE, RELATING TO ANIMALS AT LARGE".
- [CC 21-151](#) 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, DEPARTMENT OF HEALTH WATER QUALITY MONITORING IN WEST AND SOUTH MAUI".
- [CC 21-152](#) COUNCIL VICE-CHAIR RAWLINS-FERNANDEZ, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO THE COMMISSION ON HEALING SOLUTIONS FOR HOMELESSNESS".
- [CC 21-153](#) COUNCILMEMBER MOLINA, relating to Potential Acquisition of Baby Beach/Wawau Point, TMK 3-8-001:072, Maui, Hawaii.
- [CC 21-154](#) COUNCILMEMBER MOLINA, relating to Kaupakalua Dam, Haiku.
- [CC 21-155](#) DIRECTOR OF ENVIRONMENTAL MANAGEMENT, transmitting a proposed resolution entitled "APPROVING THE GRANT OF A SEWERLINE EASEMENT LOCATED AT KAPUNAKEA STREET, LAHAINA, TMK (2) 4-5-035:037, RELATED TO THE KAI AULU O KUKU'IA AFFORDABLE HOUSING PROJECT".
- [CC 21-156](#) PLANNING DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, TO ESTABLISH A NEW CHAPTER 19.39, MAUI COUNTY CODE, RELATING TO THE WAILUKU REDEVELOPMENT AREA, AND TO AMEND CHAPTER 19.520, MAUI COUNTY CODE, RELATING TO VARIANCES IN THE WAILUKU REDEVELOPMENT AREA"; and related documents.
- [CC 21-157](#) PLANNING DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTERS 19.64 AND 19.69, MAUI COUNTY CODE, RELATING TO THE URBAN RESERVE DISTRICT", and related documents.
- [CC 21-158](#) COUNCILMEMBER PALTIN, transmitting a proposed resolution entitled "REFERRING TO THE PLANNING COMMISSIONS A PROPOSED BILL RELATING TO TRANSIENT REGISTRATION NUMBERS IN THE APARTMENT DISTRICTS".

2. GENERAL COMMUNICATIONS:

NONE.

I. COMMITTEE REPORTS:

Budget, Finance, and Economic Development Committee**CR 21-14**

Recommending **FIRST READING** of bill to amend the Fiscal Year 2021 Budget, Appendix C, Capital Improvement Projects, Department of Public Works, Lānaʻi Community Plan Area, to expand the project description for the Sixth Street and Lānaʻi Avenue Intersection Safety Improvements project to include “construction.”

CR 21-15

Recommending the following:

1. **FIRST READING** of bill to amend Appendix A, Part I, Grants and Restricted Use Revenues - Schedule of Grants and Restricted Use Revenues, Fiscal Year 2021 Budget, by adding a new appropriation under the Department of Environmental Management, entitled “State of Hawaii, Department of Defense Hawaii Emergency Management Agency (HI-EMA) Grant,” in the amount of \$633,750; and
2. **FIRST READING** of bill to amend the Fiscal Year 2021 Budget, Appendix C, Capital Improvement Projects, Department of Environmental Management, West Maui Community Plan Area, by adding a project and project description, entitled “Lāhainā Wastewater Reclamation Facility Emergency Generator Replacement,” in the amount of \$633,750.

CR 21-16

Recommending the following:

1. **FIRST READING** of bill to amend Appendix A, Part II, Special Purpose Revenues - Schedule of Revolving/Special Funds for Fiscal Year 2021 Budget, by adding a proviso in the amount of \$5,768,650 under the Affordable Housing Fund for the Hawaiian Community Development Board for land acquisition for the Hale O Piʻikea Project, tax map key (2) 3-9-002-076, located at Piʻikea and Liloa Drive, Kihei, Maui, Hawaii; and
2. **FILING** of communications.

[CR 21-17](#)

Recommending the following:

1. **FIRST READING** of bill to establish a new Chapter 3.76, Maui County Code, creating the Moloka'i Farming Cost Reimbursement Program Fund in accordance with Act 387, Session Laws of Hawaii 1988;
2. **FIRST READING** of bill to amend the Fiscal Year 2021 Budget, Office of the Mayor, Economic Development Program, by changing the title of an existing appropriation from "Molokai Diversified Agriculture Program" to "Transfer to Molokai Farming Cost Reimbursement Program Fund," which allows the funds to be transferred from the General Fund to a Special Revenue Fund in accordance with Act 387, Session Laws of Hawaii 1988;
3. **FIRST READING** of bill to amend Appendix A, Part II, Special Purpose Revenues - Schedule of Revolving/Special Funds, Fiscal Year 2021 Budget, by: 1) referencing Chapter 3.27, Maui County Code, for the Disposal of Vehicles Fee Fund, and 2) adding a new Revolving Fund entitled "Molokai Farming Cost Reimbursement Program Fund." The fund will reimburse farmers on Molokai for the cost of complying with the United States Food and Drug Administration Food Safety Modernization Act and State of Hawaii Food Safety Law;
4. **FIRST READING** of bill to amend the Fiscal Year 2021 Budget, General Budget Provisions, Section 14, Special Purpose Revenues, by revising the reference from "Z" to "AA" due to the addition of the Molokai Farming Cost Reimbursement Program Fund; and
5. **FILING** of communication.

Government Relations, Ethics, and Transparency Committee

[CR 21-18](#)

Recommending **ADOPTION** of resolution to authorize additional compensation related to the employment of special counsel Bronster Fujichaku Robbins, a Law Corporation, to file legal claims against Bank of America and other mortgage lenders for failure to fulfill loan commitments, fraudulent foreclosures, and similar unlawful conduct, and in Bank of America, N.A. v. County of Maui, et al., Civil 1:20-CV-00310 JMS-WRP.

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 21-19](#) Recommending **ADOPTION** of resolution to authorize settlement of Cathlene Egbert and Jennifer Williams, Individually and as Co-Special Administrators of the Estate of Melissa M. Egbert, Deceased, Corinne Weitzel, and Rebecca Reither v. the Estate of Joshua Apo, et al.; Civil 17-1-0240(2).

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 21-20](#) Recommending **ADOPTION** of resolution approving the appointment of Jamie-Sue Lee West to the Animal Control Board, for a term expiring on March 31, 2022.

[CR 21-21](#) Recommending **ADOPTION** of resolution disapproving the appointment of Ken Ota to the Maui Redevelopment Agency.

[CR 21-22](#) Recommending **adoption** of resolution to approve the Council's appointments of Faith Chase, Henry Costales, Lisa Darcy, John Decker, Wendy Hudson, Zhanell Lindo, John Tomoso, and Mary Trotto to the Commission on Healing Solutions for Homelessness.

[CR 21-23](#) Recommending **ADOPTION** of resolution to authorize settlement of Claim 4063143 of Lyna Najera, on behalf of her minor child.

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.

J. **RESOLUTIONS:**

NONE.

K. **ORDINANCES - SECOND AND FINAL READING:**

[Bill 16 \(2021\)](#) "A BILL FOR AN ORDINANCE RELATING TO THE CONSERVATION PLANNING COMMITTEE'S MEMBERSHIP".

[Bill 17 \(2021\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO DEPARTMENT OF FINANCE, COUNTYWIDE, OTHER PROJECTS, BOND FUND, COUNTYWIDE EQUIPMENT"

- [Bill 18 \(2021\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF FINANCE, GOVERNMENT FACILITIES, BOND FUND, ACQUISITION OF 100 MAHALANI STREET BUILDING AND PROPERTY; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"
- [Bill 19 \(2021\)](#) "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 FINANCE, ACQUISITION OF 100 MAHALANI STREET BUILDING AND PROPERTY"
- [Bill 20 \(2021\)](#) "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 FINANCE - ACQUISITION OF 100 MAHALANI STREET BUILDING AND PROPERTY)"
- [Bill 21 \(2021\)](#) "A BILL FOR AN ORDINANCE AMENDING THE RESIDENTIAL WORKFORCE HOUSING POLICY RELATING TO AN EXEMPTION FOR DEPARTMENT OF HAWAIIAN HOME LANDS"
- [Bill 22 \(2021\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF PARKS AND RECREATION, PARKS AND RECREATION, HAIKU PARK RESTROOM, KEPANIWAI HERITAGE GARDENS IMPROVEMENTS; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"
- [Bill 23 \(2021\)](#) "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 PARKS AND RECREATION, PAIA-HAIKU COMMUNITY PLAN AREA, HAIKU PARK RESTROOM, WAILUKU-KAHULUI COMMUNITY PLAN AREA, KEPANIWAI HERITAGE GARDENS IMPROVEMENTS"

L. UNFINISHED BUSINESS:

RESOLUTIONS:

- [Reso](#) APPOINTMENT OF MEMBERS TO THE FIRE AND PUBLIC SAFETY COMMISSION FOR THE COUNTY OF MAUI".

ORDINANCES - SECOND AND FINAL READING:

- [Bill 10 \(2021\),
Draft 1](#) "A BILL FOR AN ORDINANCE AMENDING SECTION 2.96.030, MAUI COUNTY CODE, RELATING TO RESIDENTIAL WORKFORCE HOUSING PROJECTS DEVELOPED UNDER CHAPTER 201H, HAWAII REVISED STATUTES"

"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.