

# **Council of the County of Maui**

## **A G E N D A**

Regular Meeting of December 4, 2020

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](http://www.co.maui.hi.us/Archive.aspx?AMID=226)

e-mail: [county.clerk@mauicounty.us](mailto:county.clerk@mauicounty.us)

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**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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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:**

**COUNCIL CHAIR ALICE LEE**

**C. PLEDGE OF ALLEGIANCE**

**D. TESTIMONY ON CEREMONIAL RESOLUTIONS**

**E. CEREMONIAL RESOLUTIONS:**

**NONE.**

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

NONE.

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

[CC 20-577](#) CHIEF OF POLICE, transmitting a grant agreement with the State of Hawaii, Department of Transportation, for the MPD Traffic Services grant in the amount of \$288,568.

[CC 20-578](#) CHIEF OF POLICE, transmitting a grant agreement with the State of Hawaii, Department of Transportation, for the MPD Seat Belt Enforcement grant in the amount of \$102,510.02.

[CC 20-579](#) CHIEF OF POLICE, transmitting a grant agreement with the State of Hawaii, Department of Transportation, for the MPD Child Restraint grant in the amount of \$55,416.17.

[CC 20-580](#) ACTING PROSECUTING ATTORNEY, transmitting a grant agreement from the State of Hawaii, Department of the Attorney General, Crime Prevention and Justice Assistance Division for the Special Needs Advocacy Project totaling \$809,160, which includes \$1,000 in administrative costs and \$161,632 in matching funds.

[CC 20-581](#) ACTING PROSECUTING ATTORNEY, transmitting a grant agreement from the State of Hawaii, Department of the Attorney General, Crime Prevention and Justice Assistance Division for the STOP Violence Against Women Formula Grant totaling \$110,452, which includes \$27,613 in matching funds.

[CC 20-582](#) FIRE CHIEF, informing of a donation of \$3,000, to be used to purchase equipment for the Department's Fitness and Wellness Program.

[CC 20-583](#) DIRECTOR OF FINANCE, reporting on temporary transfers/loans from the General Fund and Department of Water Supply Revenue Fund to the 2021 Proposed General Obligation Bond Fund as of October 31, 2020.

[CC 20-584](#) DIRECTOR OF WATER SUPPLY, transmitting the State of Hawaii's Commission on Water Resource Management water use reports for September 2020 for all registered well reporters in the County of Maui.

[CC 20-585](#) DIRECTOR OF FINANCE, informing of the acceptance of Waterline Easement A, Kehalani Modules 12 & 13, TMK: (2) 3-5-001:108 POR & 109 POR.

[CC 20-586](#) DIRECTOR OF FINANCE, informing of the acceptance of Waterline Easement B, Kehalani Modules 12 & 13, TMK: (2) 3-5-001:108 & 109 POR.

- [CC 20-587](#) DIRECTOR OF FINANCE, informing of the acceptance of Waterline Easement M, Kehalani Modules 12 & 13, Lot 167, TMK: (2) 3-5-001:108 POR & 109 POR.
- [CC 20-588](#) DIRECTOR OF FINANCE, informing of the acceptance of Waterline Easements W-1 through W-6, Kehalani Modules 12 & 13, Lots 168 - 173, TMK: (2) 3-5-001:108 POR & 109 POR.
- [CC 20-589](#) CHAIR, ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE, transmitting County Communication 20-556, 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".
- [CC 20-590](#) CHAIR, ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE, transmitting County Communication 20-576, transmitting a proposed resolution entitled "AUTHORIZING THE PURCHASE OF LAND LOCATED AT HONOKOWAI RESERVOIR, ISLAND AND COUNTY OF MAUI, PURSUANT TO CHAPTER 3.44, MAUI COUNTY CODE".
- [CC 20-591](#) FIRE CHIEF, transmitting a proposed resolution entitled "AUTHORIZING THE COUNTY TO ENTER INTO AN AMENDMENT AND RESTATEMENT OF THE AGREEMENT REGARDING THE PLACEMENT AND MAINTENANCE OF RESCUE TUBES AT MAUI COUNTY BEACH PARKS".
- [CC 20-592](#) 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 THE OFFICE OF THE MAYOR, ADMINISTRATION PROGRAM (ENVIRONMENTAL PROTECTION), ECONOMIC DEVELOPMENT PROGRAM (EAST MAUI ECONOMIC DEVELOPMENT, ENVIRONMENTAL AND CULTURAL PROGRAMS)".
- [CC 20-593](#) 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, (WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA) RAPID RESPONSE PROGRAM)".
- [CC 20-594](#) DIRECTOR OF FINANCE, transmitting the Director of Finance's Quarterly Report for Fiscal Year July 1, 2020 to June 30, 2021, and the Capital Improvement Project as of September 30, 2020.
- [CC 20-595](#) COUNCILMEMBER PALTIN, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 3.17, MAUI COUNTY CODE, RELATING TO THE REDUCTION OF ADMINISTRATIVE FINES".
- [CC 20-596](#) CHAIR, COST OF GOVERNMENT COMMISSION, transmitting its Report on the Financing of the Wailuku Parking Structure.

[CC 20-597](#)

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 ESTIMATED REVENUES; DEPARTMENT OF POLICE, WAILUKU-KAHULUI COMMUNITY PLAN AREA, GOVERNMENT FACILITIES, BOND FUND, WAILUKU POLICE STATION FUEL TANK REPLACEMENT; TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)";
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 POLICE, WAILUKU-KAHULUI COMMUNITY PLAN AREA (WAILUKU POLICE STATION FUEL TANK REPLACEMENT)"; and
3. "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 POLICE - WAILUKU STATION FUEL TANK REPLACEMENT)".

[CC 20-598](#)

PLANNING DIRECTOR, transmitting the following:

1. "A BILL FOR AN ORDINANCE TO AMEND THE COMMUNITY PLAN DESIGNATION FROM PARK AND MULTI-FAMILY TO PUBLIC/QUASI PUBLIC FOR PROPERTY SITUATED AT KAHULUI, MAUI, HAWAII, TAX MAP KEY (2) 3-8-007:097";
2. "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-2 RESIDENTIAL DISTRICT TO P-2 PUBLIC-QUASI PUBLIC DISTRICT FOR PROPERTY SITUATED AT KAHULUI, MAUI, HAWAII, TAX MAP KEY (2) 3-8-007:097"; and
3. Related documents.

[CC 20-599](#)

PLANNING DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-3 RESIDENTIAL DISTRICT AND R-2 RESIDENTIAL DISTRICT TO A-2 APARTMENT DISTRICT FOR PROPERTIES SITUATED AT KAHULUI, MAUI, HAWAII, TAX MAP KEYS (2) 3-8-007:050, (2) 3-8-007:095 AND (2) 3-8-007:096"; and related documents".

**2. GENERAL COMMUNICATIONS:**

**NONE.**

**I. COMMITTEE REPORTS:****Climate Action and Resilience Committee**

[CR 20-151](#) Recommending the following:

1. **ADOPTION** of resolution referring to the planning commissions a proposed bill amending Section 2.80B, Maui County Code, to add "Mitigate Climate Change and Work Toward Resilience" as a goal of the Countywide Policy Plan; and
2. **FILING** of communication.

**Governance, Ethics, and Transparency Committee**

[CR 20-152](#) Recommending **ADOPTION** of resolution approving the appointment of Johanna Amarin to the Board of Water Supply, for a term expiring on March 31, 2024.

[CR 20-153](#) Recommending the following:

1. **ADOPTION** of resolution to approve the removal of Prosecuting Attorney Donald S. Guzman; and
2. **FILING** of resolution to disapprove the removal of Prosecuting Attorney Donald S. Guzman.

*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; and Section 92-5(a)(6), Hawaii Revised Statutes, to consider sensitive matters related to public safety or security.*

**Healthy Families and Communities Committee**

[CR 20-154](#) Recommending the following:

1. **ADOPTION** of resolution authorizing the lease of County real property identified as tax map keys (2) 2-8-002:008 consisting of 0.642 acres, and (2) 2-8-002:032, consisting of 4.191 acres, at an annual rental cost of \$1 for 20 years, to Kaupakalua Roping Club & Youth Rodeo, Inc., to develop and maintain a rodeo arena and ancillary activities; and
2. **FILING** of communication.

[CR 20-155](#) Recommending the following:

1. **ADOPTION** of resolution authorizing the grant of a lease of 6.032 acres of County recreational space, identified for real property tax purposes as a portion of tax map key (2) 3-8-007:001, located at Keopuolani Regional Park, Wailuku, Maui, Hawaii, at a rate of \$1 per year through February 28, 2042, to Maui Family Young Men's Christian Association; and
2. **FILING** of communication.

### **Water and Infrastructure, and Transportation Committee**

[CR 20-156](#) Recommending **ADOPTION** of resolution to extend the deadline for adoption of the Water Use and Development Plan from December 31, 2020 to June 30, 2021.

#### **J. RESOLUTIONS:**

**NONE.**

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

[Bill 114](#)  
[\(2020\), Draft](#)  
[1](#) "A BILL FOR AN ORDINANCE TO CHANGE THE ZONING FROM OPEN ZONE TO R-1 RESIDENTIAL DISTRICT (CONDITIONAL ZONING) FOR 6.943 ACRES IN KIHEI, MAUI, HAWAII, IDENTIFIED AS TAX MAP KEY (2) 3-9-004:141"

[Bill 122](#)  
[\(2020\)](#) "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 COUNTY CLERK, (CENTER FOR TECH AND CIVIC LIFE GRANT)"

[Bill 123](#)  
[\(2020\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF FINANCE, GOVERNMENT FACILITIES, BOND FUND, ACQUISITION OF 60 SOUTH CHURCH STREET BUILDING AND PROPERTY; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

[Bill 124](#)  
[\(2020\)](#) "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 FINANCE, ACQUISITION OF 60 SOUTH CHURCH STREET BUILDING AND PROPERTY"

[Bill 125](#)  
[\(2020\)](#) "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 FINANCE - ACQUISITION OF 60 SOUTH CHURCH STREET BUILDING AND PROPERTY)"

- [Bill 126](#)  
[\(2020\)](#) "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, MAUI COUNTY CODE, RELATING TO REAL PROPERTY TAX EXEMPTIONS FOR VERY LOW INCOME, LOW INCOME, BELOW MODERATE INCOME AND MODERATE INCOME RENTAL UNIT PROJECTS"
- [Bill 127](#)  
[\(2020\)](#) "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE OFFICE OF THE AUDITOR, STATE OF HAWAII, TO AUDIT THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND TO MEET THE REPORTING REQUIREMENTS UNDER GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENT NUMBER 75"
- [Bill 128](#)  
[\(2020\)](#) "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 POLICE (HIGH INTENSITY DRUG TRAFFICKING AREAS (HIDTA))"
- [Bill 129](#)  
[\(2020\)](#) "A BILL FOR AN ORDINANCE RELATING TO REAL PROPERTY TAX"
- [Bill 130](#)  
[\(2020\)](#) "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48.305, MAUI COUNTY CODE, RELATING TO CLASSIFICATION OF REAL PROPERTY"

**L. UNFINISHED BUSINESS:**

**NONE.**

**"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.**

**INDIVIDUALS WHO INTEND TO ATTEND THE MEETING AND WHO REQUIRE AN AUXILIARY AID, SERVICE OR OTHER ACCOMMODATION DUE TO A DISABILITY SHOULD CALL THE OFFICE OF THE COUNTY CLERK AT 270-7748, AT LEAST THREE DAYS IN ADVANCE.**