

# **Council of the County of Maui**

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

Regular Meeting of February 19, 2021

9:00 AM

**Meeting Site:**

Council Chamber, 8th Floor, 200 South High Street, Wailuku, Hawaii

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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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

**COUNCILMEMBER TASHA KAMA**

**C. PLEDGE OF ALLEGIANCE**

**D. TESTIMONY ON CEREMONIAL RESOLUTIONS**

**E. CEREMONIAL RESOLUTIONS:**

[Reso](#)

"CONGRATULATING THE PŌHAKUOKALĀ GULCH COMMUNITY FOREST RESTORATION PROJECT ON REACHING SIGNIFICANT MILESTONES IN 2020, DESPITE THE COVID-19 PANDEMIC"

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

[M-210102o](#) Organizational Meeting of January 2, 2021

[M-210113p](#) Public Hearing of January 13, 2021

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

[CC 21-98](#) DIRECTOR OF FINANCE, transmitting 52 contracts/grants for January 2021.

[CC 21-99](#) DIRECTOR OF TRANSPORTATION, transmitting a copy of the notice of grant award from the State of Hawaii, Department of Transportation for the Federal Transit Administration 49 U.S.C. Section 5339 Bus and Bus Facilities Formula Program in the amount of \$1,178,398.

[CC 21-100](#) MAYOR, informing of a vacancy on the Animal Control Board due to the resignation of Christie Balcomb.

[CC 21-101](#) MAYOR, informing of the appointments of David DeLeon and Karey Kapoi to the Charter Commission.

[CC 21-102](#) MAYOR, informing of the appointment of JoAnn Inamasu to the Kula Agricultural Park Committee.

[CC 21-103](#) COUNCILMEMBER SUGIMURA, relating to Councilmembers' report on the King Kamehameha Celebration Commission meeting on January 27, 2021.

[CC 21-104](#) COUNCILMEMBER KING, transmitting a proposed resolution entitled "OPPOSING STATE HOUSE BILL 1286 (2021), RELATING TO TRAVEL".

[CC 21-105](#) COUNCILMEMBER KING, transmitting a proposed resolution entitled "SUPPORTING STATE SENATE BILL 754 (2021), RELATING TO OPERATING A VEHICLE WHILE INTOXICATED".

[CC 21-106](#) COUNCIL VICE-CHAIR RAWLINS-FERNANDEZ, transmitting a proposed resolution entitled "URGING THE GOVERNOR TO CREATE A TASK FORCE TO ESTABLISH PROTOCOLS TO SAFELY RESUME ORGANIZED SPORTS AND RECREATIONAL ACTIVITIES IN HAWAII".

[CC 21-107](#) COUNCIL VICE-CHAIR RAWLINS-FERNANDEZ, transmitting a proposed resolution entitled "SUPPORTING DIGITAL EQUITY AND URGING DEVELOPMENT OF BROADBAND INFRASTRUCTURE TO BOLSTER COVID-19 RECOVERY AND FOSTER ECONOMIC DEVELOPMENT".

[CC 21-108](#) COUNCIL CHAIR LEE, relating to the referral of various matters from the 2019-2021 Council to the Council Chair for the term beginning January 2, 2021.

[CC 21-109](#) DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a

proposed resolution entitled "APPROVING CERTAIN FINANCING STRUCTURE COMPONENTS RELATING TO THE USE OF FUNDS RECEIVED THROUGH CHAPTER 3.35, MAUI COUNTY CODE, THE KAIALU O HALELEA APARTMENTS AFFORDABLE HOUSING PROJECT".

[CC 21-110](#) COUNCILMEMBER JOHNSON, relating to homeless programs and related matters.

[CC 21-111](#) DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply's Monthly Source and Groundwater Use Reports for the month ending January 2021.

[CC 21-112](#) COUNCILMEMBER SINENCI, transmitting a proposed resolution entitled "APPROVING A TIME EXTENSION FOR THE COUNCIL TO ADOPT THE MAUI ISLAND WATER USE AND DEVELOPMENT PLAN".

[CC 21-113](#) MANAGING DIRECTOR, transmitting the Fiscal Year 2021 2nd Quarter CIP Reports.

[CC 21-114](#) COUNCILMEMBER JOHNSON, relating to the Affordable Housing Fund.

[CC 21-115](#) DIRECTOR OF FINANCE, transmitting the Director of Finance's Quarterly Report for Fiscal Year July 1, 2020 to June 30, 2021 as of December 31, 2020 and the Capital Improvement Project report as of December 31, 2020.

[CC 21-116](#) 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, ECONOMIC DEVELOPMENT PROGRAM, EAST MAUI ECONOMIC DEVELOPMENT, ENVIRONMENTAL, AND CULTURAL PROGRAMS; MOLOKAI ECONOMIC DEVELOPMENT, ENVIRONMENTAL, AND CULTURAL PROGRAMS".

[CC 21-117](#) 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 THE DEPARTMENT OF HOUSING AND HUMAN CONCERNS, HOUSING PROGRAM, FIRST-TIME HOMEBUYERS PROGRAM"; and
2. "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES - SCHEDULE FOR REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2021, HOME ACQUISITION AND OWNERSHIP PROGRAMS REVOLVING FUND".

- [CC 21-118](#) BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES - SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2021, AFFORDABLE HOUSING FUND (HALE O PIIKEA)".
- [CC 21-119](#) 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 EMERGENCY MANAGEMENT AGENCY (HANA EMERGENCY PREPAREDNESS TEAM)".
- [CC 21-120](#) COUNCILMEMBER KING, transmitting a proposed resolution entitled "REFERRING TO THE CHARTER COMMISSION A PROPOSED AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO GIVE THE COUNCIL AUTHORITY OVER THE COASTAL ZONE MANAGEMENT ACT, INCLUDING SPECIAL MANAGEMENT AREA RULES AND PERMITS".
- [CC 21-121](#) PLANNING DIRECTOR, transmitting the Planning Department's fifth report on the status of all active conditional permits as of January 4, 2021.
- [CC 21-122](#) COUNCILMEMBER KING, transmitting a proposed resolution entitled "REFERRING TO THE MAUI PLANNING COMMISSION A PROPOSED BILL TO AMEND THE COMPREHENSIVE ZONING ORDINANCE RELATING TO ADVISORY COMMITTEES TO THE MAUI PLANNING COMMISSION".
- [CC 21-123](#) PLANNING DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE CONDITIONAL PERMIT GRANTED BY ORDINANCE NO. 2101 (1992) AND AMENDED BY ORDINANCE NOS. 2360 (1994), 2800 (1999) AND 3201 (2004) TO ALEXANDER AND BALDWIN SUGAR MUSEUM, FOR MUSEUM USE TO ALLOW FOR AN EXPANSION OF THE MUSEUM USE AND FOR A TIME EXTENSION ON APPROXIMATELY 4.166 ACRES IN THE R-1 RESIDENTIAL DISTRICT AT 3957 HANSEN ROAD, TAX MAP KEY (2) 3-8-006:004 (POR.) PUUNENE, MAUI, HAWAII", and related documents.
- [CC 21-124](#) PLANNING DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.28, MAUI COUNTY CODE, RELATING TO PERMITTED USES IN THE AIRPORT DISTRICT AND OTHER MINOR UPDATES", and related documents.
- [CC 21-125](#) COUNCILMEMBER KING, transmitting the following:
1. County Communication 19-402, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTERS 2.28 AND 2.40, MAUI COUNTY CODE, RELATING TO ADVISORY COMMITTEES TO THE MAUI PLANNING COMMISSION"; and
  2. A revised proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTERS 2.28 AND 2.40, MAUI COUNTY CODE, RELATING TO ADVISORY COMMITTEES TO THE MAUI PLANNING COMMISSION".

**2. GENERAL COMMUNICATIONS:**

NONE.

**I. COMMITTEE REPORTS:****Affordable Housing Committee****[CR 21-1](#)**

Recommending the following:

1. **FIRST READING** of bill to increase the percentage of affordable and workforce housing units required for projects developed under Chapter 201H, Hawaii Revised Statutes; and
2. **FILING** of communication.

**Budget, Finance, and Economic Development Committee****[CR 21-2](#)**

Recommending **FIRST READING** of bill to amend Appendix A, Part I, Grants and Restricted Use Revenues - Schedule of Grants and Restricted Use Revenues by Departments and Programs, Fiscal Year 2021 Budget, by adding a new appropriation under the Department of the Prosecuting Attorney, entitled "National Instant Criminal Background Check (NICS) Act Record Improvement Program (NARIP) 2020 Grant," in the amount of \$264,750.

**[CR 21-3](#)**

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 by Departments and Programs, Fiscal Year 2021 Budget, by increasing the grant appropriation for the Department of Public Works, Federal Highway Administration, Federal-Aid and Other Transportation Grants, by \$3,864,000;
2. **FIRST READING** of bill to amend the Fiscal Year 2021 Budget to increase the bond revenue and the appropriation for the Department of Public Works, Countywide, Road Improvements, Bond Fund, Countywide Federal Aid Program, by \$2,039,000, to be used for planning and design to replace the existing Waikakoi Bridge in Kipahulu, as recommended by the Countywide Bridge Inspection Program;
3. **FIRST READING** of bill to amend the Fiscal Year 2021 Budget, Appendix C, Capital Improvement Projects, Department of Public Works, by amending the project description and increasing the appropriation for the Countywide Federal Aid Program by \$23,456,000 to reflect the appropriation from Ordinance 5140, Bill 110 (2020) and to add funds for planning and design related to the Waikakoi Bridge Replacement;
4. **FIRST READING** of bill to amend the Fiscal Year 2021 general obligation bond authorization ordinance by increasing the appropriation under the

Department of Public Works, Countywide, Road Improvements, for the Countywide Federal Aid Program project by \$2,039,000; and

5. **FILING** of communication.

### **Government Relations, Ethics, and Transparency Committee**

#### **CR 21-4**

Recommending the following:

1. **ADOPTION** of resolution to approve the appointment of Andrew H. Martin as Prosecuting Attorney; and
- 2, **FILING** of resolution to disapprove the appointment of Andrew H. Martin as Prosecuting Attorney.

*With reference to this agenda item, one or more executive meetings are anticipated in accordance with Section 92-5(a)(2), Hawaii Revised Statutes, to consider the hire, evaluation, dismissal, or discipline of officers or employees.*

#### **CR 21-5**

Recommending **ADOPTION** of resolution to authorize settlement of Claim 4067061 of Maui Electric Company, Limited.

*With reference to this agenda item, one or more executive meetings are anticipated pursuant to 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 21-6**

Recommending **ADOPTION** of resolution to authorize settlement of Claim 4066910 by Maluhia Maui Scott.

*With reference to this agenda item, one or more executive meetings are anticipated pursuant to 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 21-7**

Recommending **ADOPTION** of resolution to approve the Council's appointments of Grant Chun, Keoni Kuoha, Kelson Kauano Batangan, George Purdy IV, Paul Deslauriers, Lance Collins, Ashley Olson, Douglas Mardfin, and Doreen Canto to the Charter Commission.

#### **CR 21-8**

Recommending **FIRST READING** of bill to amend Section 2.82.040, Maui County Code, relating to the Conservation Planning Committee's membership.

### **J. RESOLUTIONS:**

**NONE.**

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

[Bill 3 \(2021\)](#) "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, CORONAVIRUS AID, RELIEF AND ECONOMIC SECURITY (CARES) ACT"

[Bill 4 \(2021\)](#) "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 HOUSING AND HUMAN CONCERNS, CORONAVIRUS RESPONSE AND RELIEF SUPPLEMENTAL APPROPRIATIONS ACT OF 2021 - EMERGENCY RENTAL ASSISTANCE"

[Bill 5 \(2021\)](#) "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 TRANSPORTATION, CORONAVIRUS RESPONSE AND RELIEF SUPPLEMENTAL APPROPRIATIONS ACT OF 2021 (CRRSAA) SECTION 5307 URBANIZED AREA APPORTIONMENTS, CORONAVIRUS RESPONSE AND RELIEF SUPPLEMENTAL APPROPRIATIONS ACT OF 2021 (CRRSAA) SECTION 5311 RURAL AREA APPORTIONMENTS"

**L. UNFINISHED BUSINESS:****COUNTY COMMUNICATIONS:**

[CC 21-89](#) CHAIR, BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE, transmitting the following:

1. County Communication 21-26, from the Director of Finance, transmitting a proposed resolution entitled "AUTHORIZING THE ACQUISITION OF APPROXIMATELY 273,382 SQUARE FEET IDENTIFIED AS TAX MAP KEY NO. (2) 3-8-046:011 SITUATED AT WAILUKU, MAUI, HAWAII, FOR AN AMOUNT NOT TO EXCEED \$9,800,000.00";
2. Correspondence dated January 26, 2021, from the Director of Finance, transmitting a revised proposed resolution, entitled "AUTHORIZING THE ACQUISITION OF APPROXIMATELY 273,382 SQUARE FEET IDENTIFIED AS TAX MAP KEY NO. (2) 3-8-046:011 SITUATED AT WAILUKU, MAUI, HAWAII, FOR AN AMOUNT NOT TO EXCEED \$9,800,000.00", and an appraisal report dated October 16, 2020, prepared by Fukuda Valuation and Consulting LLC; and
3. Correspondence dated January 25, 2021, from the 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 FINANCE, GOVERNMENT FACILITIES, BOND FUND, ACQUISITION OF 100 MAHALANI STREET BUILDING AND PROPERTY; 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 FINANCE, ACQUISITION OF 100 MAHALANI STREET BUILDING AND PROPERTY";  
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 FINANCE - ACQUISITION OF 100 MAHALANI STREET BUILDING AND PROPERTY)".

**"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.**