

Council of the County of Maui

A G E N D A

Regular Meeting of April 6, 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

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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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

COUNCILMEMBER MICHAEL J. MOLINA

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NONE.

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

[M-210205](#) Regular Meeting of February 5, 2021

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

- [CC 21-159](#) DIRECTOR OF WATER SUPPLY, transmitting the State of Hawaii Commission on Water Resource Management water use reports for January 2021 for all registered well reporters in the County of Maui.
- [CC 21-160](#) CHAIR, MAUI COUNTY REAL PROPERTY TAX BOARD OF REVIEW, transmitting the 2020/2021 Annual Report of the Real Property Assessment Division, Board of Review
- [CC 21-161](#) PROSECUTING ATTORNEY, transmitting a copy of the grant award from the State of Hawaii, Department of the Attorney General, Hawaii Criminal Justice Data Center for the National Instant Criminal Background Check Act Record Improvement Program 2020 Grant in the amount of \$264,750.
- [CC 21-162](#) MAYOR, informing of the appointments of Billi Bellinger, Carolyn Franklin, and Karen Comcowich to the Maui County Arborist Committee.
- [CC 21-163](#) MAYOR, informing of a vacancy on the Lanai Planning Commission due to the passing of John Ornellas.
- [CC 21-164](#) MAYOR, informing of a vacancy on the Molokai Planning Commission due to the resignation of Julie-Ann Bicoy.
- [CC 21-165](#) COUNCILMEMBER SUGIMURA, relating to Councilmembers' report on the Maui Metropolitan Planning Organization Policy Board meeting on March 12, 2021.
- [CC 21-166](#) COUNCIL CHAIR LEE, transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF JEAN POKIPALA AS COMMITTEE SECRETARY IN THE OFFICE OF COUNCIL SERVICES".
- [CC 21-167](#) COUNCILMEMBER MOLINA, transmitting a proposed resolution entitled "AUTHORIZING THE COUNCIL CHAIR OR COUNTY AUDITOR TO EXECUTE A CONTRACT FOR AN ASSESSMENT OF THE DEPARTMENT OF PLANNING'S ZONING ADMINISTRATION AND ENFORCEMENT DIVISION".
- [CC 21-168](#) DIRECTOR OF FINANCE, reporting on temporary transfers/loans from the General Fund and the Department of Water Supply Revenue Fund to the 2021 Proposed General Obligation Bond Fund as of February 28, 2021.

[CC 21-169](#) COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MANAGER, transmitting a proposed resolution entitled "AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM".

[CC 21-170](#) 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, HOME ACQUISITION AND OWNERSHIP PROGRAMS REVOLVING FUND".

[CC 21-171](#) 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, OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND SCENIC VIEWS PRESERVATION FUND".

[CC 21-172](#) 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 (WAILUKU ECONOMIC DEVELOPMENT, ENVIRONMENTAL, AND CULTURAL PROGRAMS; SOUTH MAUI ECONOMIC DEVELOPMENT, ENVIRONMENTAL, AND CULTURAL PROGRAMS)".

[CC 21-173](#) MAYOR, transmitting the following:

1. Mayor's Proposed Budget Program;
2. A proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET FOR THE COUNTY OF MAUI FOR THE FISCAL YEAR JULY 1, 2021 TO JUNE 30, 2022";
3. A proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO THE CAPITAL PROGRAM FOR THE FISCAL YEAR ENDING JUNE 30, 2022";
4. A proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE ISSUANCE OF EIGHTY-FIVE MILLION, FIVE HUNDRED EIGHTY THOUSAND, NINE HUNDRED DOLLARS (\$85,580,900) AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI FOR THE PURPOSE OF PROVIDING FUNDS TO PAY ALL OR A PART OF THE COST OF APPROPRIATIONS FOR PUBLIC IMPROVEMENTS OF AND FOR THE COUNTY OF MAUI; FIXING THE FORM, DENOMINATIONS AND CERTAIN OTHER FEATURES OF SUCH BONDS AND PROVIDING FOR THEIR SALE; AUTHORIZING THE DIRECTOR OF FINANCE TO DETERMINE CERTAIN DETAILS OF THE BONDS; AUTHORIZING THE ISSUANCE AND SALE OF A LIKE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BOND ANTICIPATION NOTES IN

ANTICIPATION OF THE ISSUANCE AND SALE OF SUCH BONDS; AUTHORIZING THE ISSUANCE OF REFUNDING GENERAL OBLIGATION BONDS OF THE COUNTY; AND PROVIDING FOR OTHER ACTIONS RELATED TO THE ISSUANCE, SALE AND DELIVERY OF SAID BONDS";

5. A proposed bill entitled "A BILL FOR AN ORDINANCE DETERMINING THAT PART OF THE PROCEEDS OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI HERETOFORE ISSUED IS IN EXCESS OF THE AMOUNTS REQUIRED FOR THE PURPOSES FOR WHICH SUCH BONDS WERE INITIALLY ISSUED, OR MAY OR SHOULD NOT BE APPLIED TO THOSE PURPOSES, AND DIRECTING SUCH PROCEEDS TO OTHER PUBLIC IMPROVEMENTS OR AUTHORIZED PURPOSES OF THE COUNTY OF MAUI";
6. A proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A LOAN FROM THE STATE OF HAWAII'S WATER POLLUTION CONTROL REVOLVING FUND FOR VARIOUS WASTEWATER PROJECTS, FISCAL YEAR 2022 BUDGET ORDINANCE";
7. A proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A LOAN FROM THE STATE OF HAWAII'S DRINKING WATER TREATMENT REVOLVING LOAN FUND FOR WEST MAUI SOURCE DEVELOPMENT, FISCAL YEAR 2022 BUDGET ORDINANCE";
8. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 3.38.020, MAUI COUNTY CODE, RELATING TO HAWAIIAN CULTURAL RESTORATION AND REVOLVING FUND";
9. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 3.81, MAUI COUNTY CODE, RELATING TO ECONOMIC DEVELOPMENT AND CULTURAL PROGRAMS REVOLVING FUND";
10. A proposed resolution entitled "ADOPTING THE FUEL TAX RATES FOR THE COUNTY OF MAUI, EFFECTIVE JULY 1, 2021"; and
11. A proposed resolution entitled "AUTHORIZING THE ACQUISITION OF REAL PROPERTY IDENTIFIED AS TAX MAP KEY NOS. (2) 4-6-011:011 AND (2) 4-6-011:028, SITUATED IN LAHAINA, MAUI, HAWAII, FOR AN AMOUNT NOT TO EXCEED \$650,000".

[CC 21-174](#)

COUNCIL VICE-CHAIR RAWLINS-FERNANDEZ, relating to tourist beach parking fees.

- [CC 21-175](#) COUNCILMEMBER KING, transmitting a proposed resolution entitled "ACCEPTING LOCAL GOVERNMENTS FOR SUSTAINABILITY'S INVITATION FOR MAUI COUNTY TO JOIN THE CIRCLE CITY SCAN PILOT PROJECT".
- [CC 21-176](#) COUNCIL VICE-CHAIR RAWLINS-FERNANDEZ, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO RESERVED RESIDENTIAL PARKING IN PUBLIC BEACH ACCESS PARKING AREAS".
- [CC 21-177](#) COUNCILMEMBER PALTIN, transmitting a proposed resolution entitled "REFERRING TO THE MAUI PLANNING COMMISSION A PROPOSED BILL RELATING TO SHORT-TERM RENTAL HOMES AND MAXIMUM BUILDING HEIGHT IN THE NAPILI BAY CIVIC IMPROVEMENT DISTRICT (LAHAINA)".

2. GENERAL COMMUNICATIONS:

NONE.

I. COMMITTEE REPORTS:

Affordable Housing Committee

[CR 21-24](#) Recommending the following:

1. **ADOPTION** of resolution allowing the Kaiāulu O Halele'a Apartments Affordable Housing Project to use certain financing structure components for its Affordable Housing Fund grant award; and
2. **FILING** of communication.

Budget, Finance, and Economic Development Committee

[CR 21-25](#) Recommending the following:

1. **FIRST READING** of bill to amend the Fiscal Year 2021 Budget by: 1) increasing Bond/Lapsed Bond by \$260,000; 2) amending Section 4.D.1.b. (1.), Department of Management, Wailuku-Kahului Community Plan Area, Government Facilities, Bond Fund, by adding an appropriation, entitled "60 North Church Street Building Renovations," in the amount of \$260,000; and 3) adjusting the totals accordingly;
2. **FIRST READING** of bill to amend the Fiscal Year 2021 Budget, Appendix C, Capital Improvement Projects, by adding an appropriation for the Wailuku-Kahului Community Plan Area for a project, entitled "60 North Church Street Building Renovations," under the Department of Management, in the amount of \$260,000, and a description of the project; and
3. **FIRST READING** of bill to amend the Fiscal Year 2021 General Obligation Bond Authorization ordinance by adding an appropriation for the Wailuku-Kahului Community Plan Area, Government Facilities, for a project, entitled "60 North Church Street Building Renovations," in the

amount of \$260,000, under the Department of Management.

Climate Action, Resilience, and Environment Committee

CR 21-26

Recommending the following:

1. **FILING** of communication relating to Grant Agreement G5094, between the County of Maui and E-Cycling Maui, LLC, for Hawaii Large and Lithium Battery Diversion Program Research in the amount of \$10,000;
2. **FILING** of communication relating to Grant Agreement G5105, between the County of Maui and Lahaina International Market, LLC, for the Lahaina Recycle Drop Box Pilot Program in the amount of \$58,839; and
3. **FILING** of communication relating to Grant Agreement G5098, between the County of Maui and Grants Central Station, for The Trailer of Trash program in the amount of \$20,000.

Government Relations, Ethics, and Transparency Committee

CR 21-27

Recommending **ADOPTION** of resolution approving the appointment of Kyle Caires to the Kula Agricultural Park Committee, for a term expiring on March 31, 2023.

CR 21-28

Recommending the following:

1. **FIRST READING** of bill to amend Sections 2.28 and 2.40, Maui County Code, relating to advisory committees to the Maui Planning Commission for the South Maui and Paia-Haiku community plan areas; and
2. **FILING** of communication.

J. RESOLUTIONS:

NONE.

K. ORDINANCES - SECOND AND FINAL READING:

Bill 24 (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, DEPARTMENT OF HEALTH WATER QUALITY MONITORING IN WEST AND SOUTH MAUI"

Bill 25 (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 PUBLIC WORKS, LANAI COMMUNITY PLAN AREA, SIXTH STREET AND LANAI AVENUE INTERSECTION SAFETY IMPROVEMENTS"

- [Bill 26 \(2021\)](#) "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 ENVIRONMENTAL MANAGEMENT, STATE OF HAWAII, DEPARTMENT OF DEFENSE HAWAII EMERGENCY MANAGEMENT AGENCY (HI-EMA) GRANT"
- [Bill 27 \(2021\)](#) "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 ENVIRONMENTAL MANAGEMENT, WEST MAUI COMMUNITY PLAN AREA, LAHAINA WASTEWATER RECLAMATION FACILITY EMERGENCY GENERATOR REPLACEMENT"
- [Bill 28 \(2021\)](#) "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)"
- [Bill 29 \(2021\)](#) "A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 3.76, MAUI COUNTY CODE, CREATING THE MOLOKA'I FARMING COST REIMBURSEMENT PROGRAM FUND"
- [Bill 30 \(2021\)](#) "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 (MOLOKAI DIVERSIFIED AGRICULTURE PROGRAM)"
- [Bill 31 \(2021\)](#) "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, DISPOSAL OF VEHICLES FEE FUND; MOLOKAI FARMING COST REIMBURSEMENT PROGRAM FUND"
- [Bill 32 \(2021\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO SECTION 14 OF THE GENERAL BUDGET PROVISIONS"

L. UNFINISHED BUSINESS:

COMMITTEE REPORTS:

- [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.

ORDINANCES - SECOND AND FINAL READING:

[Bill 10 \(2021\).](#) "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"
[Draft 1](#)

"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.