

# **Council of the County of Maui**

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

Regular Meeting of July 23, 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](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 An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify.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 GABE JOHNSON

**C. PLEDGE OF ALLEGIANCE**

**D. TESTIMONY ON CEREMONIAL RESOLUTIONS**

**E. CEREMONIAL RESOLUTIONS:**

Reso

"RECOGNIZING AUGUST 1-7, 2021, AS FARMERS MARKET WEEK IN MAUI COUNTY"

[Reso --](#) "RECOGNIZING SEAMAN THEODORE KIRKBRIDE OF STATION MAUI FOR BEING HONORED AS THE UNITED STATES COAST GUARD'S ENLISTED PERSON OF THE YEAR 2021"

**F. SET THE CONSENT CALENDAR**

**G. PRESENTATION OF WRITTEN OR ORAL TESTIMONY**

**H. MINUTES:**

[M-210428p](#) Public Hearing of April 28, 2021  
[\(RPT\)](#)

**I. ACTION ON THE CONSENT CALENDAR**

[CC 21-312](#) DIRECTOR OF WATER SUPPLY, transmitting the Department of Water Supply's Monthly Source and Groundwater Use Reports for the month ending June 2021.

[CC 21-313](#) DIRECTOR OF WATER SUPPLY, transmitting the State of Hawaii Commission on Water Resource Management water use reports for May 2021 for all registered well reporters in the County of Maui.

[CC 21-314](#) BUDGET DIRECTOR, transmitting a list of approved unbudgeted equipment requests for Fiscal Year 2021, from April 1 through June 30, 2021.

[CC 21-315](#) DIRECTOR OF FINANCE, informing of the transfer of appropriations from Countywide Fringe Benefits to various departments to cover the cost of Fiscal Year 2021 bargaining unit salary increases.

[CC 21-316](#) DIRECTOR OF FINANCE, transmitting a copy of the following:

1. Approval letter from the State of Hawaii, Department of Transportation for the Periodic Motor Vehicle Inspection, Commercial Driver License, State Identification, and Motor Vehicle Registration Programs; and
2. Extension of the Memorandum of Agreement with the State of Hawaii Disability & Communication Access Board for implementation of the Persons with Disabilities Parking Program.

[CC 21-317](#) MAUI COUNTY EMERGENCY MANAGEMENT ADMINISTRATOR, transmitting a copy of the notice of grant award from the State of Hawaii, Hawaii Emergency Management Agency for the Emergency Management Performance Grant COVID-19 Supplemental in the amount of \$50,000.

[CC 21-318](#) EMERGENCY MANAGEMENT ADMINISTRATOR, transmitting a copy of the notice of grant award from the State of Hawaii, Hawaii Emergency Management Agency for the Emergency Management Performance Grant in the amount of \$125,000.

- [CC 21-319](#) 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 \$25,469,611.
- [CC 21-320](#) DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting a copy of the notice of grant award from the State of Hawaii, Department of Human Services for the Kahului Affordable Housing for Homeless Families program in the amount of \$864,200, of which \$432,100 has been appropriated in Fiscal Year 2022.
- [CC 21-321](#) DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting the notice of grant award from the U.S. Department of Housing & Urban Development for the Emergency Housing Vouchers program in the amount of \$1,156,620.
- [CC 21-322](#) DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting the notice of grant award from Alexander & Baldwin in the amount of \$20,000.
- [CC 21-323](#) DIRECTOR OF HOUSING AND HUMAN CONCERNS, transmitting Contract Log No. 16-127, Modification Order No. 10, from the State of Hawaii, Department of Health for the Strategic Prevention Framework Partnerships for Success Grant in the amount of \$110,000.
- [CC 21-324](#) DIRECTOR OF HOUSING AND HUMAN CONCERNS, notifying of anticipated voluntary contributions to be received from seniors participating in the Assisted Transportation Program, in the amount of \$15,500, with no Letter of Intent.
- [CC 21-325](#) DIRECTOR OF HOUSING AND HUMAN CONCERNS, notifying of anticipated voluntary contributions to be received from seniors participating in the Congregate Meals Program, in the amount of \$90,000, with no letter of intent.
- [CC 21-326](#) DIRECTOR OF HOUSING AND HUMAN CONCERNS, notifying of anticipated voluntary contributions to be received from senior program participants in the Home Delivered Meals Program, in the amount of \$120,000, with no Letter of Intent.
- [CC 21-327](#) PLANNING DIRECTOR, transmitting a copy of a grant agreement between the State of Hawaii and the County of Maui for the Historic Preservation Grants-In-Aid (National Historic Preservation Act of 1966), in the amount of \$25,000.
- [CC 21-328](#) ACTING CHIEF OF POLICE, informing of the receipt of a 2002 Toyota 4-Runner valued at \$4,723 from the State Department of the Attorney General.
- [CC 21-329](#) ACTING CHIEF OF POLICE, transmitting a copy of the budget approved by the E911 Board in the amount of \$1,770,590.
- [CC 21-330](#) ACTING CHIEF OF POLICE, transmitting a grant agreement with the Office of National Drug Control Policy for the High Intensity Drug Trafficking Areas Grant in the amount of \$399,100.
- [CC 21-331](#) ACTING CHIEF OF POLICE, transmitting a copy of the grant agreement with the State of Hawaii, Department of Health for the Emergency Medical System grant in the amount of \$121,478.96.

- [CC 21-332](#) PROSECUTING ATTORNEY, transmitting a copy of grant award 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 \$109,946, which includes \$27,487 in matching funds.
- [CC 21-333](#) PROSECUTING ATTORNEY, transmitting a copy of grant award from the State of Hawaii, Department of the Attorney General, Crime Prevention and Justice Assistance Division, for the Special Needs Advocacy Project (SNAP) totaling \$825,325, which includes \$1,000 in administrative costs and \$164,865 in matching funds.
- [CC 21-334](#) DIRECTOR OF TRANSPORTATION, transmitting a copy of the notice of release of grant award from the State of Hawaii, Department of Transportation for the Federal Transit Administration, Section 5339 Bus and Bus Facilities Discretionary Grant Award Program in the amount of \$2,900,001.
- [CC 21-335](#) DIRECTOR OF TRANSPORTATION, transmitting a copy of the notice of release of grant award from the State of Hawaii, Department of Transportation for the Federal Transit Administration, Section 511 Non-Urbanized Area Formula Program in the amount of \$675,695.
- [CC 21-336](#) DIRECTOR OF FINANCE, requesting a time extension on the appointment of a committee to review Chapter 5.16 of the Maui County Code as it relates to taxicabs.
- [CC 21-337](#) DIRECTOR OF FINANCE, informing of the acceptance of Sewerline Easement "S-1", 569 Hana Highway, Hamakuapoko Hui Partition, Lot A, TMK: (2) 2-6-010:017 POR.
- [CC 21-338](#) DIRECTOR OF FINANCE, informing of the acceptance of waterline easement Lot 1-D, Maluhia House Lots Subdivision, TMK: (2) 2-4-007:017.

## **J. COUNTY COMMUNICATIONS:**

### **1. COUNTY COMMUNICATIONS:**

- [CC 21-339](#) DIRECTOR OF FINANCE, transmitting 133 contracts/grants for the month of June 2021.
- [CC 21-340](#) COUNCILMEMBER SINENCI, relating to Councilmembers' report on the virtual town hall meeting on East Maui traffic congestion, hosted by State Senator Lynn DeCoite, held on July 15, 2021.
- [CC 21-341](#) CHAIR, GOVERNMENT RELATIONS, ETHICS AND TRANSPARENCY COMMITTEE, transmitting a proposed resolution entitled "RELATING TO THE APPOINTMENT OF JOSEPH BLACKBURN II TO THE COST OF GOVERNMENT COMMISSION FOR THE COUNTY OF MAUI".
- [CC 21-342](#) CHAIR, GOVERNMENT RELATIONS, ETHICS AND TRANSPARENCY COMMITTEE, transmitting a proposed resolution entitled "RELATING TO THE APPOINTMENT OF ZANE DE LA CRUZ TO THE LANAI PLANNING COMMISSION".

- [CC 21-343](#) PLANNING DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 19.60.030, MAUI COUNTY CODE, RELATING TO HOTEL USE AND DEVELOPMENT STANDARDS IN THE NAPILI BAY CIVIC IMPROVEMENT DISTRICT (LAHAINA)"; and related documents.
- [CC 21-344](#) COUNCILMEMBER PALTIN, transmitting a proposed amendment to the bill relating to the Napili Bay Civic Improvement District (Lahaina).
- [CC 21-345](#) COUNCILMEMBER PALTIN, relating to a proposed amendment to Bill 62 (2021), relating to zipline, canopy, rappelling, and bungee jumping.
- [CC 21-346](#) DIRECTOR OF WATER SUPPLY, transmitting a proposed bill entitled, "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH U.S. GEOLOGICAL SURVEY, PACIFIC ISLANDS WATER SCIENCE CENTER, UNITED STATES DEPARTMENT OF THE INTERIOR (COOPERATIVE WATER-RESOURCE MONITORING PROGRAM)".
- [CC 21-347](#) DIRECTOR OF WATER SUPPLY, transmitting a proposed bill entitled, "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH U.S. GEOLOGICAL SURVEY, PACIFIC ISLANDS WATER SCIENCE CENTER, UNITED STATES DEPARTMENT OF THE INTERIOR (STUDY TO ASSESS GROUNDWATER AVAILABILITY UNDER SCENARIO-BASED RECHARGE CHANGES ON THE ISLAND OF MAUI)".
- [CC 21-348](#) COUNCIL VICE-CHAIR RAWLINS-FERNANDEZ, transmitting a proposed bill entitled, "A BILL FOR AN ORDINANCE EXEMPTING THE DEPARTMENT OF HAWAIIAN HOME LANDS FROM THE WATER AVAILABILITY POLICY".
- [CC 21-349](#) COUNTY AUDITOR, transmitting the plan of audits proposed to be conducted during Fiscal Year 2022.
- [CC 21-350](#) CHAIR, COST OF GOVERNMENT COMMISSION, transmitting the Cost of Government Commission's Annual Report for Commission Term 2020 - 2021.
- [CC 21-351](#) DIRECTOR OF PUBLIC WORKS, submitting the March 2021 Flooding Event plan for Emergency Funding use.
- [CC 21-352](#) COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MANAGER, transmitting a notice of grant award from the U.S. Department of Housing and Urban Development, Office of Community Planning and Development for the Community Development Block grant program in the amount of \$1,933,806.
- [CC 21-353](#) DIRECTOR OF FINANCE, transmitting the Short-Term Investment Reports as of June 30, 2021 (Fiscal Year 2021 Fourth Quarter).
- [CC 21-354](#) COUNCIL VICE-CHAIR RAWLINS-FERNANDEZ, transmitting a proposed bill entitled, "A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 3.47, MAUI COUNTY CODE, IMPLEMENTING A COUNTY TRANSIENT ACCOMMODATIONS TAX".

- [CC 21-355](#) BUDGET DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 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, EMERGENCY MANAGEMENT AGENCY (HAZARD MITIGATION GRANT PROGRAM (HMGP))".
- [CC 21-356](#) MAYOR, relating to Maui County Transient Accommodations Tax.
- [CC 21-357](#) COUNCILMEMBER PALTIN, transmitting a proposed bill entitled, "A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 20.43, MAUI COUNTY CODE, RESTRICTING THE SALE OR DISTRIBUTION OF CERTAIN NONWOVEN DISPOSABLE PRODUCTS".
- [CC 21-358](#) COUNCILMEMBER KING, relating to wetlands restoration.
- [CC 21-359](#) MAYOR, transmitting the following:
1. A proposed resolution entitled, "REMOVAL OF JOHN COPELAND FROM THE COMMISSION ON PERSONS WITH DISABILITIES"; and
  2. A copy of a letter from the Chair of the Commission on Persons with Disabilities relating to the non-attendance of John Copeland.
- [CC 21-360](#) ACTING FIRE CHIEF, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT AMENDING THE MEMORANDUM OF AGREEMENT FOR LIFEGUARD SERVICES BETWEEN THE STATE OF HAWAII AND THE COUNTY OF MAUI FOR MAKENA BEACH PARK".
- [CC 21-361](#) COUNCIL VICE-CHAIR RAWLINS-FERNANDEZ, transmitting a proposed bill entitled, "A BILL FOR AN ORDINANCE REQUIRING DEPARTMENT OF HAWAIIAN HOME LANDS REPRESENTATION ON THE BOARD OF WATER SUPPLY".
- [CC 21-362](#) COUNCILMEMBER MOLINA, relating to the preservation of and improvements to Baby Beach (Paia), including public-safety and litigation issues.
- [CC 21-363](#) COUNCILMEMBER PALTIN, transmitting a proposed resolution entitled, "SUPPORTING THE UNDIVIDED INTEREST AWARDS POLICY OF THE DEPARTMENT OF HAWAIIAN HOME LANDS' HOMESTEADING PROGRAM".
- [CC 21-364](#) COUNCILMEMBER KAMA, relating to the Baldwin Beach Park Master Plan.
- [CC 21-365](#) COUNCILMEMBER KAMA, relating to the demand for recreational activities involving play courts such as pickleball, tennis, and basketball.

- [CC 21-366](#) COUNTY AUDITOR, transmitting the following reports relating to financial data schedules for Section 8 and Family Self-Sufficiency Programs from N&K CPAs, Inc., entitled:
1. "COUNTY OF MAUI DEPARTMENT OF HOUSING AND HUMAN CONCERNS: INDEPENDENT AUDITOR'S REPORT ON SUPPLEMENTARY INFORMATION, Fiscal Year Ended June 30, 2020"; and
  2. "COUNTY OF MAUI DEPARTMENT OF HOUSING AND HUMAN CONCERNS: INDEPENDENT ACCOUNTANT'S REPORT ON APPLYING AGREED-UPON PROCEDURES, Fiscal Year Ended June 30, 2020".
- [CC 21-367](#) COUNCILMEMBER KAMA, relating to the keeping of roosters as domesticated animals in urban areas.
- [CC 21-368](#) COUNCILMEMBER SINENCI, transmitting a proposed bill entitled, "A BILL FOR AN ORDINANCE TO AMEND THE TRAFFIC CODE BY EXPANDING THE VOLUNTEER PARKING ENFORCEMENT PROGRAM".
- [CC 21-369](#) PLANNING DIRECTOR, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE ADOPTING THE DIGITAL ZONING MAP AS THE OFFICIAL ZONING MAP FOR THE ISLAND OF MOLOKA'I"; and related documents.
- [CC 21-370](#) COUNCILMEMBER PALTIN, transmitting a proposed resolution entitled "REFERRING TO THE LANAI, MAUI, AND MOLOKAI PLANNING COMMISSIONS A PROPOSED BILL TO LOWER THE MAXIMUM BUILDING HEIGHTS IN THE B-2 COMMUNITY BUSINESS DISTRICT, B-3 CENTRAL BUSINESS DISTRICT, AND P-2 PUBLIC/QUASI PUBLIC DISTRICT".
- [CC 21-371](#) COUNCILMEMBER PALTIN, transmitting a proposed resolution entitled, "REFERRING TO THE LĀNA'I, MAUI, AND MOLOKA'I PLANNING COMMISSIONS A PROPOSED BILL AMENDING CHAPTER 19.29, MAUI COUNTY CODE, TO PROHIBIT INSTRUMENTS OF CONVEYANCE FROM RESTRICTING THE GROWING AND HARVESTING OF ANY AGRICULTURAL CROP OR PRODUCT".

## **2. GENERAL COMMUNICATIONS:**

NONE.

## **K. COMMITTEE REPORTS:**

### **Budget, Finance, and Economic Development Committee**



[CR 21-47](#)

Recommending the following:

1. **ADOPTION** of resolution authorizing the acquisition of real property identified as tax map key numbers (2) 4-6-011:011 (9,097 square feet) and (2) 4-6-011:028 (1,500 square feet), respectively, in Lahaina, Maui, Hawaii, for an amount not to exceed \$650,000; and
2. **FILING** of communication.

### **Climate Action, Resilience, and Environment Committee**

[CR 21-48](#)

Recommending the following:

1. **adoption** of resolution requesting the State of Hawai'i's Congressional Delegation's support of the Break Free from Plastic Pollution Act; and
2. **FILING** of communication.

[CR 21-49](#)

Recommending the following:

1. **first reading** of bill amending Chapter 20.18, Maui County Code, prohibiting the sale and rental of disposable bodyboards; and
2. **FILING** of communication.

[CR 21-50](#)

Recommending the following:

1. **first reading** of bill amending Chapter 20.26, Maui County Code, restricting the use and sale of foam coolers; and
2. **FILING** of communication.

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

[CR 21-51](#)

Recommending the following:

1. **ADOPTION** of resolution approving the appointment of Ross Takashima to the Board of Variances and Appeals, for a term expiring on March 31, 2026;
2. **ADOPTION** of resolution approving the appointment of Juanita Reyher-Colon to the Board of Water Supply, for a term expiring on March 31, 2026; and
3. **ADOPTION** of resolution approving the appointment of Doradeen Makalapua Kanuha to the Fire and Public Safety Commission, for a term expiring on March 31, 2026.

[CR 21-52](#)

Recommending **ADOPTION** of resolution approving the appointment of Helen Tabura to the Council on Aging, for a term expiring on March 31, 2026.

**Human Concerns and Parks Committee**

[CR 21-53](#) Recommending **FILING** of communication relating to the matter of a Rapid Response COVID-19 Task Force.

**Planning and Sustainable Land Use Committee**

[CR 21-54](#) Recommending the following:

1. **FIRST READING** of bill amending Section 19.65.030, Maui County Code, to reduce the number of Short-Term Rental Home permits on Maui by establishing or revising caps for community plan areas; and
2. **FILING** of communication.

**L. RESOLUTIONS:**

NONE.

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

NONE.

**N. UNFINISHED BUSINESS:**

**ORDINANCES - SECOND AND FINAL READING:**

[Bill 62 \(2021\),  
Draft 1](#) "A BILL FOR AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE RELATING TO ZIPLINE, CANOPY, RAPPELLING, AND BUNGEE JUMPING ACTIVITIES IN THE AGRICULTURAL DISTRICT"

**"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.**

**THIS ONLINE MEETING IS BEING CONDUCTED IN ACCORDANCE WITH THE GOVERNOR'S MOST RECENT EMERGENCY PROCLAMATION ON COVID-19. 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 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.**