

BUDGET AND FINANCE COMMITTEE

Council of the County of Maui

MINUTES

February 2, 2010

Council Chamber, 8th floor

CONVENE: 1:32 p.m.

PRESENT: Councilmember Joseph Pontanilla, Chair
Councilmember Danny A. Mateo, Vice-Chair
Councilmember Gladys C. Baisa, Member
Councilmember Jo Anne Johnson, Member
Councilmember Sol P. Kaho`ohalahala, Member (in 2:20 p.m.)
Councilmember Bill Kauakea Medeiros, Member
Councilmember Michael J. Molina, Member
Councilmember Wayne K. Nishiki, Member
Councilmember Michael P. Victorino, Member

STAFF: Gayle Revels, Legislative Analyst
Yvette Bouthillier, Committee Secretary

ADMIN.: Frederick Pablo, Budget Director, Office of the Mayor
Marian Feenstra, Executive Assistant, Office of the Mayor (BF-63)
Tamara Horcajo, Director, Department of Parks and Recreation (BF-63 and BF-67)
Patrick Matsui, Chief of Planning and Development, Department of Parks and Recreation
(BF-67)
Milton M. Arakawa, Director, Department of Public Works (BF-66)
Joseph Krueger, Civil Engineer, Engineering Division, Department of Public Works
(BF-66)
Herb Chang, Engineer, Department of Water Supply (BF-5)
Traci Fujita Villarosa, First Deputy Corporation Counsel, Department of the Corporation
Counsel

OTHERS: **Item 63:** Dale Bonar, Maui Coastal Land Trust

PRESS: Akaku: Maui Community Television, Inc.

CHAIR PONTANILLA: . . .(*gavel*). . .The Budget and Finance Committee meeting for February 2nd, 2010, is now in session. The time is 1:32. Thank you Members for

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being here this afternoon. At this time the Chair would like to introduce the Members that are here. We do have Member Molina.

COUNCILMEMBER MOLINA: Good afternoon, Chair.

CHAIR PONTANILLA: Good afternoon. Member Baisa.

COUNCILMEMBER BAISA: Good afternoon.

CHAIR PONTANILLA: Good afternoon. Member Medeiros.

COUNCILMEMBER MEDEIROS: Aloha. Good afternoon, Chair.

CHAIR PONTANILLA: Member Nishiki.

COUNCILMEMBER NISHIKI: Good afternoon.

CHAIR PONTANILLA: Member Victorino.

COUNCILMEMBER VICTORINO: Good afternoon, Chair.

CHAIR PONTANILLA: And coming into the Chambers and taking their seats are Members. . .Chairman Mateo and Member Johnson.

VICE-CHAIR MATEO: Good afternoon.

CHAIR PONTANILLA: Excused at this time is Member Kaho`ohalahala. In front this afternoon we do have First Deputy Corporation Counsel Traci Fujita Villarosa, our Budget Director Mr. Fred Pablo, and from the Department of Parks the Director Tamara Horcajo. As always supporting the Committee we do have Gayle Revels as well as Yvette Bouthillier.

Members, we do have one person that has signed up for public testimony this afternoon. At this time the Chair would like to provide the ground rules for public testimony. Those of you that are providing public testimony you have three minutes to provide your testimony, one minute to conclude. And if you could, state the name of the organization that you represent. The first testimony and the only testimony that we're gonna have this afternoon we have Dale Bonar from the Maui Coastal Land Trust. Good afternoon Dale.

...BEGIN PUBLIC TESTIMONY...

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MR. BONAR: Aloha, Council Chair and Members of the Chamber. I will be very brief. We're good with this. Maui Coastal Land Trust is happy with this and I wanted to say thank you once again.

The Open Space Fund by providing some local match has allowed tremendous leverage of the monies into some of the properties we do. This clarifies the problem that there been in situations where a land trustor, a land conservation organization holds an easement on someone's property which we can get much cheaper than buying the property, and it clarifies that the responsibility is between the County and the Land Trust. But thank you for considering it. Thank you for making the adjustment here and as soon as this is passed up through the Council we will be able to complete the taro lands easement at Keanae there. Thank you.

CHAIR PONTANILLA: Thank you Dale. Members, any questions for the testifier this afternoon?

COUNCILMEMBER MEDEIROS: Question.

CHAIR PONTANILLA: Member Medeiros.

COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman. And thank you for being here. When you say leverage, you leverage County money against what other sources?

MR. BONAR: State funds, Legacy Land funds, um, through some of the research agencies. US Fish and Wildlife. . .sometimes the, the USDA's Farm and Ranch Land or Wetlands Protection Program. . .and sometimes are foundation money. You know they wanna see local match, you know, who are people putting up. And one of the greatest advantages we have in Hawaii now is that each County has an open space fund and there is the State Legacy Lands. It's a challenge this year because there is a bill in front of the Leg. that would basically furlough--boy, that's an awful word--furlough the Legacy Lands fund for up to five years. So the whole environmental community is trying to convince some of the, the. . .not particularly wisdom of doing that.

COUNCILMEMBER MEDEIROS: Thank you for that information. Mahalo, Mr. Chair.

CHAIR PONTANILLA: Thank you. Members, any more questions for the testifier? Seeing none, thank you again Mr. Bonar for being here. Is there anyone in the chambers that would like to provide public testimony at this time? Seeing none, Members, if there's no objections the Chair would like to close public testimony.

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COUNCIL MEMBERS: No objections.

CHAIR PONTANILLA: Thank you.

...END OF PUBLIC TESTIMONY...

ITEM NO. 63: AMENDING CHAPTER 3.88, MAUI COUNTY CODE, OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND SCENIC VIEWS PRESERVATION FUND (No. 09-339)

CHAIR PONTANILLA: The first item this afternoon is BF-63, amending Chapter 3.88, Maui County Code, Open Space, Natural Resources, Cultural Resources, and Scenic Views Preservation Fund. The purpose of the revised proposed bill is to clarify the application process in Section 3.88.060, Maui County Code, and to allow for conservation organizations to secure other interests of property where the transfer of title is not appropriate.

The last time we met, Members, the Administration had requested that they needed some time to review the proposal. So at this time I'd like to call on Director Horcajo to provide us your comments.

MS. HORCAJO: Thank you and good afternoon, Chairman Pontanilla and Members of the Budget and Finance Committee. Thank you for allowing the Department time to review the amendments proposed in this particular bill. And at this time it seems that we don't have any concerns or problems with it and that there was in fact housekeeping and some clarification with regard to the specific language and the easement.

CHAIR PONTANILLA: Thank you. Members, any questions for the Parks Director at this time? Seeing none, the Chair would like to make his recommendation.

COUNCIL MEMBERS: Recommendation.

CHAIR PONTANILLA: Thank you, Members. The Chair's recommendation is for passage of the revised proposed bill entitled "A BILL FOR AN ORDINANCE RELATING TO THE OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND SCENIC VIEWS PRESERVATION FUND AS IT PERTAINS TO COUNCIL APPROVAL AND CONSERVATION EASEMENTS" and also the filing of County Communication No. 09-339.

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VICE-CHAIR MATEO: Mr. Chairman, I move for the adoption of the revised proposed bill as you have so recognized including the filing of the communication.

CHAIR PONTANILLA: Thank you, Chairman Mateo.

COUNCILMEMBER VICTORINO: Mr. Chair, I second the motion.

CHAIR PONTANILLA: Thank you, Member Victorino. It's been moved by Chairman Mateo, second by Mr. Victorino. Members, any more discussion? If not all in favor of the motion please say aye.

COUNCIL MEMBERS: Aye.

CHAIR PONTANILLA: Any opposed? Seeing none, motion is carried, eight ayes, one excused Member Kaho`ohalahala.

VOTE:	AYES:	Councilmembers Baisa, Johnson, Medeiros, Molina, Nishiki, Victorino, Vice-Chair Mateo, and Chair Pontanilla.
	NOES:	None.
	ABSTAIN:	None.
	ABSENT:	None.
	EXC.:	Councilmember Kaho`ohalahala.

MOTION CARRIED.

ACTION: FIRST READING of revised bill; and FILING of communication by C.R.

ITEM NO. 66: AMENDING FY 2010 BUDGET AND GENERAL OBLIGATION BONDS ORDINANCE (PAPAHAWAHAWA BRIDGE REPLACEMENT, LOWER HONOAPIILANI HIGHWAY, AND MOLOKAI BASEYARD) (C.C. No. 10-6)

CHAIR PONTANILLA: Members, the second item on our agenda this afternoon is BF-66, amending Fiscal Year 2010 Budget and General Obligation Bonds Ordinance. The purpose of the revised proposed bills is to provide funding for the Papahawahawa Bridge Replacement, Lower Honoapiilani Highway, and Molokai Baseyard projects, in the amount of \$5,100,000; and to amend the authorization of

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the General Obligation Bonds to include the three projects. So at this time the Chair would like to call on Mr. Joe Krueger for comments.

MR. KRUEGER: Yes, these three projects are funds that lapsed and we're requesting to be amended into the next Fiscal Year. Papahawahawa Bridge is on the STIP plan and it--

CHAIR PONTANILLA: Mr. Krueger can you speak into the mike, please.

MR. KRUEGER: Okay.

CHAIR PONTANILLA: Thank you.

MR. KRUEGER: The three projects, Papahawahawa, is on the STIP and it's scheduled for 2010. We have a permit to complete. The Lower Honoapiilani we have issues with the land rights and we're hoping to get it done in 2010. The Molokai Baseyard you all know about we went to bid and we didn't have enough funds. So we're planning to rebid the baseyard.

CHAIR PONTANILLA: Thank you. Members, regarding Molokai Baseyard the proposals that were received was over our budget, and rather than do, you know, partial of the project, the Chair had decided that we go find one million dollars or have Administration find one million dollars so that we can complete the Molokai Baseyard in its entirety. So, Members, any questions for Mr. Krueger at this time?

COUNCILMEMBER MEDEIROS: Question.

CHAIR PONTANILLA: Member Medeiros.

COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman. Mr. Krueger, thank you for being here. So what is the status now for Papahawahawa Bridge? Have we installed the temporary bridge?

MR. KRUEGER: Uh. . .the temporary bridge the construction has started.

COUNCILMEMBER MEDEIROS: Okay.

MR. KRUEGER: And I drove by there right after Christmas and the abutments were in and they were letting the concrete cure so they could install the temporary bridge so. . .either February they should be starting on that temporary bridge.

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COUNCILMEMBER MEDEIROS: Okay, and what was the concerns or issues with the property owners?

MR. KRUEGER: Oh, no, it's not. . .there's. . .the concern is with the permitting.

COUNCILMEMBER MEDEIROS: Oh, permitting.

MR. KRUEGER: Uh-huh. We, we had the permits at one time but it's taking so long that it expired. So we've gone ahead with the temporary bridge 'cause we didn't want to wait. The temporary bridge did not require an Army permit. The permanent bridge does 'cause we're doing work in the stream.

COUNCILMEMBER MEDEIROS: So a permit with Corps of Engineers?

MR. KRUEGER: Yes.

COUNCILMEMBER MEDEIROS: Okay.

MR. KRUEGER: We have that but the Corps also requires a water quality certification and that's what we're working with the Department of Health right now.

COUNCILMEMBER MEDEIROS: The water quality certification is for the ocean or for the stream water?

MR. KRUEGER: It's for. . .it goes hand in hand with the Army Corps permit.

COUNCILMEMBER MEDEIROS: Okay.

MR. KRUEGER: When you get an Army Corps permit they want. . .the Army wants us to make sure we have water quality certification from the Department of Health.

COUNCILMEMBER MEDEIROS: I see. Okay, thank you, Mr. Krueger. Mahalo, Mr. Chairman.

CHAIR PONTANILLA: Thank you. Member Johnson.

COUNCILMEMBER JOHNSON: Yes, Joe, on the Lower Honoapiilani Highway road project is this for Phase IV?

MR. KRUEGER: Correct.

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COUNCILMEMBER JOHNSON: It's the current. . .oh, oh it's correct? Okay. And about how much out of this amount is gonna be allocated for that or don't you know at this point?

MR. KRUEGER: This is just for the land rights.

COUNCILMEMBER JOHNSON: Right.

MR. KRUEGER: I think our preliminary estimate was like 1.2 million but we won't be able to spend it all now 'cause we're still negotiating with some of the property owners, but we will start making payments when we get our deeds recorded.

COUNCILMEMBER JOHNSON: Okay. And the bill that was passed out of the Infrastructure Committee will that help expedite anything if that does pass are you familiar with that one?

MR. KRUEGER: You mean the meeting with the subdivision ordinance?

COUNCILMEMBER JOHNSON: It's the subdivision, right.

MR. KRUEGER: Oh, yes, tremendously that will speed up the process 100 percent.

COUNCILMEMBER JOHNSON: So, so that, that you would then hopefully be able to accelerate you know the land acquisition and going forward with that project.

MR. KRUEGER: Yes, it will speed up the, the subdivision process.

COUNCILMEMBER JOHNSON: Okay, all right. Thank you very much.

CHAIR PONTANILLA: Thank you. The Chair would like to recognize the presence of Director of Arakawa. Fast question for Joe in regards to the permits from the Corps of Engineers. I know you guys are working aggressively to get the permits. How soon do you think we'll have final approval from the Corps regarding the permits?

MR. KRUEGER: We're looking at probably March.

CHAIR PONTANILLA: March?

MR. KRUEGER: Uh-huh.

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CHAIR PONTANILLA: So the work will continue on. There's no delay or anything like--

MR. KRUEGER: Oh, yeah, the temporary per..., bridge is already under construction.

CHAIR PONTANILLA: Okay.

MR. KRUEGER: That should be done in March and then we can bid out the permanent bridge right after that.

CHAIR PONTANILLA: Okay. So you haven't bid out the permitting of the. . .bid out of the bridge portion?

MR. KRUEGER: Correct. We haven't bid out the permanent bridge.

CHAIR PONTANILLA: Okay. Okay, thank you. Members, any more questions for the Department? Member Medeiros.

COUNCILMEMBER MEDEIROS: Mahalo. Mr. Krueger, so when we complete that project and the permanent bridge is back in place, what do we do with the temporary bridge? Do we keep it in our inventory? Do we store it?

MR. KRUEGER: Yes. We own the temporary bridge.

COUNCILMEMBER MEDEIROS: The bridge. Okay.

MR. KRUEGER: And hopefully we can reuse it again as we do the next few bridges 'cause we already use it once at Paihi. So and it's a reusable bridge.

COUNCILMEMBER MEDEIROS: And we get Kaholopoo coming up too right?

MR. KRUEGER: Kaholopoo will not require a temporary bridge 'cause we'll have detour.

COUNCILMEMBER MEDEIROS: Oh, that's right. Okay, thank you Mr. Krueger. Mahalo, Mr. Chairman.

CHAIR PONTANILLA: Members, any more questions for the Department? Member Mateo.

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VICE-CHAIR MATEO: Chairman, thank you very much. Perhaps if you can just tell me whether or not you secured an extension for the use of the existing property, the State properties.

MR. KRUEGER: The use of the State properties. . .the. . .my research showed no evidence where the State had wanted us out by certain period. They want us out true, but they're allowing us so far as I know to stay there as long as we have our Special Use Permit. So as soon as we finish with the Molokai Baseyard then we can move out.

VICE-CHAIR MATEO: Okay. And I'm glad you mentioned you did some research because it was my understanding awhile ago when the State went through the expansion of the their new facilities on Molokai which include their office, the courthouse, and then soon to be the library, that it was that library component that would expand back into their State property which is why they wanted the County out some seven, eight years ago. So if you don't have any kind of documentation then that's, uh, it's good to know because I understood differently, yeah. Thank you, Mr. Chairman. Thank you, Mr. Krueger.

CHAIR PONTANILLA: Thank you. Mr. Krueger, once we approve the appropriation how soon will you go out to bid in regards to the Molokai project?

MR. KRUEGER: Oh, we can go out to bid in about 30 days after I find out that we have the funding. . . 'cause we're ready to bid it out. We just gotta get the plans and specs, uh, copies made and printed and advertise the bid.

CHAIR PONTANILLA: Thank you. My last question. Once a contractor is selected, as far as the permits, County/State permits, who will be responsible in obtaining the permits, the County of Maui or the contractor?

MR. KRUEGER: The contractor's required to get a grading permit and a building permit from the County. Part of the grading permit he has to show his best management practice. We have details already on the plans for that but how he sets his baseyard up will be. . . would have to be part of it and so we need the contractors input for that. So we will work with the contractor in getting the permits.

CHAIR PONTANILLA: Okay, good to hear that you'll be working with the contractor in getting the permits because I think that's one area we need to really improve in getting permits approved especially County projects. Members, any more questions for the Department?

COUNCILMEMBER VICTORINO: Recommendation.

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CHAIR PONTANILLA: Seeing none, the Chair would like to make his recommendation.

COUNCILMEMBER VICTORINO: Recommendation.

CHAIR PONTANILLA: Thank you. The Chair's recommendation is for passage of the revised proposed bills entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2010 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES, HANA COMMUNITY PLAN AREA, ROAD IMPROVEMENTS, PAPAHAHAHAWA BRIDGE REPLACEMENT; WEST MAUI COMMUNITY PLAN AREA, ROAD IMPROVEMENTS, LOWER HONOAPIILANI HIGHWAY; AND MOLOKAI COMMUNITY PLAN AREA, GOVERNMENT FACILITIES, MOLOKAI BASEYARD; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS, AND TOTAL APPROPRIATIONS..." and a "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3649 (2009) RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI" on first reading and filing of County Communication No. 10-6.

VICE-CHAIR MATEO: Mr. Chairman, I move for the adoption of the revised proposed bills that you have so recognized including the filing of these com..., of the communication.

COUNCILMEMBER VICTORINO: Mr. Chair I second the motion.

CHAIR PONTANILLA: Thank you. It's been moved by Chairman Mateo, seconded by Member Victorino. Members, any discussion? Seeing none, all in favor of the motion please say aye.

COUNCIL MEMBERS: Aye.

CHAIR PONTANILLA: Any opposed? Seeing none, motion is carried, eight ayes, one excused Member Kaho`ohalahala.

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VOTE: **AYES:** **Councilmembers Baisa, Johnson, Medeiros, Molina, Nishiki, Victorino, Vice-Chair Mateo, and Chair Pontanilla.**

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

EXC.: **Councilmember Kaho`ohalahala.**

MOTION CARRIED.

ACTION: FIRST READING of revised proposed bills; and FILING of communication by C.R.

ITEM NO. 67: AMENDING FY 2010 BUDGET AND GENERAL OBLIGATION BONDS ORDINANCE (KEHALANI MAUKA PARK, WAR MEMORIAL COMPLEX ICHIRO "IRON" MAEHARA BASEBALL STADIUM IMPROVEMENTS, AND WEST MAUI SKATE PARK) (C.C. No. 10-7)

CHAIR PONTANILLA: Moving right along, the next item is BF-67--thank you, Director Arakawa and Mr. Krueger--BF-67 amending Fiscal Year 2010 Budget and General Obligation Bonds Ordinance. The purpose of the revised proposed bills is to provide funding for the three projects which are Kehalani Mauka Park, War Memorial Complex Ichiro "Iron" Maehara Baseball Stadium Improvements, and West Maui Skate Park, in the amount of \$1,761,000, and to delete the Kehalani Mauka Park Project which has an amount of \$200,000, and to amend the Authorization of General Obligation Bonds to include \$237,000 for the War Memorial Complex Maehara Baseball Stadium. At this time the Chair would like to recognize again the Parks Director Ms. Tamara Horcajo.

MS. HORCAJO: Thank you and good afternoon again. The Parks Department has identified funding in our FY. . .2010 Budget that is lapsing and that needs to be re-appropriated. The funds as identified by Chairman Pontanilla were for the War Memorial Complex both Bond Funds, General Funds; the Lahaina Civic Center Improvement for the waterline which came in under bid so we had some additional five hundred and sixty seven plus thousand dollars that we'd like to re-appropriate to help fix the stadium, the baseball stadium; and then the Kehalani Mauka Park which is not ready we had funds in this year's budget. Those are the funds we would like to re-appropriate so that because they lapsed in December and we'd like to put those funds into refurbishing, renovating and making safe the

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baseball stadium. And Pat Matsui is here to answer specific questions. Thank you.

CHAIR PONTANILLA: Thank you, Tamara, for giving us that information.

COUNCILMEMBER VICTORINO: Chair.

CHAIR PONTANILLA: Members, any questions for the Department? Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you. And thank you Ms. Horcajo and I'll go right to Mr. Matsui. What specifically are we going to fix up because that stadium as we're well aware of is in dire need of a lot of repair. So what specifically. . .what specific areas are we covering in this monies for the "Iron" Maehara Stadium?

MR. MATSUI: Okay, the improvements under the bid that we opened in December--

COUNCILMEMBER VICTORINO: Uh-huh.

MR. MATSUI: --that was 1.065 is to refurbish the roofing. The trusses have rusted out, you know, do some remedial work on the trusses, welding, sandblasting, re-painting and then also the net, the nylon net that fronts the backstop changing that. We asked for more than 1.065. We asked for another hundred seventy plus thousand. We're looking at also. . .when they're doing the roof they're gonna have to take out the bleachers, the portable bleachers. So we wanted to redo the surface of that. It's kind of cracked, it's old. There's a fence on top of the roof that needs to be replaced and then there's some. . .the roofing for the storage room that's in there. So a lot of small remedial work to get the stadium back in shape.

COUNCILMEMBER VICTORINO: Okay. When was the last time major work was done on this stadium?

MR. MATSUI: I would say like 15 years ago. I think that's when we had to. . .we changed the roof.

COUNCILMEMBER VICTORINO: Right.

MR. MATSUI: And then I think the columns we, we injected it with. . .there were some cracks in the columns, the concrete columns so we injected that with epoxy to stop the rusting,

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COUNCILMEMBER VICTORINO: And then none of this money will be used for improvements in the lighting system as far as along the off field line, you know where the. . .where they presently use to warm up pitchers and batting, the batting cage and all that because at night the lighting is extremely poor down there.

MR. MATSUI: We did earlier this year we did about I think it was a little less than \$100,000 worth of refurbishing the lights. Some of the bars have rusted through.

COUNCILMEMBER VICTORINO: Uh-huh.

MR. MATSUI: And we have changed some of the. . .the. . .the sport lighting.

COUNCILMEMBER VICTORINO: Chair. And when this is completed will this give us another 15 years because we all well aware that that place rust. I mean you paint, you re..., you do everything and then in two or three years the rust start popping right back out. I mean this is probably one of the, you know, next to the rust bowl in Oahu our, our stadium is the next rust. . .stadium that you have anywhere in the State. I mean we just get the salt breeze right off the ocean. So will this give us another 15 years life because--

MR. MATSUI: Yeah, we--

COUNCILMEMBER VICTORINO: --it's very important.

MR. MATSUI: Yeah, we hope it will, yes.

COUNCILMEMBER VICTORINO: Okay. All right, thank you. Thank you, Mr. Chair. I appreciate that.

CHAIR PONTANILLA: Thank you. Member Johnson followed by Member Molina.

COUNCILMEMBER JOHNSON: Yes and I don't know who to ask this of, but the \$567,000 that was allotted for the Lahaina Civic Center waterline, did that, that did not come from park assessment is that correct?

MR. MATSUI: Um. . .yeah. That came from the general fund.

COUNCILMEMBER JOHNSON: It came from the general fund, okay. Okay. Okay. And what was the. . .you know because obviously there's I guess carryover savings you know the 567 plus the 237 made up the 804,000. But how much did we allot for the waterline to result in that thing, that far off. . .\$567,000 is a lot of money.

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MR. MATSUI: When we did the estimate for the waterline we had assumed a certain alignment and a certain length and a certain size, and during the design process and working with the Water Department, uh, the sizes downsized and also the route was shorten. So it was a savings and then we got some good bids too so you know combination of both.

COUNCILMEMBER JOHNSON: Okay, but the thing is still. . .passed inspection, is functional and you know there's no compromise made on the waterline itself serving. . . 'cause I know when we have the EA Sports Invitational every year it's huge number of people that frequent that area. So the service is still gonna be adequate to meet the needs of the Civic Center?

MR. MATSUI: Yes. Basically it was to provide fire flow for all of the buildings in the Civic Center.

COUNCILMEMBER JOHNSON: Okay. So were the fire flow calculations off is that why we were able to go with a little bit smaller line or different alignment?

MR. MATSUI: Um. . .no our. . .you know our preliminary estimates, you know, changed--

COUNCILMEMBER JOHNSON: Off.

MR. MATSUI: Yes.

COUNCILMEMBER JOHNSON: Okay, all right. And with regard to the West Maui Skate Park, the 500,000 from park assessment lapsed and it was not used in Fiscal Year 2009 and it's now being increased to 520. So I guess what I'm asking is when I look at the ordinance you know I chose the 520. Was it 500,000 flat that was originally appropriated for that?

MR. MATSUI: That's correct.

COUNCILMEMBER JOHNSON: Okay. And so it's only 20,000 of the GO bonds that is then being utilized by being added in to that amount and the remaining is coming from park assessment?

MR. MATSUI: No, the whole 520 is from park assessment.

COUNCILMEMBER JOHNSON: The whole 5..., well then why do you need to go over to GO bonds?

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MR. MATSUI: It's not in GO bonds for the ordinance.

COUNCILMEMBER JOHNSON: Oh, okay. So you're saying that they're funding one thousand. . . \$1,241,000. It's coming from park assessment and bond funding and carryover savings that's where I'm getting, you know, I guess in that first part that's what I'm looking at because if it's comingled.

MR. MATSUI: Yeah, if you look at the proposed ordinance on page 3.

COUNCILMEMBER JOHNSON: Uh-huh.

MR. MATSUI: Well, it's starts on page 2, Section F. Park Assessment Funds--

COUNCILMEMBER JOHNSON: Okay.

MR. MATSUI: --and it continues on Page 3.

COUNCILMEMBER JOHNSON: Uh-huh.

MR. MATSUI: Item number 5. West Maui Community Plan.

COUNCILMEMBER JOHNSON: Okay.

MR. MATSUI: These are all park assessment. . . (inaudible). . .

COUNCILMEMBER JOHNSON: So that's park assessment and the War Memorial Complex Maehara Baseball Stadium Improvements are not that's from the general fund?

MR. MATSUI: Well, 200,000 of that is from park assessment. Five hundred somewhat is from GO bonds and I think the rest is from general fund.

COUNCILMEMBER JOHNSON: Okay. And that would be where that money had come from with the savings on the Lahaina Civic Center waterline?

MR. MATSUI: Right.

COUNCILMEMBER JOHNSON: Okay. Yeah, I just. . . I was trying to understand what, you know, because it looked like there's a little bit of, you know, shuffling of money and I wanted to make sure that the pot of money with regard to West Maui wasn't comingled with anything else because that's specifically from

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contributions for West Maui... So to Mr. Matsui I guess it would be are we then looking at the skate park with this additional funding being able to be completed or is the issue with the Federal government and the park I guess the Boys and Girls Club charging a fee. I think that was. . .there was stumbling block with regard to qualifying for the Federal funds that we were looking at is. . .are we not getting that or are we getting it?

MR. MATSUI: We are getting at. . .getting that Federal funds. In fact that's what delayed the project. We're, we're ready to go out to bid, but because of the Federal funding approval that we're waiting for, we couldn't until we settled the issue of the land issue.

COUNCILMEMBER JOHNSON: Right. Right.

MR. MATSUI: So once that's done, we can go out to bid.

COUNCILMEMBER JOHNSON: Okay, so our. . .what is your timeline because I've gotten more letters on the skate park too in the interim and the kids are really wanting to know what the situation is.

MR. MATSUI: Um. . .our timeline is. . .I think we're looking at maybe two or three months down the road. Basically it's for the Federal government to be satisfied with us meeting their requirements. One was which, you know, we had to do an appraisal--

COUNCILMEMBER JOHNSON: Uh-huh.

MR. MATSUI: --for both properties and, and there's an environmental assessment that we had to do and, you know, there's a lot of red tape we're still going through so we're hopefully looking at three months from now. We had hoped that, you know, by the end of 2009 that we could go out to bid--

COUNCILMEMBER JOHNSON: Yeah.

MR. MATSUI: --but that didn't happen.

COUNCILMEMBER JOHNSON: So, so, and, and have you started on the EA? Is that underway?

MR. MATSUI: Yes.

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COUNCILMEMBER JOHNSON: Okay. And so the total amount of the project then what, what is the contribution you're getting from the Federal government on that?

MR. MATSUI: Four hundred eighty thousand.

COUNCILMEMBER JOHNSON: Okay. And so then the 20 that we're putting extra would make up that difference for the total of one million dollars then?

MR. MATSUI: Correct.

COUNCILMEMBER JOHNSON: And you're pretty sure that we'll be able to get bids that come in within that range?

MR. MATSUI: Yes.

COUNCILMEMBER JOHNSON: Okay. 'Cause I'd like to be able to. . .you know especially before I leave office, you know, I would like to at least get a couple things completed in West Maui. It seems like there's always some delay, delay, delay. But anyway as long as I understand that, Mr. Chair, I think it's you know fine as long as. . .(end of tape 1A). . .it's really needed. Thank you.

CHAIR PONTANILLA: Thank you. Member Molina.

COUNCILMEMBER MOLINA: Thank you, Chair. For Mr. Matsui regarding the baseball stadium improvements will the repairs be done in time for the opening of that Golden Baseball League season or will the repairs be ongoing while the. . .they're you know having their season?

MR. MATSUI: We're looking now at August after the season.

COUNCILMEMBER MOLINA: Oh, after the season.

MR. MATSUI: Yes.

COUNCILMEMBER MOLINA: Okay. Oh, good. Thank you. Thank you, Chair.

CHAIR PONTANILLA: Thank you, Member Molina. Thank you, Mr. Matsui. Members, any more questions for the department? I, I just have one quick one. On the side of the baseball stadium there's that building that's under construction. I know it's not on the agenda but since we're at War Memorial I thought I'd ask in regards to how that coming along in trying to get the building completed so

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that, you know, we all looking for space and I'm sure you guys can use that space.
Any comments?

MR. MATSUI: Um. . .that's being done by our in-house crews. . .construction of the building but aside from that we have to put in a fire flow waterline crossing Kanaloa Avenue which we have a contract to doing, and along with that is some fire sprinkler system for the new building and that is all under contract. So we're moving along on that.

CHAIR PONTANILLA: Okay, thank you. Members, any more questions for the Department? If not the Chair would like to make his recommendation?

COUNCIL MEMBERS: Recommendation.

CHAIR PONTANILLA: Thank you. The Chair's recommendation is for passage of the revised proposed bills entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2010 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES, WAILUKU-KAHULUI COMMUNITY PLAN AREA, WAR MEMORIAL COMPLEX ICHIRO "IRON" MAEHARA BASEBALL STADIUM IMPROVEMENTS; AND WEST MAUI COMMUNITY PLAN AREA *FOR THE [sic]* WEST MAUI SKATE PARK; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS, AND TOTAL APPROPRIATIONS..." and "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3649 (2009) RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS *FOR [sic]* THE COUNTY OF MAUI".

COUNCILMEMBER JOHNSON: So moved.

VICE-CHAIR MATEO: Second.

CHAIR PONTANILLA: Moved by Member Johnson, second by Member Mateo. Members, any more discussion? Seeing none, all in favor of the motion please say aye.

COUNCIL MEMBERS: Aye.

CHAIR PONTANILLA: Any opposed? Seeing none. Motion is carried. Eight ayes, one excused Member Kaho`ohalahala.

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VOTE: **AYES:** **Councilmembers Baisa, Johnson, Medeiros, Molina, Nishiki, Victorino, Vice-Chair Mateo, and Chair Pontanilla.**

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

EXC.: **Councilmember Kaho`ohalahala.**

MOTION CARRIED.

ACTION: FIRST READING of revised bills; and FILING of communication by C.R.

ITEM NO. 5: CIP IMPLEMENTATION REPORT (C.C. Nos. 09-39, 09-61, 09-137, 09-213, 09-285, 09-308, and 09-321)

CHAIR PONTANILLA: Members, I have one more item. Members, you gonna wanna take a break or continue on?

COUNCIL MEMBERS: No.

CHAIR PONTANILLA: Okay.

COUNCILMEMBER JOHNSON: Just go.

CHAIR PONTANILLA: Okay, this may be pretty lengthy because the Water Department coming down. So again, Members, the last item on the agenda this afternoon is BF-5, CIP Implementation Report. The Chair's intent for this item is to focus on the report ending September 30th, 2009, and review the projects for the Water Department. Members, we had some updates from the Director. So if you have any more questions regarding the Water Department, you know, we do have. . .representing the Water Department Mr. Chang. So at this time the Chair would like to call on Mr. Chang for any opening comments and then I'll open it up to the Committee Members for questioning of the Department regarding your CIP Projects. Mr. Chang.

MR. CHANG: Good afternoon. I don't really have any opening statements but I just here to answer any questions.

CHAIR PONTANILLA: Okay. Members, any questions for Mr. Chang? Seeing none. I guess Mr. Eng did a fantastic job.

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COUNCIL MEMBERS: Laughter.

CHAIR PONTANILLA: I, I do have one. You know I was approached by one of the people that testified this morning, and it involves the. . .if I can find it. . .(long pause). . .oh, here we go. It's the Makawao-Pukalani-Kula Community Plan area, and this is a project that was funded back in 2008. You might have completed this project, but in any case the project is the Piiholo Water Treatment Plant Improvements and this is the organic carbon reduction project and this will provide a comprehensive performance evaluation on the Upcountry water system by the Environmental Protection Agency and considered in the final design. So I don't know. Can you comment on that if it was done or. . .

MR. CHANG: Yeah, the current status of the project is we have our design consultants. They haven't quite finished their analysis of the raw water that. . .part of the process is they need to check over the raw water to see what's exactly is the correct process to use to remove this organic carbons. And we did have a report from them about two months ago and when they did the initial analysis they found some things that were quite. . .needed more further testing. So we hope to have that finished in a few months so then we can proceed with the design to make the construction plans for the treatment plant.

CHAIR PONTANILLA: So you're awaiting the analysis report in regards to the system then you're gonna do the design. . .and that five million dollars represents what?

MR. CHANG: That would be the construction cost.

CHAIR PONTANILLA: Construction cost of?

MR. CHANG: Of the organic carbon facility to remove the organics.

CHAIR PONTANILLA: Okay. Another question, you know, we got it from the Budget ordinance in regards to this particular project. My question to you guys is that how come it's not included in your quarterly report?

MR. CHANG: Well, this. . .good question. Let's see. Can you give me a few seconds. (long silence) Okay, on the. . .apparently it should be in the Fiscal Year 2010 Budget. We have approximately \$200,000 for the design process. So we're still under the--what do you call?--study the one that we just talked about where the guys are doing water quality studies. So once we get that study finished we can go into this Fiscal Year 2010 contract to do the design. And then you mentioned

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that five million that was for the proposed Fiscal Year 2011, yeah, that's for the construction.

CHAIR PONTANILLA: So we already borrowed the money from the State Revolving Loan Fund?

MR. CHANG: It's listed as their, you know they have like a priority list of projects that they're willing to fund. It's in there.

CHAIR PONTANILLA: So we're not gonna lose it then?

MR. CHANG: I think it's a running, it's a running priority list. So you shouldn't be able. . .you're not gonna lose it. It's just that we have to make sure. . .time it so that when we're ready to construct we have all the paperwork ready in order to acquire the State funding.

CHAIR PONTANILLA: Thank you.

MR. CHANG: But if it's missing from the 2010 I'll make sure it's in the next quarterly report.

CHAIR PONTANILLA: Okay. Yeah, if you can review all of your CIP projects because I understand that some of the projects are not in this quarterly report.

MR. CHANG: Okay, we'll double-check in the next report.

CHAIR PONTANILLA: Thank you. Member Molina followed by Member Johnson.

COUNCILMEMBER MOLINA: Thank you, Chair. Good afternoon, Chang. My question relates to Upper Ulumalu Road. As you all know last several years was a big issue that Council had to deal with the residents and of course with the work that was done and all the runoff and whatnot. I'm looking at the December 28, 2009, letter from Director Eng. And on the last page states "Although a permanent long-term solution has not been found, the Department on several occasions has delivered a compacted road base course material and recently asphaltic hot mix." So will this be. . .this is it then for the residents so I guess. . .well, I got a call back in early December and you know residents are still wondering what is the permanent solution and. . .you know I guess I believe Mr. Silva was I guess the Mayor's liaison with the residents and the Water Department on this, and I guess they're still sort of wondering you know. . .they're concerned about the lack of service sometimes when you know the. . .I guess when you have a heavy rain and all the asphalt or whatever washes

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out and then they have to call. So I'm just hoping is, is this gonna be it? I mean with all the technologies out there, you know, I'm no expert myself but is this the best the County can do is just go out there and fill the potholes and then come the next heavy rain it washes out and then we gotta go back and do that same. . .go through the same routine again?

MR. CHANG: Um. . .you know you pretty much wrapped it up. It's as accurate assessment. The Department has been trying to figure out a more permanent solution that would solve the erosion problems, but we looked at some options just doing a paved swale. Unfortunately, the length of the road is so long that we have to find spots where we can discharge some of the flow as we go down the road. And there's possibly. . .possibility creating more of a problem if you concentrate the flow and create more erosion at concentrated points. So we. . .the Department hasn't really found a good permanent solution yet so we're just trying to patch for now whenever it, you know, it rains hard it does. . .it does erode away the pavement we still gotta go back and fix the. . .(inaudible). . .

COUNCILMEMBER MOLINA: So I guess from a I guess the Department is taking a conservation approach. I guess it's unfortunate our Corp. Counsel just stepped out but I guess there's. . .so there's a liability issue you feel. . .the Department feels that if you try this solution that was or material Permazyme from that Public Works was considering it might. . .by trying to solve one problem we're gonna create another then in terms of liability issues I guess in. . .speed up the flow of water and cause another problem is that basically what this is about?

MR. CHANG: That's part of the problem and that. . .I'm trying to remember that product you mentioned that Public Works were looking at. . .I think they no longer make it if I recall right, um. . .yeah, so we're still looking for a solution then. . .for now we just. . .we have to end up patching.

COUNCILMEMBER MOLINA: Okay. The only thing I ask is if whether it be through the. . .Mr. Silva from the Mayor's office or through the Department that the response, you know, to the residents is a little bit more timely. 'Cause you know it's always I get the calls and, you know, what's going on. Sometimes phone calls are not returned and then you know. . .as Council members, as you know Mr. Chair, we got a lot on our plate and, you know, we wanna work with the Administration, but then when we get our constituents calling us to go find out what's up? How come the Administration is not returning calls? Or you know. . .you know where I'm coming from Mr. Chang.

MR. CHANG: Yes.

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COUNCILMEMBER MOLINA: So I'll just ask if the Administration can kind of stay on top it or be more timely with returning calls and reassuring the residents that, you know, the Department is coming out to address it 'cause otherwise it becomes, uh. . .a problem for us too as well you know 'cause we got our needs in the community and other issues that we have to address as well as Council Members so. . .but anyway thank you for your responses. Thank you, Chairman.

CHAIR PONTANILLA: Thank you, Member Molina. Member Johnson.

COUNCILMEMBER JOHNSON: Yes, on December 10th, Chair, you'd written a letter to Jeff Murray for Department of Fire and Public Safety with regard to the CIP projects and you just asked for list of projects where money had been reallocated to make up for the shortfall in the fire station in Kaunakakai and I wondered if you ever got a response?

CHAIR PONTANILLA: Um. . .after we complete with the Water Department Mr. Mateo has--

COUNCILMEMBER JOHNSON: Okay.

CHAIR PONTANILLA: --has. . .I have here in bold letters **Danny Mateo wants to know about the Kaunakakai Fire Station**. . .(chuckled). . .

COUNCILMEMBER JOHNSON: Okay. Yeah, well, I'm just asking did you ever get a response to that letter?

CHAIR PONTANILLA: Thank you. . .(chuckled). . .

COUNCILMEMBER JOHNSON: You did not evidently.

CHAIR PONTANILLA: No.

COUNCILMEMBER JOHNSON: Okay, all right. Well, I'll save it then.

CHAIR PONTANILLA: Thank you. Members any more questions for the Department? If not, thank you, Jeff [*sic*]. That was really easy because. . .

COUNCIL MEMBERS: Herb.

CHAIR PONTANILLA: . . .oh, I'm sorry.

COUNCILMEMBER JOHNSON: Herb.

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CHAIR PONTANILLA: Herb and Jeff. Mr. Chang. I'll call you Mr. Chang. .(laughter). .you can thank Mr. Eng for doing a fantastic job in reviewing some of the CIP projects with us this morning. We have Mr. .I'll just call on Mr. Mateo in regards to your Kaunakakai Fire Station.

VICE-CHAIR MATEO: Chairman, thank you. Thank you very much. And it's, it's kinda gonna be. .it's gonna be a little, a little brief because before I ask the Budget Director a question I'd just like to, to show you because the Fire Chief was here a couple of months ago. So what I'm looking. .what I'm showing you is the site for the Kaunakakai Fire Station. And in this picture if you can try to see the roadway leading up to the new building or maybe in this picture you can see the grading and the grubbing that should have occurred, you know, for the construction of the new building, or maybe in this picture you can see the pins and the stakes that lay out the ground work for the new station. And if you're having difficulty in seeing all those things it's because nothing is going on. This is raw land. It's been way over three and half years. We have asked the questions and we still had not gotten answers to a lot and we're still looking at raw land. We were told in November that the permits was just about done. We find out now that the NPDES that they say is still pending from the Department of Health and that was really interesting because from what I understand the NPDES was suppose to have been picked up in the month of July [*sic*] of last month. They're still waiting for it. So the good part of it is we just read in Sunday's paper that the Department just, just promoted out a new individual that will be responsible for the Kaunakakai Fire Station essentially and CIPs. And I'm rather excited about the new promotion because this individual will come equipped with what was described by the Administration as engineering expertise across the board in many disciplines. I'm hoping to see this. Mr. Chairman, the Kaunakakai Fire Station is a mystery. We have allocated 12 million dollars more than three and a half years ago and I really need somebody to step up. I don't care who the hell it is. Please step up. We need the project moving, Mr. Chairman. Ask the, the. .Budget Director, do you have any information to share with us?

MR. PABLO: Thank you, Chair Mateo. No, I. .since the last meeting I have not met with Chief Murray. I know that they have, they have selected this individual that you refer to Mr. .Lee Mainaga.

VICE-CHAIR MATEO: Yes.

MR. PABLO: And I understand that last week they had a meeting the Chief Murray, Deputy Chief Shimada, Assistant Chief David Thyne, and this new individual took over the process that they're gonna set for this project.

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VICE-CHAIR MATEO: Okay, thank you very much. None of them are engineers.

CHAIR PONTANILLA: Thank you, Mr. Mateo.

VICE-CHAIR MATEO: Thank you, Mr. Chairman. And I'm still gonna wait and I'm still gonna ask questions. Thank you.

CHAIR PONTANILLA: Okay, thank you. You know coming back to Mr. Mateo's remarks I just wanna ask you Mr. Director if you can follow up with the Fire Chief in regards to getting approvals and the way I understand is that some departments on County jobs they rely on the contractor or person that going do the work to get the permits. You know I'm just wondering if the Chief and the so-called contractor that's gonna do this work are coordinating in trying to get this permitting all completed. And if it's a responsibility of the contractor to get the NSPED *[sic]*--

COUNCILMEMBER JOHNSON: NPDES.

CHAIR PONTANILLA: --permit then he gotta get his legs moving to go get the permits. So if you could Director follow up on that.

MR. PABLO: I certainly will, thank you.

CHAIR PONTANILLA: Member Johnson.

COUNCILMEMBER JOHNSON: Yes, and you know piggy-backing basically on what Chair Mateo had said my concern is also . . .while their project is not going forward it's tying up that capital, and so your question and your letter is even more germane because if that capital even though we have maybe floated bonds or, you know, whatever in order to fund that, you know, to just play money if you will at this point in time. What I'm looking at is okay if there's other money that was previously allocated and was now redirected into that project which is not going on, not only is that project not getting done, but all the other projects which are ready to go which could've conceivably gotten done that are also not being accomplished. So it's not just that project. It's all the other downstream projects that are impacted by that. So I think, Mr. Chair, you do deserve and we and the public I think deserves to know what the sacrifices are that we're all making because I can tell you I know the fire station and many of the improvements on things for West Maui they're not happening. And I know we have our tennis courts but, you know, that doesn't put out fires and they're advocating for a new fire station now in Olowalu. If that gets approved. . .we don't even have a fire

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station to serve Lahaina and all the other outlying areas. We have Napili Fire Station but that is really not adequate. So I'm looking at the core things that we're doing and I think you deserve and I think the public deserves an answer to your question, and I think it's a very good question.

CHAIR PONTANILLA: Thank you. Thank you, Member Johnson. Just to let you know it's 12 million dollars cash.

COUNCILMEMBER JOHNSON: Oh. Even worse.

CHAIR PONTANILLA: Members, any more questions for the Department? Okay. Seeing none, if there's no objections the Chair's recommendation. . .

COUNCILMEMBER VICTORINO: Recommendation.

UNIDENTIFIED SPEAKER: Recommendation.

CHAIR PONTANILLA: . . . is to file County Communications Nos. 09-39, 09-61, 09-137, 09-213, 09-285 and 09-380 *[sic]*.

COUNCILMEMBER JOHNSON: Three zero eight.

VICE-CHAIR MATEO: So move, Chairman.

CHAIR PONTANILLA: I'm sorry, 3-0-8.

VICE-CHAIR MATEO: So move, Chairman.

COUNCILMEMBER VICTORINO: Second.

CHAIR PONTANILLA: Thank you, Chair Mateo and Mr. Victorino. Members, any more ques..., any more discussion regarding this item? If not, all in favor of the Chair's recommendation please say aye.

COUNCIL MEMBERS: Aye.

CHAIR PONTANILLA: Any noes? Seeing none, motion is carried with nine ayes, zero noes. Thank you very much. Motion is carried.

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VOTE: **AYES:** **Councilmembers Baisa, Johnson, Kaho'ohalahala, Medeiros, Molina, Nishiki, Victorino, Vice-Chair Mateo, and Chair Pontanilla.**

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

EXC.: **None.**

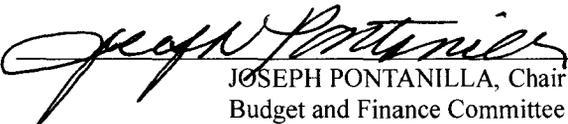
MOTION CARRIED.

ACTION: FILING of communications by C.R.

CHAIR PONTANILLA: Members, that's all we have this afternoon, and I thank you for being here. Thank you Staff, thank you Administration. This meeting of the Budget and Finance Committee meeting is now adjourned. . . *(gavel)* . . .

ADJOURN: 2:25 p.m.

APPROVED:



JOSEPH PONTANILLA, Chair
Budget and Finance Committee

bf:min:100202:yb

Transcribed by: Yvette Bouthillier