

**ECONOMIC DEVELOPMENT, AGRICULTURE,
AND RECREATION COMMITTEE**

Council of the County of Maui

MINUTES

July 1, 2010

Council Chamber

CONVENE: 1:30 p.m.

PRESENT: VOTING MEMBERS:

Councilmember Jo Anne Johnson, Chair
Councilmember Sol P. Kaho‘ohalahala, Vice-Chair (In 131 p.m.)
Councilmember Gladys C. Baisa
Councilmember Michael J. Molina (In 131 p.m.)
Councilmember Joseph Pontanilla

STAFF: Scott Jensen, Legislative Analyst
Scott Kaneshina, Legislative Analyst
Tammy M. Frias, Committee Secretary

ADMIN.: Patrick Matsui, Planning and Development Chief, Department of Parks and Recreation
Jeffrey T. Ueoka, Deputy Corporation Counsel, Department of the Corporation Counsel

PRESS: *Akaku--Maui County Community Television, Inc.*

CHAIR JOHNSON: . . .(*gavel*). . . Aloha, everyone. The Economic Development, Agriculture, and Recreation Committee meeting of July 1st, 2010 will come to order. We have in attendance this afternoon with us Member Gladys Baisa.

COUNCILMEMBER BAISA: Good afternoon, Chair.

CHAIR JOHNSON: Thank you for attending. We also have in attendance Member Joseph Pontanilla.

COUNCILMEMBER PONTANILLA: Good afternoon.

CHAIR JOHNSON: Appreciate your attendance. And excused, at the present, are Members Michael Molina and also Vice-Chair Sol Kaho‘ohalahala. Our meeting that we had previously ran a little bit over and so I, I’m sure if. . .and we don’t have anything more than EAR-14--oh, and Member Kaho‘ohalahala, Vice-Chair, is just coming in as I speak. And from the Administration today we have with us Mr. Pat Matsui. We have Mr. Jeff Ueoka from Corporation Counsel. We have the two Scotts and Tammy as Staff. So thank you very much for attending.

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This afternoon it will probably be a relatively short meeting today. We have only one item on the agenda. And as I say that, we have Member Molina. Thank you for your attendance. Appreciate that.

**ITEM NO. 14: SEMI-ANNUAL REPORT RELATING TO PARK DEDICATIONS
(C.C. Nos. 09-324 and 10-92)**

CHAIR JOHNSON: We have only one item on the agenda and that is the EAR-14, the Semi-Annual Report relating to Park Dedications. It's County Communication Nos. 09-324 and 10-92, and they cover Park Dedication Semi-Annual Reports: the first one April 1st, 2009 through September 30th, 2009, and the second communication, October 1st, 2009 through March 31st, 2010.

So, Members, we have no one signed up to testify and I do not anticipate that there will be anyone to testify on these issues. So if there are no objections, the Chair at this time will close public testimony.

COUNCIL MEMBERS: No objections.

CHAIR JOHNSON: All right, thank you, Members. In addition, we have. . .the reports in your binder and I'm just going to. . .if there's no, no immediate questions, I'll just have Mr. Matsui go through the very few, brief items that are on the reports. Mr. Matsui?

MR. MATSUI: Thank you, Chair. I'll start with the April 1st to September 30, '09 report. There was just two assessments. One was for a two-lot subdivision, Huelo Hui Partition. This was granted preliminary approval after. . .August 24th, '08. So it came under the old formula where you assess the value of 500 square feet and it came out to \$5,521, that was their assessment. Any questions on that?

CHAIR JOHNSON: Okay. Seeing none, go on.

MR. MATSUI: Okay. The next one further down, Kihei-Makena area: Ka `Ono `Ulu Estates Phase V was a 19-lot subdivision. They used park credits for nine of those lots, so they were assessed for ten lots. So that's \$172 and. . .

CHAIR JOHNSON: No.

MR. MATSUI: . . .\$172,400.

CHAIR JOHNSON: Okay. Okay, great.

MR. MATSUI: Okay.

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CHAIR JOHNSON: And are there any questions on that particular one? Seeing none, if you want to move on to the next one.

MR. MATSUI: Okay, moving on to the next. . .quarter, October 1st, '09 to March 31st, 2010, the cash contribution for Kamalii Alayna Subdivision. If the Council would, will recall, part of this was dedication of a privately-owned, privately-maintained lot which included a parking lot and a small playground, and the balance of this. . .was paid in cash, and that amount is \$259,413.

CHAIR JOHNSON: Okay. And are there any questions on that item? Okay, Member Baisa?

COUNCILMEMBER BAISA: Oh, thank you very much, Chair. I don't have a question on any specific item, but I would like to know, do we know how much money is in this Park Assessment Fund or is that a question I should save for a fiscal person? . . .*(chuckle)*. . .

CHAIR JOHNSON: No, it's, it's okay. If you have. . .do you have the information, Mr. Matsui?

MR. MATSUI: I don't have the exact figure, but I know it's pretty close to zero for the Kihei-Makena area.

CHAIR JOHNSON: So these monies have been used then?

MR. MATSUI: Yes.

CHAIR JOHNSON: Yeah. And, and if you recall in Budget we used, we squeezed every little dime we could get out of it, and I know because they have big park projects.

COUNCILMEMBER BAISA: Well, I, I just thought it was important, Chair, to point out that yes, money is assessed, but money goes just as fast, and apparently there never seems to be enough. There's this huge need for parks.

CHAIR JOHNSON: And, and I know this year it was a particular tough year, so we used a lot of the Park Assessment Funds where we could to free up monies for other areas. We don't. . .you know, there's nothing really other than just receiving the report. If there are any, if there are no questions--Member Kaho'ohalahala?

VICE-CHAIR KAHO'OHALAHALA: Yeah. This, this is a related question, but I wanted to ask about Lanai.

CHAIR JOHNSON: Sure. Yeah. If, if it's. . .well, is that. . .you know, because I guess you can ask because the general thing is the reports. Was, is there something that's missing from the report that had to do with Lanai?

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VICE-CHAIR KAHO‘OHALAHALA: Well, it’s just that nothing is reported on, on these because I guess there is no, no park assessment. But as I recall that the, the Parks had to make the reimbursement for funds that were previously collected on Lanai. Can you tell me what that. . . ?

MR. MATSUI: Well, right now they haven’t built the park yet. They’re, they’re close to starting on building the park, and upon completion of the park we’re supposed to reimburse them money that they had previously paid cash for different developments over the last ten-plus years. Right. . .we’re negotiating with them on that agreement right now. We’re trying to update that agreement, trying to finalize, you know, what the payments will be and, and. . .you know, getting that settled. So, so that’s where we are, but it’s not going to show up onto the report till the actual dedication of the park.

VICE-CHAIR KAHO‘OHALAHALA: Okay, but we, we did--

CHAIR JOHNSON: Mr. Kaho‘ohalahala. . .

VICE-CHAIR KAHO‘OHALAHALA: Yeah.

CHAIR JOHNSON: . . .could you just use your mic? Thank you very much.

VICE-CHAIR KAHO‘OHALAHALA: Yeah. We did make assessments, though, park assessments?

MR. MATSUI: Yes, we did.

VICE-CHAIR KAHO‘OHALAHALA: And we did collect money?

MR. MATSUI: Yes.

VICE-CHAIR KAHO‘OHALAHALA: So there is a balance right now?

MR. MATSUI: There is some balances, yes.

VICE-CHAIR KAHO‘OHALAHALA: Do, do you know what that is off the cuff?

MR. MATSUI: . . .Yeah, I kind of recall like 300,000 or so. I’m, I’m not. . .but I’m just kind of recollecting. I, I wouldn’t hang my hat on that figure.

CHAIR JOHNSON: Vice-Chair Kaho‘ohalahala, what I’m going to do. . .back in June of ’09, as Committee Chair, I requested that future reports include the total Park Assessment Funds available by the community plan areas. So what I’m just going to ask you to do when this comes to the Council or by private transmittal, if that could be made available, Mr. Matsui, because I think that was one of the biggest questions that came up every time when we get these reports. It’s like what is in the fund, is there money pending, you know? And, and that’s one of the

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purposes so we kind of know what is in each one of our community plan areas. So, I will. . .if, if it's possible, if you don't have that, Mr. Matsui, would we have to get that from Finance?

MR. MATSUI: Yes, that would be from the Finance Director.

CHAIR JOHNSON: Okay. Then I'm just going to ask Staff to send a communication to Finance, and then you'll be provided that, with that information individually. Does that help a little?

VICE-CHAIR KAHO'OHALAHALA: Yeah, it helps. And then I, I just wanna. . .you have not completed your negotiations, you said, on the, the park?

MR. MATSUI: Yes, it's still ongoing.

VICE-CHAIR KAHO'OHALAHALA: And so any timeframe for the completion of that? Because this was, this was for development already in place, correct?

MR. MATSUI: This was for. . .yes, it started where as they developed they gave us cash and with the understanding that when they did complete construction of the park and turn it over to the County, the cash would be reimbursed.

VICE-CHAIR KAHO'OHALAHALA: But then this started when?

MR. MATSUI: This started in the. . .wow, like two, three Administrations ago.

VICE-CHAIR KAHO'OHALAHALA: Okay. So it's been a long, long, long time on that?

MR. MATSUI: Yes.

VICE-CHAIR KAHO'OHALAHALA: So that's why I'm asking when, when do we get to some kind of closure on this because we're talking about parks for Lanai, you know, and we haven't, we haven't done anything, the projects have gone on for three Administrations. So. . .so that's, that's my question, to find out where are we and what is the timeline for this and, and we have money sitting on the side, we have negotiations that are still being done and the projects have been in existence for a long time, you know, since the onset of the, the development of Lanai. So that's my concern--

CHAIR JOHNSON: Yeah. And, and within the context of the items that we have on our agenda today, what I would ask is that if you could provide that information, Mr. Matsui--you know, we'll get the other information from Finance. But if you need, do you need a formal letter or request for that information from the Committee?

MR. MATSUI: The Finance Department would have that information, too.

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CHAIR JOHNSON: So, okay, so can we include the question that was posed today? I, I would. . .I hope that that will. . .you know, and then that way we can get, and it will be distributed to all the Members. Okay.

COUNCILMEMBER PONTANILLA: Chair?

CHAIR JOHNSON: Yes, Member Pontanilla?

COUNCILMEMBER PONTANILLA: Just a comment. When we were deliberating the Fiscal Year 2011 Budget, we specifically asked for that information regarding the agreement on Lanai. . .

CHAIR JOHNSON: Oh, okay.

COUNCILMEMBER PONTANILLA: . . .with the County. So, Finance Department has that.

CHAIR JOHNSON: Okay, great. All right, thank you very much. And maybe we can just follow-up because if a response has already been received, no sense in asking for a new response. But obviously because Member Kaho'ohalahala does not have that information, somewhere along the line it, it was not communicated.

VICE-CHAIR KAHO'OHALAHALA: Well, no. . .I, I think part of my, my inquiry is that during the budget process, during the budget process we were also told by Parks that we made reimbursements for, for parks, you know, and that's why I'm trying to understand where the parks are that we're making reimbursements for, and then we're saying right now that there's no agreement yet for. So. . .

CHAIR JOHNSON: Yeah.

VICE-CHAIR KAHO'OHALAHALA: . . .so I, I'm trying to clarify that.

MR. MATSUI: You, you want me to answer?

CHAIR JOHNSON: Yes, Mr. Matsui.

MR. MATSUI: The reimbursements were for the Makena region. Basically, a developer took out building permits and. . .so they paid us the cash equivalent for that and then, subsequently they got caught in the financial fallout, so they did not go ahead with building. They did, they pulled the permit. . .they pulled back on the building permits, so we owed them the money back. So they, you know, essentially they canceled their building permits and, and the park assessment was paid pursuant to, to those permits. So that, that amount was refunded.

VICE-CHAIR KAHO'OHALAHALA: Okay.

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CHAIR JOHNSON: But, but if you'll work with Staff also. . .

VICE-CHAIR KAHO'OHALAHALA: Yeah.

CHAIR JOHNSON: . . .if there's no objections, Members, I will see that that information is given out. If there's no further discussion, the Chair's recommendation would be to entertain a motion that County Communication No. 09-324 and County Communication No. 10-92 be filed.

VICE-CHAIR KAHO'OHALAHALA: Madam Chair, so moved.

COUNCILMEMBER BAISA: Second.

CHAIR JOHNSON: Okay. It's been moved by Member Kaho'ohalahala, seconded by Member Baisa. And. . .is there anything further that we need to do too in sending this forward, Staff? Okay, all right. So the motion is to file this communication [*sic*]. Is there any discussion on the subject? All right. Seeing none, all those in favor of the filing, please signify by saying "aye".

COUNCIL MEMBERS: Aye.

CHAIR JOHNSON: And the Chair votes "aye". So we have all Members in attendance and everyone votes "aye".

VOTE: AYES: Chair Johnson, Vice-Chair Kaho'ohalahala, and Councilmembers Baisa, Molina, and Pontanilla.

NOES: None.

EXC.: None.

ABSENT: None.

ABSTAIN: None.

MOTION CARRIED

ACTION: Recommending FILING of communications.

CHAIR JOHNSON: So thank you very much. This is a short meeting. I don't know if we beat the record. . . .(*chuckle*). . . Anyway, I thank everyone for their attendance. But this is one more thing that's out of the way and we will get the answers to your questions.

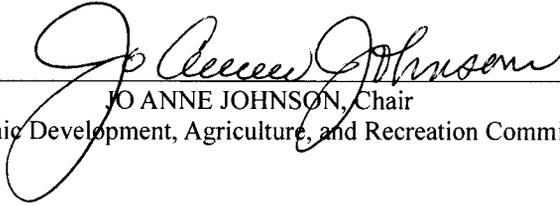
So if there's no further business, this meeting of July 1st, 2010 is adjourned. . . .(*gavel*). . .

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ADJOURN: 1:45 p.m.

APPROVED:



JO ANNE JOHNSON, Chair
Economic Development, Agriculture, and Recreation Committee

ear:min:100701

Transcribed by: Tammy M. Frias