

**MAUI REDEVELOPMENT AGENCY  
REGULAR MEETING  
SEPTEMBER 16, 2011**

**APPROVED 10-28-2011**

**A. CALL TO ORDER**

The regular meeting of the Maui Redevelopment Agency (Agency) was called to order by Ms. Alexa Betts Basinger, Chair, at approximately 1:00 p.m. Friday, September 16, 2011, in the Planning Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Island of Maui.

A quorum of the Agency was present (see Record of Attendance.)

Ms. Alexa Betts Basinger: Good afternoon everyone. The September 16<sup>th</sup>, 2011 meeting of the Maui Redevelopment Agency is called to order. I'd like to welcome members and fellow citizens to the ninth meeting of the current MRA year, and share that when I was appointed to this body in 2007 the confirmation letter I received said, and I quote:

"The MRA is in charge of implementing the Wailuku Redevelopment Plan."

And we all know what that is. We all should have our plan with us. And so today we're here to further that work. Thank you for being here. Present today are Bill Mitchell, Mark Walker, Katharine Popenuk. Sitting in for Erin Wade is Jeffrey Dack from the Planning Department. We're very happy to have him here. Michele McLean, of course, joining us, and Corp Counsel, James Giroux.

**B. APPROVAL OF THE MINUTES OF THE JULY 15, 2011 AND AUGUST 12, 2011 MEETINGS (via e-mail)**

Ms. Betts Basinger: The first order of business members is to approve the minutes of the July 15<sup>th</sup> and the August 12<sup>th</sup> meetings. Did you all receive those minutes? Have you all had a chance to review them? Without objection, Chair moves to approve those minutes. Any objections? So Chair calls those minutes approved.

**Without any objections from the members of the Maui Redevelopment Agency, the minutes of the July 15, 2011 and August 12, 2011 meetings were approved.**

**C. PUBLIC TESTIMONY**

Ms. Betts Basinger: We are going to open now for public testimony. Public testimony will be taken at the start of this meeting on any agenda item. Testimony will be limited to three minutes per testifier with the recommendation of the Chair additional time may be granted. Thank you folks for signing up. Thank you for all being here. We have Jonathan Starr.

Mr. Jonathan Starr: Good afternoon members and I'm Jonathan Starr. I'm a property owner in Wailuku. It's a great day for planning on Maui. There's a great session going on at the MACC, and you know this Commission is one of the hardest working Commissions I've ever seen in

the County and I really want to applaud you for not only making the meetings, but to actually – the Commissioners actually doing stuff and having sub assignments. I'm here testifying on your budget and I want to look back a little bit. I want to look back to about the year 1999 or 2000 in Wailuku. And that was the time when Wailuku was truly dangerous and most of the stores were empty. And a few people started getting together then to try to get some life going. You know, Yuki Lei was really kind of the cheerleader leading the efforts . . . (inaudible) . . . Saedene down there, some of the stuff, and Alexa certainly starting to work. You know, and I remember the first events we were having on the street in Wailuku and the streets were really dirty. But, you know, 25, 50, 100 people would come and we kind of have this dream that if it were carried on long enough, this would really lead to something. And somehow, you know, people have come during different eras and kept it going when some of us burnt out, time and time again. You know, it's 12 years later and First Friday's are booming. You know, it's 6,000 to 8,000 people out in the street. The last time it took me 40 minutes to walk from Vineyard to Main Street at the height of it. You know, just because of the crowds and because every third person was someone I had to talk to. You know, it's a wonderful thing, but it's gotten to the point where it really needs some, a little bit more help with security. It's got, you know, kind of the grass roots aspect of it. It's kind of have been moved beyond. So I really ask for you to help out with funding for the security of the event. The event is working. It's turning the town into a functional driving place, bit by bit, month by month. All Wailuku really needs, you know, apart from parking, is the belief, the public confidence in it and this event is giving it.

I'd also like to hope that you'll be able to proceed with. I know you're looking to do some amendments and updates to your rule making and so on, and you might need some help from outside sources. So I'm looking for those two items to be in your budget and the budget to be passed expeditiously. Thank you and thanks to everyone who's been working for the town.

Ms. Betts Basinger: Thanks Jonathan. Members, any questions or comments to the testifier? Seeing none, our next testifier is Yuki Lei Sugimura.

Ms. Yuki Lei Sugimura: Good afternoon everyone. I'm Yuki Lei Sugimura, and I am one of the co-coordinators for Wailuku First Friday. And I'm here today to testify on your agenda item-F, which is your budget. And hopes that when you review it, you will support Wailuku First Friday and help us with security. I think Jonathan already mentioned that it is, in terms our budget, it is the largest budget item that we have. I gladly spend my – the monies that we do have on security because we have a great working relationship with the Police, and they really help us in terms of development of the event. As we've grown, as you know, we started off with, you know, zero Police. People would just sort of wander around the streets. And as things have grown, we went to five, to seven, to nine, and this last one, we had 12 police officers. And I think we could even have more. But, anyway, it was the Makaha Sons. We knew it was going to be huge. Police knew it was going to be huge and it was. It was exceptional. It was – I couldn't say more about, but we are very, very concerned about security and we want to make sure that families and friends can come and visit and not worry about their cars getting broken in and things like that. So we, as the organizers, we march, we survey the areas and we make sure that we're always in contact with security and Police. It is huge. And I really, really appreciate it. The MRA has given us support in, I think it was June, and we appreciate that, and

we hope that when you do review your budget that you do consider us. We think that Wailuku First Friday is achieving the goal of putting Wailuku back on the map.

And just as some of the examples, Ron Youngblood just did a great article after this last First Friday about Wailuku First Friday. We're going to be in the Hana Hou magazine probably January or December coming up. We also got a push from the Maui Visitor Bureau. Terry has been just awesome helping us. We were in a Seattle newspaper. We are in – I picked it up just so that I could show it to you – this is all about Wailuku First Friday – in the Maui Gold Magazine. And this goes to all the different visitor sites, the hotels and everything. So this magazine, which I communicate with them often, they wrote a whole page article about Wailuku First Friday. So it's happening in terms of the overall mission which ties into the MRA mission of having these kinds of events to highlight, you know, the wonderful things that go on in Wailuku. And I think we're achieving that and I appreciate your help, if you could, with your budget in helping us be sure that the people who come will feel safe so we don't destroy a good thing. Thank you.

Ms. Betts Basinger: Thank you. Members, any comments? Katharine?

Ms. Katharine Popenuk: I just wanted to know what kind of problems are you having that requires more security?

Ms. Sugimura: The reason why – well, what we're trying to do is prevent problems. So what we do is when we develop our event and we develop our entertainers, we actually talk to Police quite often to determine the final number of Police that we're going to have which prompted us to have 12 for this last Makaha Sons event. So we're not saying we don't have a certain problem that we're trying to prevent. We're trying not to have problems, you know. And in general, I think, we've been successful. I've already had my debrief with Police after this last event. So it's more of that.

Ms. Popenuk: Have they – did they report that there was any incident?

Ms. Sugimura: No, there was no incident that they reported per se, but they were, as I was, concerned about crowd control. And as you can imagine, we faced the Makaha stage facing from across Café O Lei and facing towards Main Street and we did it purposely so that it would be long this way on the street. But people would stop on the side of the stage and stop. And once they stopped, you know, we had the cones taped off so people would continue walking. But just because people love the Makaha Sons we knew that would happen, you know, people would stop and then that created like this bottle neck on the street. So we anticipated it. That's why we had more Police. Police were helping us. But it is something that is – I think it's just a sign of the success of it, you know, people coming to it. It's a free event. You know, something to do on Friday night.

Mr. William Mitchell: Thanks Yuki. Do you have sense from merchants – are they seeing added bottom line or is it more promotion for Wailuku?

Ms. Sugimura: Think you'll see Saedene from Maui Thing is here and you can ask her that question. And so is Richard Dan. Bob Leiferman is here. You could ask them. But from our merchant's meeting that we've had, and we debriefed after every First Friday, and that is, of course, one of the questions that comes up. You know, is this worthwhile? You know, is it beneficial? And it is from what they've been telling me. So, it's great. The merchants on Market Street or in Wailuku town, they're wonderful.

Mr. Mark Walker: Thanks Yuki Lei. So your request is not anything specific. But any funds that you might get from the MRA you would use for security?

Ms. Sugimura: Yeah.

Mr. Walker: It's not for promoting events?

Ms. Sugimura: No.

Mr. Walker: It would be ear marked for that?

Ms. Sugimura: So the really interesting thing about this event is that I say it has viral marketing power because we do a flyer which you can ask Saedene about because she creates it for us and we post it around town and I blast it out by e-mail, and other people, you know, blast it out also so it has this residual effect. And things like this happen. I mean, this whole article that we got from Maui Gold. I mean, this is free, you know, to us. But it's just a matter of doing all the PR that we do. So, yes. Long answer. But just to let you know that if the MRA does support us, I think what fits is that I think you feel like we do in terms of a safe and secure event for this community and to build further. And the residuals is all, you know, things like this that go on and Hana Hou magazine and every other place that mentioned us.

Ms. Betts Basinger: Members, any other questions? I have a question Yuki. So would you say as the organizer of the event, security in the form of Police, what's the biggest purpose they serve? I know you talk about crowd control.

Ms. Sugimura: Because I've worked so closely with them, I sort of have gotten educated about how they set up. So they actually post people permanently in specific areas so they all sort of connect visually. And so the greater the crowd, the more Police we need. Okay, that's one of things I learned. They have two or three police that are rovers, but the majority of them are basically stationary, and so they watch certain areas. And it's basically, I mean -. And they really do. Of course, you know, we cannot have an event like this and not have some fights that go on. So I get all of the reports of if there was a fight. There was one. Once we had this child that there was a fight by the Main and Market Street side, you know, and I get all those reports. But, basically, you know, just that kind.

Ms. Betts Basinger: So each month you estimate your need for police officers based on your estimate of what the crowd is going to grow into?

Ms. Sugimura: Right.

Ms. Betts Basinger: Thank you. Thank you very much.

Ms. Sugimura: Thank you very much.

Ms. Betts Basinger: Okay. Our next testifier, Robert Leiferman.

Mr. Robert Leiferman: Good afternoon. I'm Robert Leiferman, and I represent the Dan family businesses on Market Street. And my testimony at this time will be primarily in support of additional funding for the First Friday event. We believe the First Friday event is a tremendous help to revitalizing Market Street and revitalizing Wailuku. We are absolutely in agreement that crowd control and additional security is vital to keeping that event from becoming something that we don't want it to be. And essentially we support their efforts and we support the fact that it's become a terrific advertising vehicle for both our stores and for Wailuku in general. And that's all I have on this subject.

Ms. Betts Basinger: Thank you. Members, any comments? Bill?

Mr. Mitchell: Can you tell –? Is the First Friday adding to your bottom line in terms of traffic in the stores?

Mr. Leiferman: I would have to say it has not made a significant difference in our bottom line. It hasn't on Friday night. However it's improved the traffic in the stores, you know, 300% - 400%, and that's just a figure off of the top of my head. But it acts as advertising for us. It reminds people that we're there. We're going to open our fifth store on Market Street next month. And everyone one of those stores is a little different and that's something people kind of have to see to realize. And it's been very helpful in that way.

Ms. Betts Basinger: Members, any other comments? Thank you Mr. Leiferman.

Mr. Leiferman: Okay. Now if I may, we intended to have Anthony Ranken here and I did sign him up, but he's not been able to make it. So if I may, I'll read the letter that he wrote into the record.

Ms. Betts Basinger: Please go ahead.

Mr. Leiferman: Thank you.

Ms. Betts Basinger: Members, all of you should have a copy of that letter.

Mr. Leiferman:

"I am testifying on behalf of the Dan Family businesses on Market Street. We are concerned about agenda item D2, concerning discussion of an investigative

committee to evaluate and report on recommended changes to the Wailuku Redevelopment Area Zoning and Development Code, Wailuku Redevelopment Area Design Guidelines, and other Maui County Codes. Our concerns relate to transparency of government deliberations and ensuring the opportunity for affected individuals and businesses to have meaningful input on issues that concern them. The Wailuku Redevelopment Area Zoning and Development Code is at the heart of the work conducted by the MRA. As such we believe any changes to that document should be initiated and discussed at regular MRA meetings with all board members involved and in full view of the public. Whoever caused this item to be put on MRA's agenda today must have in mind some possible changes to be proposed to the existing law. We have heard rumors as to possible topics that may be the subject of the proposed changes. But we would rather be informed through a specific agenda or at least a clear statement at a public MRA meeting, rather than to have to speculate as to whether the rumors are true. Therefore, if whoever put this item on the agenda is already aware of any – any of the proposed changes or possible changes that will be raised in committee, we call upon that person to share those ideas orally at this time with as much specificity – sorry – as possible. Or better yet to defer this agenda item to the next MRA meeting and to put the proposed changes in the agenda for that meeting. We believe this approach would be consistent with the State sunshine law, and we question whether the current agenda item, as it is worded, complies with that law, in terms of giving notice to the public of the matters to be discussed at the meeting. This will not only result in a better informed public that will also assist the other board members in deciding whether the creation of the proposed committee is a valid use of time and resources.

Finally, we would like to know if this body does move forward with the creation of an investigative committee, will those meetings of that committee be announced in advance and opened to the public?"

Ms. Betts Basinger: Thank you. Members, any questions or comments to the testifier? Thank you very much. Our next testifier is Saedene Ota.

Ms. Saedene Ota: Good afternoon Commissioners. My name is Saedene Ota and I'm a merchant on Market Street, the owner of Maui Thing. And I'm speaking on behalf of agenda item F in regards to the budget, and hopefully financial support in regards to moving First Friday forward in a more positive way. And besides financially, also conceptually, just taking ownership of the idea of all the positive things that has happened at First Friday.

We talked about the bottom line, and I'll get right to it. As a merchant, I can honestly say on a First Friday what it does it starts our month off in a positive way. During a First Friday, that day and evening, we'll make three days of our daily goals. And so if it's a bad month at least we know we can count on First Friday. So besides making the dollars that evening, I'm in marketing as well so in regards to awareness and marketing, what we get out of First Friday is priceless. You cannot pay for the type of awareness that you get during that evening. And I

can honestly say that during the evening we will get at least a handful of people that say, “oh I’ve never been to your store.” “This is my first time at First Friday.” “I love it, I’m going to come again.” And that’s due to the success of the work that Yuki has done and all of the volunteers as well. And it has – we’re going through some growing pains. And because of that we need help. This effort, this First Friday is built on a grant, a small grant, and many volunteers. I’m sure Yuki has mentioned it before but for the most part everyone is doing it because they want to see the success of First Friday happen, not just for the merchants, but for the community. And I am in full support. I will do anything on my part to make this event continue. And I have. We try our best in bringing in our own musicians to the First Friday event. And we work with Yuki. Sometimes they help with lighting if there’s a little bit of extra in the budget. But for the most part, our store, we donate all of the entertainment that happens on our end of the street and we’ll continue to do that because we see it as a benefit. Like again, not only to us, but to the entire community and the street itself. Thank you.

Ms. Betts Basinger: Thank you. Members, any questions or comments of the testifier? Thanks Saedene. Our next testifier is Helen Nielsen.

Ms. Helen Nielsen: Good afternoon. My name is Helen Nielsen. I’m a property owner in Wailuku, and I am testifying on item F, the budget. I had written down D. I’d like to ask for your full support in supporting First Friday. I’ve been involved with events from the very beginning. I look back at what we struggled with 12-15 years ago, and we’ve really come such a long way. It’s really due to people like Sae and Yuki Lei who have been working so hard and galvanizing the community, the volunteers. You know, First Friday is changing people’s attitude world wide about Wailuku. It really has been down on it’s heels for a long time. And I think it’s really important to be changing the attitude about the place itself.

In terms of merchants, I know that Green Tea – I go in there every regularly services and she has told me very clearly that her business has been really seeing a big surge from the First Fridays. People come in and visit on that day, and then they’ll come in subsequently, so I really do think it’s making a big difference. But for me, I just look at the bigger picture and I just see it just bringing everyone up. So I encourage you to support First Friday, both in marketing and especially in security. And thank you.

Ms. Betts Basinger: Members, questions or comments for the testifier? Thanks Helen. No one else has signed up for testimony. Is there anyone in the audience that wants to come up and say a word or two before we close public testimony?

Ms. Jocelyn Perreira: Jocelyn Perreira, executive director, with the Wailuku Main Street Association. Just a few comments. First of all I want to congratulate the people who are involved with the First Friday. We knew when they had headlined Makaha Sons that it was going to be a very big draw. We know, and I can tell you, we know first hand what it’s like to have an awesome draw like that. Because when we had Willie Nelson, people were shoulder to shoulder on the street, and that is a nightmare to them relative to police . . .(inaudible) . . . and security. So we would say that we would hope that if there’s any way you can support First Friday with funding towards police officers because the town has to remain safe that that’s

something you definitely have to look at. The only thing that we consider is that there may be other events that want to be utilizing the town. And if this is limited to one particular event or one particular group then you probably need to have a policy so that, you know, if somebody else is coming in that wants to do something, they're going to expect to get the same kind of treatment. But I do want to extend our heartiest congratulations because that was really spectacular. And we really appreciate all the work and effort. And like I said, we do understand just how difficult that is to do.

The next thing is we have had so much discussion on TIF. We had a document given to us. We had a guy come and talk, a consultant, but there wasn't any time, whatsoever, to fully have a discussion. And we would like to, again, make note, the support for Warren Suzuki's comment about having workshops, interactive workshops, because our community has a right to have interactive dialogue and to meet with these consultants as well.

And finally, I guess we would have to echo concern that was expressed about not having the agendas clear on what you're going to discuss. They're just a generic thing. You know, there's no way to give any kind of comments or make any kind, certainly any kind of information unless you're at the meeting. The reason why we know to support the budget item F is because we know we were talking about security and the importance of security at a prior meeting. So, again, our concerns remain for full transparency and discussions. And we would like to also get reports when your Chair is meeting with the Council members, or with the Mayor. I don't believe you folks get any reports back. Written reports would be really nice because then everybody knows who's on page. Because we get different accounts some times.

And lastly, we understand that there was a little bit of a problem in the beer garden because that was reported to us that there was a scuffle. Fortunately, I guess who ever was there handled it very quickly. But that's part of the growing pains of a successful event. So it's always a thing to measure carefully. And the last thing I had, I can't remember. But thank you. We do look forward to having a deeper more meaningful discussion in the future. Thank you.

Ms. Betts Basinger: Thank you. Members, any questions or comments for the testifier? Thank you Jocelyn. If there's anyone that wants to testify, step forward now, introduce yourself.

Mr. Sam Clark: Hi. I'm Sam Clark. I'm the new chair for Wailuku Main Street Association. I'd just like to introduce myself to you, and this whole proceedings is new to me. And a couple of months ago I introduced, or sent a letter to you, regarding the policy change that you made on testifying. This is difficult testifying on every item in your agenda with three minutes at the beginning of a meeting, not being part of the discussion to know what is going on for us to make a meaningful participation in the discussions. And I would like to see you go back to the old way of allowing testimony during each item. And I'm a bit bothered that I've never gotten a written reply back to that letter to you.

Yes, and we had a meeting a couple of days ago and received this TIF packet, and we've had no time to discuss it. And there are some issues regarding TIF and the utilization. How would it be applied? Who's applying it? I know there's some confusion in the community, some

Council Members confused about the procedure in all of this. It's a complicated issue and there should be a lot of discussion in the TIF. Receiving this information just a couple of days before a meeting makes it very difficult to review what is going on. And if we can get these items to us as soon as possible before a meeting we'd appreciate that.

The park next to the Lao Theater, yeah, and you know, we came into being, keeping the Lao Theater together and making viable. And not be included in the discussion on what goes on to the little park next door is a bit – we're put out actually and we'd like to be included, especially in this Lao Theater. It was our baby. We created this thing. We saved it. And we'd like to participate in any discussions with this, along with other issues in the community. Frankly, we don't seem to be included in a lot of stuff, so –.

In your manual, we are listed as a partner, a major partner of you, and we don't seem to be treated as a partner. And I'd just like to extend the courtesy of our participation in helping out. You're vital input in implementing the organization to this community as we are, as is the County Planning Department. And we all need to be working together to pull all this together together. Anyway, I'm here to help. We're here to help.

Ms. Betts Basinger: Thank you Mr. Clark. Good to see you here. Members, any comments or questions of the testifier? Katharine?

Ms. Popenuk: I just have a comment that the mini park – what's happening on the mini park is on the agenda. I'll be giving a report later during this meeting if you're interested.

Mr. Clark: In this meeting today?

Ms. Popenuk: Yes.

Ms. Betts Basinger: Thank you. Any other comments or questions of the testifier?

Mr. Walker: Yeah, I have just a comment as it relates to TIF. What we've done – and maybe you're aware, maybe you're not – is all we're doing is asking for reports so we can discuss with the public. You know, we're all learning about it.

Ms. Betts Basinger: Mr. Walker, we're going to have that on our agenda as well. We have a report.

Mr. Walker: Yeah, and I will. And so anyway – well, that's not going to be part of my report – I'm just saying to insinuate somehow that we're dealing behind closed doors isn't the case. All we've done is ask for a report to be prepared for us and when we get it, everyone will get it.

Mr. Clark: Great. And I'm not insinuating or operating closed doors.

Mr. Walker: Alright.

Ms. Betts Basinger: Thank you. Thank you Mark. Anyone else?

Mr. Clark: And I'm glad to hear that.

Ms. Betts Basinger: Thank you Mr. Clark. Okay, seeing no other testimony or anyone coming forward to testify, Chair without objection will close public testimony. No objections? Thank you.

**D. MAUI REDEVELOPMENT AGENCY BUSINESS**

- 1. Wailuku Municipal Parking Structure update and potential discussion on schedule, contracts, progress on the interim parking plan, and project collaboration. (Morgan Gerdel, AIA Parking Structure Coordinator) This is a discussion item with no action.**
  
- 2. Discussion of investigative committee to evaluate and report on recommended changes to the Wailuku Redevelopment Area Zoning and Development Code, Wailuku Redevelopment Area Design Guidelines, and other Maui County Codes. The MRA will take action to assign members to the committee and define the committee's scope of duties.**

Ms. Betts Basinger: So we'll move on to item D, Maui Redevelopment Agency business. Item number D1, Wailuku Municipal Parking Structure update, that is going to be deferred till the next meeting. He is not here today so he's not going to be with us, Mr. Gerdel, so that item is deferred. Which takes us now members to item number two, the discussion of investigative committee to evaluate and report on recommended changes to the Wailuku Redevelopment Area Zoning and Development Code, Wailuku Redevelopment Area Design Guidelines, and other Maui County Codes. The MRA will take action to assign members to the committee and define the committee's scope of duties. Members, as you all recall this is a continuation of a previous discussion where this body did vote to approve the formation of this committee. And I'd like to bring member's attention back if you still have it to the comments that – and I believe at your request e-mailed these comments to each of you after that meeting – the comments that I made. And the comments that I made really start at the most fundamental level and that is with our Rules of Practice and Procedures, not looking right away at zoning or any other documents. But really there have been so many instances where we know that because our rules and our practice and procedures don't allow us to do certain things. And we've been advised by Corp Counsel that the only way to be able to do certain things that we need to do is to look at the rules. So my efforts on behalf of this would be to say let's follow the proper procedures and they were all laid out for you, the rules that we need to follow, the State rules that we need to follow. We did meet with Pat Wong from Corp Counsel who reiterated to us that boards and commissions amend their practices and procedures all the time. You know, as our is 11 years old. So my, I guess, my motion, if we're going to make a motion is that we staff this committee. And regarding scope of work, that it be broad to begin with, stating that we will be looking at all the documents that guide our work, but to start with Title MC-12, Subtitle 07, Maui Redevelopment Agency, Chapter 701, Rules of Practice and Procedure. So

I open the floor now for discussion, members.

Ms. Popenuk: So this potential committee, the beginning of our process is not to look at any particular code or decide we're going to keep it or change it or whatever. It's just simply to figure out the process that we need to, the rules and regulations, that we need to adhere to if we decide to undertake any changes. Is that correct?

Ms. Betts Basinger: That's correct. And I don't think we're looking at, when you say code, there's all kinds of codes. There's zoning codes. There's building codes. Where my suggestion is that we start this with baby steps and just look at our own practices and procedures which are really rules. They're not so much codes as they are rules on how we get our work done. And, you know, the County Council, with every board and commission, in our case, they said here's this plan, your job is to implement it. And they gave us rules. We have rules that were done in 2002 that say these are your foundation rules in order to get your work done. And every board and commission has them. And from time to time they are updated. And ours have never been. So for example, often times the question of how this body can receive money, whether it's a donation from, you know, the community or a grant, we don't have a rule for that. So that would be one of the things that I would suggest we need to do as we move forward. And I know that – I mean, there's probably a huge list. Erin, I think sent everyone a document. She runs into it in Planning, as well, when she's talking to applicants. There's certain rules that there's some things that we do that we've just always done, but the rule is unclear. Well, we need to clarify things like that. So I'm proposing that we start by looking, that this committee start by looking at the rules. I'm also going to attach a budget line item to this because I think at some point there's a procedure for changing the rules. And you've got to write ordinances and they have to, you know, there's a process to that. And I think that we are going to need some technical and skill help from a consultant in actually getting those rules written and taken to the process that they need to be taken through. So I will also be attaching a dollar amount and we'll talk about the dollar amount that would go this. So any other discussion? Bill?

Mr. Mitchell: Question about process. I think it makes sense to do it. We have these subcommittees that do this, how do we do that under sunshine and so the public doesn't have this perception that we're changing things without being open about it? How does that work?

Ms. Betts Basinger: Very good question and I thank the community for the testimony about that and the letter that we received. Do you want to answer that? I'd rather let legal counsel answer that question but –

Mr. James Giroux: To answer Bill's question. Forming a subcommittee to do a specific task is basically what you're doing is under the sunshine law, that rubric, what's happening is that you're creating a subcommittee that's exempted, or it's an exception, from the sunshine law. So within the sunshine law there's a very clear indication that it's useful tool of an administrative body. When you read the sunshine law it says, you know, any exception to the sunshine law has to be read narrowly. So what you're doing is you're very aware that, okay, what we're doing is basically an anomaly of the sunshine law. We are doing something in secret. But the law say

we understand that some work does need to be done because it's very difficult to get things done if you're, you know, if you cannot get people together at a certain time and expediently to get something as far as going. You know you've got to get something going. You've got to start somewhere. And the law acknowledges that there's a very strict pattern that you have to follow because it understands that anomaly. So once you can get the people you need to get together

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Mr. Mitchell: Is it two?

Ms. Betts Basinger: Yes.

Mr. Giroux: Two because this board has five, only two people can get together. And actually two people can get together anyway, you know. So what we are doing is we are trying to follow the sunshine law as much as possible so we don't get into further trouble. But these two people would be tasked for a specific task and a specific scope by the whole body. And so what they would do is they would get together, discuss matters, see what maybe the things that need to be brought to the attention of the body of the whole, and then they would do a report. That report would have to be brought before the body, put on the agenda, be made public and there would be a discussion at that meeting. The law says that at that meeting you cannot take action. You absolutely cannot take action at that meeting. Why? Because the public needs time to review your report, adjust it, come back with meaningful suggestions to that report. Once that report is made, and at the subsequent meeting you have discussion, there's going to be action, then that's how you would proceed in accordance to the sunshine law. And that's how the law sees that anomaly to the sunshine law being cured.

I've worked with boards and commissions for about six years now, and as far as the attorneys, it's really frustrating to start working on rules when you don't know what the policy objectives are. I often tell people on boards I cannot draft anything for you until you tell me what you want. Make me some rules. I can't. You need to tell me what you want. And so that's what the investigative committee would bring to the board as a whole, and the board as a whole would say, oh, looking at your report we agree, we disagree, and then you can at least have a policy movement and then possibly draft language that may or may not get to where your policy is going. And then the word smithing can go back and forth, and the meaningful input from the community is always helpful because, you know, we can see one thing one way and they can see it the other. There could be a policy discussion or it could be a drafting discussion. And it's always helpful to have that because once you start drafting you become marred to it and then you forget that other people can see it another way. So that process, a lot of times, because I have advised a lot of boards that are hooked up with Planning, so the planners are in the same situation as the lawyers. They can't write until they know what the policy is. So as a drafting tool, an investigative committee is a helpful step for your staff because it doesn't waste our time. You know, if Alexa said, you know, Corp Counsel go and update our rules, it would be a nightmare. I mean, an absolute nightmare. And I tell you the truth, you wouldn't see it until I find another job because I'm not going to throw myself into that quagmire, you know, it would just be insanity.

And so when we draft rules, a lot of times the planners will understand the policy objectives because they've been dealing with the issues a lot. And as lawyers, we understand it when we have to defend boards and commissions. When lawyers come in and say, oh, here's the loop hole in your law, we don't have to follow your rules because rule blah, blah, blah says this, and then we understand, oh my God, there's a disconnect. Would you like the lawyers to fix that because we know how. And as Corp Counsel that's kind of where we are. We're more at the we see your rules. And then when we see them not working, we bring it to your attention and say, hey, you know, you need to shorten this time frame or there needs to be a better procedural, you know, line up so it's clear for the public so that they can, you know, adhere to it better. But as far as coming up with policy, Corp Counsel wants to stay out of that. We really feel that it's your prerogative to create the policy, to create the direction. And then once you start drafting then it's easier for us to come in and say, oh, you know, you should change that may to a shall. Or you should separate these ideas into two parts. Or maybe you should create another subsection. That's more of our technical input on your ruling.

Mr. Mitchell: So this subcommittee process is common to boards and commissions, and how they operate?

Mr. Giroux: Yeah. It's –.

Mr. Mitchell: Okay.

Mr. Giroux: Yeah.

Mr. Mitchell: In getting things done under the framework of sunshine and then having disclosure at a public meeting once the subcommittee presents it. Nothing can be acted on. It has to be discussed. Then it can be acted on at a subsequent meeting if everyone agrees that that's reasonable. Or you can have as much discussion for as long as you want to on it.

Mr. Giroux: Right. And again with rule making there's a further step that is required under Chapter 91 in that you have to publish the – once you get your proposed language hammered out, then you have to take it and publish it to the public. And then they have another stab at it to, you know, they can object to your policy change or they can object to your drafting, you know. And then once that happens, then you can adopt that as a rule. And then it has to go to the Mayor and the Mayor could forget to sign it. And so until that happens and it's filed with the Clerk, then it does become a law. Because administrative rules do become laws. They have to be followed. If they're not followed, there are consequences to not following an administrative rule. If you don't follow your own rules, what you do can also be null and void. So it's very important that you understand that whole process that a lot of times you're making rules for yourself and for the public. And that's why this process can be cumbersome. And it should be. I mean, you shouldn't be able to just change the rule like that.

Mr. Walker: Thanks James, I appreciate that. I think more clearly explained the process and hopefully that allays any fears out there about stuff happening behind closed doors et cetera, even though it will be, but it will be legal. But I guess what I would like to ask the Chair to do

going forward as we move into other areas beyond our own rules that we clearly state that to the public in advance so that they know that. And then really we would ask for the public's input to whoever the committee, the subcommittee is, if you have ideas yourself let us know in advance. I mean that can be part of what we may recommend or may not recommend. I mean, again, we might not recommend anything. I mean we might think everything is honky dory, but, yeah, and this is a process. It's going to take a while.

Ms. Betts Basinger: Discussion members? I will point your attention to Subchapter 8 of our own rules and procedures. And Subchapter 8 tells us in our rules what the rule making procedure and declaratory ruling that exists today are, and that's part of it and it's the quickest one you can go to, you know, in the big black binder that we all have. So I guess Chair will be looking then for a second to my motion to staff and start this first investigative committee.

Mr. Walker: Second, and I hope you and Katharine really hurry with the review of the rules.

Ms. Betts Basinger: Members, do I have any volunteers for this investigative committee? Seeing two. So I will put the two volunteers to the vote of the board. All in favor say aye.

Agency Member: "Aye."

Ms. Betts Basinger: Opposed say nay. Thank you. The rules investigative committee with the amendment that Mark made that when we move from the MRA's Rules of Practice and Procedure on to any other document that guides us, it will be looked at as a new task for this committee.

**It was moved by Ms. Alexa Betts Basinger, seconded by Mr. Walker, then unanimously**

**VOTED: to staff and start the Rules Investigative Committee as discussed and amended.**

Mr. Giroux: Yeah, and I would highly suggest that because the investigative committee aren't suppose to last forever. There should be a task. And when that task is done we should see a report and the public could see that report.

Ms. Betts Basinger: So this task would be limited to the MRA's Rules of Practice and Procedures as found in Title MC-12. Okay, I guess that ends that particular item. And I see someone in the audience wishing to –. Are you looking to make testimony on this item we just talked about or to make a comment?

Mr. Clark: . . . (inaudible) . . .

Ms. Betts Basinger: Regarding the procedure of our meeting today?

Mr. Clark: . . . (inaudible) . . .

Ms. Betts Basinger: Excuse me. Excuse me. I haven't recognized you. Could you step up to the mic and introduce yourself, and share with us your thoughts on this agenda item?

Mr. Clark: Thank you. Sam Clark again. Chairman of Wailuku Main Street Association. Several questions – when you do these investigative reports that come back to the committee, and you introduce them to the public for us to see and review, how much time frame are we going to have before you're going to have a meeting so we can discuss it?

Ms. Betts Basinger: We will be following all of the legal requirements for notice that we're required to.

Mr. Clark: And my question is what time frame is that, that we could get – the public could get – that report before your next meeting so we have time to review it and make intelligent comments?

Ms. Betts Basinger: Our agenda is required to be published a week before our meetings. So if this is going to be an agenda item and it may not be – you know, it may not come back to this body for a while. But it would be agendized and noticed a week before the meeting.

Mr. Clark: So the general public would have several days to review this . . . (inaudible. Multiple speakers.) . . .

Ms. Betts Basinger: Absolutely. And the document would be ready for public review seven days, once we've noticed.

Mr. Clark: Doesn't the – even the County Council have like 30 days or 60 days for public review before they pass –?

Ms. Betts Basinger: Well, this would not be a public hearing. If you're just asking when this body will discuss it again, that's a seven day notice. Public hearing do require a 30-day notice. But this body, having a discussion, is not the same as a public, an official public hearing. They're two different types of meetings.

Mr. Giroux: I just want to repeat that the law says we cannot adopt that as a rule. We cannot adopt that as a rule, and we cannot even have discussion on the day that the report is made. So we can't even have discussion and we can't even have action. And even if there was action, the action would only be conceptual because then that would, the motion would be that to put it out to publication so that that would start the public hearing process.

Mr. Clark: Okay.

Mr. Giroux: So again we're just trying to crawl along here, and I'm sorry it looks like we're going at the speed of light but again it's a cumbersome process. We are trying to start. We're at the starting line.

Mr. Clark: I just want to make sure the public has enough time to do this and not just a few days to do this, so that's fine. And can we get – well, we will be getting copies of those reports when they come out to the public and stuff. Now you've mentioned about copy of rules that Erin has drafted to present. Can we get copies of that?

Ms. Betts Basinger: No, they weren't rules. Erin was not able to be here today so she simply gave us a memo of the things that we were taking up today, not rules. And I believe it's on – it's probably on the table. Our rules are – you can find our rules both on our website and on the County's website has our rules. And they are – it's title MC-12, Department of Planning, Subtitle 07, Maui Redevelopment Agency, Chapter 701, Rules of Practice and Procedure. 701.

Mr. Clark: And my last question is probably for Corp Counsel. Copies of sunshine laws? How can I get a copy of those?

Mr. Giroux: It's on the internet. If you Google Chapter 91, Sunshine Laws, they'll have a full. And OIP is the agency that monitors the sunshine law, and they have an Office of Information Practices. And they also have a pamphlet that's very helpful, and it actually covers a very – they have a very good dissertation on the use of the investigative committee.

Mr. Clark: Thank you.

Ms. Perreira: . . . (Inaudible. Did not speak into the microphone.) . . .

Mr. Giroux: Yeah, I think it's 91-14.

Ms. Betts Basinger: I can e-mail that to you Jocelyn. I have it in my black binder.

Mr. Giroux: That's from the top of my head again.

Mr. Clark: And thanks for allowing me. I'm new to this and I've got a lot –

Ms. Betts Basinger: We'll see you every month.

Mr. Clark: I'm hoping to, so thanks.

**3. Discussion on Cost of Government Commission request for comments on the two Campus Studies done by Munekiyo and Hiraga and Chris Hart and Partners as they relate to the development of the remnant parcel at the Wailuku municipal lot. MRA may take action to respond to the Cost of Government Commission request.**

Ms. Betts Basinger: Okay members, thank you very much. Let's move on to item D3, discussion on Cost of Government Commission request for comments on the two campus studies done by Munekiyo & Hiraga and Chris Hart & Partners as they relate to the development of the remnant parcel at the Wailuku Municipal Lot. MRA may take action to

respond to the Cost of Government Commission request. I know that all of you received the request letter from Ron Kawahara and the attachments that he attached. So the discussion, members, and I guess we'll just go right around the table, would be to any –. I guess the first thing is are we going to respond to this request. Is that a yay or nay? And then the second part would be, if so, what is our response going to be. I would like to say that the Cost of Government Commission, on an annual basis reports to the County on cost cutting measures. That's their purpose. You know, they look around at how departments operate, how everything operates and they give suggestions. And this is just another one of the inputs that they're looking for this year's report that they will be submitting to the Mayor.

Mr. Walker: Madame Chair, you know, you met with Ron. Maybe you could just review that meeting, just the highlights. I mean, was that what you just said?

Ms. Betts Basinger: Yes.

Mr. Walker: Specifically what was –? You know, we want to commit to maybe take a position on this.

Ms. Betts Basinger: The dilemma that – well, it's not a dilemma. The issue that the Cost of Government Commission is dealing with is that there are two conflicting reports that address the remnant parcel in the municipal parking lot area. And because it falls under – that parcel falls within the MRA's jurisdiction, we are one of many other agencies. I believe they're going to WMSA and others. Yeah. They're asking lots of folks for their opinion on this. So, that's it. They just want to have – they want to be able to report a majority or a consensus on one view or the other that they feel is the correct one.

Ms. Popenuk: I just wanted to comment that, yes, I do think that we need to state an opinion and my personal opinion, especially after attending this speaker this morning on urban livability, I'm strongly in favor of the Chris Hart proposal which offers mixed use as opposed to a giant office building that has no interaction or very little interaction to the life blood of the town.

Ms. Betts Basinger: Thank you. Members?

Mr. Walker: And again this is leading back to them coming up with dollars and how that works into the Cost of Government? I mean –

Ms. Betts Basinger: That's correct. It's part of the Cost of Government. I'll add to Katharine's comment that I actually believe this is a no brainer for this agency. And I do agree that it's imperative that we respond because what this agency already has is what that remnant parcel is meant to be. And so the zoning et cetera that needs to be not be changed is already our kuleana. So our response if we chose to make one would simply be to reiterate the Wailuku Redevelopment Plan's vision for that.

Mr. Mitchell: That's what I would also agree with. It's the Wailuku Development. Not been any study was – I mean, they're both old now – but that is the driving force behind what happens

there. I agree.

Mr. Walker: I'm in agreement as well.

Ms. Betts Basinger: Okay, so it was moved, wasn't it? Did I move to respond? Okay, so discussions? So now I'm looking for a motion based on our conversation, one, whether or not we're going to respond, and two, what the gist of that response would be. And what I'm hearing is that yes, it's important that we respond. And the gist is going to be reiterate the MRA's vision for that lot and stay out of a judgement on either plan. That's not what we were asked to do. Okay.

Ms. Popenuk: Excuse me, what do you mean, stay out the judgement on either plan?

Ms. Betts Basinger: Well, we're not going to take a stand on either report. We're simply going to reiterate the MRA's –

Ms. Popenuk: Okay.

Ms. Betts Basinger: Which is in alignment with Chris Hart's report, but we're just going to base it on. Okay, so without objection then I'm going to ask staff and myself to work on that letter which we will then send on the Cost of Government Commission. I'm seeing consensus so that is action taken. It's approved. Thank you. Members, it's two o'clock, do you want a few minute break? A stretch break? We're going to power through? Budget is going to be fun. Break? Ms. Katharine?

Ms. Popenuk: No need for me.

**Without objection from the Maui Redevelopment Agency members, MRA Chair will work with staff and send a response letter to the Cost of Government Commission.**

**E. REPORTS (no action)**

- 1. Task Status LU-3 Wailuku Municipal Parking Lot for period from July 15, 2011 to September 9, 2011 (B. Mitchell)**

Ms. Betts Basinger: Okay. So members, moving on item-E, reports. There will be no action. These are informational reports from each task starting with E1, task status LU-3 Wailuku Municipal Parking Lot for the period from our last meeting to the present. Mr. Mitchell.

Mr. Mitchell: I understand Morgan, Morgan Gerdel, was going to give us that so we'll have to defer till he's here.

- 2. Task Status Task Status I-4 Tax Increment Financing for period from August 26, 2011 to September 16, 2011 (M. Walker)**

Ms. Betts Basinger: Okay. Item number two, task status on I-4 Tax Incremental Financing for the period from our last meeting. Mr. Walker.

Mr. Walker: Thank you Madame Chair. Basically what's happening now is Dave Freudenberger from Goodwin Consultants required quite a bit of information. Erin has been busily getting it, and I believe she got him more this week of tax map keys, assessed value type information that he was requiring. I don't think she has it all yet, but I think hopes to have the rest of it to him within the next couple of weeks. And that's going to be the basis for his study.

Ms. Betts Basinger: And in your view we're on schedule?

Mr. Walker: I had actually hoped it would have been sooner than this, but, you know, the wheels are . . . (inaudible) . . .

Ms. Betts Basinger: Thank you very much. Members, any questions of Mr. Walker? His report? Thank you Mr. Walker. Item number three, task status LU-2, Improvement of the park space on the Vineyard side of the Lao Theater for a period from our last meeting till today. Katharine?

**3. Task Status LU-2 Improvement of the park space on the Vineyard side of the Lao Theater, for period from July 15, 2011 to September 9, 2011. (K. Popenuk)**

Ms. Popenuk: I just wanted to report that actually the sacred places – open spaces, sacred places grant proposal was drafted and completed by Joylynn Paman of Maui Nui Botanical Gardens. They're going to be the lead grantee. This is the – the proposal was quite long so I just copied these two critical pages out of it which is the abstract of what their proposal was, and the beginning members that are going to be participating in bringing this to come about. So they will find out whether or not they will receive this grant which is purely, once again, one of those starting points. No decisions have been made. It's just to get the process rolling and beginning, and it will be a process that will be open to the community and open for community input. And they'll find out whether or not they receive these monies. They asked for \$50,000 and that will happen in the middle of December. The grant proposal I thought was really very good, very well written, very compelling, so I'm quite hopeful that it will happen. And I want to officially thank Erin Wade who without her diligence, very diligent work, this would not have come together. And also Joylynn who came in at the last moment along with brush fire and building evacuation at the last moment. And I think to grab all the paperwork and run some place else and try to get it in by the deadline. It was very dramatic.

Ms. Betts Basinger: That should mean good luck.

Ms. Popenuk: I hope so.

Ms. Betts Basinger: Members, any questions of Katharine?

Mr. Walker: I guess so really there's not going to be any work on this until you really find out if the grant has been received.

Ms. Popenuk: Right. And then actually our part in this is we're not really involved. I'm involved personally as an architect, and Bill is –

Mr. Walker: So our meaning the MRA?

Ms. Popenuk: That's correct. Bill is also involved as a landscape architect, as a team member.

Mr. Mitchell: And just to reiterate for the public's understanding, to make sure I understand this correctly, this grant or the application of this grant is in no way to circumvent other work that's been done, or plans that have been approved. The objective is to get money in order to move forward with updating whatever work has been done, and then potentially getting money for actual construction. If this grant is approved, this is for planning only.

Ms. Popenuk: This is a planning only grant, and it will be compelled by the wishes of the community. So I don't know what they will come up with.

Mr. Mitchell: Right.

Ms. Popenuk: Whether it will be an exact copy of what's already been designed or something completely different. I have no idea what's going to revolve from this process.

Mr. Mitchell: But it does – it does then enable the grantee of this, of this proposal, then to also apply then for implementation, an implementation grant. Is that correct?

Ms. Popenuk: That's correct. And there's no guarantee –

Mr. Mitchell: Right, correct.

Ms. Popenuk: – that they will receive the money to implement, but at least this paves the –

Mr. Mitchell: Potential.

Ms. Popenuk: – the potential, right. And if awarded we will go through the planning, you know, the team. When I say "we," I mean the team of the Joylynn's Maui Nui Botanical Garden's team. They will go through the planning process. I'm hopeful.

Ms. Betts Basinger: And members, to clarify further, because this is an actual task of this body in the Wailuku Redevelopment Plan, I feel that we're – I'm happy to put this on our agenda to hear ongoing updates on the work that they're doing because of that. But we are not the applicant. We are not in any way supporting this as the plan for the park. And this entity – and I'm very thankful for your report – will have to go through if they succeed in all the things which includes coming before this body. Comments? Jocelyn?

Ms. Perreira: Yes, our board of directors had quite a bit of discussion on this particular item. Our concern is that this item that's listed in the Wailuku Redevelopment Plan has already been acted upon. There is comprehensive plan for what should go in that particular area. And how this all of a sudden gets to be done by somebody else without consulting a major stakeholder – we're listed on that particular item – is beyond us. Furthermore, we would – and we are requesting a copy of the proposal because we'd like to see to what extent the MRA was used to try to get a grant because there are two MRA members. And if you're listed as professionals individually – but if you're listed as members of the MRA where there's something in that proposal that alludes to the fact that this is an MRA supported project, so on and so forth, we have every right to need to see that so we can provide comments. So our request would be that please since this is in your investigative committee, we'd like to see that proposal because that proposal has never put forth for public view in the first place. So if you can give us that we would appreciate that. So we will know where to go to the next step.

Ms. Betts Basinger: As long as it's really clear that the MRA doesn't even have a copy of that proposal. WMSA is perfectly free to deal specifically – what is the name of the applicant?

Ms. Perreira: Excuse me? Excuse me? I'm not talking about the applicant now. The MRA is on record and on minutes and everything else as being part of an investigative committee. The MRA took this on as part of a task under the investigative committee which she was assigned – Ms. Popenuk was assigned to be a part of that particular committee. So when it was reported out, we have every right to see what was the proposal. We don't have to go to these new guys now. We're not interested in going to them. We want to see the proposal that was participated on by the MRA via Ms. Popenuk in investigative committee. And that's all. So we know who's on first and who's on second. Thank you.

Ms. Betts Basinger: That's a good question. That's a good question and you know what I'm going to –. We're going to need to talk to Corp Counsel about this because it's very clear in minutes that the MRA rejected this as it's own project. So if we're running into problems with that, I'm going to turn to you to tell us what we need to do if that's the case. But in the mean time, Katharine would you –

Ms. Popenuk: Yeah.

Ms. Betts Basinger: – meet with WMSA and share?

Ms. Popenuk: Well, you know, I was tasked this. I volunteered to task this, to look into what could happen to the park. Well, that's my interest in this is that I want something good to happen for the park.

Ms. Perreira: . . . (Inaudible) . . .

Ms. Popenuk: And I don't know what that would be that would be good for the park, right. So this came about as an opportunity to apply for a grant. And MRA is not the grantee. I am not the granting person.

Ms. Perreira: . . . (inaudible) . . .

Ms. Popenuk: I am not the decision maker. The decision maker, the grantee, the person who submitted the grant application is Maui Nui Botanical Gardens. I'm only participating as one of the team members.

Ms. Perreira: Ms. Popenuk, we understand that.

Ms. Popenuk: Excuse me, I'm speaking.

Ms. Perreira: We understand that.

Ms. Popenuk: Okay. I'm speaking. If you want information about this grant proposal, you will need to talk with Maui Nui Botanical Gardens and request a copy of that grant from them.

Ms. Perreira: We would like to have all information that you worked on this with Ms. Erin Wade because there was and there was reporting that there was discussions and there was team building. And I also asked Ms. Wade at the meeting, and she did tell me, yes, she did not contact us, so on and so forth, so we know that there was a Planning Department staff participation as well as MRA member and we would like to see a copy of the proposal just as we would normally expect as a report out of an investigative committee. All we would like is to see the work done via the MRA relative to this particular project. Thank you.

**4. Task Status Administration and Operations for period from July 15, 2011 to August 26, 2011 (A. Basinger)**

Ms. Betts Basinger: Thank you Jocelyn. Okay members, any questions for Katharine, about her report? Okay, moving on to item number four, gosh, task status. This is admin and ops for the period of, oh gosh, I don't think we've ever reported. And this is something that actually Erin and I were going to do together, but what I'm going to do members is just quickly run through. And I know we had testimony earlier about when members of this body meet with Council Members or so on. Have all of you been receiving the monthly Chair's summary report via e-mail or –? Every month your Chair writes a summary report of what happened the month before and it's distributed to all of you. It's on our website. It's on the MRA website. There's the whole archive of the Chair's monthly reports on everything that's been happening.

During the month of July – let's see we're going back to the period of July 15<sup>th</sup> to August 26<sup>th</sup>, but I'll just bring it current. It was – July was a month that your Chair did take the summary report in person, and I've done this in the past together with Katharine, together with Warren, where we go one on one, face to face, with different department heads that we interact with – with Public Works, Planning as well as all of our decision makers who are on the Council, and as well as Mayor. And so I do – I did have in the month of July several of those meetings and will continue to do that throughout our year. This was a practice that was started by the Chair prior to me who was Ron Kawahara, and I think it's been an excellent outreach for the MRA to let the community and our decision makers to hear first hand what our agency is about and

what we're doing. I can go down the line or I can just copy you a copy of my calendar. But, I will tell you the month of July was hugely busy with that.

Also we drafted our budget. Mark and I started the process which we're going to continue at today's meeting, so that took up a bunch of time. In addition, two newsletters have been written and distributed through the community. Our website has continually been updated and we actually have a better functioning navigation on the website which we have been hoping each month to be able to actually show you our website on the screen and how it's been navigable now. But we're not going to be able to do that today. So maybe at our next meeting when we won't be talking about so much. But, unless there are questions that that's my report. We've been hugely busy with the previous grant that we wrote on behalf of the MRA that we didn't get to do. So, yeah, your managing and operating folks are working very hard. Any questions members?

## **F. BUDGET**

### **1. Cash-flow report (no action)**

Ms. Betts Basinger: Okay, seeing none, we'll move onto the next item which is F, Budget, cash flow report and I didn't see one. Did you guys get a cash flow report?

Mr. Walker: No.

Ms. Betts Basinger: Okay. So we have no cash flow report today. So we'll move right on to item number two where we are finally going to have some time to continue our discussions from July 15<sup>th</sup> on proposed expenditures and prioritizing the remaining FY12 funds. That's year's funds that we're in to now. And on this item the MRA may take action to approve expenditures. Did everyone bring with them their notes from July 15<sup>th</sup>?

### **2. Continuation of discussion from July 15, 2011 meeting on proposed expenditures and prioritizing remaining FY 2012 funds. The MRA may take action to approve expenditures.**

Mr. Walker: I didn't. I'm sorry.

Ms. Betts Basinger: Okay. If not, your Chair made copies of – I'm going to pass out blank copies that you can scrawl on as we decide what we might want to do with our vast funds. And also Chair is going to pass around what we had discussed at the last meeting and where Chair's notes say we left our discussion. I'm sorry I don't have – I have, but I don't have extras. So I'll make sure you get some. These are working documents. Okay members just to get us back on track because I know it's been quite a while. We had decided and approved on using this format as it's kind of a copulation of a cash flow analysis as well as a budget. And you can see that columns are for each month and we're kind of behind the eight ball here. I guess what we want to take action on today – I'm hoping we can take action on today is approving some of the line items. And you will note on Erin's e-mail to us, she specifically wanted to bring our

attention to the signage for the Maui Nui Botanical Garden. \$5,000 not to exceed for travel expenses, potential meeting room rentals and other logistics and materials costs associated with Dave Freudenberger for the tax incremental financing plan. And I think members if we look at this – when you look at task expenditure in the left hand column – which is your task number? I-4, right?

Mr. Walker: Yeah.

Ms. Betts Basinger: It's my understanding that the \$24,900 has already been –

Mr. Walker: Right that was last year.

Ms. Betts Basinger: So what we're looking at here is this \$5,000 that is in the first line, members. Mark, you want to talk about that?

Mr. Walker: Yeah, just that it seems that the deeper we get into this there's a lot of moving parts. I can't specifically say what it would be spent for other than additional consulting work based on questions that come out of the TIF reports. So, you know, it may not be spent, but we wanted to just put a place holder in there, kind of figuring that there would probably be an additional cost just based on the report coming out timely and then feed back and maybe other things that need to generate a result.

Ms. Betts Basinger: Members, any questions about that particular expense on our task item I-4, TIF? So do I have consensus to approve this line item in our budget?

Ms. Popenuk: Yes.

Ms. Betts Basinger: Any opposed? Okay good, it's approved.

**By unanimous consensus, the body approved the expense not to exceed \$5,000 on task item I-4, TIF.**

Ms. Betts Basinger: Her second – she draws our attention to another item not to exceed \$1,000 for the sign frame to display the native plants as proposed by Maui Nui Botanical Gardens between Iao Theater and the Police substation. She attached photos and a design. And if – unless I hear otherwise, members, we approve this item which we can find, this line item is MD-without a number, branding signage. So it would fall into that, the second to the last, under task expenditures. It's a marketing. It falls under our marketing segment and it's branding signage and branding for banners. So at this point should we change that from the number that's there to not to exceed \$1,000 that she's recommending? Okay.

Ms. Perreira: . . . (inaudible) . . .

Ms. Betts Basinger: This is a line for \$5,000 that we are going to change to \$1,000. Thank you members.

Ms. Popenuk: There's the \$400 for the actual sign. The plastic.

Ms. Betts Basinger: For the sign frame. This is the same frame. Okay, so the next item is not to exceed \$400, a backing for the sign. Okay so let's up that to not to exceed \$1,400.

**By unanimous consensus, the body approved the expense not to exceed \$1,000 for the sign frame, and \$400 for the actual sign, to display the native plants as proposed by the Maui Nui Botanical Garden between Iao Theater and Police Substation.**

Ms. Betts Basinger: And lastly on Erin's report, I know members that we talked about it and we, in our minds, we thought it was a done deal, but the membership of the MRA in the International Downtown Association membership was not officially voted on. So if we want to approve that line item which is \$365 – it's annual – that would be another one. So members, \$400 and \$365 would flesh out the dot points that Erin is recommending in the budget. Unless I hear an objection, can I consider those approved?

Mr. Walker: Where's the \$365? Where's that line item?

Ms. Betts Basinger: It would be – thank you. Bad notes.

Mr. Walker: Others.

Ms. Betts Basinger: Yeah, let's add that under other, memberships.

Mr. Walker: Okay.

Ms. Betts Basinger: Membership.

Mr. Walker: \$365?

Ms. Betts Basinger: \$365. And I believe at that meeting, members, I passed out information to each of you about the work that they do and how advantageous that's going to be to us as a resource.

**By unanimous consensus, the body approved the line item of \$365 annual fee for the International Downtown Association membership.**

Ms. Betts Basinger: Okay, in addition to those items, I would like to also follow up on task expenditures which I asked each of you to come forward and kind of give this body an idea of the amount of money you might need to finish your task out. And I'm going to take you to MD-1 which is under task expenditures. It's the fifth item, MD-1 First Friday security. And I've budgeted that at –. Well, what we talked about was, at our last meeting, was \$1,000 a month moving forward. We funded them \$2,000 in June which was the last budget that we dealt with. And I actually, members, would like to stay at \$2,000 a month. Clean and safe is not only a

program that the MRA is tasked to provide, but part of clean and safe is safety for these events. So I am suggesting to raise that amount to \$2,400 over the next 12 months – I mean thousand.

Ms. Popenuk: So is that all on MD-1 or does some of that come on the clean and safe program?

Ms. Betts Basinger: Well, that will be all on MD-1 for First Friday security specifically, at \$2,000 a month.

Mr. Walker: Then historically do you know just sort of what, I mean, what have we funded them? Nothing? So it's just kind come and ask, and give basis?

Ms. Betts Basinger: Yeah. I don't know if you guys were yet – you were on the board when we approved the first \$2,000.

Mr. Walker: Okay, that was first.

Ms. Betts Basinger: That was the first. Yeah. And I think we're hearing testimony and I personally would feel uncomfortable if this body in that because that's in our area, didn't do that. So let's make that \$24,000.

Ms. Popenuk: So for \$2,000 we're providing security at one First Friday per month? Or would it also – would that monies also be used off First Friday time, for clean and safe?

Ms. Betts Basinger: No.

Ms. Popenuk: It's all associated to First Friday.

Ms. Betts Basinger: No, this is just the First Friday.

Mr. Walker: Police only.

Ms. Betts Basinger: Yeah, police or security for First Friday only. We have clean and safe down below as a separate thing. So –

Mr. Walker: Madame Chair, so, the \$2,000 what is that? What does that get us do you think?

Ms. Betts Basinger: It allowed her to increase her police presence by, I believe, four police officers.

Mr. Walker: Right, the \$2,000 that we gave her previously.

Ms. Betts Basinger: Yeah. They also, as an organization, have removed –. They do not have a line item for marketing or PR on the event, and so they have taken that money. When they first approached us they gave us a budget that showed that they were spending so much on marketing or they wanted us to give so much in marketing. They no longer need that. So that's

why I'm suggesting going back to the \$2,000 that we agreed on. And remember members, we can adjust this budget monthly.

Mr. Walker: Right. Okay.

Ms. Betts Basinger: Okay so without hearing an objection, does this body approve that expenditure for First Friday security? Hearing none, thank you.

Mr. Walker: One other question. So, I mean, do we just give them \$24,000 or is it on a monthly basis? Or how does that technically work? Do they have to submit?

Ms. Betts Basinger: They actually, they submit an invoice and we pay off of an invoice.

**By unanimous consensus, the body approved the expenditure of \$2,000 per month, or \$24,000 per year, for MD-1, First Friday security, specifically.**

Ms. Betts Basinger: Okay members, if we can go down two more lines, Admin/Op Rules Amendment. And I mentioned earlier that we may want to set aside a certain amount of money that might be needed to have some technical expertise or some legal help that we might need in looking at our rules. And it's not a big amount. I mean, that's meant to be for the task. But I just wanted to get a place keeper there so that we don't end up not having the ability to pay someone to do some drafting or word smithing or legal research. Any comments on that amount? Does it seem low? High?

Mr. Walker: Remind me the amount. Remind me the amount.

Ms. Betts Basinger: \$2,000.

Ms. Popenuk: To what extent will we be able to rely on the County Corporate Counsel?

Ms. Betts Basinger: I'm hoping that we'll be relying on our own Counsel. But to get to that point where we're giving him exactly what he needs we, our investigative committee, is going to have to rely on resources out there that have that expertise. If we're all looking weird at each other, how about –

Mr. Walker: No I'm not. I think I'm fine with that.

Ms. Betts Basinger: How about raising it to not to exceed \$3,000? And then if it's not expended, it's not expended. But, I'm just not clear about the extent of research that might be necessary in to rules. Without hearing an objection.

Mr. Walker: I'm fine.

Mr. Mitchell: I'm fine. That's fine.

Ms. Betts Basinger: Okay without hearing an objection, I'd like to change that amount to \$3,000. No objections? Thank you members for approving that expenditure.

**By unanimous consensus, the body approved the expenditure not to exceed \$3,000 for Admin/Ops Rules Amendment.**

Ms. Betts Basinger: And then skipping signage which we've already got at \$1,400, the banners that we've been talking about for so long. The banners that exists, on Market Street, today, were provided by a community organization called Malama Wailuku. They were not –. They don't belong to the MRA. However, it is in the MRA's task to be providing those kinds of beautification measures along Market Street. So we had agreed as a body that before the ones that are existing gets tattered and torn and we have nothing, we wanted to start a program perhaps down the road where lots of people can participate in a banner program. But until that program gets developed, the MRA felt it should provide place banners on all 17 spots along the beautification area of Market Street. The amount of \$4,000 is what Malama Wailuku's cost was for the ones that exists today. We are fortunate in that – do most of you remember Sig Zane who was a shop owner on our street? Sig Zane has throughout his time in Wailuku designed branding for many of the festivals that were held on the street. And he is willing to design one for Wailuku. And so what I would like to the end, we have also talked a little about – I've talked to the people that clean those banners that are up now. Just looking at them aesthetically, are they the right size? Should they be a little bit longer? All of those things. So I went out and got an estimate on if they were six inches longer, which would have more of an impact, remaining double sided, and it's going to cost a little bit more. So I would be requesting this \$4,000 be \$6,000, not to exceed \$6,000. And with a time line to be installed prior to the holidays, so –

Mr. Walker: These are vinyl banners? These are –?

Ms. Betts Basinger: They're double sided, four colors. It would be a trademarked exclusive design to the MRA for beautifying the streets, and, yeah, they would be ready before the holidays.

Mr. Walker: Vinyl? They're vinyl banners?

Ms. Betts Basinger: Yes. Yes, they're vinyl and they're reinforced. But they still can't stay up like 24/7 like the ones that are there now. So the plan is to change these out periodically, seasonally, and as we start growing a collection of banners, it could be a banner that's announcing something happening at, you know, MCC or whatever it might be, or some event happening.

Mr. Walker: So this is a Christmas or holiday banner?

Ms. Betts Basinger: This would be a generic celebrating Wailuku banner. That would be traded out for the things you're talking about once we get a program.

Ms. Popenuk: So if the banner size is changed, does that still work with the hardware?

Ms. Betts Basinger: Yes it does. The hardware, if you look at those lovely period lamp post, they have rings, and so the rings can be loosened and raised or lowered or whatever. So it's doable.

Ms. Popenuk: What sort of in roads are we making in terms of maybe having other people pick up the tabs for banners in the future?

Ms. Betts Basinger: And that is our goal. It is the goal of this body to create, I think, you'll remember the discussion on our banner program that would allow – that would discuss, yeah, that would discuss other kinds of banners that would be promotional or whatever.

Ms. Popenuk: Sponsored by whomever.

Ms. Betts Basinger: It could be a revenue source for this body, a banner program.

Ms. Popenuk: Or self sustaining.

Ms. Betts Basinger: Yeah.

Mr. Mitchell: So Sig would design this?

Ms. Betts Basinger: Yes he would. And because I've already gotten a pretty good quote on what the manufacturer would cost. There was nothing in this \$4,000. We didn't have enough to kookua Sig. So, I mean, I think that's a huge thing. So that's why I'd like to up it.

Mr. Mitchell: Would we be able to see the design before it goes out there?

Ms. Betts Basinger: Yeah. That would come here and it will be public, and yeah.

Mr. Walker: In your mind, is it one design or is he's going to give where give us a few to choose from?

Ms. Betts Basinger: His suggestion – his suggestion was that he felt having the exact same banner, 17 of them, was a bit much. So his suggestion was to create four different designs. And if you know Sig Zane designs, they always represent a plant or a flower or a tree or something that is attached to the land there. So it would be four different designs in four different complimentary colors. So I have no idea what this looks like. That would be something that we'll do as we move this forward. Any other questions?

Mr. Mitchell: Are the banners made locally?

Ms. Betts Basinger: Yes, the banners are made by a local company called The Sign Shop run by Ryan Suzuki. Yeah. Or The Sign Source – I'm sorry – The Sign Source. And he – the reason we asked him again for a bid is because he's done these exact banners for those exact – he has that. So members, without objections I'd like to change that line item amount to

\$6,000. And without objection is that approved?

Ms. Popenuk: Approved.

**By unanimous consensus, the body approved the expenditure amount not to exceed \$6,000 for banners on Market Street.**

Ms. Betts Basinger: Thank you. Clean and safe program – and I'm sorry Erin isn't here and as you know this conversation will continue next meeting, and the next meeting, and the next meeting. We have certain contracts that are already in place that we need to honor. And at our last meeting these are the numbers that Erin gave us as costs to continue the trash removal as it is, sidewalk power washing, the planter relocation. I think we've already paid that out. Now there's banner and signage maintenance which is different of course from the manufacturer of those things. So, I mean, it's our job to maintain them. So that's the amount that she estimated would be required annually. So I'm going to ask that starting with trash removal, sidewalk power washing, planter relocation and landscaping, and banner and signage maintenance, that this body approve those amounts thus moving this budget forward. The amounts are trash removal an annual is \$11,996.

Mr. Walker: I would say we make that \$12,000.

Ms. Betts Basinger: Okay, rounding to \$12,000. Sidewalk power washing \$800. Planter relocation, landscaping \$1,000. Banner and signage maintenance \$800.

Mr. Walker: Question now, did you say that we thought we had paid a \$1,000 on the relocation?

Ms. Betts Basinger: Yeah, so I'd like us to authorize that it's an approved budget. I believe that's already been –

Mr. Walker: I see.

Ms. Betts Basinger: Yeah.

Mr. Walker: Not in last year's? Not in last year's money?

Ms. Betts Basinger: No, no, no.

Mr. Mitchell: Madame Chair, does Maui Nui Botanical maintaining the plants that are out there now?

Ms. Betts Basinger: Yes they are.

Mr. Mitchell: And they're under contract to do that?

Ms. Betts Basinger: They are not under contract to do that. And I'm going to defer this definitive

answer to Erin. I think there is an agreement. Because I do believe that the understanding is they're going to from time to time change out the indigenous plants to show off more variety. But that's a good point for our next meeting is to clarify.

Ms. Popenuk: They're taking care of them at this point. They're waiting for a water meter to open or establish or whatever, so that's priority for them. It has not been moving forward as quickly as . . . (inaudible) . . . right.

Ms. Betts Basinger: Okay –

Mr. Walker: So I'm in favor of those expenditures.

Ms. Betts Basinger: Thank you. Unless I hear otherwise, I'm going to mark each of those approved. Thank you members they're approved.

**By unanimous consensus, the body approved the expenditure of \$12,000 for trash removal, \$800 for power washing, \$1,000 for planter relocation, landscaping, and \$800 for banner and signage maintenance.**

Ms. Betts Basinger: Heading back up, members, to operating expenditures. The second line item is website maintenance and the third one is printing. These are also items that we discussed at our last meeting. We have, as you can see, we've already paid out a certain amount in July, and I'm sorry that we don't have more current cash expenditure numbers here. But I would also like to ask members for their approval of those amounts, for the website and for printing.

Ms. Popenuk: Approved.

Ms. Betts Basinger: \$3,730 for website maintenance. That's annual. And \$1,200 for printing, which again is annual. Members, you're also going to see, one, two, three, four, five items under operating expenditures that fall under that, but are actually the in kind that we received from the Planning Department. They have a huge value, but it's not enumerated in our budget. If at any time there may be times when, in order to accomplish perhaps a resource presentation, we might have to pitch in. So we would come back and look at augmenting that, that line item with the Planning Department. But so far we've been lucky.

And other than that I don't – those line items that we have not talked about it's because we're not prepared to talk about them and it's probably better to leave them to our next month's budget meeting.

Mr. Walker: And my calculations, I think that's roughly about \$60,000 of our – I mean, I was just calculating . . . (inaudible) . . . within a \$1,000 or so.

Ms. Betts Basinger: Thank you. I have this kind of in a formatted Excel, so if I click in these numbers again it will –. But you see that we started with our beginning cash balance, plus carry

over that was encumbered. So our total available cash at the beginning, at July 1<sup>st</sup>, was \$135,996.

Mr. Mitchell: And that is money that Council approved to us, approved to the MRA?

Ms. Betts Basinger: Yes.

Mr. Walker: But again, we've already – basically the encumbered has already been spent.

Ms. Betts Basinger: Some what.

Mr. Walker: It just hasn't been paid out.

Ms. Betts Basinger: That could be much of it, yeah. And much of it is going to be paid out on a monthly basis, mostly for the contract.

Mr. Walker: Okay.

Ms. Betts Basinger: Any other questions about the budget and how we're going to go forward each month? I apologize members I come from an area of work that says you just don't function without looking at your budget every time you meet. And we're already six months into our year and I'm thankful that you've indulged this body. This is very good. And we're prioritized, and as you can see we have some more items to discuss.

Mr. Mitchell: Madame Chair, has the MRA decide the banners traditionally been anything for Christmas related to Market Street? Any promotional thing? I'm just curious.

Ms. Betts Basinger: No. But it doesn't mean that we can't, you know. I mean, if you come forth with an idea that –

Mr. Mitchell: I just wondered. I thought the banners is a nice sort of thing around that time. If there's something else –

Ms. Betts Basinger: Something new.

Mr. Mitchell: Something new to help merchants.

Ms. Betts Basinger: I will say that I believe it's the December First Friday which is going to have kind of a holiday theme. And there's going to be Uluwehi Guerrero and his 80 member choir are going to be singing holiday songs. So I thought the unveiling of the MRA's new banners would just tie in so beautifully with that time of the year.

Mr. Jeffrey Dack: Excuse me, I heard you state consensus on all items except for the website. Just to clarify.

Ms. Betts Basinger: Thank you. Thank you. So member unless I hear to the contrary I'm going to mark approve for website expenditures and printing. Hearing none, thank you for the approval. And members, we will be having the budget on the agenda at each monthly meeting, and I promise that the next meeting will include expenditures that have been made in each month.

**By unanimous consensus, the body approved the expenditure not to exceed \$3,730 for website maintenance, annually, and \$1,200 for printing, annually.**

Ms. Popenuk: Comment. I just want to – I was thinking about ways we could spend money if we have it, and I just wanted to put out there the idea of us acquiring parking someplace in Wailuku town. Either buying property or leasing property or something like that. Also moving forward, the idea of paid parking if there was anything that we could do to, you know, maybe we, I don't know, how we would participate, but moving that thought forward, somehow making that come to be. And also a possibility of thinking of other ways to raise funds to generate income. If there was any way that MRA could cause that to happen as well. If there was something that we could do. You know I don't have anything specific in mind, but that might be something that would be included on a budget at some point in time.

Ms. Betts Basinger: Members, I'll bring your attention to Katharine's comment. I'll bring your attention to task expenditures line item three down, VPC-7, which is downtown parking. And because Warren is not with us today, you know, I did ask each of you on your own task items to kind of put together what – so I think that's an excellent idea and maybe you can e-mail Warren and, you know, maybe come to the body the next time with a plan. But there is a certain amount of money that when we discuss we thought I don't remember though members if this was for a consultant or what this was for so that's why I didn't want to move forward with approving that amount.

And the next item MD-3 consultant. MD-3 is a task of the Wailuku Redevelopment Plan that the community has worked on in the past, and it's a visitor marketing strategy. And I know Wailuku Main Street, Mayor Arakawa in his previous term, the MRA, lot's of people in the community were on that task force on how to bring visitors to Wailuku town. And so that MD-3 visitor consultant amount is if we get the chance to focus on that project. So we can talk about that at the next meeting.

**G. NEXT MEETING DATE: October 28, 2011**

Ms. Betts Basinger: So members, if there's nothing else on budget, item F2, thank you very much for your approvals. The next meeting date is October 28<sup>th</sup>, 2011. I have a couple announcements that I want to make. First and foremost, Katharine and I will be representing the MRA next week at the HCPO Conference on Kaua'i, and I'm just so looking forward to that. I think it's going to be really, really exciting.

And in addition, I wanted to share what I read in the newspaper about some projects that are

happening in Wailuku. If I can find my little note. Here we go. Pedestrian plan identifies seven Maui areas of concern and one of them is Wailuku, Main Street intersections with Church and High Street. Very high ranking as a dangerous, dangerous crosswalk area, and that is in our plan. It is one of our tasks and so we may want to talk about working on this task at some point.

Additionally in today's paper, Kula and Wailuku road projects to begin and I'm sorry that Mr. Dan is not here, but the Wailuku project in the area of Market and Vineyard Streets will involve installing a trench drain and sidewalk culvert in front of the Maui Sporting Good's building. The project will affect 80 feet of sidewalk, though there could be occasional traffic delays for construction deliveries. Pedestrians are advised to use caution in the area. Work will continue through October 10<sup>th</sup>. And if Erin were here, I think she would be able to explain a little bit more about what that task is, but there was a drainage problem going into that building. So I'm really happy to hear that that's been taken cared of because then we'll have a really happy merchant at that point. Does anyone else have any announcements they might want to make about what's going on in Wailuku? Then with that, at 2:50 p.m., this meeting is adjourned.

#### **H. ADJOURNMENT**

There being no further business brought forward to the Agency, the meeting was adjourned at approximately 2:50 p.m.

Respectfully submitted by,

LEILANI A. RAMORAN-QUEMADO  
Secretary to Boards and Commissions I

**RECORD OF ATTENDANCE**

**Members Present:**

Alexa Betts Basinger, Chair  
Katharine Popenuk, Vice-Chair  
William Mitchell  
Mark Walker

**Excused:**

Warren Suzuki

**Others:**

Michele Chouteau McLean, Deputy Planning Director  
Jeffrey Dack, Staff Planner  
James Giroux, Deputy Corporation Counsel