

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

Council of the County of Maui

MINUTES

September 6, 2012

Council Chamber, 8th Floor

CONVENE: 9:08 a.m.

PRESENT: Councilmember Mike White, Chair
Councilmember Elle Cochran, Vice-Chair
Councilmember Gladys C. Baisa, Member
Councilmember Donald G. Couch, Jr., Member
Councilmember Joseph Pontanilla Member (In 9:12 a.m.)
Councilmember Michael P. Victorino, Non-Member

EXCUSED: Councilmember G. Riki Hokama, Member
Councilmember Robert Carroll, Member

STAFF: Josiah Nishita, Legislative Analyst
Camille Sakamoto, Committee Secretary

ADMIN.: Patrick T. Matsui, Deputy Director, Department of Parks and Recreation
Rowena M. Dagdag-Andaya, Deputy Director, Department of Public Works
Jeffrey T. Ueoka, Deputy Corporation Counsel, Department of the Corporation
Counsel

OTHERS: Karin E. Phaneuf, Chair, Kehalani Association
Gary Ambrose, Coach, Waikapu Brewers
Cynthia Razo
Rik Papa, President, Kehalani Community Association
Stanford Carr, President, Kehalani Holdings Company, LLC
Alan Unemori, Civil Engineer, Warren S. Unemori Engineering, Inc. (Developer's
consultant)
Scott Matsuura
Three (3) additional unidentified attendees

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

CHAIR WHITE: . . .(*gavel*). . . Good morning. Meeting of Economic Development, Agriculture, and Recreation Committee will come to order. It's September 6, 9:00 a.m. in the morning. And I'd like to first start by asking everyone to please turn off your cell phones or other noise-making

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devices. And I'd like to introduce our Committee's voting Members. We have Ms. Elle Cochran who's the Committee Vice-Chair --

VICE-CHAIR COCHRAN: Good morning, Chair.

CHAIR WHITE: Good morning. And Gladys Baisa --

COUNCILMEMBER BAISA: Good morning, Chair.

CHAIR WHITE: --Don Couch --

COUNCILMEMBER COUCH: Good morning, Chair.

CHAIR WHITE: --and a non-voting Member, Michael Victorino. Good morning.

COUNCILMEMBER VICTORINO: Good morning, Chair.

CHAIR WHITE: And we have two Members of the Committee who are excused this morning: Robert Carroll and Riki Hokama. And we expect --

COUNCILMEMBER COUCH: And Joe.

COUNCILMEMBER BAISA: Joe.

CHAIR WHITE: Oh, and Joe Pontanilla. And, this morning, we are joined by Mr. Pat Matsui from the Department of Parks and Recreation; and Rowena Dagdag-Andaya, from the Department of Public Works, is here to respond to any questions that we might have; and Jeffrey Ueoka, our trusty Corporation Counsel; and Committee Secretary, Camille Sakamoto; and we'll be joined at some point by our Legislative Attorney, Regina Gormley; and we also have Legislative Analyst, Josiah Nishita. So good morning, everyone, we have just one item this morning, and we have three people who have signed up to testify. And if you have not done so and you would like to testify, please sign up in the lobby. And, Members, without objection, I'll now proceed with acceptance of testimony.

COUNCIL MEMBERS: No objections.

CHAIR WHITE: Thank you.

...BEGIN PUBLIC TESTIMONY...

CHAIR WHITE: Our first testifier this morning is Karin Phaneuf, and I apologize if I'm not getting the name just right.

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MS. PHANEUF: It's okay. Many people massacre that name. Good morning. My name is Karin Phaneuf. I am the Chair of the Kehalani Community Association voting members. And I've lived in that community for 11 years, going on 12 years. So I'm gonna read you what we're submitting. The voting members of Kehalani Community Association recommend approving these two parks on behalf of the almost 2,500 residents of this growing community. We have waited a long time for these parks. Our first homes were built there in 1996. And we look forward to the green spaces to congregate, exercise, catch up and enjoy our beautiful Maui weather. We are happy that the park issue has made it to the Council, and we are hopeful that our parks are finally going to be used. On behalf of the Kehalani voting members, please accept these parks and make the residents of this Central area really, really happy. So that's basically it. We're hoping that we can start using these parks.

CHAIR WHITE: Thank you. Members, any questions for the testifier? Seeing none, thank you very much.

MS. PHANEUF: Thanks.

CHAIR WHITE: Our next testifier is Gary Ambrose. And I'd like to welcome Mr. Pontanilla.

COUNCILMEMBER PONTANILLA: Good morning.

MR. AMBROSE: Good morning. My name is Gary Ambrose. I'm the coach for the Waikapu Brewers team speaking on Item EDR-4. I'm here in support of the Parks Department on using this park as a multi-purpose park. Because of the growing interest of baseball and other sports, practice fields are in very, very short supply. Every year it's getting harder and harder to find fields to play on because of the growing number of kids. And so I'd like to thank you for your time and please approve this park for a multi-purpose park so we can all enjoy it. Thank you.

CHAIR WHITE: Thank you. Just...Members, any questions for the testifier? Seeing none, thank you. And thank you for being a coach. Our next testifier is Cynthia Razo.

MS. RAZO: Good morning, Chair and Committee Members. My name is Cynthia Razo, and I'm here to ask you to please approve our parks in our Kehalani neighborhood. It's been decades kind of in the works. And we've, you know, when I first moved in there about seven years ago, it was, you know, on the master plan that we were gonna have these parks and they've kind of been fenced off and we haven't been allowed to use them. And I encourage this Committee to vote it on to the full Council. And our community, if you've ever been through there, I mean it's pretty small lots. Some of it are townhouses, others are like duplex style. And I mean we have tons of kids in our neighborhood that really don't even have a space to, you know, kick their ball in the backyard or, you know, hit a ball or run around and play. And so I just encourage this Committee just...it's a healthy way for kids to exercise and for...as Karin pointed out, for families to get together and socialize with their neighbors to have this space. So I appreciate your efforts. Thank you.

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CHAIR WHITE: Thank you. Members, any questions? If not and seeing none, thank you very much.

MS. RAZO: Thank you.

CHAIR WHITE: And the next testifier will be Rik Papa.

MR. PAPA: Good morning. My name is Rik Papa. I'm here on behalf of the Kehalani Community Association. I've been the Board President for the last two years, and I just wanted to echo the thoughts and comments of our community members. Right now, we're about 1,200 members, and we will grow to about 2,500 over the next few years. These parks are a much needed benefit to our community as well as the surrounding community of Wailuku. And we have the support of the community, the voting members. You've...you heard Karin Phaneuf speak earlier in support of it. And we are very hopeful that these parks will finally be open. The KCA, community association and the developer have been working very hard over the past few years and more recently over the past few months with Council, with the Parks Department to hopefully get these parks dedicated and opened for the better enjoyment of the community. So I will also be available for any questions, but I...we hope that you guys will support the park dedication. Thank you for your time.

CHAIR WHITE: Thank you. Members, any questions for Mr. Papa? Seeing none, thank you, Rik.

MR. PAPA: Thank you.

CHAIR WHITE: Our next testifier is Stanford Carr.

MR. CARR: Good morning, Chair White --

CHAIR WHITE: Good morning.

MR. CARR: --Members of the Council. Thank you very much. My name is Stanford Carr of Stanford Carr Development, the master developer for Kehalani. I'd like to also thank the members of our community for their testimony in support of passage resolution ED-4 [*sic*]. This has been an arduous process, finally here before the Committee. I humbly request passage of this resolution so we may go on to implement the agreements and see these parks come to fruition in our community. I'm available for any questions if there are any. Thank you.

CHAIR WHITE: Okay. Thank you. Members, any questions for Mr. Carr?

VICE-CHAIR COCHRAN: Chair?

CHAIR WHITE: Yes?

VICE-CHAIR COCHRAN: Thank you. Hi, good morning --

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MR. CARR: Good morning.

VICE-CHAIR COCHRAN: --Stanford, nice to see you. Just curious, I guess I've been hearing it's been decades in the making. And I'm reading one testimony where they had access and then now they haven't had. So I'm just curious what had occurred --

MR. CARR: Sure.

VICE-CHAIR COCHRAN: --from the time it was built till today and why are we in this predicament?

MR. CARR: We actually first entered into an agreement with the County in 2002 with respect to the improvements to both the Makai and Mauka Park. The Makai Park was completed with the improvements pursuant to that agreement, oh, probably about eight or nine years ago. However, the Council back then chose to defer acceptance of the dedication. They wanted more improvements, including further improvements on the mauka park and further expansion. We've collaborated with the Parks, some of the Council members of the past, and we are here before you today for this resolution.

VICE-CHAIR COCHRAN: Okay, good.

MR. CARR: Thank you.

VICE-CHAIR COCHRAN: Thank you, Mr. Carr and Chair.

CHAIR WHITE: You're welcome. Thank you, Mr. Carr. And we'll be happy to call him back up if the Members have questions later on. Is there anyone else in the gallery who would like to testify this morning? If so, please make it known to the Chair. Seeing no one moving towards the podium, without objection, I'd like to close public testimony.

COUNCIL MEMBERS: No objections.

CHAIR WHITE: Okay, thank you, Members.

...END OF PUBLIC TESTIMONY...

ITEM EDR-4: APPROVING THE WAILUKU-KAHULUI PROJECT DISTRICT 3 PARK ASSESSMENT AGREEMENT (CC 08-129)

CHAIR WHITE: Okay. As I mentioned earlier, we have just one item on the agenda this morning and that is dealing with a proposed resolution entitled, Approving and Authorizing the Execution of a Park Assessment Agreement for the Wailuku-Kahului Project District 3, Pursuant to Section 18.16.320 of the Maui County Code. And before we start off, I'd like to ask Corp. Counsel to provide an explanation of what it is that we're doing today that's a little bit different than what we have done in the past. Because, my understanding, this is the first parks project to come

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through under the new ordinance which allows a developer to work out an arrangement with the Department of Parks and come to an agreement as to what should be done so that we don't put developers and the County in a position of having all the work done and then the Council not approving it. So, Corp. Counsel, if you could give us a...an explanation of the difference in how we're doing it now versus the way we've done it in the past?

MR. UEOKA: Okay. Thank you, Chair. Yeah, prior...the Department would enter into agreements with developers and the parks would be constructed and then the developer and the Parks Department would come to Council and ask if the...if Council would like to accept dedication on the property. And that ran into some problems on certain occasions where Council didn't have the same thoughts as the Parks Department so that, when the Parks Department had entered into that agreement. So Parks, Mr. Matsui in particular, moved forward with changing the process in 18.16.320, that's the subdivision...parks and playgrounds for subdivisions in the Maui County Code, to have Parks enter into agreement with the developer, have that agreement approved by the Maui County Council, and we also amended Chapter 3.44 of the Maui County Code regarding acceptance of property. And if the developer builds the park to the standards as prescribed in the agreement that was approved by Council, then the Parks Director may accept the property on behalf of the County at that point. But only *if* the park has been developed in accordance with the terms of the agreement. So I hope that summed it up, Chair.

CHAIR WHITE: Thank you. Any questions for the Corp. Counsel at this time? Mr. Victorino?

COUNCILMEMBER VICTORINO: Thank you. And thank you, Mr. Ueoka, for that clarification. As you well know—and some of you have not been here long enough to understand that, but others have—this was the real dynamics of having a park given to us and it was not to what the Council thought was fair and acceptable for the communities. And that was one of the bugaboos that has occurred and we worked hard to make that change. And thank you, Mr. Matsui, that makes it much easier if we approve it here and then send it on, it's done, you know, and they go ahead and do it and we don't have to come back and see us again and that's very important, you know. This has been a track for the past 15-plus years, and the 6 years I've been on this Council, we've been working on this. And my biggest concerns, and I see some of 'em had been addressed, was drainage and comfort stations and parking. Drainage for this lower Makai Park because all of us know when we have big rains, it fills up and it takes time for the water to dissipate; and I understand the developer has made some major improvements or will continue to make some improvements in that area. I think then I can accept that part, you know. And then the comfort stations as well as parking on the upper lot, the makau...I mean mauka, excuse me, Mauka Park is very important, also. Now, that park's gonna not only be used by the community, but if you read in here, it also be used by the Department of Education. We've got Puu Kukui being built right now and that would be on line probably latter part of next year. And that park will become integrally important for that school as well as Wailuku Elementary 'cause those two schools have no room for playing facilities. Although, Puu Kukui is looking to have some property on the adjacent end, but they haven't worked out all of that details yet, yeah, Mr. Matsui, if I'm correct?

MR. MATSUI: Yes.

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COUNCILMEMBER VICTORINO: Okay. So I know my community and I understand what's happening out there, and I would encourage the Members to approve this because I have been assured these things will be taken care of. And so long as that is taken care of, then the community's taken care of and we're not gonna have to spend taxpayers' money to rehabilitate or to make parks up to what we think they should be. So I thank Mr. Matsui and the Department for putting this together along with the developer. I know the community has waited for a long time, but I wasn't...I was one of those that refused to give a substandard park or a drainage park to our community and then have problems later. So I'm glad all of these have been addressed, I'm ready to move on, whatever the...I just recommend the Committee look up...favorably upon this, Mr. Chair. I won't be voting, obviously I'm not a voting Member, but this is my community and I have been working on this for the past five-and-a-half years. And I think we've come to some really, what I call, positive collaborative results and I am very happy to bring it forward now. Thank you, Mr. Chair.

CHAIR WHITE: Thank you for your comments. Now, Mr. Matsui, would you like to make any opening comments or would you like to move into your presentation?

MR. MATSUI: Yeah, you know, as the developer alluded, this project started in 1990 as part...and it was called the Wailuku-Kahului Project District No. 3. And the current developer took it over I think in 1999. And we did enter into an agreement in '02, that far back. They completed the Makai Park; we did come to the Council '08 and that was deferred basically because of the drainage issue. So I have a PowerPoint that I'd like to go into giving you overview of the project and the parks that's gonna be dedicated.

CHAIR WHITE: Okay. Thank you. Committee, without objection, we'll move to the presentation.

COUNCIL MEMBERS: No objections.

CHAIR WHITE: Okay. Committee will be in recess while we set up the room. ...*(gavel)*...

RECESS: 9:25 a.m.

RECONVENE: 9:26 a.m.

CHAIR WHITE: ...*(gavel)*... The Committee on Economic Development, Agriculture, and Recreation is back in session. And we're ready for a presentation by Mr. Matsui. Please proceed.

MR. MATSUI: Thank you. The project is known as the Wailuku-Kahului Project District No. 3, also known as Kehalani. Okay. This is a summary of the land requirements for the total Kehalani Project District. The total build out is 2,400 residential units, that these are subject to the 500-square foot per unit park assessment requirements. So doing the math, it comes out to 27.5 total acres that's required. They're proposing six parks. Makai Park, that's 7½ acres; the Mauka

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Park, that's 13 acres; and four Pocket Parks, that's total is about 7 acres--so that brings it to 27.5 acres. This is a master plan of the Project District. If you orient yourself, this is Waiale Road here at the bottom. Honoapiilani Highway is here. This is the main intersection, and there's a stop...traffic light here that connects the makai portion of Kehalani with the mauka portion. The...in the center is the Puu Kukui Elementary School. Makai Park at the bottom, the 7-acre park. Then there's four Pocket Parks: one, two, three, and four. And then the Mauka Park, which is 13 acres, is here. Right below is the Wailuku Elementary School Park, to orient yourself, right about there. Okay. As we mentioned, we did come forward to present this project earlier to the Council and that agreement got deferred. And this is a comparison of it. With the original agreement, Makai Park was developed with lot grading for a soccer/little league field and a parking area, grass planting, automatic irrigation system and grass swales for drainage. This is the park that functions as a park and a drainage basin. Okay. The new agreement added some improvements to the drainage outlet and stainless steel grating for the outlet. Now the Mauka Park, that had lot grading for two ball fields, one football/soccer field, area for tennis courts and parking area, grass planting and automatic irrigation system. With the new agreement, they're adding a paved parking lot and a restroom. Okay. This is going into the drainage...overall drainage master plan for the Kehalani Project District. It's a little hard to see, but if I can orient...this is Honoapiilani Highway, this is Waiale Road, this the main intersection with the traffic light. Okay. The shaded area, which is pretty much the mauka development, drains into the drainage basin here. Okay. The mauka areas, again, going back is Waiale Road, Honoapiilani Highway, pretty much this all mauka area is drained along here, this goes toward Waikapu. And there's a big drainage retention basin below Spencer's homes, that subdivision. Okay. Again, this one is...this map shows the different improvements that was done to the drainage system. Okay. This is Waiale Road, Honoapiilani Highway up here. Okay. As I said, this area, the makai area, drains into this basin. What was done was they beefed up the pipeline that runs along here and goes by St. Anthony School and then goes...empties out into Iao Stream. What needed to be done was to increase the size of the line so it could take the water that the basin catches. Also, there was some improvements from the County's side that was added in. One was...this is the area behind HGEA building, that subdivision area, that drains into the basin now. And then along Kaohu Street, the bottom of Kaohu Street, some improvements along there to catch the water that's running to the bottom of the street, and that also empties into this drainage system.

... We have some technical difficulties.

ALL: ...*(laughter)*...

NOTE: Pause while Committee staff assisted Mr. Matsui with the audio-visual equipment.

COUNCILMEMBER BAISA: ... Much better.

MR. MATSUI: Okay. Thank you. Okay. This is the Mauka Park...ooh, there. If you've been down there, this is Waiale Road, entry to Kehalani. MCCC is along here, and I think the cemetery is around here. As I mentioned, it...this functions as a drainage basin. What it does, it retains water and then the water will flow out into the drain along here and empty out all the way at Iao

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Stream. The water from the subdivision comes in along here and flows along the banks here. This is the outlet, the lowest part. There's another inlet coming from here that runs along here. Okay. We had the grading done so that this is a swale...and this area is elevated, okay. So on the smaller storms, the water would just go around here and collect here; and this area would be pretty dry. I think many of you remember many years ago when there was a lot of rain, this whole area would flood and would be a reservoir and the water would not go away until maybe a week or so, okay. Since all of these improvements were done, drainage improvements, the water will now flow into here and go out. So to give you an idea of the worst...a bad case scenario, for what was calculated for a 10-year, 24-hour storm, the water would rise from the bottom here about nine feet. And the bottom is about...yeah, so it would be for nine feet from here, would rise up, and within five-and-a-half hours, it would drain out. So, you know, it's a very temporary thing. I know earlier this year there was a really big storm, all of Wailuku was being drenched. I went out, took a look, this area was full. The water was flowing here; but when I went out the next day, it was all gone. So, you know, at most, during the rain, the water's gonna be there. The next day, if it stops raining, the water...the area would be dried out. This is the irrigation system that was put in. If you can see, this is the playing field area. There's a graded road that goes down into the bottom. There's an area that you can use for parking. And, again, and the water would flow along the edges here; this is a low point, that's the outlet. And here's a picture of the park before it was turned over to the County in '08 I think, or '09. And since then...since it wasn't accepted, the park was closed. But the developer will need to bring it back to make it look like this before we'll accept it. Okay. Going the details on the Mauka Park, this is the area above Wailuku Elementary School. To orient you, Wailuku Elementary School is here in the lower corner. This is the existing Wailuku Elementary School Park. It's got two ball fields, a basketball court, playground and a restroom, small parking lot. Okay. The Mauka Park is above it. This is the Mauka Park, okay, so it's graded...it's already graded. And so what we have is a football/soccer field, two ball fields; and this upper area is for tennis courts, parking lot and a restroom. This is a blowup of the upper area, upper corner. Again, here's the restroom, parking lot and room for four tennis courts. And then later on we can put walking paths around the perimeter for joggers. Okay. These are some pictures we took. This is from the top part looking down. These where the two ball fields will be. This is...this green section is Wailuku Elementary School Park. Over on the left is the soccer field, soccer/football field. Again, looking from the top, this is Wailuku Elementary School Park, portions of the little league field here and then the soccer field. More, looking at the little league fields. Okay. Now this is from the other corner looking I guess southeast, okay. Wailuku Elementary School Park, this is a portion of the large soccer field/football field. And another view of that looking south, okay. And then from above, this is the entire park. Wailuku Elementary School Park is here, the green. And this is a huge park, it's 13 acres. And then we go into the Pocket Parks. There's two Pocket Parks that has been constructed. And this is the Pocket Park No. 1; and then little bit above, second Pocket Park, different angles. But it's pretty much just a grassed area with irrigation. And it's...and that's my presentation.

CHAIR WHITE: Thank you, Mr. Matsui. The Committee will stand in recess for resetting the room.
...*(gavel)*...

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RECESS: 9:40 a.m.

RECONVENE: 9:42 a.m.

CHAIR WHITE: . . .*(gavel)*. . . Committee on Economic Development, Agriculture, and Recreation is back in session. Members, any questions for Mr. Matsui following his presentation?

NOTE: Silence.

CHAIR WHITE: . . . Oh, you're a quiet bunch this morning.

ALL: . . .*(laughter)*. . .

CHAIR WHITE: Ms. Baisa?

COUNCILMEMBER BAISA: Chair, not really quiet or not having questions, but the questions that I had were answered in the presentation. My...originally, I was concerned about the issue of comfort stations 'cause I think they're, you know, really important and I see it's been taken care of. So I really have no further questions, and I'm ready to vote.

CHAIR WHITE: Mr. Pontanilla?

COUNCILMEMBER PONTANILLA: Just a comment. Had a side conversation with Corporation Counsel just now, and one of the issues that I had in my mind was that in regards to parking. And majority...I understand that majority of the park users are basically the residents of that area. So if majority of the users are residents, then parking for them shouldn't be an issue. But just a caution, maybe for Parks, you may have some calls in regards to that one issue, parking. 'Cause it's gonna be a County park and then you're gonna have people from different areas of Maui utilizing that park. Thank you, Chairman.

CHAIR WHITE: Mr. Matsui, any comments on that?

MR. MATSUI: Yeah, we're prepared to, you know, add on additional improvements as the uses increases. You know, the park dedication ordinance pretty much provides a framework for us to develop the park. You know, it's not a whole complete park in itself, you know, we have to come in and put in fencing, there's some walkways we need to do. If there's more parking we need to put in, we'll put in more parking. But, you know, as the increase...the use increases, you know, we'll be doing those things.

COUNCILMEMBER PONTANILLA: County money?

MR. MATSUI: That's correct.

NOTE: Silence.

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CHAIR WHITE: Any further questions, Mr. Pontanilla?

COUNCILMEMBER PONTANILLA: No, I get one big question mark.

ALL: . . .(laughter). . .

COUNCILMEMBER PONTANILLA: Thank you.

CHAIR WHITE: Members, I do wanna mention that we are working off of the revised bill --

COUNCILMEMBER BAISA: Right.

CHAIR WHITE: --that was passed out this morning. And the revisions are on the second page...very simply noting that the Parks Director has found that area where it says that the comfort stations are available...or parking areas unavailable...I'm sorry, parking areas and comfort stations are available nearby, impractical or unnecessary at the Pocket Parks. In the fourth "WHEREAS" on that page, we're adding "as shown on Exhibit "b""; and then the same thing in the one second from the last from the bottom of the page.

NOTE: Silence.

CHAIR WHITE: ... Any further questions, Members? Mr. Couch?

COUNCILMEMBER COUCH: Thank you. And I guess this goes to Mr. Matsui. I noticed in a lot of the testimony from 2008, and I don't know if it's changed or not, they requested no restrooms and no parking lots. And I see that you have it on the bottom, but has something changed? And maybe Mr. Victorino can answer as well, but has something changed in the negotiations to get a parking space...parking lot up top and restrooms?

MR. MATSUI: Yes. They're gonna be putting up a parking lot and a restroom for the Mauka Park.

COUNCILMEMBER COUCH: Okay.

COUNCILMEMBER VICTORINO: Well, let me --

COUNCILMEMBER COUCH: Yeah.

COUNCILMEMBER VICTORINO: --if I may...I'll wait for Chair.

COUNCILMEMBER COUCH: Yeah.

CHAIR WHITE: Yes, Mr. Victorino?

COUNCILMEMBER VICTORINO: Yeah, I think in 2008, the thought was as you heard earlier, that the residents would be using the majority of these parks. But the Mauka Park, as you well aware

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of, will be utilized both by the school, by outside, like you heard with Waikapu, the Waikapu Brewers. This is one of the areas that they'll be, hopefully, being allowed to use. So in other words, it's not just a park being used by the community, aka, like for example, down in Maui Lani, they...one in the middle of the housing at Maui Lani which was basically designed...and it's used basically by the residents. So this park is multi-usable because of the schools, because of outside activities and outside teams that will be coming in, and probably some league play as time goes on, you know. So that was applicable in 2008, and that was one of our biggest bugaboo because I could see the change from 2008 till now, would request. And like Mr. Pontanilla mentioned, that would be taxpayers' money that would pay for those improvements like parking and restroom. So that's why the negotiations was culminated with that, and I thank Mr. Ueoka 'cause this was what we've been working for the last few years. The other point, Mr. Chair, is that Mr. Pontanilla brought up about some of the other improvements that the County's going to have to pay. Well, the developer has agreed to do a lot of the stuff upfront. What we need and what we have to do in the future is like any other park. And these are taxpayers, they've been paying taxes for many, many, many years, so they should have the same privilege as other taxpayers in the County of Maui. So the vast majority wanted and needed to be done. And Mr. Pontanilla was here in 2008 when they wanted...they weren't gonna do comfort stations, they weren't gonna do the improvements to the park, they weren't gonna do parking. We've got that back in, and I think that's very important. And even the lower park, the improvements they have done there with the drainage. So I'm happy to say that we've come a long way from 2008 till now. And I wanna thank Mr. Matsui and Mr. Ueoka and also the developer because they've stuck with it. You know, we've met and met and we've always...we've finally come to, what I call, a very *reasonable* conclusion. I think community's happy, the taxpayers are gonna be happy 'cause they get to use some...13 acres is a lot of park space, especially for Central Maui. And we're in dire need as the coach mentioned to you earlier, Chair. So I think this is a win-win. I really believe so. And so, again, I have no vote on this, I can only speak to it and I really do...I'm very happy with the end result versus what we started out back in 2008. So I gotta thank everybody involved from the Department right through the Council and right through the developer and the people who live there. I think this is gonna be...this is a win-win. It's one of those, like yesterday, when everybody finally sat down and really talked turkey, we finally got what I call "positive results which all of us benefit from". So thank you, Mr. Chair.

CHAIR WHITE: Thank you, Mr. Victorino. Any further questions?

COUNCILMEMBER PONTANILLA: Chairman?

CHAIR WHITE: Ms. Cochran --

VICE-CHAIR COCHRAN: Oh.

CHAIR WHITE: --followed...Ms. Cochran, followed by Mr. Pontanilla.

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VICE-CHAIR COCHRAN: Thank you, Chair. And so, Mr. Matsui or I don't know if developer, but just about the drainage that empties into the Iao Stream. I just wanna know how is that water quality monitored and what types of permitting and what have you, protection in place, there is for what comes off that entire project down that drainage, down into Iao Stream?

MR. MATSUI: Yeah, that's a good question. We've asked Alan Unemori to be here. Either he or Rowena, the Deputy Public Works Director, can answer that question.

VICE-CHAIR COCHRAN: Thank you. If we can get someone down, Chair?

CHAIR WHITE: ... They're deciding --

VICE-CHAIR COCHRAN: Oh.

CHAIR WHITE: --amongst themselves who's gonna come forward.

COUNCILMEMBER VICTORINO: So they junk an' a po or how do they decide?

ALL: ...*(laughter)*...

CHAIR WHITE: Rowena, why don't you come down, Rowena, and then you can defer to the others if you don't have all the information? If you could introduce yourself to the...

MS. DAGDAG-ANDAYA: I'm Rowena Dagdag-Andaya, Deputy Director of Public Works. As far as the maintenance of the drainage system there, the Department of Public Works will continue to monitor that as well as the...any kind of cleanup efforts in the drainage basin as well. I don't have a lot of information as far as...well, the existing system does tie in to Iao Stream, and we do have, you know, we work with several agencies to do the monitoring of the storm water quality. We also have the rules that are...that will be in place in a couple months regarding storm quality as well so all of that will be...need to adhere to with regards to this particular drainage basin and as well as our storm water facilities. I don't have too much information regarding the design. I think the developer would have more information on that. But as far as storm water quality, we do have rules in place for that. And in the next few weeks, as I mentioned before, we do have the rules that are coming up that would pretty much enhance any kind of storm water that comes into the system.

VICE-CHAIR COCHRAN: Okay.

CHAIR WHITE: So was your...I took your question to be focused more on whether there was gonna be silt and things taken out of the water by this catchment basin. And I think that one of the questions is whether that's...that basin serves a purpose of being a settling pond to let things settle out or whether it's a catchment basin to, you know, to control flooding?

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MS. DAGDAG-ANDAYA: For that, I think I wanna defer that to the developer or his representative to answer that question. My understanding is it's not quite a retention basin, it does flow out into the system at a rate of about 100 cfs. For the most part, it does...it...there's some catchment there, but I think I'd wanna defer that description of how the basin works to the developer.

VICE-CHAIR COCHRAN: Okay, sure. That's...if you don't mind, Chair?

CHAIR WHITE: No, that's fine.

VICE-CHAIR COCHRAN: That'd be helpful. Thank you.

CHAIR WHITE: Would that be Mr. Unemori?

MR. UNEMORI, FROM THE AUDIENCE: . . . *(inaudible)* . . .

CHAIR WHITE: No, you need to come to the microphone. You could...you can come down here, too.

MR. UNEMORI: Yeah, that Waiale basin is a very large capacity.

CHAIR WHITE: Please introduce yourself. . . *(inaudible)*. . .

MR. UNEMORI: Oh, I'm Alan Unemori. I'm the engineer, we're Unemori Engineering. So we represent that engineering firm. That basin is, got the capacity...or has a capacity of 58 acre feet...which is large. So any water that goes in there will basically settle 'cause the velocities that you're talking about is gonna be very small. There's only a 48-inch outlet to the downstream drainage system that flows into Iao Stream eventually. So whatever goes into that basin's gonna settle. You not talking about, you know, 10 feet per second kind of velocities where it'll carry gravel or small sands or silt. So it's there for that purpose; it was designed for that purpose.

CHAIR WHITE: Okay?

VICE-CHAIR COCHRAN: Okay. Thank you, Mr. Unemori. Thank you, Chair.

COUNCILMEMBER VICTORINO: Chair?

CHAIR WHITE: Mr. Pontanilla?

COUNCILMEMBER VICTORINO: I wanna ask Mr. Unemori before he runs off.

CHAIR WHITE: Oh, Mr. Unemori?

MR. UNEMORI: Oh.

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COUNCILMEMBER VICTORINO: Yeah, I don't know if Mr. Pontanilla had question for Mr. Unemori.

COUNCILMEMBER PONTANILLA: No.

COUNCILMEMBER VICTORINO: No? None? Okay.

CHAIR WHITE: Okay. Please proceed.

COUNCILMEMBER VICTORINO: Okay. Yeah, Mr. Unemori, thank you, yeah, thank you, Mr. Unemori, for your information. So if I understand, so the public understands--that much of that water that flows into this area, basically, and I've seen this, it kinda just settles and you got all this silt on top of the grass which eventually seeps in and then most of it is like dirt and --

MR. UNEMORI: Right.

COUNCILMEMBER VICTORINO: --and sand stuff like that that doesn't flow into the drainage system and out so it settles there which will then also make the parks a little bit challenging at time when we have a big storm, it will all settle and Parks or somebody has to go in and kinda clean it up because it sits there and some cleaning has to be done. But it doesn't flow out and straight into the drainage system and into Iao--as best you understand it, Mr. Unemori? Can you answer in the mic . . . *(inaudible)* . . .

MR. UNEMORI: Correct.

COUNCILMEMBER VICTORINO: Okay. Thank you. I just wanted that clarification.

CHAIR WHITE: Thank you.

COUNCILMEMBER VICTORINO: Thank you, Chair.

CHAIR WHITE: Any more questions for Mr. Unemori?

VICE-CHAIR COCHRAN: Wait, Chair, sorry.

CHAIR WHITE: Sure.

VICE-CHAIR COCHRAN: Yeah, I know debris and all that can be an issue, but I'm also talking about oil, soap or, you know, car washing, that type of...that will...that all drains into this area also, right, that's what's collected off of all the development?

MR. UNEMORI: Really, what's upstream are...the lower portion of the Kehalani Makai, you have roads there, but whatever will do...will come out as the first flushing is normal.

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VICE-CHAIR COCHRAN: Uh-huh.

MR. UNEMORI: It's nothing extraordinary.

VICE-CHAIR COCHRAN: Okay. And then with our updating storm water quality parameters, okay. Thank you. Thank you, Mr. Unemori and Chair.

CHAIR WHITE: Okay. Thank you, Mr. Unemori. Mr. Pontanilla?

COUNCILMEMBER PONTANILLA: Thank you. You know, I've heard my colleague over here. Yeah, I do support the parks, but my comments were basically the responsibility of this County should...I know we going get complaints, I know that, and what we gonna do when we receive the complaints. I hope Parks is ready to receive those complaints and to act on it. That was basically, you know, what I'm trying to portray, yeah, that *we*, *County of Maui*, be ready should there be any issues in the future. Thank you.

CHAIR WHITE: Okay. Thank you. Members, any further questions?

NOTE: Silence.

CHAIR WHITE: ... If not, I'd like to make my recommendation.

COUNCIL MEMBERS: Recommendation?

CHAIR WHITE: The Chair would entertain a motion to recommend the adoption of the revised proposed resolution entitled, Approving and Authorizing the Execution of a Park Assessment Agreement for the Wailuku-Kahului Project District 3, Pursuant to Section 18.16.320, Maui County Code; including any non-substantive revisions that may be needed; and the filing of the County Communication.

VICE-CHAIR COCHRAN: Chair, so moved.

COUNCILMEMBER COUCH: Second.

CHAIR WHITE: It's been moved by Ms. Cochran and seconded by, I think, Mr. Couch. Since Mister...you can't second it, Mr. Victorino.

ALL: ...*(laughter)*...

COUNCILMEMBER VICTORINO: I wasn't asking.

CHAIR WHITE: All those in favor of the passage of the revised resolution, please say, "aye".

COUNCIL MEMBERS: Aye.

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CHAIR WHITE: Those opposed? Hearing none, the measure passes, five to zero.

VOTE: AYES: Chair White, Vice-Chair Cochran, and Councilmembers Baisa, Couch, and Pontanilla.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmembers Carroll and Hokama.

MOTION CARRIED.

ACTION: Recommending FIRST READING of revised resolution and FILING of communication.

CHAIR WHITE: And thank you for your attendance, Mr. Victorino.

COUNCILMEMBER VICTORINO: Mr. Chair, real quickly.

CHAIR WHITE: Yes?

COUNCILMEMBER VICTORINO: I wanna thank my Members, I wanna thank the Parks Department. I think the people at Kehalani and the people of Maui County are gonna have some nice parks to be used in the near future, and I'm very thankful for that. So thank you, Chair, for bringing this forward, and I wanna thank everybody else who worked real hard behind the scenes. Mr. Ueoka, Mr. Matsui, thank you. You guys did listen, and I appreciate it.

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CHAIR WHITE: Oh. Oh, no, that's alright, we didn't...we just had one main motion, okay. With that, Members, we are done for the day. And thank you to the members of the community association that came out and supported this, and thank you to the developer for stepping forward and making the changes happen. And this meeting is adjourned. . . .(*gavel*). . .

ADJOURN: 9:58 a.m.

APPROVED:



MIKE WHITE, Chair
Economic Development, Agriculture,
and Recreation Committee

edr:min:120906:ry

Transcribed by: Raynette Yap

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CERTIFICATE

I, Raynette Yap, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 17th day of August, 2012, in Kihei, Hawaii.



Raynette Yap