

PLANNING COMMITTEE

Council of the County of Maui

MINUTES

August 28, 2012

Council Chamber

CONVENE: 9:09 a.m.

PRESENT: VOTING MEMBERS:
Councilmember Donald G. Couch, Jr., Chair
Councilmember Gladys C. Baisa, Vice-Chair
Councilmember Joseph Pontanilla (in 9:28 a.m.)
Councilmember Michael P. Victorino
Councilmember Mike White

EXCUSED: VOTING MEMBERS:
Councilmember Elle Cochran
Councilmember Danny A. Mateo

STAFF: Kimberley Willenbrink, Legislative Analyst
Michele Yoshimura, Legislative Analyst
Clarita Balala, Committee Secretary

ADMIN.: William Spence, Director, Department of Planning
John Summers, Administrator, Long Range Planning Division, Department of Planning
Simone Bosco, Senior Planner, Long Range Planning Division, Department of Planning
James A. Giroux, Deputy Corporation Counsel, Department of the Corporation Counsel
Seated in the gallery:
Ransom Piltz, Administrative Assistant, Office of the Mayor

OTHERS: Mercer "Chubby" Vicens
Cheryl Okuma
(1) additional attendee

PRESS: *Akaku: Maui Community Television, Inc.*
Brian Perry, The Maui News

ITEM NO. 39: IMPLEMENTATION OF THE GENERAL PLAN (CC 12-143)

CHAIR COUCH: . . .(*gavel*). . . Good morning. Let the Planning Committee meeting of August 28, 2012, come to order please. It's about 9:09 and I have . . . we have quorum. We have four of

PLANNING COMMITTEE MINUTES
Council of the County of Maui

August 28, 2012

our voting Members here. Before we get started, please everybody grab your cell phone, take a look and see if it's on the silent mode or any other noise making device. I want to welcome our voting Members today - the Committee Vice-Chair Gladys Baisa.

VICE-CHAIR BAISA: Good morning, Chair.

CHAIR COUCH: Good morning. Then we have Councilmember "kupuna" Victorino.

COUNCILMEMBER VICTORINO: Good morning, Chair. And thank you for the hospitality and the comment.

CHAIR COUCH: And Councilmember Mike White.

COUNCILMEMBER WHITE: Who happens to be a little older than the guy you just called "kupuna" so I know what the intention is there.

CHAIR COUCH: All right. Excused is Councilmember Cochran, and Council Vice-Chair Pontanilla, and Council Chair Mateo. We have no non-voting members here today. And I want to welcome Will Spence, the Planning Director.

MR. SPENCE: Good morning, Chair.

CHAIR COUCH: John Summers is Planning Officer.

MR. SUMMERS: Aloha, Chair.

CHAIR COUCH: And Simone Boscoe, our ever present Planning person.

MS. BOSCO: Simone Bosco here. Thank you. Good morning, Chair.

CHAIR COUCH: James Giroux, Deputy Corporation Counsel.

MR. GIROUX: Good morning, Chair.

CHAIR COUCH: And I don't see Mr. Hopper today. Legislative Analyst Kim Willenbrink who is passing things out in the back there. And Committee Secretary, Clarita Balala. Good morning. And joining us looking at another committee is Michele Yoshimura, good morning.

MS. YOSHIMURA: Good morning.

CHAIR COUCH: All right. Members, the item on our agenda today is PC-39, Implementation of the General Plan. If you recall, we did pass that out of Committee and were ready to send it to the Council but what happened is Planning contacted us with some issues that they wanted us to discuss today. So before we get into the meat of the meeting, I just wanted to say this is what

PLANNING COMMITTEE MINUTES
Council of the County of Maui

August 28, 2012

we've got going but I do want to open up public testimony for anybody out there who wants to testify. You're limited to the item on our agenda today; please sign up at the desk in the back, and you're limited to three minutes with one minute to conclude. And if you come up, state your name and who you are representing, if anybody. Do we have any testimony?

MS. BALALA: No.

CHAIR COUCH: Okay, nobody signed up. Everybody is here just to watch, I see. Okay, good. All right, Members, without anybody coming up to testify, without objections I'll close public testimony.

VICE-CHAIR BAISA: No objections.

COUNCILMEMBER VICTORINO: No objections, Chair.

CHAIR COUCH: Okay. All right. Members, the purpose of the bill that we passed is to delete the Implementation Program component of the Maui Island Plan and community plans, and establish the program as a Countywide Implementation Plan. There was some issues there that we felt, this Committee felt needed to be Countywide as opposed to Maui Island Plan. As I said, after our last meeting, Planning Department contacted us with an issue or two that they wanted to talk about. Because of that, even though this Committee voted to pass the bill out on July 1st, I agreed to meet on the matter again just to discuss the concerns. Staff is handing out a bill for consideration at this time. I think she finished that, and I would like the Planning Department to tell us some of the issues that you wanted to discuss. Go ahead.

MR. SUMMERS: Thank you, Mr. Chair. There were couple of issues with the previous bill. The primary one related to the process for updating the implementation plan, specifically, the proper committees that would do that in particular as we move forward with the community plan updates. The citizens' advisory committees are the body's responsible for that review. The GPACs, in fact, are disbanded following the adoption of the Countywide Policy Plan.

COUNCILMEMBER VICTORINO: Mr. Chair?

CHAIR COUCH: Mr. Victorino?

COUNCILMEMBER VICTORINO: Excuse me, I --

CHAIR COUCH: Mr. Victorino?

COUNCILMEMBER VICTORINO: --hate to interrupt Mr. Summers but if he would tell us specifically what areas so that I can correlate what he's discussing if it's part of this new bill, and more specific --

CHAIR COUCH: Okay.

PLANNING COMMITTEE MINUTES
Council of the County of Maui

August 28, 2012

COUNCILMEMBER VICTORINO: --E, B whatever it might be, please, if you don't mind, Mr. Summers?

MR. SUMMERS: Sure. The primary sections were related to the process for updating the Implementation Plan, and there's a Section 2.80B.090. The section in this bill that's pertinent is 2.80B.050, which establishes the process for the update. The previous bill was we had some concerns with it in that the references to the processes _____ in the community plans wasn't clear. There was also some issues that we felt were more complicated related to the Charter requirements. So, following some discussion with our attorneys, we felt it would be maybe it would be a simpler approach to look at 2.80B.050 and specifically look at the possibility of adopting the plan in two volumes. And this approach is consistent with best practices. It's a much simpler approach to achieve one of the critical goals that we've been working on, which is to ensure that we have adequate time to do a thorough review of the implementation component, particularly as it relates to the previous chapters we've reviewed and some of the new actions that have been added to the plan, some of the changes that have been made. So, this is, we feel, a very simple and practical approach to achieve the goals that the Committee is addressing.

CHAIR COUCH: Okay. Mr. Spence or Ms. Boscoe, any further comment? Mr. Giroux?

MR. GIROUX: I have no comment at this time.

CHAIR COUCH: Okay, thank you. All right, Members, you've been handed a change, as dated today from me. The changes are essentially on Page 5 of the bill. If you have any questions of the Department, this is the discussion phase so feel free to discuss with the Department any of your concerns. Any comments, Members? Ms. Baisa?

VICE-CHAIR BAISA: Chair, I don't really have any questions or comments but I think it might be very helpful if we could read for the viewing audience the items that are being changed just so that they understand what we're trying to do.

COUNCILMEMBER VICTORINO: And Mr. Chair?

CHAIR COUCH: Yes, sir.

COUNCILMEMBER VICTORINO: We don't have it so that we can highlight it for the viewing public, right?

CHAIR COUCH: Right.

COUNCILMEMBER VICTORINO: Okay.

VICE-CHAIR BAISA: So at least if we read it they'll know.

PLANNING COMMITTEE MINUTES
Council of the County of Maui

August 28, 2012

CHAIR COUCH: Okay. All right. We will do that when we get into the whole motion and whatnot.

VICE-CHAIR BAISA: Okay. Fine.

CHAIR COUCH: Any other comments for the Department? Questions? All right. That being said, Members, we did pass out a bill to be sent to the Council for first reading and, therefore, the Chair will entertain a motion . . .

COUNCILMEMBER VICTORINO: Chair?

CHAIR COUCH: Yes, sir, Mr. Victorino?

COUNCILMEMBER VICTORINO: And I hate to be a stick in the mud but I always like to make this point so that the public understands. I'm not very comfortable whenever you bring something like this and we have bare quorum. That's first and foremost.

CHAIR COUCH: Right.

COUNCILMEMBER VICTORINO: I don't care what we say, how we add it up, we have bare quorum. We only have four of us and the four of us, if any one of us dissented, it goes nowhere.

CHAIR COUCH: Uh-huh.

COUNCILMEMBER VICTORINO: But most important, more importantly, the other three are not here and we make a decision to send this to the full Council, yeah, they'll have the opportunity at that point but that's not what we want to do. We don't want to do Committee work at full Council meetings. That's my only concern that today we only have four of us. And we're trying to make a decision and I understand, I see the . . . I can read and I understand what's being done but I'm not sure if everybody really agrees or not with all of these changes and that's the challenge in my mind especially when we have bare quorum. And it's always been a challenge of mine, I don't care what Committee. Whenever you're left with only bare quorum to make that decision for the entire Committee, I'm never comfortable with that. So I just wanted that said, Mr. Chair, that that's my concern that we only have four of us. Grant you I understand there's things happening and it happens for all of us, and sometimes I'm not here. But when we get to bare quorum, you know, if one of us have even a little concern and we say, no, we want more information then it makes it very difficult. But I'll let you take it from here. I know time is of the essence, that's the other issue. But pushing this along because we need to get some of this completed. My concern is these dates -- how certain 120 days, 30 days, can we really workably do these in that time frame because we found it very difficult with other parts. And I take, for example, the Water Use and Development Plan, at times we've had to extend because of not enough information or completions weren't done and so when we set ourselves up with specific dates, which is good but now you know you have to work towards it, we also

PLANNING COMMITTEE MINUTES
Council of the County of Maui

August 28, 2012

put ourselves in a box where if something does come up now we're stuck. So, that's my only concern, Mr. Chair, and I'll let you go from there and I just wanted that known and being on the record.

CHAIR COUCH: Sure. And thank you, Mr. Victorino, for that. We do, and when I read this out, we do have the . . . Council will have the ability to, by resolution, extend any deadline, if necessary. This Committee did pass out, and it was a 5 to 1 vote, so we had 6 of our 7 here, it did pass out . . . something to pull out the Chapter 9 and make it a Countywide policy. The concern was, how was that going to be implemented with the Department? And so what this does it switches around a little bit how the implementation is going to happen, and if Mr. Spence or Mr. Summers can expand on that, I would appreciate it just to make it more clear that we're not changing the intent of what happened with the nearly full Committee last time.

COUNCILMEMBER VICTORINO: I think that's very important. The public is not seeing any of this, it's just hearing us.

CHAIR COUCH: Correct.

COUNCILMEMBER VICTORINO: And I think that's what I want the public to feel comfortable that this is not a major switch. All it is, if lack for a better term, maybe housekeeping to make it more precise.

CHAIR COUCH: Correct.

COUNCILMEMBER VICTORINO: So can you maybe explain that so that they're a little more comfortable with this whole approach that we're taking now?

MR. SUMMERS: Thank you. The newer approach, as I've indicated, is a simple approach. It allows us to take the Maui Island Plan and adopt it in two volumes. Doesn't require it but it says the Council may do that. That's the fundamental difference and it's a very simple change. It provides the Committee with an additional year following the adoption of the first volume to complete its work on the implementation program component.

COUNCILMEMBER VICTORINO: And Mr. Summers, just one more question. You know, this implementation also has cost variables that will be discussed and brought forward so that the public understands what this will entail. Cost-wise and economic factor that's been out there and a lot of the people are asking what is it going to cost us.

MR. SUMMERS: Absolutely. That's correct. It allows us to do the prioritization, it allows us to interface with the agencies, and so it's a very critical component.

COUNCILMEMBER VICTORINO: Yeah. And I think this is critical not only to us here in the Council but to the general public at large. And I think that's what I wanted to make sure that was clear. So, I can accept the changes. I just wanted the public to hear the whole dynamics --

PLANNING COMMITTEE MINUTES
Council of the County of Maui

August 28, 2012

CHAIR COUCH: Absolutely.

COUNCILMEMBER VICTORINO: --so that they feel comfortable that this is not something we're sliding on the table --

CHAIR COUCH: Correct.

COUNCILMEMBER VICTORINO: --and all of a sudden, whoops, you know, they got something different happening. No, it's more to clear it up and make it what I call more expedient but more properly and the economic component will be part of this whole equation.

CHAIR COUCH: Okay.

COUNCILMEMBER VICTORINO: Thank you, sir.

CHAIR COUCH: Vice-Chair Baisa?

VICE-CHAIR BAISA: Yes, thank you very much. That was my reason for asking that the changes be read.

CHAIR COUCH: Yeah.

VICE-CHAIR BAISA: Because I think it's very important that people understand what changes we're making. These are minimal but yet they are important because they will address any of the concerns people have about how is this gonna be done, when will it be done, who's going to do it. And as far as deadlines are concerned, I think it's absolutely essential to set some type of deadlines and then to strive for them. I've been here six years now and I know that many times we do our best to make deadlines but we can't make them for whatever reasons come along. But it's good to have those targets and we are required then to come back to Council and move those deadlines if we have to, but we have to have targets otherwise, we're not going to do anything. And it is very important to me, as the Chair of the General Plan Committee, that we meet our target and we have a new target and that's to complete this plan by the end of the year, and we must get it done. There is just no excuse good enough not to do it. Thank you.

CHAIR COUCH: Okay, thank you, Ms. Baisa. So, that being said, the Chair will entertain a motion to reconsider . . . okay, short recess . . . *(gavel)* . . .

RECESS: 9:23 a.m.

RECONVENE: 9:28 a.m.

PLANNING COMMITTEE MINUTES
Council of the County of Maui

August 28, 2012

CHAIR COUCH: . . .(*gavel*). . . The Planning Committee meeting of August 28th will come back to order. The Chair would like to recognize the presence of Councilmember Pontanilla. Good morning, sir.

COUNCILMEMBER PONTANILLA: Hi.

CHAIR COUCH: All right. Members, as I mentioned before, we need to have a vote to reconsider the motion to pass out the bill so the Chair will entertain a motion to reconsider the motion of passing out this bill.

VICE-CHAIR BAISA: So, so moved, Chair.

COUNCILMEMBER VICTORINO: Second, Mr. Chair.

CHAIR COUCH: It's been moved by Ms. Baisa and seconded by Mr. Victorino to reconsider the motion. Any discussion? All those in favor say aye?

COUNCIL MEMBERS: Aye.

CHAIR COUCH: Opposed? Motion carries. Thank you. All right. . .

COUNCILMEMBER VICTORINO: Chair, what was the vote?

CHAIR COUCH: The vote was 5-0.

COUNCILMEMBER VICTORINO: And two?

CHAIR COUCH: And two excused --

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair.

CHAIR COUCH: --Member Cochran and Member Mateo...Council Chair Mateo.

PLANNING COMMITTEE MINUTES
Council of the County of Maui

August 28, 2012

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmembers Cochran and Mateo.

MOTION CARRIED.

ACTION: APPROVED motion for reconsideration.

CHAIR COUCH: All right now, Members, we have before us a bill that was handed out to you shortly before this meeting started and I would like to read the changes that were made so that the public can hear. We're changing . . . essentially we're asking to change 2.80B.050 Subsection D, that says, time limits for council review of the countywide policy plan and the Maui island plan . . . And then you go down to No. 2, it says:

2. No later than one year after receipt of the Maui island plan pursuant to subsection C.2 of this section, the council shall adopt the Maui island plan by ordinance following a public hearing, *then the rest of this is going to be all new language now*, except for the implementation program component. No later than one year after the effective date of the ordinance adopting the Maui island plan, the council shall adopt the implementation program component of the Maui island plan by ordinance following a public hearing. Nothing in this section shall prohibit the council from adopting the Maui island plan in its entirety within one year from its receipt. The council may, by resolution, extend the time within which the ordinances must be enacted. Upon adoption of the Maui island plan, including the implementation program component, the Maui general plan advisory committee shall be disbanded.

And then we go down to 3.04.020, No. C, which is a new section, which says: C. Preparation of the operating budget and capital program shall implement to the extent practicable, the County's general plan enacted pursuant to chapter 2.80B of this code.

Members, any questions on that? Okay, the Chair will entertain a motion to pass this . . . let's see, to pass . . . to recommend passage on first reading a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.80B, MAUI COUNTY CODE, AND SECTION 3.04.020, MAUI COUNTY CODE, RELATING TO IMPLEMENTATION OF THE GENERAL PLAN", as revised and to file County Communication 11-143 *[sic]*.

VICE-CHAIR BAISA: So move, Chair.

PLANNING COMMITTEE MINUTES
Council of the County of Maui

August 28, 2012

COUNCILMEMBER VICTORINO: Second, Mr. Chair.

CHAIR COUCH: It's been moved by Ms. Baisa and seconded by Mr. Victorino. Members, any further discussion? All those in favor, please say aye?

VICE-CHAIR BAISA: Aye.

COUNCILMEMBER VICTORINO: Aye.

CHAIR COUCH: Opposed? Okay, motion carries - 5 ayes, 0 noes, and 2 excused.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmembers Cochran and Mateo.

MOTION CARRIED.

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

CHAIR COUCH: Thank you, Mr. Pontanilla, for joining us for this brief discussion. All right, Members, that being said, thank you very much for getting this out and getting it out correctly. Thank you to the Staff and to the Department for being here, and anything else? Good. This meeting is adjourned. . . .(gavel). . .

ADJOURN: 9:32 a.m.

APPROVED:



DONALD G. COUCH, JR., Chair
Planning Committee