

**ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE,
AND RECREATION COMMITTEE**
Council of the County of Maui

M I N U T E S

Council Chamber

February 4, 2014

CONVENE: 1:36 p.m.

PRESENT: VOTING MEMBERS:

Councilmember Don S. Guzman, Chair
Councilmember Gladys C. Baisa
Councilmember Elle Cochran
Councilmember Stacy Crivello (arrived at 1:43 p.m.)
Councilmember Mike White

EXCUSED: Councilmember Robert Carroll, Vice-Chair
Councilmember Michael P. Victorino

STAFF: Kit Zulueta, Legislative Analyst
Regina Gormley, Legislative Attorney
Pauline Martins, Committee Secretary

Ella Alcon, Council Aide, Molokai Council Office (via telephone conference bridge)
Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)
Dawn Lono, Council Aide, Hana Council Office (via telephone conference bridge)

ADMIN.: Jeffrey Ueoka, Deputy Corporation Counsel, Department of the Corporation Counsel
Wendy Taomoto, County Capital Improvement Program Coordinator, Department of Management
Brianna Savage, Deputy Director, Department of Parks and Recreation
Jason Lopez, Recreation and Support Services Division Chief, Department of Parks and Recreation
Tara Sabado, Recreation Specialist, Inclusion, Recreation and Support Services Division, Department of Parks and Recreation
Robert Halvorson, Planning and Development Division Chief, Department of Parks and Recreation

OTHERS: Rodney Kilborn, Handsome Bugga Productions

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Randall Endo, Vice President, Development, Alexander and Baldwin
Properties, Inc.

Rick Volner, Jr., General Manager, Hawaiian Commercial & Sugar Company

Dave Gleason, Partner, Maui Lani Partners LLC

Steve Miller, Commercial Development Manager, Maui Lani Partners LLC

Plus (5) other people

PRESS: *Akaku Maui Community Television, Inc.*

CHAIR GUZMAN: . . . (*gavel*) . . . The meeting of the Economic Development, Energy, Agriculture, and Recreation Committee will now come to order. The time is 1:35 p.m., February 4, 2014. Good afternoon, everybody. Before we begin, may I ask that everybody to please silence your cellphones or any other noise making devices. I'd like to introduce our Committee Members this afternoon. We have Gladys Baisa. Good afternoon.

COUNCILMEMBER BAISA: Good afternoon, Chair.

CHAIR GUZMAN: Elle Cochran.

COUNCILMEMBER COCHRAN: Aloha.

CHAIR GUZMAN: And Mike White.

COUNCILMEMBER WHITE: Aloha, Chair.

CHAIR GUZMAN: Excused momentarily is Stacy Crivello, also excused is Bob Carroll, as well as Mike Victorino. We have for our Committee Staff, our Legislative Attorney, Gina Gormley; and Communications Director, Kit Zulueta; and Committee Secretary, Pauline Martins. On the other side, we have Deputy Corporation Counsel, Jeff Ueoka.

MR. UEOKA: Good afternoon, Chair.

CHAIR GUZMAN: And from the Mayor's Office, Wendy Taomoto -- sorry -- good afternoon.

MS. TAOMOTO: Good afternoon.

CHAIR GUZMAN: So just a preliminary matter, I'd like to check in with our District Offices. Checking in with Hana District Office, are you there, Ms. Lono? Hello?

MS. LONO: Hello. This is Dawn at the Hana Office. I don't think your phone is on.

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CHAIR GUZMAN: Okay. There we go. Are you there?

MS. LONO: Yeah. Good afternoon. This is Dawn Lono at the Hana Office.

CHAIR GUZMAN: Yes. Thank you. And also from our District Office in Lanai, Ms. Fernandez?

MS. FERNANDEZ: Good afternoon, Chair, this is Denise Fernandez.

CHAIR GUZMAN: And from Molokai District Office, Ella Alcon. Are you there?

MS. ALCON: Good afternoon, Chair. This is Ella Alcon on Molokai.

CHAIR GUZMAN: Thank you. Also for anyone in the gallery if you'd like to testify, please sign up in the lobby at the desk. Just we're going to limit our testimony to today's agenda items as well as our Council Rules specifically state that you'll have three minutes to testify and one minute to conclude. And when you testify, please state your name for the record or any organization in which you represent. Ms. Zulueta, can you please call the first testifier.

MS. ZULUETA: Our first testifier is Rodney Kilborn.

CHAIR GUZMAN: Thank you.

... BEGIN PUBLIC TESTIMONY ...

MR. KILBORN: Good morning, Chairman, Council members, and people in the audience, Molokai, Lanai, all you guys back over there, Hana, aloha. My name is Rodney Kilborn, I am speaking in behalf for Handsome Bugga Production. It's my company, as you guys know, I call everybody handsome. I'm here because of a . . . I came here the last time to recap on the permit process for Park and Recreation, and I must say after that meeting here I'm so grateful, Chairperson, to you, and to many of the others, Park Department, too. I'm starting to see some change and I've been in the business with you guys, applying for permits for over 30 years. This is the first time in the 30 years, I had seen someone step forward, take the bull by the horn to make some changes in our Park and Recreation, not for me, not just for our organization, but also for the youth, for the kids. This is going to make a difference, what I see. We're having a meeting at 4 o'clock today, I'm so grateful, I'm so happy. I'm happy because it's not a challenge, I don't see that much of a challenge it's going to be for myself to apply for permits, and the bigger challenge is about running the event on that day, and that's the way it should be. So I just want to take the time to say mahalo nui loa and you know who the person is the one taking the bull by the horn. Thank you, aloha no, back over there and to all you guys. That's all I got to say. Please do not ask me questions, 'cause I really got none.

CHAIR GUZMAN: Members, any further clarification? Seeing none, thank you, Mr. Kilborn.

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MR. KILBORN: Thank you.

MS. ZULUETA: Chair, we don't have any more.

CHAIR GUZMAN: Okay. I'll just go back and check in with our District Offices. Our District Office from Hana, do you have anybody waiting to testify?

MS. LONO: There's no one at the Hana Office waiting to testify.

CHAIR GUZMAN: And for Lanai District Office, anybody desiring to testify?

MS. FERNANDEZ: There is no one waiting to testify on Lanai.

CHAIR GUZMAN: And Molokai, anyone wishing to testify?

MS. ALCON: There's no one here on Molokai waiting to testify.

CHAIR GUZMAN: Okay. Thank you. Members, it seems as though. . . anyone, excuse me, anyone in the gallery wishing to testify at this time? Seeing none, Members, at this time seeing no other testifiers; I'm going to be closing public testimony at this time without any objections.

COUNCIL MEMBERS VOICED NO OBJECTIONS.

... END OF PUBLIC TESTIMONY ...

CHAIR GUZMAN: Thank you.

**EAR-27 FIRST AMENDMENT TO LICENSE AGREEMENT WITH ALEXANDER &
BALDWIN (WAILUKU) (CC 13-377)**

CHAIR GUZMAN: Members, turning to the first item on today's agenda, EAR-27, entitled, First Amendment to the License Agreement with Alexander & Baldwin (Wailuku). The Committee is in receipt of County Communication 13-377, from the Managing Director, transmitting a proposed resolution entitled, Authorizing the First Amendment to License the 100 Acre Parcel Identified as Tax Map Key Number (2) 3-6-002:004, Pursuant to Section 3.40.180, Maui County Code. A&B entered into a license agreement with the County of Maui on December 28, 2012, to cultivate sugar cane on a 100 acre parcel in Waikapu. The agreement has expired, the resolution attaches the original agreement and an amendment to the agreement to extend the license for two more years. Today we have Randy Endo here, representing A&B as well as Rick Volner for HC&S and Wendy Taomoto is here also from the Mayor's Office. I've distributed a marked up version of the proposed resolution incorporating and clarifying any nonsubstantive revisions. I'd

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ask the Members to please refer to that revision in their deliberations. Wendy, do you have any opening remarks?

MS. TAOMOTO: No. Thank you, Chair. I just wanted to say that the Department of Management, I'm from the Department of Management and the Department and the Mayor's Office is supportive of this request by HC&S for a two year extension on their lease.

CHAIR GUZMAN: Okay. And do we. . .Mr. Volner, do you have anything from HC&S? Okay, thank you. Members. . .wait, I'll ask Corporation Counsel, do you have anything to add?

MR. UEOKA: Thank you, Chair. As we previously discussed under Section 1 of the license agreement and if you refer to the amendment, the last two paragraphs were intentionally omitted from the first amendment to the license. So I just wanted to clarify that with you, the reason being my understanding is that the first one is the licensee is okay with forgoing its right to terminate this license at any time, and the extension there, I guess, there is no contemplative extension and the County does not, or the Administration does not intend on giving any further extension, so that's why that language was left out, thank you.

CHAIR GUZMAN: And that being said, are you okay, are you in approval or in consent of adding those two? You would rather have those deleted?

MR. UEOKA: I would prefer they be deleted. I have no real issue with the second, the no extension of the term shall be permitted language. I'd prefer not to have the licensee have the right to terminate at any time though.

CHAIR GUZMAN: Okay. So, Members, at this time I'm going to open up the floor for any questions in regarding the revisions or the extension on the license. Yes, Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much, Chair. So essentially what we're doing here is approving an extension of this, and I can see, I've been through it, I don't see any major changes, except I do see some, you know, editing kind of stuff in the first and second pages, but nothing substantive in your opinion?

CHAIR GUZMAN: The only real substantive changes are the two paragraphs in which Mr. Ueoka mentioned that were added back into this amendment, but I'd open the floor more. Do you have any more questions to ask?

COUNCILMEMBER BAISA: Yes. Is there any, going to be any changes in the way this is being used?

CHAIR GUZMAN: No. Other than just the two paragraphs that were mentioned as well as the nonsubstantive typos that were presented.

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COUNCILMEMBER BAISA: Well, based on that, Chair, I really have no questions or any objections to this, thank you.

CHAIR GUZMAN: Okay. Thank you. Any other. . .yes, Mr. White.

COUNCILMEMBER WHITE: Sorry, Chair, could you clarify what document we're working off of?

CHAIR GUZMAN: Okay. There's. . .

COUNCILMEMBER WHITE: The one that was just handed out?

CHAIR GUZMAN: Yeah. The one that was handed out to you and that's what we're working off of.

COUNCILMEMBER WHITE: And then --

CHAIR GUZMAN: This is the revised version.

COUNCILMEMBER WHITE: --which document are you referring to that we are deleting two paragraphs?

CHAIR GUZMAN: Okay. So if we, Mr. White, if you turn to Page 1 of Exhibit 1, so. . .and on the title it says, License Agreement (100 Acres) --

COUNCILMEMBER WHITE: Yeah. I have that.

CHAIR GUZMAN: --and if you go down to paragraph number one on specified as term and you go down to the last two paragraph of that item and it's starting with, Licensee may terminate this license at any time by giving Licensor 30 days prior written notice of such termination. And the second paragraph, no extension of the term shall be permitted without the approval by Resolution of the Council of the County of Maui. Those two paragraphs were missing or were not incorporated in the first amendment to license, which would be Exhibit 2 and that would. . .if you turn to the back of your document you'll see, first amendment to license, titled and it's marked as Exhibit 2. And if you turn to the next page of that, that would be the second page, you will see that. . .

COUNCILMEMBER WHITE: Yeah. I see the notes that. . .

CHAIR GUZMAN: Yeah. The notes there that, I guess number 2, it says Section 1 is amended in its entirety to read as follows, and then it incorporates the first paragraph of amendments, but it did not incorporate the last two sentences. So we thought, in our analysis, that those two paragraphs at the end were accidentally deleted, so it's my understanding through Deputy Corporation

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Counsel, that it was negotiated that those two paragraphs should not at all be incorporated. So at this time, I mean, not at this time, but that's the explanation that I'm being given on the floor.

COUNCILMEMBER WHITE: My only concern is that if we take out the ability to extend, we're dealing with 100 acres here, if we want to take 10 acres out for our first baseyard development, does this mean that they're going to stop farming the other 90? Because I think it would be sensible for us to continue to lease the 90 as long as they can, as long as they're interested in leasing it, I'd rather have something productive next door to a new baseyard rather than them stopping. You know, we've seen what it looks like when they're not farming it --

CHAIR GUZMAN: Right.

COUNCILMEMBER WHITE: --and it's just, looks like other parts of Maui that are not under cultivation. So I would prefer that if we can come up with wording that would allow for an extension of cultivation, should the County not be ready to move forward. I don't know from a legal standpoint whether it has to come back to us, but I would, I'm comfortable at this point, we've bought the land, let the Administration determine whether it continues in cultivation or not.

CHAIR GUZMAN: Right. I believe that under the, and Corporation Counsel, you can correct me if I'm wrong, under County Code 3.40.180, any time that you're extending a one year lease or license, an extension of that, a renewal of that, you would have to go and get the permission or the consent of the Council.

COUNCILMEMBER WHITE: That's right.

CHAIR GUZMAN: So it would automatically go back to us anyway, so I don't know if we need to put that in writing or put that as part of the. . . I mean, you could if you would like to make that motion.

COUNCILMEMBER WHITE: Well, I guess the question is, if we leave it out and the Administration wants to extend it or HC&S wants to extend it, they could always come back to us, is that right?

CHAIR GUZMAN: Do you have a response, either Wendy or. . .

MR. UEOKA: Yeah. Thank you, Chair, either way it's the law, even if it's not in this license agreement, it's the law. We'll have to come back up and I believe this decision was made based on growing cycles and all kinds of stuff, so I think we just wanted to approach it at a later date also.

COUNCILMEMBER WHITE: It'd just be nice to let the, let HC&S know that as long as we don't have something on the books ready to go that they'll still be able to cultivate it.

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CHAIR GUZMAN: Well, would you like to. . .are you proposing a. . .

COUNCILMEMBER WHITE: No. I'm comfortable.

CHAIR GUZMAN: Okay.

COUNCILMEMBER WHITE: I'm comfortable leaving it the way it is. It's going to have to come back here anyway --

CHAIR GUZMAN: Yes. Yes.

COUNCILMEMBER WHITE: --by law, but this two year by two year extension is something that it's a little cumbersome when you're trying to grow something. So I hope the Administration will bring it back to us within an easy time frame so that they can keep moving if they choose to and we don't need them to get out of the way.

CHAIR GUZMAN: I guess, I would have a question. Why would you just limit it to two years on this extension? Is it. . .

MR. UEOKA: I believe that's the end of this crop, is in two years the crop's the done.

CHAIR GUZMAN: Okay.

COUNCILMEMBER WHITE: But realistically, are we going to be ready to go with drawings and we're going to have the bulldozers start in the site work for the new baseyards? I know. . .and if it is just two years and I want to know how you guys did it because I've been working on a project for more than that.

CHAIR GUZMAN: Do you have a response?

MS. TAOMOTO: Yes, I do. Wendy Taomoto. We are proposing in the Mayor's Fiscal Year '15 budget to propose request for designs funds to move forward with the baseyard development project, and if we're successful in getting that funding, our design is anticipated to take two years for design and permitting. And we're, we would then, based on this upcoming budget, it would show that we will be requesting construction funds for Fiscal Year 2017, which means that the earliest that we could break ground or utilize or, sorry, appropriate the construction funds would be July 1, 2016. And based on that date, July 1, 2016, when we would, you know, may commence with construction that falls. . .gives us enough. . .doesn't allow really for another crop because that would be two years. But I understand your concerns where if we're not going to be using it based on the layout of the proposed baseyard project, why not continue to lease, and we will consider that and keep HC&S informed of our plans. And if there is an area of our property that's not going to be built on for another five - ten years, then we will, we understand that

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keeping it in cultivation also protects the health of the land. So we would, we are going to be in close contact with HC&S as we develop the property to see if that's a possibility to, you know, have a smaller crop or what makes it work for them.

COUNCILMEMBER WHITE: So is the Administration's intention to move ahead with the design of the entire 100 acres or just an initial portion of that?

MS. TAOMOTO: With the acquisition of the 100 acres, you did provide for master planning funding. So we are commenced, we have a contractor, or consultant on board and I envision that the first phase of the baseyard project will be the infrastructure, which includes a bridge across Waikapu Stream and the basic infrastructure to cross the stream to bring it to the 100 acres. From there, we have to wait for the completion of the master plan to determine which department's baseyards is going to go in and develop the property in a logical and perhaps prioritize who goes first. And that we will be able to discuss once we complete the master plan, but for now the Fiscal Year '15 Budget will show that we are proposing funding to at least put in the basic infrastructure for the entire master planned property.

COUNCILMEMBER WHITE: Okay. Thank you, Chair.

CHAIR GUZMAN: Okay. Members, any further questions? Seeing none, I'd like to entertain a motion to . . . Mr. Ueoka.

MR. UEOKA: Could you include the map, the inadvertently omitted map also, or do you guys want to discuss that?

CHAIR GUZMAN: Oh, yes. Also Members, the map that's attached to the end of the document was inadvertently not attached or incorporated within the resolution itself. So at this time, as part of the proposed revision, we are now incorporating the map to the resolution as an Exhibit A. So I believe that's all for the technical portions of this resolution. I'd also at this time, Members, entertain a motion to amend the revised proposed resolution to delete on Page 2 of First Amendment to License, Exhibit 2, paragraph number one, starting with the word, term, going down to the last two paragraphs beginning with, Licensee may terminate this license at any time by giving Licensor 30 days prior written notice of such termination, no extension of the term shall be permitted without the approval by resolution of the Council of the County of Maui, to be deleted.

COUNCILMEMBER WHITE: So moved.

CHAIR GUZMAN: Is there a motion? Moved by Mr. White --

COUNCILMEMBER BAISA: Second.

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CHAIR GUZMAN: --seconded by Ms. Gladys Baisa. Any further discussion? Seeing none, all in favor, say "aye".

COUNCIL MEMBERS VOICED AYE.

CHAIR GUZMAN: All opposed, say "no"? There are five ayes and two excused, I believe Mr. Victorino as well as Mr. Carroll. Amendment carries

**VOTE: AYES: Chair Guzman, Councilmembers Baisa, Cochran,
Crivello and White.**

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Vice-Chair Carroll and Councilmember Victorino.

MOTION CARRIED.

ACTION: AMEND RESOLUTION.

CHAIR GUZMAN: Getting back to the main motion, Members, I'll restate the call of the question, the motion is stated as, recommending the adoption of the revised proposed resolution entitled, Authorizing the First Amendment to License for the 100 Acre Parcel, now Identified as Tax Map Key Number (2) 3-6-002:004, Pursuant to Section 3.40.180, Maui County Code; and filing of County Communication 13-377.

COUNCILMEMBER WHITE: So moved.

CHAIR GUZMAN: Moved by Mr. White --

COUNCILMEMBER BAISA: Second.

CHAIR GUZMAN: --seconded by Ms. Baisa. All those in favor, say "aye".

COUNCILMEMBER WHITE: Oh.

CHAIR GUZMAN: All those opposed, say "no". Excuse me?

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COUNCILMEMBER WHITE: Well, I was, I was trying to get your attention to just have a quick discussion, but. . .

CHAIR GUZMAN: Oh, sorry. Let me. . .strike that.

COUNCILMEMBER WHITE: Keep in mind it would just be I think helpful to note which piece of property is involved in this on this map.

CHAIR GUZMAN: Can you say it again, Mr. White?

COUNCILMEMBER WHITE: Well, we have the map, but it's not clear on the map which parcel. . .

CHAIR GUZMAN: Oh, okay. You want some clarifications. So. . .

COUNCILMEMBER WHITE: I'm pretty sure I remember which one it is, but maybe Ms. Taomoto can. . .

CHAIR GUZMAN: Can you clarify the map, please?

MS. TAOMOTO: Yeah. Lot 1, if you look at the map on the left side, there's two maps, just like on one paper, the left side, Lot 1, it says 100.000 acres and to the left of Lot 1 is the proposed Waiale Road and to the right of Lot 1 is the 209 acres that we purchased from A&B.

COUNCILMEMBER WHITE: Okay. What is the ownership of the small parcel at the top of Lot 1?

MS. TAOMOTO: At the top of Lot 1, we have left to the landowner. . .I forget how what the 200 foot distance from the Waikapu stream. . .and in their master plan, they show like a park walkway, river walkway. And so we also didn't want to acquire that, if you recall from when we had the acquisition discussions, because it was determined to be in the floodway, so it was unusable, undevelopable. And so we excluded that from and took only the usable portions of that larger parcel.

COUNCILMEMBER WHITE: Okay. Thank you, Chair.

CHAIR GUZMAN: Thank you. Any further discussion? Seeing none, I'll go back to the motion, motion by Mr. White, seconded by Ms. Baisa. All in favor, say "aye".

COUNCIL MEMBERS VOICED AYE.

CHAIR GUZMAN: All those opposed, say "no"? And we have five ayes, no noes, and two excused, Mr. Carroll and Mr. Victorino.

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**VOTE: AYES: Chair Guzman, Councilmembers Baisa, Cochran,
Crivello and White.**

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Vice-Chair Carroll and Councilmember Victorino.

MOTION CARRIED.

**ACTION: ADOPTION OF REVISED RESOLUTION AND FILING OF
COMMUNICATION.**

CHAIR GUZMAN: Thank you, Members.

**EAR-24 PARK ASSESSMENT AGREEMENT FOR THE WAILUKU-KAHULUI PROJECT
DISTRICT I (CC 13-340)**

CHAIR GUZMAN: We're moving on to the next item on the agenda, that's EAR-24, Park Assessment Agreement for the Wailuku-Kahului project District 1. The Committee is in receipt of the County Communication 13-340, from the Director of Parks and Recreation, transmitting a proposed resolution entitled, Approving and Authorizing the Execution of a Park Assessment Agreement for the Wailuku-Kahului Project District 1, Pursuant to Section 18.16.320, Maui County Code. Members, I'd like to call your attention to Page 2 of the Park Assessment Agreement, third whereas clause that states that the Maui Lani will satisfy the conditions of Section 18.16.320 of the Maui County Code by dedicating 26.5 acres of land. Here we have today with us is the Maui Lani representative, Dave Gleason, and he is a partner in the company, as well as Steve Miller from the Commercial Development, manager. Would one of you like to come down to the podium and provide us an overview of the Park Assessment Agreement? Please identify yourself on the record, thank you.

MR. GLEASON: Good afternoon, I'm Dave Gleason with Maui Lani, and I'm here to present you some information in regard to the Park Assessment Agreement and the layout of our anticipated park. First off, I'd like to put up the little larger example of the park, you have the small design, but I thought you might be. . . a little bit easier to read this larger one.

CHAIR GUZMAN: Please proceed.

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MR. GLEASON: We have been working on this park for quite some time actually. It goes back probably at least five years. And we originally started out with an agreement to do a park with the Administration, and we got moving on the park, actually did grading and put a main line in, and at the time the County was going through some analysis of changing the ordinance from having the Council approve the park after the park was finished. And so the, now, the new amendment that came out a couple of years ago is the Park Assessment Agreement Ordinance. So we actually stopped work on the park until this was done so we could make our presentation and be sure that we are heading in the right direction in regard to Council, and then all through this process we've been working with the Parks Department. So I can say and hopefully we'll be confirmed by the Parks Department that we have agreement on the direction we're going. In front of you is the design, and the first phase of the park you'll see the total park size is 25, or excuse me, 26.5 acres, I believe, but the first phase is 14.4 acres, which basically accommodates all the approvals that we've had from the Parks Department for moving forward with a park assessment. And prior to this time, we'd been taking easements for many years with those obligations that we had to make in regard to the subdivision and the houses we and the lots we were making for public. And at this point, the 14.4 acres basically satisfies everything that we have had approved by the Parks Department in regard to those subdivided parcels that are in Maui Lani. If you read into the agreement, we actually have only 891 homes, that has changed, I don't know if. . . Jeff, you've made that change into the agreement, but we did make a change, it's basically an ongoing and dynamic number because those lots and units will change in time. This agreement was actually put together the beginning of 2013, and we had 853 and now we have 891. It doesn't again specifically affect the number of acres that we have in park plan, because that is subdivided, approval of subdivision, so in any case the 14.4 acres for the first phase satisfies all our obligations up to this point in time and that's what we're going to start with. As we move forward, there's a clause in the agreement that would tell us that we will need to go forward with either bonding a property or moving forward with the actual improvement of property as more subdivisions come into Maui Lani and specifically the Maui Lani Partners' ownership of Maui Lani. Again, this was a fairly new procedure. . . I have to give Jeff Ueoka a lot of credit for working with us and putting this Park Assessment Agreement together. And I'm sure it's going to be a well major positive change in regard to what was happening in the past, especially for the Council to have to approve something that was already built. As far as the park itself, we used a planning firm and worked with the County and put together a plan. You can see in the design that we have mostly soccer in the first phase, the two regulation soccer fields, and we have two smaller fields for the smaller children. We worked with the Parks Department and our obligation as far as the Park Assessment Agreement is to put in the grading, we did that, we'll have to go back and do the fine grade work, we've put in some irrigation, we will have to finish the irrigation, we have to grass it, and then we put in a bathroom. And the bathroom was designed and the Parks Department had given us a plan for the Lahaina recreation area that has bathrooms, and so we'll be putting a duplicative type of bathroom in this facility. As you can see, the park is adjacent to the Maui Lani Parkway and it will be accessible from either the east or the west, so either side you'll have a pass-through coming across the median or coming down the hill you'll be able to turn in. We've. . . along with the bathroom, we're putting in 30 parking

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stalls, and you can also take a look at that design, and we have planned for expansion of the parking as we see it getting obviously busier and busier. We know soccer is very much in demand. The County is also included and this would be part of the County's plan, and I don't want to overreach my bounds here, but we had worked with four tennis courts and some basketball courts, and so those would be potentially something that the County would decide to put in. And what our decision on timing of this, we want to get started on it right away, so soon as we get the approval for the Park Assessment Agreement, we will go out and get some bids. We also get the approval on the building permit for the bathroom, and once we get the permit for the bathroom, we will by the agreement, we basically have a year to finish the project and that's the first phase and that will be what's included in your packets. Other than that, I can take questions or, Jeff, do you have anything to add in regard to the agreement?

CHAIR GUZMAN: Hold on. Members, do you have any follow-up questions to clarify? Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And thank you for being here. So just trying to . . . I'm looking at the Park Assessment Agreement and I guess Page 2, the second, first and second whereas, the 853 number that you mentioned but now I guess you're up to 891. So . . . but my question here is you . . . 853 lots approximately, well I guess it's on 9.8 acres of land or that's how much park is assessed for that number?

MR. GLEASON: No. That I guess I probably confused you, excuse me.

COUNCILMEMBER COCHRAN: Yeah.

MR. GLEASON: On Page 1, you'll see that we have approvals in regard to accepting the approval from the Parks Department or the obligation on subdivided lots, and that's on the bottom, the last whereas on the first page --

COUNCILMEMBER COCHRAN: Yes.

MR. GLEASON: --and that's 1,258 and that's actually the number that you'd times that by 500 square feet and that's the number for the 14.4 acres, that's what the number is that we will be developing. Just to clarify where we are as far as building, we're not at the 1,258 level yet, we're at the 891 level, so we're actually building, if you want to take it to the level of actual occupancy of homes, we're building more park than people are there at this point. So that was the correlation of the 1,258 is what we were actually obligated to build and the 891 is, it's very dynamic because you're building houses or moving forward all the time, so.

COUNCILMEMBER COCHRAN: Okay.

MR. GLEASON: Does that answer your question?

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COUNCILMEMBER COCHRAN: Yeah. I was just trying to figure out the numbers and the acreage to match.

MR. GLEASON: And again, correct me I'm wrong, if it's not 500, I think it's 500 square feet per unit and so you'd times that, 1,258 times 500.

COUNCILMEMBER COCHRAN: Okay. Thank you, Mr. Gleason.

CHAIR GUZMAN: Any further questions or follow-up for Mr. Gleason, Members? Seeing none, any questions to our Department of Parks and Recreation or Corporation Counsel? Any comments from Brianne Savage, Deputy Director of Parks and Recreation?

MS. SAVAGE: No, I think we're good, just that we're in support of this agreement.

CHAIR GUZMAN: Thank you. And we also would like to thank Maui Lani and Mr. Gleason for expeditiously starting this project, and even though you're not at that level of the units, we are very happy to see a new park come up within Central Maui. Thank you so much for working on it and proceeding forward.

MR. GLEASON: We're very excited about getting it done, so it'll be a very, very big addition to Central Maui.

CHAIR GUZMAN: Thank you. So, Members, if there are no further discussion, I'll entertain a motion to recommend adoption of the proposed resolution entitled, Approving and Authorizing the Execution of the Park Assessment Agreement for the Wailuku-Kahului Project District 1, Pursuant to Section 18.16.320, of the Maui County Code; and filing of County Communication 13-340.

COUNCILMEMBER WHITE: So moved.

CHAIR GUZMAN: Moved by Mr. White.

COUNCILMEMBER BAISA: Second.

CHAIR GUZMAN: Seconded by Ms. Baisa. Any further discussion? Seeing none, all those in favor of the motion, say "aye".

COUNCIL MEMBERS VOICED AYE.

CHAIR GUZMAN: All those opposed, say "no"? Let the record reflect five ayes, no noes, and two excused, Mr. Victorino and Mr. Carroll.

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**VOTE: AYES: Chair Guzman, Councilmembers Baisa, Cochran,
Crivello and White.**

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Vice-Chair Carroll and Councilmember Victorino.

MOTION CARRIED.

**ACTION: ADOPTION OF RESOLUTION AND FILING OF
COMMUNICATION.**

CHAIR GUZMAN: Thank you, Members.

**EAR-1(1) COMMITTEE'S PRIORITIES AND PROCEDURES; PRESENTATIONS FROM
COUNTY ADMINISTRATIVE AGENCIES (ORIENTATION WORKSHOP BY THE
DEPARTMENT OF PARKS AND RECREATION)**

CHAIR GUZMAN: Moving on to the next agenda item, EAR-1, Committee's Priorities and Procedures; Presentations from County Administrative Agencies (Orientation Workshop by the Department of Parks and Recreation). Members, we received a presentation from the Department of Parks and Recreation relating to the Department's programs, operations, and Capital Improvement Projects on December 17th of last year, but we ran out of time and we ran out of an opportunity to have further discussion and questions. Today, we have some of the representatives from the Department, which will briefly summarize their portion of their presentation and I believe today we are talking about the division in the Wailuku, no, the Waiehu Golf Course Division, I believe. And we have Ms. Savage, Deputy Director of Parks and Recreation, if you can please introduce yourself and your staff and we'll open up the floor for your presentation.

MS. SAVAGE: Okay. Thank you, Chair. Today, actually we were just going to do a brief update on the PALS Program and our Inclusion Programs, and we have here with us our Chief of Recreation, Jason Lopez, and our Inclusion Specialist who is also acting as our Grants Manager right now, Tara Sabado. So I'll . . . you have two colorful handouts in front of you that just kind of give a brief overview of information, so I'll go ahead and hand it over to Jason and Tara and let them walk you through those documents.

MR. LOPEZ: Good afternoon, Council Chair, Council members, thank you for having us back after our last presentation. As Brianne has mentioned after our last presentation there were no time for

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any questions, so we just wanted make ourself available today if you guys had any questions. What I have in front of me is regarding the PALS Program and it provides some information based off of our last summer session. We had a total of 19 sites around Maui County which included West Maui, South Maui, East Maui, Central Maui, Molokai and Lanai, we also count the Kamaole Point as one of our sites. So basically for the last summer session, we had a little under 2,000 children that participated in the program and we hired about 264 seasonal staff. So that's just a quick recap of what we had kind of discussed at our last presentation.

CHAIR GUZMAN: Do you want to just proceed with the next section?

MS. SABADO: Hi, good afternoon, I'm the Inclusion Specialist for the Parks Department and I went over a few slides at the last presentation, and in front of me, I'm looking at the Inclusion Programs handout that we've given you. We have wheelchair tennis expansion into Hana, so we will be starting a clinic and regular program wheelchair tennis through a participation grant. In our Central Maui, we continue to have our adaptive tennis program regularly every year. We also have adaptive kayaking and our inclusion children's art program, and we have a monthly adaptive canoe program in partnership with another canoe club. And our goal is to provide additional accommodation for special event activities by looking at having an accessible cart that can assist with overflow parking needs for individuals that have to park outside of the designated parking stall areas. And also looking at developing an auxiliary aid communication kit for our permit staff to assist persons with disabilities and becoming more independent in our permit process. Thank you.

CHAIR GUZMAN: Members, I'm going to open up the floor for any questions. I guess I can start with the first question. On the Inclusion Programs, on the accommodations, it looks, it says accessible cart. Is this. . .it looks like a golf cart, golf course cart. But is that something that is already been built into the budget for the 2015, or is this something that a wish list kind of deal that you'd like to see in the future, or is this actually gonna be part of your submittal into the budget?

MS. SAVAGE: This cart in itself is something we currently don't have within the Department, and it is something that we're looking at wanting to bring in to be able to have and have it as an option at some of the different events, so this would be an item we would be looking to purchase.

CHAIR GUZMAN: Any further questions from the Members? Yes, Ms. Baisa.

COUNCILMEMBER BAISA: Chair, I don't really have a question but I did want to say something in regards to the parks. You know, it was a real pleasure for me and a real good education to have the opportunity to go to the Pukalani Park facility and have a tour and, you know, a good overview of the CIPs that they're looking at, all of the maintenance that they're planning is really, really helpful, because I'm often asked by people in the community what about this and what about that. And I just want to thank them for taking the time to take me on a personal

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educational tour, because it meant a lot to me and I think it's a wonderful thing and I wanted to say thank you. You know, so often we hear complaints but I wanted to say well done and thank you and I think you should continue it. It'll make our budget work so much easier. Thank you, Chair.

CHAIR GUZMAN: Thank you. Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, and yeah, I just also have positive comments in regards to Parks and Rec and the positive steps forward to improve upon, you know, all of our services. So good job and let's continue, keep that work up. But I'm looking at the PALS Program and total of 19 sites Countywide, West Maui having one, and I've been to their events and they do a wonderful job and everyone's so happy and the kids just enjoy themselves tremendously. But especially you can tell that the people that do the program just, it's just really. . .they love it and they just have fun and anyways, energy is good. So as West Maui grows though, I'm just wondering is there a need for maybe an additional site to accommodate a PALS Program, maybe more for the north side, because Princess Nahienaena being right there up Lahainaluna Road and, you know, it's just growing and there's more and more. So I'm just wondering if West Maui could use another site if possible.

CHAIR GUZMAN: Department.

MR. LOPEZ: Sure. That is something that we have been looking at and have been discussing. If at all possible, we would like to expand and West is probably the first location that we would be looking at, so we are discussing it and if it becomes a possibility, we're definitely looking to try to do that.

COUNCILMEMBER COCHRAN: Okay. And a follow-up then, Chair.

CHAIR GUZMAN: Yes.

COUNCILMEMBER COCHRAN: Okay. Well good, thank you that you folks have been looking into it. So has there been discussion as, you know, this is more in the Lahaina area, perhaps moving somewhere more out north to accommodate the families and kids out that way? And if so, if there's sort of a budgetary amount you folks have been looking at and perhaps wanting to submit this upcoming year?

MS. SAVAGE: We right now are just looking for a location. So if there are any that especially come, you know, to your mind that might be available, as soon as we can identify additional locations then we would be in discussion. There is. . .we think we'd probably have enough with our current budget to where we could still accommodate another site on the West side without having to ask for any additional monies. So that's something we've looked at and kind of

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crunched those numbers. I think we can still do it with what we currently have, so it's really more of just finding a physical location that we can utilize.

COUNCILMEMBER COCHRAN: Okay. And, sorry, Chair.

CHAIR GUZMAN: Yes, go, proceed.

COUNCILMEMBER COCHRAN: And so have you sort of looked to potential areas at all?

MS. SAVAGE: I don't have a specific list of sites here with me, but I know there has been some feelers put out in different directions, so that's something we'll need to go back and definitely follow up again on what which locations are. . . could be realistic locations we could move forward with. And, you know, if none of those then going back and saying where else can we try to look into.

COUNCILMEMBER COCHRAN: Okay. Okay, thank you. Thank you, Chair.

CHAIR GUZMAN: Any further questions? Mr. White.

COUNCILMEMBER WHITE: Just a clarification, you list County pools and it says all pools except Lanai. Does that mean that there are separate PALS. . . these are separate PALS sites or that the sites listed elsewhere go to the County pools from time to time?

MR. LOPEZ: Yeah, that's correct. They're not separate sites. The different locations go to the pools.

COUNCILMEMBER WHITE: They go to the pools.

MR. LOPEZ: Yes.

COUNCILMEMBER WHITE: Okay. Great, thank you. Thank you, Chair.

CHAIR GUZMAN: Thank you. Any further questions or comments? Okay, seeing none, I'd also like to make a comment to the Parks Department. I think it so far we're headed in the right direction and I'm so very glad that you're taking the charge here, Ms. Savage, and it's been. . . I'm very inspired to be working with your Department. And hopefully we can continue this great relationship and benefit the community, and so thank you for the presentation. Members, without any objections, I'd like to defer this item.

COUNCIL MEMBERS VOICED NO OBJECTIONS.

ACTION: DEFER.

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CHAIR GUZMAN: Thank you. Members, we've complete the items on today's agenda. I'd like to thank the Department and all those in the gallery that has attended, thank you. With that, the February 4, 2012 [*sic*] EAR meeting is now adjourned. Thank you. . . . (*gavel*) . . .

ADJOURN: 2:26 p.m.

APPROVED BY:



DON S. GUZMAN, Chair
Economic Development, Energy, Agriculture,
and Recreation Committee

ear:min:140204mb

Transcribed by: Michelle Balala

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CERTIFICATE

I, Michelle Balala, 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 24th of February, 2014, in Kahului, Hawaii.

Michelle Balala

Michelle Balala