

HOUSING, HUMAN SERVICES, AND TRANSPORTATION COMMITTEE
Council of the County of Maui

MINUTES

September 4, 2014

Council Chamber

CONVENE: 1:35 p.m.

PRESENT: VOTING MEMBERS:
Councilmember Stacy Crivello, Chair
Councilmember Elle Cochran, Vice-Chair (arr. 1:39 p.m.)
Councilmember Gladys C. Baisa
Councilmember Robert Carroll
Councilmember Donald G. Couch, Jr. (arr. 1:43 p.m.)
Councilmember Don S. Guzman (arr. 1:42 p.m.)
Councilmember Michael P. Victorino

STAFF: Michele Yoshimura, Legislative Analyst
Clarita Balala, 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.: Jo-Ann Ridao, Director, Department of Housing and Human Concerns
Gary Murai, Deputy Corporation Counsel, Department of the Corporation Counsel

OTHERS: Jud Cunningham, Chief Executive Officer, Maui Youth and Family Services, Inc.

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

ITEM NO. 20: GRANT OF A LEASE OF REAL PROPERTY TO MAUI YOUTH AND FAMILY SERVICES (MAKAWAO) (CC 14-160)

CHAIR CRIVELLO: ...*(gavel)*... Good afternoon. The meeting of the Housing, Human Services, and Transportation Committee will now come to order. It's 1:35 p.m. on Thursday, September 4, 2014 and I am Council Chair...Councilmember Stacy Crivello, Chair for the Housing, Human Services, and Transportation Committee. Before we begin, may I please

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request that we all turn off or silence our cell phones or other noise-making devices. Thank you, Members, for being here. I'd like to introduce our Council Chair, Gladys Baisa.

COUNCILMEMBER BAISA: Good afternoon, Chair.

CHAIR CRIVELLO: Thank you, Chair. Member, Bob Carroll.

COUNCILMEMBER CARROLL: Good afternoon, Chair.

CHAIR CRIVELLO: And Member...Mr. Mike Victorino.

COUNCILMEMBER VICTORINO: Aloha and good afternoon, Madam Chair.

CHAIR CRIVELLO: Aloha. Other voting Members, Committee Vice-Chair Elle Cochran, as well as Member Don Couch is expected shortly. At this time, we'll excuse them. Also, I'd like to introduce our representatives from the Administration, our Director of Housing and Human Concerns, Jo-Ann Ridao.

MS. RIDAO: Good afternoon.

CHAIR CRIVELLO: And from Deputy...our Deputy Corporation Counsel, Gary Murai.

MR. MURAI: Good afternoon, Madam Chair.

CHAIR CRIVELLO: Good afternoon. Thank you for being here. And of course, our most dependable Committee staff members, Committee secretary, Clarita Balala, and our Legislative Analyst, Michele Yoshimura. Members, we have one item on the agenda today, HHT-20, Grant of a Lease of Real Property to Maui Youth and Family Services. So we'll start with public testimony. Apparently, we have no testifiers this afternoon from the gallery. I will check with our District Offices. From our Hana District Office is Dawn Lono. Dawn, do we have any testifiers?

MS. LONO: Good afternoon, Chair. This is Dawn Lono in the Hana office and there is no one waiting to testify.

CHAIR CRIVELLO: Denise Fernandez from our Lanai District Office.

MS. FERNANDEZ: Good afternoon, Chair. This is Denise Fernandez on Lanai and there is no one waiting to testify.

CHAIR CRIVELLO: Thank you. And Ella Alcon from our Molokai District Office. Any testifiers, Ella?

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MS. ALCON: Good afternoon, Chair. This is Ella Alcon on Molokai and there is no one here waiting to testify.

CHAIR CRIVELLO: Thank you. And since we have no testifiers in our District Office or in the gallery, if there are no objections, Members, I'd like to close public testimony.

COUNCIL MEMBERS: No objections.

CHAIR CRIVELLO: Thank you, Members. Thank you, Ladies. We would now begin with our agenda item, HHT-20, Grant of a Lease of Real Property to Maui Youth and Family Services. First of all, I guess I'd like to also introduce in the gallery we have Mr. Jud Cunningham, Chief Executive Officer, for the Maui Youth and Family Services. And our agenda is about County Communication 14-160 from the Director of Housing and Human Concerns, transmitting a proposed resolution to renew the grant of a lease of two parcels of real property to Maui Youth and Family Services, Incorporated, for the purpose of providing office and shelter space for its programs for youth and families of the County of Maui. The proposed lease agreement for the property which has fair market rental value of \$58,674 per year is for a 25-year period from July 1, 2015 to June 30, 2040 at a nominal fee of \$100 per year. The existing lease will expire on June 30, 2015. At this...and you have correspondence dated August 28, 2014 from the Department of the Corporation Counsel transmitting a revised resolution entitled "AUTHORIZING THE GRANT OF A LEASE OF COUNTY REAL PROPERTY CONSISTING OF TAX MAP KEYS (2) 2-5-004:005 (POR.) AND (2) 2-5-004:006, MAKAWAO, HAWAII, TO MAUI YOUTH AND FAMILY SERVICES, INC., PURSUANT TO CHAPTERS 3.36 AND 3.40, MAUI COUNTY CODE". The revised proposed resolution clarifies the property is identified as Tax Map Key (2) 2-5-004:005 consisting of approximately 1.01 acres and Tax Map Key (2) 2-5-004:006 consisting of approximately 3.69 acres located at Makawao, Maui, Hawaii, and incorporates other clarifying and nonsubstantive revisions. Before I call on our Director, Jo-Ann Ridao, I'd like to recognize our Member and Vice-Chair of the Committee, Elle Cochran.

VICE-CHAIR COCHRAN: Good afternoon, Chair. Thank you very much.

CHAIR CRIVELLO: At this time, Ms. Ridao and Mr. Murai, I'd like to ask for your comments or explanation of the revisions.

MS. RIDAO: Thank you, Chair, and good afternoon, Committee Members. If you remember at our last meeting there was some question about the description of this property so we tabled this decision until today. Anyway, Corp. Counsel...Deputy Corp. Counsel Gary Murai did some substantial research and I think it would be more appropriate for him to explain to you what he came up with and what description we're going to use.

MR. MURAI: Madam Chair, if I may?

CHAIR CRIVELLO: Thank you. Thank you. Yes, please.

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MR. MURAI: Madam Chair, actually I need to thank your Staff for their kokua in straightening this out. Basically, what happened was some of the references to...well, first of all there was no...there was never any doubt or confusion about the parcel that's 3.69 acres and that would be TMK...well, the parcel that's 3.69 acres. The one that's located right on Baldwin Avenue. The problem that I ran into, and you know, it was basically shame on me, was that the original lease referenced a Lot 39-B that no longer exists anymore. Apparently, in 1985 or thereabouts, there was some redrawing of the boundaries so that reference is obsolete. However, after meeting with Mr. Cunningham, walking the property, and obtaining from Mr. Cunningham more accurate maps and drawings showing the correct metes and bounds, which is now attached as the exhibit that describes the property, I believe that Maui Youth and Family Services and myself are in agreement that we are both talking about the same parcel. So I believe that the exhibit that is now attached to the proposed lease and grant agreement accurately reflects the property that Maui Youth and Family Services is occupying, and I'll be glad to answer any questions the Committee may have about that. It's attached as Exhibit A-2. I guess another source of confusion was earlier our references spoke of a parcel being 3.43 acres and that 3.43 acres actually came from that Lot A which is in total 3.43 acres but is further divided between three...two other grantees, Women Helping Women and Aloha House. So Maui Youth and Family Services portion is actually 1.01 acres as shown in Exhibit A-2 and also showing the metes and bounds thereof. I've made other clarifications, including for example, in the permitted uses, you know, our standard terms and conditions typically prohibit residential use of leased premises, but in this case because Maui Youth and Family Services function is to provide emergency shelter and residential programs that there is...the standard terms and conditions were amended to permit such use. Thank you, Madam Chair. I don't have anything further but I'll be glad to answer questions the Committee may have.

CHAIR CRIVELLO: Thank you, Mr. Murai. I'd like at this time recognize Member Don Guzman.

COUNCILMEMBER GUZMAN: Good afternoon, Chair.

CHAIR CRIVELLO: Thanks for being here, as well as Member Don Couch.

COUNCILMEMBER COUCH: Good afternoon, Chair.

CHAIR CRIVELLO: Thank you for being here.

COUNCILMEMBER COUCH: Sorry for being late.

CHAIR CRIVELLO: You should have in your binder receipt of communication dated September 2, 2014 from Deputy Corporation Counsel Gary Murai. If you have any questions...I guess he was referring to, if you look at Page 11 of 22, Exhibit A-2, is what he just recently referred to as far as the tenant lease area, Aloha House, Maui Youth and Family Services, and Women Helping Women. So at this time I'd like to open the floor for any discussions or questions from Members.

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COUNCILMEMBER VICTORINO: Madam Chair?

CHAIR CRIVELLO: Yes, Mr. Victorino.

COUNCILMEMBER VICTORINO: You know, I thank you guys for getting this done. I know it's been a trek to get to this point. I really have no question. I'll wait for your recommendation because I think you've worked it all out, Mr. Murai, and with the Staff.

MR. MURAI: Well, thanks to Council Staff.

COUNCILMEMBER VICTORINO: No, no, I think everybody worked together and got it done so I'm thankful. And I've reviewed it and I don't have any questions. I'd just like to get it done so that this group knows their lease is secure. Thank you, Madam Chair.

CHAIR CRIVELLO: Thank you. Thank you. Chair Baisa.

COUNCILMEMBER BAISA: Thank you much, Chair. I am pretty much in the same situation as Councilmember Victorino. You know, I'm very familiar with the area, very familiar with the group and the groups that are onsite, and had the pleasure of being there just a very short week ago for the celebration of the 50th anniversary of Job Corps. But I'm very familiar with the programs and the leases that we're looking at today for Maui Youth and Family Services, and now that you folks have worked on all the technical stuff as far as our comfort level in doing a lease with this particular organization, I have no concerns. I know them well. They're very responsible, have an excellent track record, and so it's my pleasure to support this if this is your recommendation, Chair. Thank you.

CHAIR CRIVELLO: Thank you. Members, any other comments or questions? Thank you. I, too, would like to thank the Department, as well as Deputy Corporation to bringing this forward for us to actually solidify the lease and I can appreciate the efforts from the tenants for helping us to make Maui a healthier community. We know...I think the County should be congratulated in more ways than one in trying to provide resolves to some of these social problems that we face daily and this helps us to really make Maui No Ka Oi. So at this time if there are no more further discussion or questions, I'd like to entertain a motion to recommend adoption of the revised proposed resolution and filing of County Communication 14-160.

VICE-CHAIR COCHRAN: Chair, so moved.

CHAIR CRIVELLO: Thank you. Do I hear. . .

COUNCILMEMBER BAISA: Second.

COUNCILMEMBER VICTORINO: Second.

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CHAIR CRIVELLO: Thank you. It has been moved by Vice-Chair Ellen Cochran, and second by Council Chair Gladys Baisa. May I hear a vote of yea or nay? All those in favor say aye.

COUNCIL MEMBERS: Aye.

CHAIR CRIVELLO: There being no opposition with seven voting yes, the motion is passed as set before you.

COUNCILMEMBER VICTORINO: Madam Chair?

CHAIR CRIVELLO: Yes.

COUNCILMEMBER VICTORINO: Just a point of clarification, you should have asked if there's any nays.

CHAIR CRIVELLO: Further discussion?

COUNCILMEMBER VICTORINO: No, no, no. No, no, no. You said all those in favor and we answered, but you never said any opposed.

CHAIR CRIVELLO: Well, because I heard all seven.

COUNCILMEMBER VICTORINO: Well, Madam. . .

CHAIR CRIVELLO: Okay, I stand corrected. You're the --

COUNCILMEMBER VICTORINO: I'm sorry, Madam Chair.

CHAIR CRIVELLO: --you're the subject matter expert. Thank you.

COUNCILMEMBER VICTORINO: No, no, no, no.

CHAIR CRIVELLO: I'll go back and stand corrected. All those opposed? Any opposition? There being none, motion is carried. Thank you, Mr. Victorino.

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VOTE: AYES: Chair Crivello, Vice-Chair Cochran, and Councilmembers Baisa, Carroll, Couch, Guzman, and Victorino.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: Recommending ADOPTION of revised resolution and FILING of communication.

COUNCILMEMBER VICTORINO: I'm so sorry.

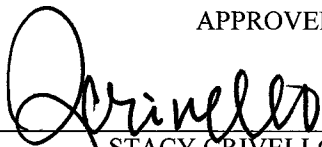
CHAIR CRIVELLO: Don't apologize for your expert...and then with this includes filing of communication.

COUNCIL MEMBERS: No objections.

CHAIR CRIVELLO: Well, Members, shall we sit around and try and get more classes on this? . . . *(laughter)*. . . Because, Members, we have completed today's agenda. I'd like to thank the representatives from the Administration and from Corporation Counsel and Committee Staff for assisting us today. With that, the September 4, 2014 meeting of the Housing, Human Services, and Transportation Committee is now adjourned. Mahalo. . . *(gavel)*. . .

ADJOURN: 1:49 p.m.

APPROVED:



STACY CRIVELLO, CHAIR
Housing, Human Services, and Transportation
Committee

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Transcribed by: Clarita Balala