

**MAUI REDEVELOPMENT AGENCY
REGULAR MEETING
JUNE 26, 2020**

A. CALL TO ORDER

The regular meeting of the Maui Redevelopment Agency (Agency) was called to order by Ms. Ashley Lindsey, Chair, at approximately 1:00 p.m., Friday, June 26, 2020, online via BlueJeans Meeting No. 819379227.

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

Ms. Ashley Lindsey: Here today are myself, Vice-Chair Keone Ball, Gwen Hiraga, George Kaho'ohanohano, and JoAnn Ridao. Are there anybody -- is there anybody who is wanting to testify today? If you are, please use the chat function and direct message Management. Have you've gotten any testifiers today?

B. PUBLIC TESTIMONY - Maximum time limits of three minutes may be established on individual testimony by the Agency. More information on oral and written testimony can be found below.

Ms. Erin Wade: Nope. No messages so far, Chair.

Ms. Lindsey: Okay. How should we manage that if they come in? I'm not sure exactly. Should we wait or just go with it?

Ms. Wade: Well, you can offer testimony at the beginning of each agenda item. That's something that a lot of the Chairs will do. So they'll have a general opportunity for public testimony at the beginning. And then during each agenda item, an opportunity to testify if folks would like to do that.

Ms. Lindsey: Okay. I guess we will open it now, and close it because there weren't any testifiers. If anyone -- okay. So it looks like we have one testifier, so let's just do all the public testimony now.

Mr. Michael Hopper: Madame Chair, I think the agenda says that you do have to give testimony on each item when it comes up. It says, "public testimony will be taken when each agenda item is discussed." I think you can take it now, and see if anyone wants to testify in advance, like now, if they have to leave or anything. But then for each item I think it's a good idea to check and see if there's a testifier for that item.

Ms. Lindsey: Thank you for the clarification. So --

Ms. Wade: So she said she'll wait until the agenda item comes up.

Ms. Lindsey: Okay. Okay, so C, orientation workshop. Management?

C. ORIENTATION WORKSHOP

- 1. Opening Remarks**
- 2. Sunshine Law**
- 3. Ethics**

Ms. Wade: Yeah, so I'll give some opening remarks. So typically when we start a new session with new board members, we do some orientation presentations to just brief group. And it's always good to do a refresher on sunshine law requirements and ethics. At the County of Maui the staff gets briefed on this annually, so we do this as well with the boards and commissions. So Mike Hopper is going to go through both the sunshine law and ethics presentations with you.

Mr. Michael Hopper: So bear with me here. I'm going to try to do screen sharing and see if it will work. I have my presentation loaded up. I'm just going to see if this works.

Ms. Lindsey: Real quick, if you are not participating in the meeting, can you please turn off your microphone. Thank you.

Mr. Hopper: Can everybody see the presentation?

Ms. Lindsey: Yes.

Mr. Keone Ball: Yes.

Mr. Hopper: Okay. Alright. This is a presentation on Hawaii Revised Statutes Chapter 92. This is commonly known as the sunshine law. It's the State's open meeting's law, and it does apply to the Maui Redevelopment Agency as a County board or commission. The sunshine law is, as I've said, Hawaii open, the Hawaii's open meeting's law and it governs how all State and County boards and commissions conduct their business.

What's the policy and intent? The requirements are intended to open up the governmental process to public scrutiny, make sure that you conduct business openly, and essentially make sure that all business that's being done by the MRA is, is conducted in public so the public knows what's being decided and when it's going to be decided, and has the opportunity to provide comments on what's being decided.

If a court reviews an action it's generally going to liberally construe the law in favor of opening up meetings. And any exceptions to requiring open meetings are going to have to be liberally construed, are going to be construed against closing the meeting. And absent to specific statutory exception, the MRA cannot conduct its business in secret. You have to do it during an open meeting.

What are the requirements in general? Every meeting in the board is open to the public, and all persons are permitted to attend. All interested persons have to have an opportunity to submit data, views, or arguments in writing on any agenda item. So that's written testimony and you're required to receive that. All interested persons shall the opportunity to present oral testimony on any agenda item. And the board, in this case, the MRA, can make reasonable time limit on oral testimony. So the normal time limit given by County boards and the County Council is three minutes. That's generally acceptable. And that's done, of course, to make it possible to get through a long meeting if we've got a lot of testifiers and you can limit the time for testimony.

There has to be a notice of the meeting. The notice is mandatory. There needs to be written public notice at least six calendar days before the meeting, and this is provided on the County's website and filed with the County Clerk. The notice which is in the form of an agenda generally is required to list all of the items that are going to be considered at a given meeting, and it has to include the date, time and place of the meeting. In the era, in the time COVID, these agendas generally provide a Bluejeans link that let people attend the meeting, and view the meeting electronically, and also a phone number. So it allows people to call in to provide testimony or orally listen to what's happening at the meeting. This is allowed by, right now, by the Governor's Proclamation. It has allowed these meetings to continue electronically despite the fact the sunshine law generally doesn't allow that. So, I think it's important to note that several provisions of the sunshine law have been suspended so that will allow the MRA and other boards and commissions to have a meeting like we are now electronically through Bluejeans.

Another issue with the agenda is there cannot be any additions to the agenda once filed unless there's a two-thirds vote of all members to which the board is entitled, that's the MRA at this point. However, no item can be added if it is of reasonably major importance and action thereon will affect a significant number of persons. So normally the guidance is that if there's something that you want to discuss but it's not on the agenda, the best practice is to ask that it be placed on a future agenda so that there's proper notice for that. Amending an agenda can be problematic if -- because of the standards there can be arguments made that a lot of items would be of reasonably major importance and action thereon will affect a significant number of persons. I'd rather, in general, not try to make that argument and just say we'd like to add this item to a future agenda. So if sometimes you want to discuss something but it's not on the agenda, and we can't do it, that's why, is because the State law would prohibit that in a lot of cases.

Minutes of meetings have to be kept. They're mandatory. They need not be verbatim, but they need to have the date, time, and place of the meeting; the members of the board who are present or absent; the substance of all matters proposed, discussed or decided, and any record of votes taken; and any other information request to be noted by the members. And the public record of the minutes has to be made available within 30-days of the

meeting.

Well, what is a meeting? Well, there's a definition in the statute for what a meeting is, and it means the convening of a board for which a quorum is required in order to make a decision or to deliberate towards a decision upon a matter over which the board has supervision. And in the case of the MRA you have five members, and quorum is considered three of the five members. So you need to have at least three of the five members to have a meeting. And more than two members of a board cannot discuss board business outside of a noticed meeting. Two members can discuss board business outside of a meeting, but they are not allowed to make any commitment to vote on the item in a certain way or to seek the other member's commitment to vote. And once you talk to one member about an item, you can't go and talk to other members about the item. So, a good rule of thumb is don't discuss board business outside of a properly noticed meeting like the one we're in now.

What is board business? There's also a definition of that. That's matters over which the board has supervision, control, jurisdiction, or advisory power and that are before or are reasonably expected to come before the board. So if you meet a couple of other MRA members, you can talk about things the MRA doesn't have any jurisdiction over. You know, talking about the weather or whatever else. But you cannot strain a discussion of board business. So generally I wouldn't discuss anything involving MRA business or that might, in the future, become MRA business, outside of a meeting. Again, the whole purpose of the sunshine law is to try to have all decision making and discussion on these items in an open session where the public can see what's being discussed.

There are some exceptions to the sunshine law in general. One of them is an investigative exception that allows two or more, but less than a quorum to do certain things. It allows them to investigate an item and they can do so outside of a duly noticed meeting. Several things are required though; the scope of the investigation and the authority have to be defined at a meeting of the board, and all findings and recommendations presented to the board at a meeting of the board. So first there has to be an action by the MRA to say we want to have an investigative group put together. That group goes and investigates the item outside of the meeting. And then the next step would have to be that the findings and recommendations are presented to the board at a meeting, so that has to go on an agenda. And after that, any deliberation and decision making has to be at third meeting of the, of the MRA. So sometimes boards and commissions use this investigative exception and form what's called a Temporary Investigative Group (TIG). The Maui County Council has done this. That would allow -- it allows less than a quorum. So in your case you could still only have two members discussing the item so I'm not sure how much you would gain. But those two members could discuss a matter outside of a meeting and report back to the, to the full group on their investigation. Sometimes that's used to look at rule amendments and things like that that would maybe require a lot detailed discussion outside of a meeting. But because of the, the constraints, a lot of times it's just easier to discuss that item in front of the actual MRA.

Another exception to open meetings is the executive session exception. This allows the MRA to have a meeting that's closed to the public. A vote has to be taken in an open meeting, and two-thirds of the members present have to vote to go into an executive meeting. And the reasons you can go into an executive meeting are discussed in HRS, Section 92-4 and 5, and those have examples. One of the examples is consult with the board's attorney on questions and issues pertaining to the boards' powers, duties, privileges, immunities, and liabilities. So later on in the agenda there's a, there's a discussion on the lawsuit in the event there are questions that you need legal advice on that we would not be able to discuss in open session. This gives the board the option, or the MRA the option to have that meeting closed to the public. And that's called an executive session and is done by boards and commissions from time to time to consult with their attorney on legal matters and other exceptions.

Another exception is that if a board is exercising its adjudicatory functions governed by HRS Chapter 91-8 and 91-9. These are contested cases. So generally if you are deciding on a permit or approval, and you're the final decision maker, that process is not subject to the sunshine law. It's subject to a different process which is considered a contested case hearing process where parties present evidence and you are required to consider that evidence and make a decision. But the sunshine law doesn't apply in that case. There might be other requirements that require that those meetings be opened to the public, and sometimes where public, the public is allowed to testify, for example, public hearing items. But in general those items are not required to be subject to the sunshine law.

If the MRA would violate the sunshine law there are several consequences. One of them is, is voidability. So any action taken in violation of the sunshine law may be voidable upon proof of violation. And someone can file a lawsuit to try to void the action. So let's say you approve or deny a permit or something like that. That may be a bad example because that's a contested case. But if you, if you were to undertake something subject to the sunshine law and take action on it, that action might be reversed if there is a lawsuit and there's a proof of a sunshine law violation involved in that action.

Also, any person who willfully violates any provision of the sunshine law shall be guilty of a misdemeanor and upon conviction maybe summarily removed from the board unless otherwise provided law. Again, that's in the case of a willful violation of the sunshine law. So, you know, be careful. If there's doubts, you can ask for legal advice on the item. But, again, this is, this is something that shows that this is an issue to be taken seriously.

And then that's all I have for the, for the sunshine law presentation. I can move on to ethics in a bit, but maybe it's a good time to see if there's any questions on the sunshine law item.

Ms. Lindsey: Okay. Does any member have any questions for Mike about sunshine law?

Mr. Ball: No questions for me.

Mr. Kaho'ohanohano: No questions.

Ms. Lindsey: Okay --

Mr. Hopper: Okay, and again you're not expected --. Sorry. Did somebody? Oh, no questions. Yeah, you're not expected to memorize all of this. That's one of the reasons you have an attorney at the meetings is to help guide you with this. But if you don't take anything else away, I think the main things are to make sure that don't discuss board business outside of a noticed meeting. You know, do it, do it inside the meeting so the public can see what's happening. I think that's probably the most important, general thing to remember about the sunshine law.

So if there's no more questions I'll move on to ethics as a presentation. Let me see about -- let me see about opening up that presentation. Okay, can everybody see the presentation?

Ms. Lindsey: Yes.

Mr. Hopper: Okay. This is the County Code of Ethics. It's contained in Maui County Charter Article 10, and it does apply to you as members of the Maui Redevelopment Agency. There are several prohibitions. There are prohibitions on accepting gifts for your membership, or engaging in any business transaction or activity, or having a financial interest which may tend to impair independence of judgment in the performance of an official duty. There's also a prohibition on failing to disclose a financial interest.

Now in general this prohibits you from having a financial interest that is incompatible with your duty as an MRA member, and there can be a variety of examples of that. I would not -- if there's any doubt in a situation you should ask for a Board of Ethics opinion. Actually, that's covered in a future slide. But generally this is the requirement. You can't have, engage in a business transaction, or activity, or have a financial interest which would impair your independence of judgment in the performance of an official duty. The penalties for violating the code of ethics can include a fine, or being removed from office.

Now if you've got any questions, you can ask for an advisory opinion from the Board of Ethics. They are required to provide an opinion within a certain period of time. And if any officer obtains an advisory opinion and acts accordingly, or in accordance with the opinions of the board, the Board of Ethics in the past, the officer shall not be held liable for violating any of the provisions of this article. So getting a Board of Ethics opinion on a given item is an important thing to do if you have any doubts on an issue. Also, it's always a good idea to disclose any potential financial interest you have in a matter before, before that matter gets underway just so that's out there in the public and everybody knows about it.

This, this obviously, the code itself is, is a general prohibition. If you get down into specifics we really need to look at the facts of the specific case because that can change the advice and that's one of the things that Board of Ethics can look at if they're asked. But at this stage I'd say, you know, this is the general requirement, and if you've got any doubts you can discuss with me, and disclose the matter, and then seek a Board of Ethic's opinion. That's always a good idea so you're not, you know, making a guess on the issue. And that's all I have for the Board of -- sorry, the Code of Ethics which again is part of the Maui County Charter. I can answer any questions on that item if you'd like.

Ms. Lindsey: Members, any questions?

Mr. Ball: No questions.

Mr. Kaho'ohanohano: I have no questions.

Ms. Lindsey: I see no questions, Mike. I think we are informed. Thank you.

Mr. Hopper: Okay. Erin, should I go on to the next item?

Ms. Wade: Mike, the next --

Mr. Hopper: Or should we go into the next item?

Ms. Wade: The next item -- you mean, item D?

Mr. Hopper: That looks like it's the next --. Yeah, it looks like it's the next one the agenda.

Ms. Wade: We need to take public testimony on Item C.

Ms. Lindsey: Yeah, I was going to offer public testimony after the presentations just so it would -- in case any testifiers had question they would have been answered in the presentation. So anyone want to testify on Agenda Item C, as in cat? I'll give you like ten seconds. Okay, I see no testifiers. You can continue on with agenda Item D, Mike.

D. NEW BUSINESS

- 1. WAILUKU GOOD GOVERNMENT v. MRA. The Maui Redevelopment Agency may receive a status update on the pending lawsuit.**

WITH RESPECT TO THIS ITEM, AN EXECUTIVE SESSION MAY BE CALLED IN ORDER FOR THE AGENCY TO CONSULT WITH ITS ATTORNEY ON QUESTIONS AND ISSUES PERTAINING TO THE

**AGENCY'S POWERS, DUTIES, PRIVILEGES, IMMUNITIES AND
LIABILITIES, PURSUANT TO SECTION 92-5(a)(4), HAWAII REVISED
STATUTES.**

Mr. Hopper: Okay. Now, I don't know if this is one you want to take testimony at the beginning because if there's member questions and you have to go to executive session or anything, I don't know how that sequencing would work. So I don't know if you want to take testimony at the beginning or, or after. It's up to you, but I would -- if there's member -- just as a question.

Ms. Lindsey: Okay, I'm going to take testimony then now for Item D, as in dog. I know we have at least one testifier.

Ms. Wade: Yes, first testifier is Susan HP.

Ms. Lindsey: Hi Susan. Can you test your mic please? Hello? Susan, I can see sound coming out of an unknown person, but no sound coming through.

Ms. Susan Halas: Can you hear me? Hello?

Ms. Lindsey: Yes, we can hear you now. Hello, Susan?

Ms. Halas: I would like to wait. Yes, this is Susan Halas, Wailuku. I would like to wait till the end of new business, Item D.1., on the agenda. I'd like to hear your presentation.

Ms. Lindsey: We're taking testimony for Item --

Ms. Halas: I believe that those rules -- I believe the rules he just explained said that you can hear the testimony and then ask questions afterwards. He just explained that on C. I'm sure that applies to D as well.

Ms. Lindsey: He just advised us that it would be better to do it on -- before this presentation.

Ms. Halas: I'm not going to testify on something I haven't heard, and I'm going to object if I'm forced to testify on something I haven't heard. I'd like to hear what you're going to hear on Wailuku Good Government versus the MRA, and if I have any comments, I'd like to use my three minutes afterwards. I may well have my questions answered by what you discussed.

Ms. Lindsey: Okay. Well, I am giving you the opportunity to testify on Item D right now. Now it is open for testifying. If you would not like to testify on Item D --

Ms. Halas: But then I would like to put it on the record as objecting to the procedure,

objection to that Gwen is back in the . . . (inaudible) . . . she is still involved in a, in a company that has ties to the . . . (inaudible) . . .

Ms. Lindsey: Susan, if you would like to testify on Item D, then you can testify now.

Ms. Halas: I'm not understanding. Is it D, dog, or C, cat?

Ms. Lindsey: D as in dog. You're testifying -- we are taking public testimony on Item D as in dog right now. And you're the first testifier.

Ms. Halas: Okay . . . (inaudible) . . . I would like to hear the, the testimony. Are you telling me that you're refusing to let me wait till the end of the --

Ms. Lindsey: No, I am not. I am letting you know that now is the time to testify on agenda Item D, as advised by Hopper.

Ms. Halas: Yeah, and if I don't, are you saying that will be unable to testify at the end when you're finished with this? After I will be unable to hear what the discussion is on the opinions of Corp Counsel?

Mr. Hopper: Madame Chair, if I can help. You have the option as the MRA to allow testimony when an item comes up before the presentation, or if you want to wait till after you can. What I suggested on this one though is because there may be member questions and we have an executive session afterward, after the questions, that it may be a good idea to complete testimony before the discussion. It's up to the Chair, but you are allowed under the sunshine law to take testimony when the item comes up before the presentation, and the Council does that all the time, boards and commissions do that all the time. Sometimes they do wait until after the presentation on particularly on projects and things, but that's up to the Chair and the MRA how they want to handle that. Both are acceptable as long as you allow an opportunity for testimony when it comes up. And in this one I just suggested you may want to do it before the discussion --

Ms. Halas: I'm willing to wait.

Mr. Hopper: -- because I don't know there will be . . . (inaudible) . . . questions. But the Chair does have the right to say you will take testimony now or no more testimony until -- no more testimony. So that's up to the Chair and the MRA. So they can require that testimony be taken before the item is presented. That's allowed.

Ms. Lindsey: Okay. I will defer to the members. As of now I am thinking it would make more sense to take testimony now. Members, do you have any comments on this?

Mr. Ball: Now or later, it doesn't matter.

Ms. Ridao: This is JoAnn. I don't have a preference. However, I think we need to make it clear that we may be going into executive session and they, whoever testifies are going to have to wait till after that executive session.

Ms. Lindsey: Okay. Any other comments? Okay, I guess, I, I do want to have the testimony now. I feel like it would just make the events go better for us a little smoother. Can you please do your testimony now if you would like to testify now?

Ms. Halas: I will testify now but --. Can you hear me?

Ms. Lindsey: Yes.

Ms. Halas: I will testify now, but I will testify under protest . . . (inaudible) . . . that maybe want to reopen this later. I object to Gwen Hiraga being present at this meeting, and to her being involved with this suit. This suit involves questions and issues that her company has a direct interest, fiduciary interest, monetary interest, every kind of interest you can possibly imagine. So she has a conflict of interest. She is a knowledgeable person and I am very much impressed with her abilities and her knowledge. But in this particular case I think she should excuse herself under the, the rules that Mike just explained to the board about what is a conflict of interest under ethics. She has a conflict of interest. She knows she has a conflict of interest. She didn't participate in the last meeting because it was a blatant conflict of interest. This one is a little bit more at arm's length, but it's still a conflict of interest and I, I . . . (inaudible) that she asks for an ethic's opinion on whether she should be allowed. But I do not think she should be allowed to listen to it, participate in it, be present at it.

As regard to the executive session, I think an executive session at this point is another attempt to hide from the public what are the real duties of the MRA and how they're carrying them out. I was very impressed with George's participation in the prior meeting. I thought as long as commissioners who read the materials, who understands what's being done, and doesn't wait for the staff recommendation. So I'm very optimistic he will bring a breath of fresh air as far as I'm concerned to the commission. As to the rest of you I'm not sure that you truly understand how many people the -- the circulation of the . . . (inaudible) . . . against the hotel that you wanted to consider that petition has been . . . (inaudible) . . . thousand signatures in opposition. This -- I understand that on the -- an epidemic situation that this is not the most ideal situation and I appreciate the opportunity to talk. But I do not like the way this meeting is being conducted, and I do not feel that I'm being given an adequate opportunity to comment on what your actions are. I am willing wait until after your discussion, until after you come out of executive session. You need only to text message me back on my phone. But this is not your will so I feel this is a deliberate attempt to keep a member of the public who has followed this for 20 years. I've attended these meetings long before any of you have ever even heard of this thing I've been going to these meetings. And

for the whole entire time it's been a little private, cozy . . . (inaudible) . . . and I am totally sick of it. That's my testimony.

Ms. Lindsey: Thank you Susan. Are there any other testifiers? Please use the chat function if you are interested in testifying. Do we have any other testifiers, Erin? No other testimony. I'm going to give it like 20 more seconds in case anyone wants to testify. Okay, no more testimony. Can we move forward on --?

Ms. Halas: I see one more person. I see one more person on the chat.

Ms. Wade: We have one person who is identified as guest, no testimony . . . (inaudible) . . . my spelling for the word opportunity. Unless if they want to --. Guest, did you want to testify? Okay. No, they don't want to testify.

Ms. Lindsey: Okay. No more testimony. Let's close public testimony for now on Item D.1. Hopper, did you want to pick up on this?

Mr. Hopper: Yeah. I was asked to give an update on this lawsuit, and don't think it would be particularly lengthy. And we may not need to go into executive session because, you know, there's probably --. I think I can try give enough information on what's going on.

Basically there was a lawsuit filed against the County alleging the MRA -- alleging the MRA does not have the authority to adopt zoning standards or grant variances from zoning standards. Both the County and the, and the plaintiff had filed motions in the case. And while those motions were pending as I understand it, there was an agreement with the County and the plaintiffs to propose draft and propose legislation that would adopt the Wailuku, the Zoning and Development Code that the MRA had adopted as administrative rules as part of the Maui County Code. Make it part of the Zoning Code so that the Council would have the ability to have that adopted as part of the County Code. And as part of that, that lawsuit, the County also agreed to not be processing variances during that time period as well. So those items were agreed to by the County. And I think all of that was presented in the news, and if fact, has been, has been made public record. So I don't think I'm saying anything that's, that's a surprise.

The MRA can continue to do anything else other than variances, as I understand it. But in this situation the proposal is to have the Zoning and Development Code which adopts zoning standards for properties in Wailuku town adopted as part of the Maui County Code as a zoning. And so the lawsuit is on hold pending that that draft legislation which is making its way among, among County people as far as drafting and would be released in the future, and set forth for the consideration. I think it would go to the Planning Commission as well as the County Council for them to decide whether to adopt the Zoning and Development Code standards.

And that's the status of the lawsuit. If, if there are questions on merits of this suit, the arguments involved in the suit, and things like that, I think we'd want to go into executive session. But I think everything I've said is part of the public record, and has been in fact, printed in The Maui News. I think one thing that was stated in The Maui News though was that there was, I think, a discussion of having the MRA disbanded altogether. That's not going to be a part of the proposed legislation. The proposed legislation would deal with adopting the Zoning and Development Code as part of the Maui County Code which is separate from the existence of the MRA. So the MRA would not be -- the actual board would not be affected by the change other than having the Zoning and Development Code administered as part of the Maui County Code rather than as administrative rules of the MRA. There could be other changes worked out as far as who hears variances from the code and other things like that, but there would be no proposal from the County to disband the MRA. If something like that would happen, it would have to be proposed separately by the Council, and not as part of the agreement and the discussions with the plaintiff in this lawsuit.

But I think that's all I have at this point with the status of the lawsuit. Again, there's no action that's being requested from the MRA. I was asked to provide a status update. The litigator who's working on this, Richelle Kawasaki is, I think, can be available if you have questions. But I think that's where we're at with the, with the lawsuit at this point.

Ms. Lindsey: Okay members, do you have questions or maybe executive session questions that you would want to ask? If so, please ask. I'm not seeing any questions or need for executive session, is that true? Can you nod, or something. Okay. So I think we are okay with that presentation, Hopper, thank you.

Mr. Hopper: Okay. And again, if there's -- if something else comes up we can keep you updated as far as what's going on. But as of now, I think that's the status of the, of the lawsuit.

Ms. Lindsey: So...now we are taking public testimony for Item No. -- wait can I -- is it --? For Item No. E.

Ms. Wade: So Chair, Item E is department updates. For all of those topic areas, it might be most useful if I provided an update first, I would suggest. And then if folks have questions specific to the update, you could --. I could all the updates, and then if there's any questions at the end, people could -- public testimony could be taken after that.

Ms. Lindsey: Okay, I'm just a little bit concerned with it going before and then going after, and then kind of switching it around. So if we are going to do that, then I'm going to re-open up public testimony for Item No. D in case anybody wants to testify now and hadn't had the opportunity yet.

Anybody? Erin, are you showing any messages to you?

Ms. Wade: Nope, I'm not showing any.

Mr. Hopper: To be clear Chair -- Chair, you're asking if there's more testimony on the lawsuit item?

Ms. Lindsey: Item D. Yes, because it's going back -- I just kind of want to make it if we're going to ask questions before or open after, I really don't want confuse anybody.

Mr. Hopper: That's fine.

Ms. Lindsey: I want to give everybody that opportunity so we aren't, you know --.

Ms. Wade: Be consistent.

Ms. Lindsey: Yeah. Can -- so I'm going to close public testimony for Item D because I see no more testifying, testifiers. And we are moving on to Item No. E. Erin, can you provide the updates? And then if you -- if anybody wants to provide public testimony on Item E, E.1. through 6, they can do it after she does her department updates.

Ms. Wade: Thank you.

Mr. Hopper: Madame Chair, were you asking if Susan wanted to testify again to testify? I mean, I think that's fine because she had raised an objection. I just don't know if it was clear if you wanted her to testify again or not. Just so there wasn't any confusion. No?

Ms. Lindsey: I would like to give her the opportunity to do so as long as she stays on subject. Well, she's saying no need.

Mr. Hopper: Okay. Just, just, in that case, there's any confusion there. Thanks.

Ms. Lindsey: Thank you for clarifying. Okay, agenda Item E, Erin.

E. DEPARTMENT UPDATES

1. Church and Vineyard Street Improvement Project Status

Ms. Wade: Okay, thank you. So the first item is the Church and Vineyard Street improvement project status. So the construction manager couldn't be here today. He has a site visit with State Historic Preservation Division, but the work is continuing. The utilities are almost entirely underground at this point. And they're looking in the next two weeks to do the temporary seal on Vineyard Street. The historic curbs that were on the makai side of

curb street were pulled and preserved, and now have been reset in place. And the, the front finished curbing will be going in along with a temporary top coat for Church Street so that we can get it reopened. They're going to wait to do the final surface on Church Street until all of Vineyard and Church are done because so many trucks are going to be coming in and out of there. It doesn't makes sense for us to do a final coat until that's completed.

2. Wells Park Temporary Parking Status

Ms. Wade: The Wells Park temporary parking status, we're going to be -- we're actually working on a new newsletter for everybody to update. But we've applied to the Planning Department for a temporary parking permit for Wells Park. Our architect that is now on staff with Department Management came up with this really interesting idea to use a product that the military uses quite a bit that just -- you can lay it over the top of the field without us having to do any grading of Wells Park. So it's kind of like a Lego system that just locks in place together. It creates a temporary parking lot, and then won't create any damage to the, to the field themselves. So, we're excited to be able to test this out at Wells Park. The Council did not fund any improvement. Part of the reason we did this is in this last fiscal budget there was money for a Wells Park in the request, and that wasn't budgeted. So we didn't want to then create a problem at Wells Park that the Parks Department wouldn't be able to fix. You know, their schedule had been that we would do the temporary parking, and then following that, they would be making improvements to the fields. But without the funding to do so, we wanted to minimize our impact on the field to the greatest extent possible for a temporary parking. So that's why we're going with this interlocking system. It's call Supertrack. So we're going to have some links up for that, and we'll include it in the next newsletter about how it works. But, they've used it for helipads. They use it for -- temporary parking lots is a lot of the reason that they use it. When temporary roads needs to be created during disaster situations. This can be a product that's used so I think it's going to be a great thing just for the County to have in, in its toolbox for moving forward as well.

3. Wailuku Shuttle Update

Ms. Wade: The shuttle update -- so back in January we published the, the request for professional services to operate a shuttle system to do the circulation. And we did get one responder at that time. And we were in the process of negotiating what that, what that would look like. But in our conversations, and then with COVID coming up, we needed to add in some things about safety protocols for operating the shuttle. We needed to know that there was going to be sufficient distancing allowed on the shuttle between passengers. And there started to be too many things that we were adding in into the contract request to feel comfortable moving forward as we had originally did it. So we pulled that bid back. We did not execute that contract. It is currently rebid. It went out to rebid right now with specifics on cleaning and sanitation, space for people to social distance, same operating routes. The

same routes we originally did. The same requests to run every 15 minutes on the loop. But we needed in order for, again, for full disclosure to rebid that because we were making some changes to the specifications of the contract. So we should have that. It's due July 15th, and then we should be able to quickly execute that contract. The money is still available to do so.

4. Clean and Safe Program Status

Ms. Wade: The Clean and Safe, I'm happy to report if you've been to Market Street, the power washing has started. So we contracted with COVID monies and some MRA end of year monies to do a cleaning and sanitizing of the sidewalks and public spaces on Market Street. So Maui Eco Power Washing was contracted. They use a product called Medi-Clean which is an alcohol based product that does sanitize. So all of -- so Market Street from Request Music to Vineyard, including the new plaza and the alleyways next to 62 Market and the Lao Theater were all de-cleaned and sanitized over the last two nights. He's got another five nights of work to do to do the mauka side, and then a portion of the block down Market Street. I think you folks know, we updated you at the last regular meeting that we did, for a period of time, the County closed the Market Street restrooms, and some kind of unsanitary things happened when those closed down. So we wanted to be sure that it was safe for the public in and around that area. So he did go in to the Parks restrooms last night too and was able to shoot down the whole restroom with the sanitizing spray. He shoots it down and then leaves it for 30 minutes, and then comes back and does a nice thorough rinse. So that's going to continue over, like I said, not, not this weekend. Tonight, he'll be doing the side where the Maui Land Broker to Noble, to Noble Travel is. And then, he'll move to the other side by the, by the First Hawaiian Bank got really gross. And there's some other areas that are just relatively unpleasant that are going to be nice and clean moving forward.

One of the amazing things that we didn't even realize -- I was talking at the ladies at Wailuku Coffee -- is there's a lot of cracks to the sidewalks we didn't even know they were there because they were filled with sort of dirt and, you know, layers and layers of caked in dirt that are now really kind of . . . (inaudible) . . . so we'll be talking with Public Works as well about doing a little bit of patching on some of the sidewalks here moving forward.

5. Small Town Big Art updates

Ms. Wade: Just getting through the list, the Small Town Big Art has kind of taken a pause during this because we've had a real challenge knowing how to involve the public. You know, our events has been, you know, in person, and up until now the, the artist who had been here right before the lockdown occurred was from Philadelphia. And he was planning to come back but now can't due to COVID. So we're pivoting right now working with our

entirely local artist group and changing up to offer some opportunities for people to be able to participate remotely as well. So I hope to have some updates on what's coming next for that very soon.

6. Upcoming agenda items

Ms. Wade: And for the next agenda, at this time we don't have much for our next agenda other than updates, so I'll have to maybe hold the July 24th date, and then let you know if we have something come in between now and then. I'm happy to take any questions you have.

Ms. Lindsey: Thank you. Can I take public testimony or member questions first? Let's do public testimony and then we'll go to member questions. Does anybody want to testify on Items E.1. through E.6. please send a message via chat? Ten seconds. Okay, if not, Erin, has anybody messaged you Erin? No testimony.

Ms. Wade: No.

Ms. Lindsey: Moving on to Agenda Item F.

Ms. Wade: I'm sorry, . . . (inaudible) . . . member questions regarding the updates?

Ms. Lindsey: Sorry. . . (inaudible) . . . questions, sorry. Questions, yes. Members?

Mr. Ball: Will -- this is Keone.

Ms. Lindsey: Yeah, Keone.

Mr. Ball: Will the, will that contract for the shuttle be a period of time for when they need it? So what do you think the timing would be on that?

Ms. Wade: Good question. So the contract will be procured in plenty of time for the municipal parking lot shut down which isn't scheduled until January, so that, that won't be a problem. We're going to be working on the temporary parking lot in, in -- at Wells Park -- in August and September. We had kind of wanted to do those two things simultaneously so that we're starting to give people options before they're critically needed. And two, now that we know that the, you know, Chief Justice Recktenwald announced that they're going start doing jury trials again in September if possible. So that's when we really start to see a lot of traffic in Wailuku and the need for a lot of parking. So what we were hoping to do is before January when the alternatives are needed, we get kind of get of kinks worked out. So I feel like as long as September, October, we're able to get up and running. Right now it says in the contract that by September 1st that the -- or it says in the bid that by September 1st they need to be ready to be up and running. So we'll probably do some test runs. It might not be

at full capacity, but we'll be able to start offering it for people to test it with long before the municipal lot closes.

Mr. Ball: I have a follow up too.

Ms. Lindsey: Okay, Keone.

Mr. Ball: You know that, the Wells parking lot, the Wells Park parking lot, did they give a time frame on how -- you know what's the time frame for construction of that? Just seeing if school goes back, right -- I mean August, September they're going to start around then if they do go back, and that thing is right there, right. I'm not sure where they're going to put it in that field, but you know, if it takes a week, then you know, it's a week, so what, right? But if it takes a few months then...so I would want more about you know, what it entails, are they going to put up dust fencing, is it create that kind of thing, does it create noise, you know all that kind of stuff.

Ms. Wade: Yeah. The installation of the Supertrack itself can happen in hours actually. I mean it's a, it truly is like a Lego system, so if we have prep work done -- and the intention is to get the separator fencing up so the baseball field closest to Wells Street is the field that would be occupied by this. The field closest to Lao School is going to remain for use by the park users and the school itself. But as a result we're going to do chain linked fence between the two, and then have the . . . (inaudible) . . . and some barrier, some bollards so that no cars can drive into the fence or through. And then Supertrack would be inside. Rolling that out, it's kind of neat to watch. I'll send . . . (inaudible) . . . and I'll put some video links up for people to see it get installed because a crew of I think seven guys put together a whole parking lot in an afternoon. We're going to assume, let's double the time, or even triple the time because this is the first time they're assembling it. It should be able to be done in a weekend or a little bit longer. Like if we, like if we targeted over the Labor Day weekend that would probably be no problem even if kids are back in school.

I did reach out to -- this is to kind of connect it with Small Town Big Art to the AIA and our Hawaii Professional Engineers to see because the, because the fair was cancelled the annual Lego competition was also cancelled, so we thought, oh this would be a fun thing to do in conjunction because it's like a real world Lego project that maybe we could pair up and, you know, through Small Town Big Art do a remote or a virtual Lego competition while we video the installation so we'll see if we can make that happen.

Mr. Ball: Thank you.

Ms. Lindsey: That's good. Also on that is that an item that we're going to use, are we going to own as -- who owns that, the Legos, who owns the big Legos?

Ms. Wade: Yeah, the Department of Parks and Rec is going to be the official owner and

storer of it, you know. For Maui Invitational they've said they could be a good thing to use because it also gives you an ADA compliant surface to walk which is really nice. Where they've said they'd had several things like that. Even with the fair where the lots by the Boys and Girls Club kind of gets ruined during the fair and -- but they do want to be able to park on it. And to be able to roll it out as quickly as you can and then pull it back up with minimal damage to irrigation and the grass, I think it's going to be really helpful for them. But, yeah, we won't have to, the Department of Management and the MRA won't have to own it or store it.

Ms. Lindsey: Any other questions members? Seeing no other questions. I'm happy that you're including Small Town, like local, more local people in the art. I think is really needed especially now. I think -- that's all. Moving on to the next meeting, Item F.

F. NEXT MEETING: July 24, 2020

Ms. Wade: So as I've said we don't have any, any pressing agenda items at the moment. I will double check with Planning to see if they have any permits that are moving that, that aren't variances because we won't be bringing any variances till the complaint is resolved. But if they are no permits it would essentially be updates and I can just provide those via the Wailuku Live, and give you links to that as well.

Ms. Lindsey: Okay.

Ms. Wade: So just for now, please hold the date and I'll let you know within a couple of weeks if it's needed.

G. ADJOURNMENT

Ms. Lindsey: Okay. Thank you, Erin. Any questions from any members, comments? Seeing no, okay, well see you guys, see you maybe on the 24th. Hold the date. Thank you, guys. Meeting adjourned at 1:57 p.m.

There being no further discussion brought before the Agency, the meeting was adjourned at 1:57 p.m.

Respectfully submitted by,

LEILANI A. RAMORAN-QUEMADO

RECORD OF ATTENDANCE

PRESENT:

Keone Ball, Vice-Chair
Gwen Hiraga
George Kaho'ohanohano
Ashley Lindsey, Chair
Jo-Ann Ridao

OTHERS:

Erin Wade, Maui Redevelopment Program Planner, Department of Management
Michael Hopper, Deputy Corporation Counsel