

MINUTES

PUBLIC WORKS AND FACILITIES COMMITTEE

Council of the County of Maui

Council Chamber

September 19, 2007

CONVENE: 9:05 a.m.

PRESENT: Councilmember Bill Kauakea Medeiros, Co-Chair
Councilmember Michael P. Victorino, Co-Chair
Councilmember G. Riki Hokama, Member (arr. at 9:10 a.m./left at 10:57 a.m.)
Councilmember Danny A. Mateo, Member
Councilmember Joseph Pontanilla, Member

STAFF: David Raatz, Legislative Attorney
Kirstin Hamman, Legislative Attorney
Pauline Martins, Committee Secretary

Stephanie Ohigashi, Executive Assistant to Councilmember Victorino
Jock Yamaguchi, Executive Assistant to Councilmember Anderson

ADMIN.: Michael Hopper, Deputy Corporation Counsel, Department of the
Corporation Counsel
Tamara Horcajo, Director, Department of Parks and Recreation
(Item Nos. 32 & 28)
Patrick Matsui, Planning and Development Chief, Department of Parks
and Recreation (Item Nos. 32 & 28)
Jeffrey Ueoka, Deputy Corporation Counsel, Department of the
Corporation Counsel (Item No. 32 & 28)
Michael Miyamoto, Deputy Director, Department of Public Works
(Item Nos. 47 & 26)
Brian Moto, Corporation Counsel, Department of the Corporation
Counsel (Item No. 26)

OTHERS: Greg Kauhi, Engineering Supervisor, Maui Electric Company, Limited

PRESS: *Akaku Maui Community Television, Inc.*

CO-CHAIR VICTORINO: ... (*gavel*) ... Good morning. Welcome. This meeting of the Public Works and Facilities Committee, County of Maui, for September 19, 9 a.m. is now adjour..., now called to order. Members present today: Member Mateo, Member Pontanilla, Co-Chair Medeiros, and myself (Co-Chair Victorino). Excused is Council Chair Hokama, who plans to

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join us a little bit later. Representing Corporation Counsel is Mike Hooper *[sic]* and Jeff Ueoka. And also from the Administration representative, the Director from Parks and Recreation, Tamara Horcajo; Planner *[sic]* Patrick Matsui; and they will be discussing items for Parks and Recreation, Department of Parks and Recreation (PWF-32 and PWF-28). At that point, we will recess the meeting and we'll reconvene with Milton Arakawa *[sic]* from the Department of Public Works, discussing Items PWF-47 and PWF-26, for which Co-Chair Mr. Medeiros will be convening the meeting. From Council Services Staff, our Secretary Pauline Martins; David Raatz, Legislative Attorney; and Kirstin Hamman, also Legislative Attorney. Good morning, everyone.

CO-CHAIR MEDEIROS: Good morning.

CO-CHAIR VICTORINO: At this point, since we have four items on the agenda, I will start by saying public testimony will be accepted on each agenda item. Any member of the public not able to stay until their item is heard may provide testimony at this time. Pauline, are there anyone signed up for testimony?

MS. MARTINS: No.

CO-CHAIR VICTORINO: Looking through the gallery and seeing that there is no one in the gallery, I will close testimony at this time for PWF-32, with your approval, gentlemen.

COUNCIL MEMBERS VOICED NO OBJECTIONS.

CO-CHAIR VICTORINO: Thank you, gentlemen.

PWF-32 PARK DEDICATIONS SEMIANNUAL REPORT (HAIKU) (C.C. Nos. 06-153, 07-99, 07-204)

CO-CHAIR VICTORINO: PWF-32, the Committee is now in receipt of County Communication No. 06-153, from the Director of Parks and Recreation, transmitting the semiannual report regarding park dedications for the period of October 1, 2005 through March 31, 2006, pursuant to Section 18.16.23--I mean 320, Maui County Code. 2. County Communication No. 07-99, from the Director of Parks and Recreation, transmitting the semiannual report regarding park dedications for the period of April 1, 2006 through September 30, 2006, pursuant to Section 18.16.320, Maui County Code; and 3. County Communication No. 07-204, from the Director of Parks and Recreation, transmitting the semiannual report regarding park dedications for the period of October 1, 2006 through March 31, 2007, pursuant to Section 18.16.320, Maui County Code. At this time, I will, we have an overview (a PowerPoint overview) that will be presented by the Department of Parks and Recreation; but before we start, Mr. Matsui, do you have anything? Or Ms. Tamara, do you want to add anything before we start the PowerPoint? Ms. Horcajo.

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MS. HORCAJO: Good afternoon, Council . . . uh . . .

COUNCILMEMBER MATEO: Good morning.

MS. HORCAJO: Committee Chair.

CO-CHAIR VICTORINO: Good morning.

CO-CHAIR MEDEIROS: Good morning.

MS. HORCAJO: It is good morning. . . . (*chuckled*) . . . I feel like I've worked all day. Good morning. This park assessment report that we're going to be reviewing for the period of March '06 through September '07 is required by Chapter 18.62.320 [*sic*] of the Maui County Code, and these reports are due at the end of the first and third quarter. We thought this was a good opportunity to give you an overview of how the report is calculated. As I'm the new Director here--9 months already--and we have two new Council Co-Chairs, as you will be receiving the next report beginning the period October, I thought it was an opportunity to go through the park assessment ordinances and a brief history of that report. I do want to thank our Corporation Counsel for assisting our Department in preparing this report for you. We will be distributing a hard copy to you after this date, but hope that this will assist in any future questions on calculations. Mr. Pat Matsui will be assisting with the presentation.

CO-CHAIR VICTORINO: Thank you, Ms. Horcajo. And before I move to recess so that we can get set up for the presentation, I would like to recognize the presence of our Council Chair, Council Chair Riki Hokama.

COUNCILMEMBER HOKAMA: Good morning, Chairman.

CO-CHAIR VICTORINO: Okay. So with no further adieu, I will call for a 3-minute recess so that we may set up for this presentation. Meeting in recess. . . . (*gavel*) . . .

RECESS: 9:10 a.m.

RECONVENE: 9:11 a.m.

CO-CHAIR VICTORINO: . . . (*gavel*) . . . This meeting of the . . . um . . . Public Works and Facilities Committee meeting will be reconvened. At this time, I'd like to pretend, present Mr. Pat Matsui, who will give us the Parks and dedication semiannual report. Mr. Matsui?

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... *BEGIN PRESENTATION* ...

MR. MATSUI: Thank you, Mr. Chairman. This presentation is an attempt to illustrate how we go through the park assessment fees and calculate them. There were several ordinance changes, so you know, each subdivision may fall under each of the different ordinances, so I'll proceed. Okay. The ordinance is Section 18.16.320, Maui County Code. This section pertains to parks and playgrounds, and it generally gives the park dedication requirements, which requires of a subdivision, or condominium, or apartment, dedication of land and equivalent cash contribution, or a combination of both; or it also allows the Parks Director to have a developer put in improvements to existing parks within the community plan area.

Okay, calculation of park assessment fees. Approval, as defined by that section, means both approval of building permit or approval of final subdivision.

Okay. The second part is the effective date of each of the amendments. That is based on the preliminary plat approval. If it's a subdivision or if it's like a multi-unit condominium, the filing of application for building permit. Okay. There are several key amendments that affected the calculation of the fee. Going back to 1996 (January 1996) well September 28, 1995, but it was effective January 1, 1996, Ordinance No. 2442; Second was Ordinance No. 2981, effective August 24, 2001; Ordinance No. 3158, effective February 6 2004. So each of these fall within these three categories. And the fourth category would be prior to January 1, 1996.

Okay, Example No. 1. We did five examples, one for each of the different ordinance calculations. Example No. 1: the Stice Subdivision. That appears on your most recent report. Preliminary subdivision approval was March 6, 1995. So, based on that preliminary subdivision approval, they fell under the ordinance prior to 2442. Okay. Now, final subdivision approval was December 19, 2006. Okay, continuing. So this is a three-lot subdivision prior to 2442. The formula was number of lots minus one, times 245 square feet. So from three lots, you have two lots. Okay. So the formula, at that time, for that was 45 percent of the real property tax assessment for improved residential, unimproved residential, and apartment. So the tax assessment period was July 1, '06 through 2007, and that was . . . that was because of the subdivision approval date, which was December 19, 2006. Okay. And at that time, the assessment for each lot was \$2,937.55 per lot. So times two, comes out to \$5,875.10. There were . . . it was made in two payments. In May 15, 2006, the developer paid \$3,944.50; and at the time of final subdivision approval, they paid \$1,930.60. This is kind of a normal thing. The developers will pay the park assessment at that time they think they'll be getting their final subdivision approval; but many times, it gets delayed till after the June 30 date of that year. June 30 is the cutoff date, where you got a new fee calculation for the following year. So in this case, on May 15th, they thought they were close, so the assessment was \$3,944.50; but when they finally did get the final subdivision approval, the assessments went up, so they had to pay an additional \$1,930.

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Okay. The second one is the revised Ordinance No. 2442. Okay. In this one, the land provided or dedicated shall have an area of 500 square feet for each lot or unit in excess of three resulting from the subdivision. What's in brackets is what the prior ordinance required. This one upped it to 500 square feet, but they gave a three-lot exemption instead of just the one-lot exemption. Okay. So this ordinance required the developer to pay the County a sum of 45 percent of the average of the following: the average value per square foot of lands classified as improved residential; average value per square foot of lands classified as apartment; and the average value per square foot of lands classified as unimproved residential.

Okay. So for the example of this for those projects receiving preliminary subdivision approval prior to . . . um . . . after that date, after January 1, 1996, the example is Malaihi Ag Subdivision. Preliminary approval was January 10, 2000, so it fell under this new revised Ordinance No. 2442. Okay. Final subdivision approval was on January 28, 2005. It was ten lots minus three, gives you seven. At the tax assessment date (July 1, 2004 to June 30, 2005) the assessment was \$3,050 per lot. So that amount times seven, came \$21,350. Again, they paid in advance; and then when they finally did get final approval, the amount had increased, so they paid the balance of \$1,995.

Okay. The third is Ordinance No. 2981. This was changed to . . . um . . . pay to the County a sum of money equal to the number of square feet, which would have been required by the preceding subsection. That's the 500 square feet, times the number of lots, minus three, multiplied by the square foot assessed valuation of the land being subdivided, based on the certified real property tax assessment in effect at the time of final subdivision approval. So Example No. 3 is the Parker/McPhee Subdivision. It was improved November 21, 2003, so it fell under this 2198 ordinance. Final subdivision approved March 7, 2007. Okay. So five lots minus three equals two lots. At that time, final subdivision approval, the real property assessment for that property by the County was \$7.06 per square foot. That times 500 square feet gives us \$3,530 per lot, multiplied by two, came out \$7,060. Again, they had paid \$4,330 prior to final approval. When they finally did get final approval, the assessed valuation had gone up; so they paid another \$2,730 upon final approval.

Okay. Then finally, the last change to the calculation, this is after finding out that a lot of the properties were really highly undervalued. So the Council revised the ordinance to multiply, instead of the real property assessed valuation, they went back to their old formula, which was: the average value per square foot of lands classified as improved residential; average value of lands classified as unimproved residential; and average value of lands classified as apartment. But instead of the 45 percent, they made it 100 percent. They also added that it would be in each respective community plan area where the subdivision is located. So each of the nine community plans had a different, has a different calculation.

So Example No. 4--and we gave you two examples for this last ordinance. Example No. 4 is a regular subdivision, Good Earth Farms. Preliminary approval June 6, 2005, so it fell under the 3158 ordinance. Final subdivision approval has not been granted but they're pretty close to it,

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so our calculation at this time for that ten-lot. Okay. In this case, the three-lot exemption was already applied to the lot on a previous subdivision, so they did not . . . they cannot get the three-lot exemption. So their assessment fee is \$6,655 per lot times ten, total of \$66,550. Okay. And in this case, they were notified that after June 30, the fees will go up; so that amount would no longer be valid. So if they receive final subdivision approval after June 30, 2008, they would have to pay an additional amount.

Okay. The next example, same ordinance, but this one is like a . . . what is called a fourth dwelling. It's basically like a condo, where you just have . . . on one lot, you have a whole bunch of dwellings on it. On TMK, okay, the--in this case, the applicable ordinance is based on the building permit application date. In this case, it was September 15, 2004, which put them under 3158. The building permit was approved March 29, 2007, and that was their building permit application numbers. It was a five-unit, and the three-lot exemption was previously applied, so the current fee was \$15,390 per unit times five, comes out to \$76,950. And that concludes our presentation.

. . . **END OF PRESENTATION** . . .

CO-CHAIR VICTORINO: Thank you, Mr. Matsui. Before I take down the . . . uh . . . the monitor, is there any questions that the Members would like to ask pursuant to the monitor being up?

COUNCILMEMBER HOKAMA: None.

CO-CHAIR VICTORINO: None? Okay. Then I will call for a recess so we can reconfigure *[sic]* the room and we will reconvene. Meeting in recess. . . . (*gavel*) . . .

RECESS: 9:27 a.m.

RECONVENE: 9:28 a.m.

CO-CHAIR VICTORINO: . . . (*gavel*) . . . Meeting of the Public Works and Facilities Committee is reconvened. At this time, I will open the floor up for questions from the Members to the Department. Both Ms. Horcajo and Mr. Matsui are here. Members, any questions for the Department?

COUNCILMEMBER HOKAMA: Question.

CO-CHAIR VICTORINO: Chair Hokama?

COUNCILMEMBER HOKAMA: Thank you, Mr. Chairman. We thank the Department and Mr. Matsui for their presentation on the semiannual report; and you gave us various examples under various ordinances of what the County was able to get for the "in-lieu". So my question

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to you today--knowing what it takes for the County to develop, construct, and maintain parks, are the fees that we are receiving from this program, how would you consider it? Is it still a reasonable formula for us to maintain? Or is it again already at a point where this Committee needs to consider adjustments to the calculations, for those that do the in-lieu payments to the County?

MR. MATSUI: Well from Parks' standpoint, it's an additional source of revenue for our CIP projects and you know, from my perspective, it seems like we're always the last on the totem pole in getting funds, and . . . and so it, you know, it's a big plus.

COUNCILMEMBER HOKAMA: We appreciate that comment--

MR. MATSUI: Yeah.

COUNCILMEMBER HOKAMA: --and every department may feel the same way; but again, the Council doesn't view it that way.

MR. MATSUI: Okay. But on the other hand, from the developers' side, we've had some complaints, especially on the West side. Their fee is almost double what's on . . . um . . . South Maui's the next highest. You know, in all of those, because you have all those resorts, it kind of jacks up the price; but the West side is like almost double what is calculated on the South. South is higher than Central, but pretty much that's the major complaint more from the West side.

COUNCILMEMBER HOKAMA: So take it by the region--since you mentioned South and West Maui--and we both know, well we all know that we have plans to improve specifically South Maui parks and recreational facilities in the short term as well as some of the long term potential projects we're considering. And again, because of the price or the value of the real property that is also using the same calculations, we know that if the County's gonna develop, we facing those same type of values as it impacts us to provide the revenues to build those projects. So while I can appreciate the developers' concern, you know, unless we change the Code, we are required to spend it back in the community plan region that it originates. So while the West Maui development say "I'm paying an unfair share", he definitely knows that the improvement will be made in West Maui, which helps his project ultimately also. So you know, I have ah, maybe a different viewpoint since I'm not the one specifically paying; but we are the one that down the end will make up the difference to construct the project, nonetheless, the difference. Okay. Because if we had them build the facility at their cost and we'll reimburse them what the calculation says, they then will pay the difference. And I don't have a problem with them paying the difference if they want to do it the reverse way because that's to our advantage. So saying that and hearing what you said, again, take away some of the discrepancies by region, overall, is this option regarding park fees a workable and at this time a reasonable program for the County? Or are we at the point again adjustments should be already be planned, 'cause I don't want to react when it's already in the red too much.

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MR. MATSUI: Yeah. I think it's a good program.

COUNCILMEMBER HOKAMA: It's still working?

MR. MATSUI: You know, if . . . if we only took land, we'd end up with a lot of small tiny little doggie parks that couldn't really be used for parks; and with this fund, you know, we'll have the capability of actually going out and purchasing land. You know, in the past, we've been at the developers' mercy. When a developer--the only time we'd get parkland is when a developer comes in to get some zoning change or subdivision and then they're required to put, you know, a park within their subdivision. But over the years, we've kinda fallen behind in our parkland inventory and we need to catch up; so you know, this would be a good fund for us to use to catch up and start purchasing land outright.

COUNCILMEMBER HOKAMA: I would just ask, in my experience with the Lanai park fees, that your Department and Finance, Ms. Horcajo, really find a way so that we have a level of confidence that what our community plan developers are putting into the fund can be verified. And I just bring up the Lanai one in particular. One year, we go down to (what was that?) couple of thousand; then the next year, we see (what?) six figures in the account because I questioned what happened to all of those Castle & Cooke payments to the program. It's . . . I shouldn't be the one chasing what happened to the money that they put into the fund. The County should be able to just tell me it's in this trust and agency; or it's in this particular account; and this is what we know for the Lanai Community Plan, the balance regarding the in-lieu payments under Parks program . . . because I have, well you folks all know how I view money. So you can understand my concern because there comes a point in the near future that Lanai wants to use those park fees for improvements to our program on Lanai, and for me to help offset the need of me asking my colleagues to make up the balance or subsidy for the Lanai project. So I just share that, that I think that is something that I would ask for an improvement in that area, of being able to confidently ensure that those funds are kept up to date and the balances are accurate for us to appropriately then fund worthy projects of improvements in our districts. Thank you, Chairman. Unless Ms. Horcajo has a comment, Chairman.

CO-CHAIR VICTORINO: Ms. Horcajo?

MS. HORCAJO: I would like to comment on that. We are in the process, as a department, of looking at tweaking the current park assessment ordinance. We do feel there's some gray area and also based on new development strategies with hotel/condo, things like that, that we need to address a little better in the ordinance. We believe now is the time to do it. Your input will be obtained during this process. Also, a suggestion. If you would like for us to report the balances by community plan in our semiannual report, that could be another addition that we could assist the Council.

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CO-CHAIR VICTORINO: Yeah. Ms. Horcajo, I think that would be very appropriate. I think that's something that the community should know as well as the Council, what balances are for the various districts; so I particularly would like to see that in the next report, if that could be done, please.

MS. HORCAJO: Okay.

CO-CHAIR VICTORINO: Thank you.

MS. HORCAJO: Thank you.

CO-CHAIR VICTORINO: Other . . . um . . . Council--oh! I'm sorry. Mr. Matsui?

MR. MATSUI: Yeah. . . .*(end of tape, start 1B at 9:38 a.m.)*. . . as far as the Parks Department is concerned. When we got, we get payment, it's in the form of a check to . . . made out to the Director of Finance, which we deposit with the Finance Department; and they in turn, you know, keep the accounts. So that information, you know, you should request that of the Finance Director. We don't keep a running tab of what's . . . because there is also the matter of how much was budgeted or spent from the prior year's CIP. So you know, we don't keep a running tab. We rely on the Finance Department to do that.

CO-CHAIR VICTORINO: So Mr. Matsui, if I'm correct, you still go back to the Budget and Finance Department *[sic]* to get the figures of what monies are available and what monies are expended. Right?

MR. MATSUI: They would--

CO-CHAIR VICTORINO: Yeah.

MR. MATSUI: --have that information. Yes.

CO-CHAIR VICTORINO: They would have that information. So if I requested it from the Parks Department, they in turn would go to Budget and Finance *[sic]*.

MR. MATSUI: Right.

CO-CHAIR VICTORINO: Okay. So it's still, basically, I would say, go through Parks and Rec, so that they can then forward it to us. I think that would be the procedure I'd like to see done, instead of we going to them and asking them for the balances and all of that. So I think what we're asking for is however it gets here, but the balances be . . . be shown. Thank you. Councilmember Pontanilla, you had a question? Sorry.

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COUNCILMEMBER PONTANILLA: Yeah, thank you. Yesterday, we had our Budget and Finance Committee meeting and one of the items on the agenda was the review of rates, fees, and assessments. Is the Department currently looking at the Appendix B in regards to the fees and assessments that you charge, you know, the public in regards to utilizing the parks and buildings?

CO-CHAIR VICTORINO: Go ahead, Ms. Horcajo.

MS. HORCAJO: Thank you. In regard to community center fees, camping fees, those kind of things, we are definitely looking at some revisions being submitted this year. Yes.

COUNCILMEMBER PONTANILLA: Okay, thank you. I understand Mr. Pablo is currently working on that and hopefully, you know, you could provide some good information in regards to your rates and fees and assessments. Thank you.

CO-CHAIR VICTORINO: Thank you, Mr. Pontanilla. Mr. Mateo?

COUNCILMEMBER MATEO: Chairman, thank you. Good morning. A couple of questions. The first one is just for clarification. On Page 3 of your Park, your annual report, under Molokai, there is that one land court consolidation, which is the project, under the project name. Is this the Maunaloa project? Is this the developing Maunaloa?

MR. MATSUI: Yeah, I'm not sure. I can find that out.

COUNCILMEMBER MATEO: Okay. If you could, please. I'm interested in . . . uh . . . because like ah, we're looking at a listing but we don't really have much information to kind of decipher where this project is and especially the scope of the project itself. So if you could, Mr. Matsui. Secondly, is . . . in prior meetings, as we were discussing the smaller subdivision parks, the Department indicated that you would be now taking a look at how exactly you will be looking at park requirements for various subdivisions, whether it be passive, active, you know, or pocket parks, or whatever the need might be. Will this new change impact your current fee structure?

MR. MATSUI: No, it doesn't impact our fee structure. No.

COUNCILMEMBER MATEO: And in reviewing those smaller residential area parks, one of the issues that consistently come up, is the constant request by developers for waiving--waiving the restroom facilities and waiving the parking requirements. Has the Department at least have a discussion on if you want to waive, you'll either pay an additional fee that could be utilized by the park? Or anything of that nature, where an additional fee could be generated so that, so that there virtually should not be a waiver? It has to come with something. That something should be: either they're gonna provide the maintenance; or they're gonna provide an

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additional contribution. So has that been part of your discussion in taking a look at the kind of funds this department needs?

MR. MATSUI: Yeah. We haven't looked at . . . um . . . we've looked at trying to establish like a minimum park size before it triggers a restroom and parking; and you know, because part of it is when you put a restroom and parking lot, you're taking away from the useable park space. So you know, there's a minimum size that, you know above which, we could ask for a restroom. We're also looking at parking lot size and restroom size. You know, a smaller restroom for smaller parks; but we haven't looked at . . . um . . . we're not considering like if you waive it that they pay additional fees. We haven't looked, gone that far.

COUNCILMEMBER MATEO: Okay. Well I kinda hope you would at least have that discussion because by law, that is a requirement; and if they're gonna come to us and say they need to waive it, then there should be some stipulation that should incur additional revenues to help the Department, one way or another--either the facility or to provide the impact of the County having to maintain. Thank you. Thank you, Chairman.

CO-CHAIR VICTORINO: Thank you. Before I recognize Council Chair Hokama, I will recognize Co-Chair Medeiros. Mr. Medeiros?

CO-CHAIR MEDEIROS: Mahalo, Mr. Chairman. I wanted to ask . . . the way the formula works is that it's based on certified tax assessments. Is that correct?

(NOTE: Ms. Horcajo and Mr. Matsui nodded.)

CO-CHAIR MEDEIROS: So for Hana, which is normally lower in assessed value, we would get less according to the formula; and when you look at construction costs in Hana, it's higher than other districts, so we have a wider gap of not getting enough assessments. What is the discussion to look at correcting that discrepancy?

CO-CHAIR VICTORINO: Ms. Horcajo or Mr. Matsui, would you like to take a stab at that?

MS. HORCAJO: Well, I'm gonna take a stab first and just indicate that that . . . um . . . in the upcoming review of the ordinance, both the comments made by Councilmember Mateo and this comment are on the list of things to review. However, Pat may want to comment on past practice.

CO-CHAIR VICTORINO: Mr. Matsui?

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MR. MATSUI: Yeah, I think the enabling legislation comes from State statute and it's pretty much focusing on land. And so, you know, the basis of whatever ordinance we come out has to be more land related versus improvement related. So you know, for Hana, you're correct. The assessed valuations are lower so their fees are lower; but on the other hand, construction is higher.

CO-CHAIR MEDEIROS: Right.

MR. MATSUI: But we're looking at more taking the money and buying land versus improvements.

CO-CHAIR MEDEIROS: Okay. But you mentioned that this was a good program because it helps your CIP projects. Now, CIP projects would indicate some kind of construction, or does it mean, in your assessment, only purchasing property for Parks?

MR. MATSUI: Both. But in the past, it's been mostly for, well, we haven't purchased any land with it but we've been doing improvements.

CO-CHAIR MEDEIROS: Yeah, so that's what I mean.

MR. MATSUI: Yeah.

CO-CHAIR MEDEIROS: The . . . the discrepancy on the formula for Hana penalizes Hana or gives it less value in the assessment. So I would say to, you know, consider that when you're looking at possible changes. And then the other thing is, I just wanted to know, and you may have the answer as a Department or Mr. Chair, it may be, you know, required from our more tenured colleagues here that crafted most of this legislation, what is the rationale behind say the ordinance that says ten lots minus three lots? Why do we minus lots, which brings the assessment lower?

CO-CHAIR VICTORINO: Mr. Matsui?

MR. MATSUI: At that time, I think the Council was looking at family subdivisions so they felt, you know, if you're going to subdivide it, you know, into say four lots because you have four kids, they wanted to give that person a break. So they settled on three lots as an exemption.

CO-CHAIR MEDEIROS: So that . . . the ordinance goes up to ten lots subdivision? After that, there's no minus?

MR. MATSUI: No. No, it's unlimited.

CO-CHAIR MEDEIROS: No. I mean, so . . . if somebody builds a subdivision of 100 lots, you still minus lots?

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MR. MATSUI: You still minus three. Yes.

CO-CHAIR MEDEIROS: Three lots?

MR. MATSUI: Yes.

CO-CHAIR MEDEIROS: I see. Okay. Thank you, Department. Mahalo, Chair.

CO-CHAIR VICTORINO: You're welcome, Mr. Medeiros. Council Chair Hokama?

COUNCILMEMBER HOKAMA: Chairman, if I can just add a caveat to the response to my colleague from East Maui. The area that I think may have some confusion is if this formula is used initially, you subtract three lots according to the ordinance. Okay. If that property goes through another subdivision, which was part of the examples, you do not get that reduction of the three lots another time. It's already been used. You cannot keep using that three-lot reduction in the Department's calculation, so you can use it once.

CO-CHAIR MEDEIROS: Okay.

COUNCILMEMBER HOKAMA: And I would agree that in the past, the Council's intention was to assist our families that had lots that wanted to help subdivide to take care of their own family needs for housing, particularly their children, grandchildren, or other family members. Of course, we know how that got bastardized and now it's not really for the family. You know, it's . . . uh . . . so we might want to re-look at that ordinance too and say maybe they need to show that it's a family member and it be held for a minimum length of time before a resale so you can utilize the intended benefits the Council had tried to address to assist our families with their housing needs. It wasn't meant for them to subdivide; get away from subdivision requirements; and then go to a market sale program to capture the maximum profit. That was not the intent. But I would say in following up on colleague, because I have some concerns too and I understand how we got the calculations from a high of 13,000 West Maui to Molokai's 1,500. So I would say, you know, the concern is obviously yeah we're going to have to make up the difference in the land purchase or the construction of the project from the County's side to offset the amount of money the developer pays by the region. So I would say another thing that we would hope you would consider then. You've shown us what the formula is based on but should we have a minimum whereby the County Department would take the greater of . . . this or that. So if we say the minimum--an example--and again, I'm just throwing this out because it may not be fair to some regions in the County by just saying. If the example is minimum is \$5,000 or whatever is greater, then at least the Department can budget for a specific amount, which is a 5,000 minimum floor. We're not capping the ceiling but we're putting a floor whereby will know that at a minimum, each district will get a certain amount for certain types of development because that's the floor (the minimum) we've set. And that may help out, again, we're not sure. You need to do the due diligence for this Committee to find out whether or not that's fair. And if it's fair, again, on the size of the project, whether it's a pocket

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park, a community park, an island park facility, accordingly because the size of the investment definitely adjusts the difference the County makes up; and we all know what the South Maui difference is going to cost this County to build up the South Maui infrastructure on park programs. So I just share that as another way that we might want to consider, Chairman. It might not be the perfect answer, but I think it's an option that has some merit for us to at least review and see if it makes sense down the road. Thank you.

CO-CHAIR VICTORINO: Thank you, Chair Hokama. I think you brought up some valid points. In fact, all the Members have brought up what I call very interesting and points that need to be reviewed if we are going to reassess and redo our . . . not only our policies, but our ordinance, now is the time to do it right. I think another area that I'd like to see considered in this also, Ms. Horcajo, would be the fact that when we are given parks that these pocket parks or community parks are not put in any area that could be inundated by water. Okay. And classic example is right here. This off of Waiale, which is a drainage area, which has been given to us as a park and that's not acceptable. And there's other examples around town, and I don't think we need to go into `em. But I think that has to be made as a major consideration. If you're going to give us a park, then make that park useable--and not useable a week or two or a month or two--useable 365 days of the year. I think that's what we want. We don't want our community to get parks that are sump pumps, drainage areas, runoffs. That's not what we've asked, we will accept. So all these other suggestions I think are great. I think we need to really look at that and make sure that whatever we come up with will be fair and equitable; that all districts are covered; that all districts are given a fair share; but more importantly, that the community (Maui County) no matter where they live will have a useable park for their families throughout the year. Thank you. Any other discussion? Yes, Mr. Pontanilla.

COUNCILMEMBER PONTANILLA: Thank you. You know, as we accept park dedication, in the Department, how do you calculate your manpower requirements as we accept dedicated parks? You know, we might accept acreage and . . . um . . . on a per-acre equivalent, what would it be for manpower? In other words, one employee can take care 20 acres.

CO-CHAIR VICTORINO: Ms. Horcajo?

MS. HORCAJO: I can briefly respond to that. The national maintenance standards put out by the National Recreation and Park Association indicates that one manpower for ten acres; and that is if there are no facilities involved. So the minute or . . . um . . . additional facilities based on, if it's a gymnasium, it would take more manpower than if it were an open tennis court facility. So you start with one man per ten acres and then you go up, depending on the facilities. And there is a national standard that we're trying very hard to implement. I think that you know we are behind. We're on the moderate to low currently with our assessments and every time we accept a new park and new park access way, it puts us further behind; but we're trying to catch up there. So to remember that as we're accepting park acreage, to remember to put in the maintenance is critical.

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COUNCILMEMBER PONTANILLA: So, the ten acres that you talk about, does it, you know, include like building facilities, like a bathroom, or something separate?

MS. HORCAJO: Again that calculation. So if you get a 40-acre park, you start with the manpower of four individuals. But then when you put on seven days a week, you know, that comes into play because actually the maintenance standards are based on mainland, which . . . um . . . it's a little bit different than our calculations. So we would need to increase the manpower with every facility built and also with the expectation of the cleaning, if it's a seven day a week operation.

COUNCILMEMBER PONTANILLA: Thank you. Thank you, Chair.

CO-CHAIR VICTORINO: Thank you. Okay. Go ahead, Mister--I have question too--but go ahead, Mr. Medeiros, Co-Chair Medeiros.

CO-CHAIR MEDEIROS: Mahalo, Chair. And this is more just comments. Yeah, I want to thank Council Chair Hokama for the explanation. It was short but it's very clear the rationale and intent of how the legislation was developed. So, I appreciate that and I just, you know, want to further comment that I think we--as you have mentioned, Chair--that we need to look at the current ordinances and formulas and develop new legislation; so it be fairer to as many of the different regions as it possibly can be. Okay. Mahalo, Chair.

CO-CHAIR VICTORINO: Thank you. The one question I had in conjunction to this national standard, is travel time put in this? Because I'm not aware of how they work there in the mainland or nationally versus here, but I know we have a lot of little parks for which people have to go from Point A to Point B. Is that all factored in? Or you add that on after that?

MS. HORCAJO: That would be required to be added on after that. The calculations are based without travel time.

CO-CHAIR VICTORINO: Okay. Since we have so many little parks, I think that just, you know, makes the situation even that much more graver, yeah. If there's no other discussion, I will make my recommendation on this item.

COUNCILMEMBER PONTANILLA: Recommendation?

CO-CHAIR MEDEIROS: Recommendation?

CO-CHAIR VICTORINO: Gentlemen, I'd like to recommend we defer this and . . . uh . . . bring this up when we have further discussion on this matter.

COUNCIL MEMBERS VOICED NO OBJECTIONS.

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CO-CHAIR VICTORINO: No objections? Thank you, gentlemen.

COUNCIL MEMBERS VOICED NO OBJECTIONS. (PRESENT: HOKAMA, MATEO, MEDEIROS, PONTANILLA, AND VICTORINO)

ACTION: DEFER.

CO-CHAIR VICTORINO: Okay, thank you. Moving on to PWF-28.

PWF-28 ACCEPTING LAND DEDICATED FOR PARK AND PLAYGROUND PURPOSES AND WAIVING CERTAIN PARK DEDICATION REQUIREMENTS FOR THE ALII VILLAGE SUBDIVISION (KIHEI) (C.C. No. 06-57, C.R. No. 07-74)

CO-CHAIR VICTORINO: Members, I draw your attention to PWF Committee Report No. 07-74, which the Council recommitted on July 26, 2007 for further review. The Committee is in receipt of the following: 1. County Communication No. 06-57, from the Director of Parks and Recreation, transmitting a proposed resolution to accept the dedication of a park located at Kulanihakoi Street for the Alii Village Subdivision, Kihei, Maui, and to approve the waiver of certain park dedication requirements. 2. Public Works and Facilities Committee Report No. 07-74 (Recommitted), recommending the adoption of the revised proposed resolution entitled "ACCEPTING LAND DEDICATED FOR PARK AND PLAYGROUND PURPOSES AND WAIVER OF PARKING AREA AND COMFORT STATION PURSUANT TO SECTION 18.16.320, MAUI COUNTY CODE". The purposes of this revised resolution are to: (1) accept the dedication of a park located adjacent to Kulanihakoi Street in the Alii Village Subdivision, Kihei, Maui, comprised of acreage of--I mean ... correction--approximately 9,027 square feet and identified as TMK: (2) 3-9-01:115--excuse me--155; and (2) to approve the waiver of the requirements to provide comfort stations and parking in the referred [*sic*] park. At this time, I would like to open up to our public testimony on PWF-28. Pauline, do we have any testifiers?

MS. MARTINS: No.

CO-CHAIR VICTORINO: Seeing none in the gallery. Gentlemen, may I close public testimony?

COUNCIL MEMBERS VOICED NO OBJECTIONS.

CO-CHAIR VICTORINO: No objections? Thank you, gentlemen. At this time, I would like to ask the Director of Parks and Recreation to give us an overview on this matter.

MS. HORCAJO: Thank you, Chairman. This project was presented at the Public Works and Facilities Committee meeting on July 5th and it was the recommendation of the Department of Parks and Recreation, at that time, to accept the land to satisfy the parks and playground requirement for

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the 9,027 square foot lot; and that was to include picnic benches, water fountain, and shade trees. The additional cash contribution of \$16,351.50 was to be paid in addition to the land dedication to satisfy this requirement. The Committee passed this recommendation and sent it to full Council. At full Council, I understand, there was some questions raised regarding the calculation of the fee that was made at that time. As an explanation, in the previous presentation that we had just made, this Alii Village would fall under the No. 3 calculation at that time, which the valuation determined by Finance was \$5.50. Utilizing the three-lot exemption of . . . the 27 lots minus 3 is 24 lots times the 5.50 . . . uh . . . times the 55 square feet equals the \$66,000 park assessment fee requirement. A copy of a letter, dated August 13th addressed to the Parks Department and copied to the County of Maui Council Chair and that was distributed to you this morning, indicated that the Kiawe Partners was willing to pay the in-lieu fee if the Council Members decided not to accept that land provision.

CO-CHAIR VICTORINO: Thank you, Ms. Horcajo. You all have a copy of the letter in front of you. I will open the floor for discussion. Council Chair Hokama?

COUNCILMEMBER HOKAMA: Chairman, I don't think this is a difficult decision for the Committee. We made one before based on the best information we have. Now the developer applicant is saying "that's fine". If you don't want the lot, take the money; and we'll take the lot back and he'll make money on that lot. So, it's obvious to me for \$66,000, we wouldn't be able to get ah--what are we talking about, Department? A 9,000 square foot parcel (improved parcel) no way we can buy one for \$66,000, Chairman. So for me, I don't consider this a difficult decision to make. I made it before and I'll still make the same one again. Take the lot. Okay. And again, as I said, it's not fair to place on this subdivision lot the future plan improvements of the north-south collector road and what that project requirements are on this lot and on this subdivision . . . uh . . . dedication or acceptance this morning. I consider that two separate projects. And if this park, in the future if we accept it, needs improvements based upon the north-south collector road project, then I would say that funding should come from that program to help improve this lot. That is the right way to do it, Chairman. Because at this point in time, it is still questionable if and when the north-south collector component of this is going to happen; and so we're going to wait? Because eventually it comes to a point where the 66,000 gets diminished in its value of what it can provide the Department because that number doesn't change over the year, over the years, I should say. Purchasing power of that 66 gets reduced the longer we wait. The land, the value of the land potentially always goes up. So what's the hard choice for this Committee? Thank you, Chairman.

CO-CHAIR VICTORINO: Thank you, Chair Hokama. I think you summed it up very eloquently. Do we have any other comments before I make my recommendation? Vice-Chair Mateo?

COUNCILMEMBER MATEO: Chairman, thank you very much, and I concur with Member Hokama. I would, however, like to . . . uh . . . just to continue to provide comment to the Department because this acceptance of this park area came with an understanding that when the north-south collector road was going to happen that this would be a rest stop. It's not that we're just

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hearing about it now. So I think when the Department takes a look at these things with specific uses, I think the Department has got to be a lot more cognizant in taking a look at what would be required because I have a hard time of seeing a parcel like this with this projected use, without a rest stop or a facility. The parking is fine; but when it comes with an anticipated use, then the Department needs to include that use or consider that use. So that would be my only concern with this. But knowing that for \$66,000, there is no way we can purchase another parcel to provide a park and it would only cost us more taxpayer burden than having to now look for another parcel and reestablish. So you know, I think . . . I think Mr. Hokama makes his point very clear but I still express my concerns with how we're looking at and how we are accepting these park dedications to the County. Thank you, Chair.

CO-CHAIR VICTORINO: Thank you, Vice-Chair Mateo. And I think that's something that needs to be also incorporated with all these other items that we have discussed. It's how are these things being looked at; and what is the futuristic use; and how does this fit in the community plan? I think Mister, Vice-Chair Mateo brings up some very excellent points, which I think that at this time, if we're going to start working on it, let's make it comprehensive, Department. Let's do what is necessary so that it gets--the end product is the people of Maui County--gets what they deserve. Council . . . uh . . . Vice-Chair, I mean Co-Chair Medeiros? Excuse me.

CO-CHAIR MEDEIROS: Mahalo, Chair. Yes, I certainly agree with Council Chair Hokama. And I have to also raise concern as has my colleague from Molokai about the improvements. Let me ask the Department this. If it's a 9,000 square foot lot, and as Council Chair Hokama recommended, that possibly upon the construction of the north-south collector road, that possibly we could get some kind of contributions to improve the park. Is that lot located in an area serviced by County sewer?

(NOTE: Mr. Matsui nodded.)

CO-CHAIR MEDEIROS: It is?

MR. MATSUI: Yes, it is.

CO-CHAIR MEDEIROS: Oh, okay. Because if it wasn't and we're thinking about comfort stations, you know, you would have to put a septic tank; and I believe the minimum for a septic tank is 10,000 square foot . . . *(end of tape, start 2A at 10:08 a.m.)* . . . so. Okay. As long as it has, you know, County services available to make that kind of improvements, I would support this. Thank you, Chair.

CO-CHAIR VICTORINO: Thank you, Co-Chair Medeiros. Any other discussion? Yes, Councilmember Pontanilla?

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COUNCILMEMBER PONTANILLA: Yeah. Just a question for the Parks Department in regards to, you know, parks less than 10,000 square feet and requiring comfort stations. I have a good example in Kahului, that one small park. I think it's the first or second increment, bordering Aiai Street and Kauai *[sic]* Street--I think--and the vandalism as well as the repair and maintenance of that facility. How do you folks decide, you know? What is the criteria in deciding not to put in a comfort station? I know we've had some developers come in here, especially small development, in regards to comfort stations, parking areas, and the concern of the community itself?

MR. MATSUI: That . . . Kamalii Park is just under two acres; it's kind of borderline. It's like, I think in my mind, that's a park where you're going to require a restroom . . . uh . . . that you could, you know, it's large enough that you could have a restroom and also have the different amenities. You know, it's got two ball fields and a basketball court, so it's kind of a minimum. There's another park in Wailuku that's about an acre. It's within the middle of a subdivision and it's at the end of a cul-de-sac. That one has no restroom but, you know, it's still used by the smaller kids for soccer and tee-ball and . . . uh . . . but there's no restroom; but it's still well used. So I think it was appropriate not to have a restroom on that one.

COUNCILMEMBER PONTANILLA: How about vandalism . . . in regards to facilities?

MS. HORCAJO: The Kamalii Park, as a neighborhood park, is a really fine example of a well-used . . . uh . . . good facilities for a neighborhood. Many of the neighbors at first, well, they do enjoy the park. They do enjoy the restroom there but not the vandalism and the crowds hanging out. Our community has changed a bit with regard to the use of our parks. And it's a continuing growing problem and we, as a Department or as a community, need help in solving that issue. The Department is trying to implement a new park-watch program to get the community more involved and assist us in stopping the vandalism and reporting it. I'm not sure how we're going to solve it as a Department or as a community. But the alternative, of course, is porta-toilets and those are ongoing costs for the Department. They're not as great to use as a community; but right now, that is pretty much the alternative.

COUNCILMEMBER PONTANILLA: Thank you. Thank you, Chair.

CO-CHAIR VICTORINO: Thank you, Member Mateo *[sic]*, I mean Member Pontanilla. Excuse me. Okay. Any other? Yes, Chair Hokama?

COUNCILMEMBER HOKAMA: Chairman, I just was wondering if Corp. Counsel, the portion of the Code under Chapter 2.16 Central Coordinating Agency, I assume it is still a valid component of our Code. And you know, I think the Committee Members brought up a reasonable area of concern regarding the coordination of information between departments for the County's mutual benefit of its residents. So I would assume that this agency was envisioned by the Council in the seventies to address some of the concerns that Mr. Mateo brought up; and that was through this coordinating agency, the Departments would be talking

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to one another. So Parks would be aware of what Public Works, in their north-south collector project for the example, would require for certain components that come under the jurisdiction of the Parks and Recreation Department, such as this proposed rest stop, which then in turn has made an impact on this park dedication proposal before the Committee this morning. If it is still a valid part of the Code, Mr. Hopper, then my comment to Director Horcajo is that this may be something that maybe want to be brought up in a Mayor's cabinet meeting for discussion of how to make this work for this Administration; and if this does not work--the way the Code has written--recommend revisions to the Council so that we can assist Administration in assisting this discussion, so that Parks knows what Public Works is doing versus Department of Transportation versus Solid Waste or Environmental Management or whatever department has impact on other departments. Obviously, Public Works project is impacting your department in this, particular today, this item. So I just bring that up, Chairman, that that is something that. First, I would ask if Mr. Hopper has any comments from Corporation Counsel?

CO-CHAIR VICTORINO: Corporation Counsel Hopper, would you like to comment on that?

MR. HOPPER: Nothing particular specific--thank you, Mr. Chair--but I do seem to recall that the Planning Department was substituted for the Public Works Department as the central coordinating agency. I'm not sure if it was under this particular Code section or another. But aside from that, it would still be. If it involves the north-south collector road, you know, if . . . a requirement for Public Works Department to make, you know, that information available as far as, you know, I'm sure status updates with the Parks Department and I frankly wouldn't see a problem obviously with, you know, if Parks would coordinate with the Public Works Department as far as the status of the development of the north-south collector road and how potentially the Parks Department could help them. I do know sometimes it's, you know, coordinating between agencies is sometimes a problem; but you know, I do believe that this section of the Code is still valid. I can check on that, but I don't see any indication that it's been repealed.

COUNCILMEMBER HOKAMA: The Committee appreciates your cursory verbal response to the question, counselor. But Mr. Chairman, the Council has invested a hell of a lot of money to provide the departments the hardware and software to increase the efficiency and ability to get current statuses as well as balances through KIVA and IFAS of what's happening Countywide. And so what I think we need to know in . . . prior to Mr. Pontanilla bringing us up for the next round of Fiscal Year '09 Budget considerations, is whether or not this program is working. If it's not, why? And then we can make appropriate budgetary appropriation adjustments if this is someplace where we definitely need improvement on. Because the more we have a misconnect in communications between departments, we're gonna have Committee issues that are very valid that we've already heard from half of this Committee's membership, Mr. Chairman. But I do know we have put a lot of money in KIVA. We've been told it's gonna be one of the answers to providing the departments with up-to-date status and project management, the ability to review the balances in accounts, and whether or not. Again, we

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have learned through the past. Like with the Keopuolani Park development, I think that was a 35 percent total overrun of that Budget, from \$9-12 million. Something like that, Mr. Matsui? Of course, it's a concern to us, Chairman, because we need to continue to put in more money to finish a job that we were told cost only x-amount. So we've invested to assist the departments in improving their ability to move these projects forward. We need to know why, if it's not working, what's the problem and how to address it? Thank you.

CO-CHAIR VICTORINO: Thank you, Mr. Chair, and I concur wholeheartedly. I have said many a time that government needs to be run in a business manner. Yes, we deliberate the people's business; but we need to run government as it is a business, so that we be efficient and thorough in our deliberations. And when we have the end product, it's no 35 percent cost overrun or whatever it may be because it's our money and the people of Maui County deserve better. So if you would, Mr. Chair as the Council Chair, write a letter requesting that through Council Budget Chair Pontanilla. I think all of us in the Council would support that. Thank you. At this time, if there's no further discussion, I'd like to make my recommendation.

COUNCILMEMBER PONTANILLA: Recommendation?

CO-CHAIR MEDEIROS: Recommendation?

CO-CHAIR VICTORINO: Thank you, gentlemen. The Chair would entertain a motion recommending the adoption of the proposed resolution and the filing of this item.

CO-CHAIR MEDEIROS: So moved.

COUNCILMEMBER HOKAMA: Second.

CO-CHAIR VICTORINO: It's been moved by Co-Chair Medeiros, seconded by Council Chair Hokama.

COUNCILMEMBER HOKAMA: Point of information, please, Mr. Chairman?

CO-CHAIR VICTORINO: Go ahead.

COUNCILMEMBER HOKAMA: My point would be. My understanding is the Council recommitted the original report and if this Committee is still feel . . . well wishing to send that report back to Council--because it is the same recommendation that it had put forth previously--then I would ask your staff to see if the motion, that it would be the more appropriate motion. Because I think what has been recommitted can be resent out to Council for Council action, Mr. Chairman. So I don't know if you want to take a short recess on procedure?

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CO-CHAIR VICTORINO: Thank you, Council Chair Hokama, and I will ask for a 5-minute recess so we can get this all corrected. Meeting stands in recess. . . . (*gavel*) . . .

RECESS: 10:21 a.m.

RECONVENE: 10:27 a.m.

CO-CHAIR VICTORINO: . . . (*gavel*) . . . I'd like to reconvene the meeting of the Public Works and Facilities Committee for September 18th. At this time, I'd like to call upon our Legislative Assistant [*sic*] David Raatz to give us an explanation on Chair Hokama's request. Mr. Raatz?

MR. RAATZ: Thank you, Mr. Chair. First of all, staff would note that parliamentary matters are within the body's discretion to resolve; but staff did look at this procedural issue before the meeting and we believe the current motion is in order. A recommittal is treated (for our internal purposes) as essentially like a new referral would be, so the resolution can be given a fresh look by the Committee today. The past action of the Committee doesn't need to be taken into account. So again, we would recommend that the proposed motion is appropriate; but it's up to the body to resolve that question. One other note, if I may, Mr. Chair? Staff would recommend the Committee's approval--if this matter goes forward--to incorporate technical revisions to the proposed resolution.

CO-CHAIR VICTORINO: Chair Hokama, you have any other comments?

COUNCILMEMBER HOKAMA: No, Chairman. I think that's very clear and I can support the . . . your motion on the floor.

CO-CHAIR VICTORINO: Thank you very much. Any other discussion? If not, I will call for the vote. All those in favor, say "aye".

COUNCIL MEMBERS VOICED AYE.

CO-CHAIR VICTORINO: Opposed?

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**VOTE: AYES: Councilmembers Hokama, Mateo, and Pontanilla; and
Co-Chairs Medeiros and Victorino.**

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

**ACTION: ADOPT REVISED RESOLUTION, FILE COMMITTEE REPORT,
AND FILE COMMUNICATION.**

CO-CHAIR VICTORINO: Let the record show five “ayes” and no “nays”. At this time, gentlemen, thank you very much for this morning’s portion of the meeting. I will now recess the meeting so that we can reconvene with Co-Chair Medeiros taking on Items PWF-47 and PWF . . .

CO-CHAIR MEDEIROS: Twenty-six.

CO-CHAIR VICTORINO: PWF-47 . . .

CO-CHAIR MEDEIROS: And twenty-six.

CO-CHAIR VICTORINO: And the other one is PWF-26.

CO-CHAIR MEDEIROS: Chair?

CO-CHAIR VICTORINO: Thank you.

CO-CHAIR MEDEIROS: Chair?

CO-CHAIR VICTORINO: Yes, Mr. Medeiros.

CO-CHAIR MEDEIROS: May I recommend that, you know, we take a morning recess to give the Members more time for our personal needs, instead of the five minutes? So, and . . . and, so we can transition from one Co-Chair to another?

COUNCILMEMBER MATEO: Nah, let’s go . . . (*inaudible*) . . .

CO-CHAIR VICTORINO: I think they recommend that we go.

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CO-CHAIR MEDEIROS: Okay.

CO-CHAIR VICTORINO: So we'll give five minutes and we'll make the transition very quickly. So we'll reconvene at 10:35. Meeting stands in recess. . . . (*gavel*) . . .

RECESS: 10:30 a.m.

RECONVENE: 10:35 a.m.

CO-CHAIR MEDEIROS: . . . (*gavel*) . . . The meeting of the Public Works and Facilities Committee of September 19, 2007 is now reconvened after the recess. We will now go to agenda Item PWF-47.

PWF-47 AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL UTILITY POLES (C.C. No. 07-207)

CO-CHAIR MEDEIROS: The Committee is in receipt of the following: 1. County Communication No. 07-207, from the Director of Public Works and Environmental Management, transmitting ten proposed resolutions, including a proposed resolution entitled "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL TWO UTILITY POLES ON MARKET STREET, WAILUKU, MAUI, HAWAII". The purpose of the proposed resolution is to approve the installation of utility poles within the County right-of-way as recommended by the Director of Public Works and Environmental Management. The proposed resolution provides after-the-fact approval for the installation of utility poles allowed by the Director of Public Works and Environmental Management prior to the adoption of Resolution No. 06-140. 2. Correspondence dated September 11, 2007, from the Department of the Corporation Counsel, transmitting the following seven revised proposed resolutions, entitled: a. "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL FOUR UTILITY POLES ON CALASA ROAD, KULA, MAUI, HAWAII"; b. "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL ONE UTILITY POLE ON SOUTH KIHEI ROAD, KIHEI, MAUI, HAWAII"; c. "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL ONE UTILITY POLE ON KAHEKILI HIGHWAY, MALUHIA, MAUI, HAWAII"; d. "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL THREE UTILITY POLES ON SOUTH KIHEI ROAD, KIHEI, MAUI, HAWAII"; e. "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL ONE UTILITY POLE ON PEAHI ROAD, HAIKU, MAUI, HAWAII"; f. "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL ONE UTILITY POLE ON WAIAKOA ROAD, KULA, MAUI, HAWAII"; and g. "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL THREE UTILITY POLES ON BALDWIN AVENUE, MAKAWAO, MAUI, HAWAII". The purpose of the revised proposed resolutions is to approve the installation of utility poles within the

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County right-of-way as recommended by the Director of Public Works and Environmental Management. The revised proposed resolutions provide after-the-fact approvals for the installation of utility poles allowed by the Director of Public Works and Environmental Management prior to the adoption of Resolution No. 06-140. The Chair would also like to note that the Committee recommended adoption of the eight relevant resolutions on July 5, 2007. The item has been rescheduled because Corp. Counsel has resubmitted seven corrected resolutions. Members, you'll find this document from Corp. Counsel in your binder as the last document and it's dated September 11, 2007. At this time, the Chair would open up for public testimony. Secretary, we have?

MS. MARTINS: No.

CO-CHAIR MEDEIROS: No? Anyone in the gallery wanting to provide public testimony, you're welcome to come down now at this time. Seeing none approaching, the Chair would like to close public testimony on PWF-47, without objections.

COUNCIL MEMBERS VOICED NO OBJECTIONS.

CO-CHAIR MEDEIROS: Thank you, Members. At this time, we'd like to call on Deputy Director of the Department of Public Works, Mike Miyamoto, to give an overview on this item.

MR. MIYAMOTO: Thank you, Mr. Chair. The proposed resolutions relate to after-the-fact approvals for utility pole installations within County rights-of-way. The resolutions cover the period between the expiration of the Resolution No. 03-23 and the approval of Resolution No. 06-140, authorizing the Director of Public Works and Environmental Management to approve the location of utility poles within County rights-of-way when the height of such utility poles does not exceed the height of the existing utility pole and the number of poles does not exceed six. The descriptions of the proposed resolutions were previously discussed by the Director, and I'm here to respond to questions.

CO-CHAIR MEDEIROS: Thank you, Deputy Director. Members, the floor is open for questions.

COUNCILMEMBER HOKAMA: Mr. Chairman?

CO-CHAIR MEDEIROS: Council Chair Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. Mr. Miyamoto, the resolutions--and I'm talking more about the seven that are attached to the September 11th correspondence--vary from 35 feet to 40 to 45 feet in height. Can you tell us what is the main factor regarding the differences in the height for those poles? Is it between a major distribution line or transmission line versus just a simple residential service pole?

CO-CHAIR MEDEIROS: Deputy Director?

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MR. MIYAMOTO: Mr. Chair. In reviewing the Director's notes that he provided me, it appears that a lot of the--as you say--a lot of the poles are replacing possibly existing poles or are to service adjacent development.

COUNCILMEMBER HOKAMA: So what is the key determination? You know, I mean 10-foot variance for me is quite a bit. Yeah? You know, 35 to 45, that's 30 percent variance. So can you just help us understand the differences in height. Is it because of the types of service? I don't know if--you know, we have a person from Maui Electric, one of their key people; so I don't if he may be able to help us understand better the differentiations in the pole heights, Mr. Chairman.

CO-CHAIR MEDEIROS: Yes, Council Chair Hokama. Let me just add a few remarks of . . . my memory of this discussion. Part of the difference in heights that was requested by the utility company was of the requirement that they need to have certain separations between the different lines. And I know that was part of them requesting the five additional feet, so they could comply with that separation of lines; but without objections on your request to have a person from the utility company come down, we could call him down if the Members would like to have him come down. Okay.

COUNCIL MEMBERS VOICED NO OBJECTIONS.

CO-CHAIR MEDEIROS: Thank you. Sir, would you come down; identify yourself and who you represent; and we have some questions for you.

MR. KAUHI: I'm Greg Kauhi with Maui Electric Company.

CO-CHAIR MEDEIROS: Thank you, sir, for being here. Member Hokama, your questions?

COUNCILMEMBER HOKAMA: Yeah. Mr. Kauhi, I hope you heard the question I had for the Director. If you could help us just understand. You know, 'cause this is my understanding, installation of new poles as I look at the maps attached to the resolutions. So can you just help us understand the variance--that some poles would be 35, some 40, and some at 45--please?

MR. KAUHI: The resolutions--oh, well. The projects that we put in for approvals go from 35 to 40. So what would happen is we change the 40-foot pole from the existing pole, which is a 35; because of the change, we then had to apply, and it comes to the Council.

COUNCILMEMBER HOKAMA: Okay.

MR. KAUHI: That change is because 35-foot is what we call secondary service. And that's basically the same service route that you get from the pole to your home.

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COUNCILMEMBER HOKAMA: Okay.

MR. KAUHI: And that's the wire that's, that's from your meter.

COUNCILMEMBER HOKAMA: Okay.

MR. KAUHI: When we go to the 40-foot pole, that's because possibly the load change. The needs of the electricity deems by the customer. If the customer adds more horsepower pumps or something, then we need to install a primary pole. That requires us to then bring in higher voltage. Instead of getting a 120 to 40 voltage, you're now getting 7,200 volts. When that happens, we have to change the pole from a 35 to a 40. Okay. The other ones go from 40 to 45 because they're already primary poles. And what happens with that one is in order to make allowance to install underground service, what happens with underground subdivisions is . . . if you look at all underground subdivisions, they all end up connected to some overhead line somewhere.

COUNCILMEMBER HOKAMA: Right.

MR. KAUHI: Even if it's two miles down the road. Okay. Well, in order to make that transition from an overhead line to an underground line, you need that 5-foot space to put in the equipment to make the transition; so you go from a 40 to a 45, which then drove us to then apply.

COUNCILMEMBER HOKAMA: Thank you very much for that explanation. That makes a lot of sense. The other question I would ask . . . and this is more about the . . . in, just in point, the example, the last resolution, Mr. Kauhi, which is the utilities . . . uh . . . installation of three utility poles, and it's 45--so we know it's primary--on Baldwin Avenue. And I'm looking at the maps. On this one, it talks about a 5-foot road widening Lot A and then it has (new electrical easement). So is this also including a road improvement project with the installation of those poles?

MR. KAUHI: In most cases, most--

COUNCILMEMBER HOKAMA: In your understanding?

MR. KAUHI: --developers try to utilize the least amount of property for everyone.

COUNCILMEMBER HOKAMA: Right.

MR. KAUHI: So if they're gonna dedicate five feet of their frontage for possible road widening, what they do is provide us an easement. And the reason they provide us an easement is we usually need to put in our infrastructure prior to the County accepting the dedication. Your process is longer than our process. People don't want to wait for their service, so we ask for an easement upfront so we can do our work. Similarly, when we do big subdivisions. In the process, for us

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to be able to go and install our facilities inside of the property before it becomes dedicated to the County, we then have to get an easement. It gives us the right to then enter onto the property to install our facilities.

COUNCILMEMBER HOKAMA: Right.

MR. KAUHI: So we usually get an easement upfront and then the developer will go through the process with the County to, eventually over time, dedicate the roadways.

COUNCILMEMBER HOKAMA: Okay.

MR. KAUHI: And that usually happens anywhere from a year to a year-and-a-half after we've installed our equipment.

COUNCILMEMBER HOKAMA: Thank you. Your explanation makes it very clear for the Committee of how the utility moves forward with this installation, so thank you very much, Mr. Kauhi. I appreciate those responses.

MR. KAUHI: Okay.

COUNCILMEMBER HOKAMA: Chairman, just one for Mr. Miyamoto, please?

CO-CHAIR MEDEIROS: Sure, Member Hokama, continue.

COUNCILMEMBER HOKAMA: So as an example I, you know, I shared with Mr. Kauhi from the utility (Maui Electric) and again, I go back to this as the example. So with that 5-foot widening lot, which is the new electrical easement, are we also doing road widening improvements along Baldwin Avenue? Is there some kind of coordination between the utility doing their project of the installation and the County coordinating with now the new easement, the road improvements in that area of Baldwin Avenue to provide better road conditions or lane clearances?

CO-CHAIR MEDEIROS: Go ahead--

MR. MIYAMOTO: Mr. Chair?

CO-CHAIR MEDEIROS: --Deputy Director.

MR. MIYAMOTO: In looking at the Director's notes, I don't see any specific reference as to which subdivision or which proposed development this is in reference to. I'd have to do a little bit more research at this time to confirm whether or not that . . . that the frontage improvements along Baldwin Avenue are completed, or being completed, or in the process of being dedicated to the County. I'm not aware at this time, Mr. Chair.

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COUNCILMEMBER HOKAMA: Okay.

CO-CHAIR MEDEIROS: Thank you.

COUNCILMEMBER HOKAMA: So if it's a three-lot-or-less under the current Code, they could apply for a deferral of improvements to the Department; but you don't have information from the Director that that is what has happened. So the other assumption for this Committee then would be that there will be a road widening lot project on Baldwin? Or is that incorrect on our part to, on the Committee's part?

CO-CHAIR MEDEIROS: Deputy Director?

MR. MIYAMOTO: Based on the information--the map that's provided and the note that's placed upon it--I would assume that there is gonna be a road widening lot.

COUNCILMEMBER HOKAMA: Okay. And Chairman, my point was to see if there's some coordination in the efforts. Particularly if the department or the utility, after . . . let's say the utility does the improvement and there's some impact to the current roadway. They're gonna go in with the more than likely cold patch to take care of the disturbance. And I don't know if the County has dovetailed, put in a reasonable time their need to go in and then take care of it with a more permanent or long term, you know, what I would say "adjustment" such as a re-asphalt repaving; and I'm just wanting to know whether or not we've tried to do things--

CO-CHAIR MEDEIROS: Right.

COUNCILMEMBER HOKAMA: --in a more coordinated timely manner so we minimize the impact on the users of the area, and in this case, it would be Baldwin Avenue, which we know--

CO-CHAIR MEDEIROS: Right.

COUNCILMEMBER HOKAMA: --is very heavily used. Thank you, Chairman.

CO-CHAIR MEDEIROS: Thank you, Council Chair Hokama. I agree with you. After working for Public Works for 31 years, we saw that happen a lot, where roads get paved and it didn't take long, maybe somebody needed to install some kind of utility and it gets dug up; but let me ask the Deputy Director. In the Department, do we have in place a policy and procedure to coordinate this through the application process? That, you know, one particular applicant or entity is not doing something that somebody else would come by a month later and destroy . . . *(inaudible)* . . . ?

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MR. MIYAMOTO: Mr. Chairman. In response, our Development Services Administration's probably our central coordinating agency that coordinates with all the various departments and the divisions within our department; and they're the focus point. They're the ones that really should be tracking all of the improvements, and they try to work with the developers. As expressed by the representative for Maui Electric that, you know, their process tends to work a little bit faster than ours.

CO-CHAIR MEDEIROS: Right.

MR. MIYAMOTO: So that's why they request the easements first; and then knowing that the easements may be coming, we may be preparing other documents to get that portion dedicated.

CO-CHAIR MEDEIROS: Thank you, Deputy Director. Don't we have in place a policy already that says that after a road is paved, no one can go in there . . . *(end of tape, start 2B at 10:52 a.m.)* . . . and do anything to that new pavement until one year later?

MR. MIYAMOTO: Correct.

CO-CHAIR MEDEIROS: That's correct. Okay. Before I recognize Member Pontanilla, any of the other three Members wanted to ask any questions of the representative from Maui Electric?

COUNCILMEMBER PONTANILLA: Yeah.

CO-CHAIR MEDEIROS: No? Okay. Member Pontanilla?

COUNCILMEMBER PONTANILLA: Thank you. And maybe Mr. Kauhi can kind of explain the process that they go through whenever they do underground work and, you know, getting various signatures from government entities as well as the utilities.

(NOTE: Mr. Kauhi returned to the podium.)

CO-CHAIR MEDEIROS: Mr. Kauhi, thank you for coming back down. And after Member Pontanilla questions you, can you remain there in case anybody else has questions for you? Thank you. Go ahead, Member Pontanilla.

MR. KAUI: When we--

CO-CHAIR MEDEIROS: Oh!

MR. KAUI: --apply for County approval, we send it to DSA. DSA will then send it through reclamation, water, engineering, and SHPD. Every department must approve. We send them a set of our drawings. They review our drawing and approve it. There's two ways we do it. If Maui Electric is the initiating company, then we will apply ourselves. However, we feel that

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that's not quite the best way to address subdivisions. So what we've been doing is asking the developer to include everyone's infrastructure requirements in their design. So that way, the County gets to actually review everyone's design--Hawaiian Telephone, cable television, us, water reclamation--all on one plan and determine whether or not the design is concurrent with current Codes; and if they impact each other; and what is the clearances; what should be the proper design? So we do it two ways. The only time . . . most of the time, when we apply as Maui Electric ourselves, it's because we're assisting what you call family subdivisions. We have homeowners, who are not knowledgeable of the steps required, so we take the lead in that and we assist them. That's why you only have one, two, three poles. Because it doesn't take much for a small subdivision for us to do the work. So therefore, based on that, we would assist these homeowners, who are just doing four-lot subdivisions or three-lot subdivisions for their families, and then we would take the lead. We would then go represent them. For the bigger developers, we make them represent themselves . . . because they should be able to accommodate whatever ordinance or requirements set by the County. For underground subdivisions, engineering would then impose upon the developer certain conditions. Now lately, a lot of the conditions that we've been getting is that they need to actually underground in certain areas the frontage along the main thoroughfare. In some cases, if that's South Kihei Road, then the County will require them to underground the line along South Kihei Road to be underground. Now when that happens, we will then get involved with the developer to let them know what is the requirements for us to do that transition; and all underground infrastructure work is usually done by the developer and noted on their plans. We just pull the cable after it's in place.

CO-CHAIR MEDEIROS: Member Pontanilla?

COUNCILMEMBER PONTANILLA: Oh, thank you. Greg, do you folks have the, I guess, process and investigate before you excavate? In other words, you go to the different utilities . . . um . . . having signatures put on the plan if you're gonna do underground work?

MR. KAUHI: The County requires that when you actually do excavation in County highways, you have to get a permit. All the permits gotta be signed by all the agencies listed on that permit, and we are one of `em. We get that from all the contractors. When we get that, we review the plans to see if there's any infrastructure in the way that might inhibit their work. We get that if they're installing say a water lateral. It has nothing to do with us but we need that because they may be digging close to our lines and we have to identify that. What we also do if--similar to the County--sometimes your "as built" or what is provided to you is not exactly what's in the ground, so we do a secondary thing, which we let the contractor, who's coming to us, we give them the number to call our dispatchers to get the line toned, if we know there's underground lines. So we do two things. Besides reviewing our plans to see if it's concurrent, we also then give them the number to call, before digging, so we can tone the lines to make sure it's safe.

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COUNCILMEMBER PONTANILLA: Thank you. what I was trying to get at is that, you know, rather than dig up the road twice, like say utility companies, you have a project that you're gonna cross this road and maybe cable TV or even the telephone company would like to join in their, that particular construction, so that once that road is dug up, you know, it's dug up only one time. Have you had any occurrences where, you know, you went out for some approvals and some other entity had the same idea about crossing at the same location?

MR. KAUHI: If the customer (whoever, whether it's family or developer) approaches us with the . . . for installation and we know we have to dig across the County roads, we usually bring it to their attention that they should contact Hawaiian Tel and Cablevision, so that they can go with us at the same time. It's not happened all the time that that takes place because the needs of one may not be the exact requirement for the other. For instance, we may be across the street--and Makawao Avenue would be the best example--because in Makawao, we're on one side and Hawaiian Tel is on the other. So if a developer is developing on the mauka side of the road, then they may not . . . need not, need to cross for Hawaiian Tel. Hawaiian Tel and cable is already on their side. So yeah, but what we always do is make it a point to the developer to contact Hawaiian Tel and Cablevision anyway, just so that they can address everybody's needs one time, once they open up the road.

COUNCILMEMBER PONTANILLA: Okay, thank you.

CO-CHAIR MEDEIROS: Thank you, Member Pontanilla. Any other Members would like to pose some questions to Mr. Kauhi? Seeing none, thank you, Mr. Kauhi, for your expert and professional information that helps our Committee move this along. Thank you for being here.

MR. KAUHI: Yeah.

CO-CHAIR MEDEIROS: Members, any other discussion on this matter?

COUNCILMEMBER MATEO: Recommendation, Chair?

CO-CHAIR MEDEIROS: Thank you, Member Mateo. So without any further discussion, the Chair will entertain a motion to recommend adoption of the eight proposed resolutions listed on the agenda and the filing of this item.

CO-CHAIR VICTORINO: So moved.

COUNCILMEMBER PONTANILLA: Second.

CO-CHAIR MEDEIROS: It's been moved by Co-Chair Victorino and seconded by Member Pontanilla. Any further discussion on this motion? Seeing none, I will call for the vote. All in favor of the motion, say "aye".

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CO-CHAIR MEDEIROS: So the Chair would ask, without objections, I'll close public testimony on this Item PWF-26.

COUNCIL MEMBERS VOICED NO OBJECTIONS.

CO-CHAIR MEDEIROS: Thank you, Members. At this time, we'd like to ask the Deputy Director of Public Works to give an overview on this matter.

MR. MIYAMOTO: Thank you, Mr. Chair. This item pertains to a proposed bill for an ordinance amending Chapter 18.20.040 of the Maui County Code, relating to existing streets. There are two portions of the chapter being proposed for amendment. The first portion relates to deferral of frontage improvements for subdivisions of three lots or less. The second portion relates to in-lieu fees for minimum pavement widths for a roadway providing access to a subdivision. For subdivisions of three lots or less, the Section 18.20.040[A], Section A of the Maui County Code, currently allows for deferral of frontage improvements. The proposed amendment is to eliminate the option of deferring frontage improvements. The second portion is in Section 18.20.040[B], Section III of the Maui County Code, which pertains to the in-lieu fee alternative to providing the minimum pavement width for a roadway providing access to a subdivision. The proposed amendment is to eliminate the option of paying an in-lieu fee instead of providing the minimum pavement width for a roadway providing access to a subdivision. Raising the fees could help to offset the cost to address the requirement, but it will leave the responsibility of providing those improvements with the County to perform. The proposal is to require 100 linear feet of improvement for each lot within the subdivision. Thank you, Mr. Chair.

CO-CHAIR MEDEIROS: Thank you, Deputy Director. Members, the floor is open for discussion or questions. Member Mateo?

COUNCILMEMBER MATEO: Chairman, thank you. Deputy Director, in the communication dated February 6, 2007, when it references on Page 2, that the Subdivision Engineering Standards Committee met on October 6, 2006, the ending of that particular paragraph clearly identifies a concern was raised by Committee Members that this proposed amendment may present an additional hardship to small family subdivisions and make housing less affordable. Could you please provide comment on that particular concern raised by the Engineering Standards Committee?

MR. MIYAMOTO: Mr. Chair?

CO-CHAIR MEDEIROS: Deputy Director.

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MR. MIYAMOTO: As I was not present at that hearing, I can just . . . um . . . provide my thoughts on what possibly could be the reason for that. Typically, for example, like in the family subdivision of three lots, like in the Ag districts. For example, we had one on Alai Road that had 400 feet of frontage improvements and they were just dividing the Ag parcel for family members, for future family members, and the requirement was that they do some kind of improvement along the 400 feet. I can see that being a burden on a small family subdivision that could be the result of this, this concern that was raised by the Committee.

COUNCILMEMBER MATEO: Yeah. Because on the ordinance itself, on the back page of what we're looking at, under No. 3, Items A--no, I guess it's all A. The various inclusions are all indicative of additional or to-be-incurred costs on the small family subdivision. So because of these inclusions that comes with a dollar value, I have a real hard time in looking at this ordinance thinking that it will accomplish perhaps what the Department wants to . . . because I think the thrust has been in helping to assist, get these affordable, small family subdivisions moving; but once we start to incur additional expenses, that deters the whole need for these families to want to subdivide because now they're gonna be confronted with substantive costs. If you're looking at what these items are gonna require, these are substantive costs for a small family wanting to subdivide. So you know, I'm having a real hard time looking at this ordinance as something that I think I would be able to support leaving Committee. So thank you very much. Thank you, Mr. Chair.

CO-CHAIR MEDEIROS: Thank you, Member Mateo. Any other questions or discussions? Member Pontanilla.

COUNCILMEMBER PONTANILLA: You know, I'm in agreement with Member Mateo in regards to added costs to a family subdivision. The question that I had involves . . . if utilities need to be relocated. I can understand the utilities being relocated at the time that the subdivision is created but to put burden on a family that's trying to create affordable housing for their family--the burden in regards to sidewalk, gutters, and curbs. If the County would come about in future years to reconstruct the road, there's a strong possibility that the work that's, you know, that's done to meet this requirement probably would not fit in the new design of a County road facility with curbs, gutters, and sidewalk. That's one of my major concerns. We have the family do the improvements only to be removed because our design in future years might not, you know, conform to what's existing out there today. So, any comments?

CO-CHAIR MEDEIROS: Deputy Director?

MR. MIYAMOTO: Thank you.

CO-CHAIR MEDEIROS: Any comments?

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MR. MIYAMOTO: Mr. Chairman. I guess this, sort of, the two portions are being mixed. I guess for the . . . um . . . the small (the three-lots-or-less) the deferral of payment, that was an issue that was raised in other Council meetings regarding, you know, collecting on these deferrals and those types of agreements. The second portion primarily deals with . . . um . . . like an access road to a proposed subdivision. For example, we had one in Kihei. It was a small. It was gonna be affordable. It was six lots, but it was mauka of South Kihei Road. Well the road that led from South Kihei Road to the proposed development was at most 18 feet wide; and so the requirement was either they widen it to 20 feet (provide 20 feet of asphalt) which is what's required by Code, or as the current Code allows for this deferral of \$500. So they opted to, to try and get, to get the \$500. But that . . . the unfortunate thing about that is it still leaves a roadway that accesses this new development that doesn't meet the County Code, that's 18 feet wide. So that's the reason for the proposal, is so that these access roads would get improved and that we would have a roadway that . . . leading to a new subdivision that would be up to Code.

COUNCILMEMBER PONTANILLA: Okay.

CO-CHAIR MEDEIROS: Member Pontanilla?

COUNCILMEMBER PONTANILLA: No. He puts it real clear as far as trying to meet County Codes, especially on an intersection, road access into the subdivision. But if the subdivision is bordering a main road, then the improvements that is being requested, I can see would be a hardship in trying to create affordable housing for family subdivisions, so.

CO-CHAIR MEDEIROS: Thank you, Member Pontanilla.

COUNCILMEMBER PONTANILLA: Thank you, Chair.

CO-CHAIR MEDEIROS: Members, any more discussion?

COUNCILMEMBER PONTANILLA: Oh! One more question.

CO-CHAIR MEDEIROS: Certainly. Go ahead, Member Pontanilla.

COUNCILMEMBER PONTANILLA: In a family subdivision of three lots, and if they were to put in curb, gutters, and sidewalk, do you have any idea (a ballpark figure) how much that would cost?

OTHERS: . . . (*chuckled*) . . .

COUNCILMEMBER PONTANILLA: Like say 200 feet (200 lineal feet)?

MR. MIYAMOTO: Mr. Chair, I don't have that number.

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CO-CHAIR MEDEIROS: Go ahead. Deputy Director, give it a shot.

MR. MIYAMOTO: Mr. Chair, maybe you might have a better idea, as in your past experience as being a district supervisor.

CO-CHAIR MEDEIROS: Well, I'm happy you deferred to me; but in Public Works Highways--that I was a part of for many years--we did not install curbs, gutters, and sidewalks. We contracted that out. So I would have no idea what the current cost is to construct those improvements along a roadway. So I have no available costs for you, but we certainly could ask the Department to see if they could provide that information later.

COUNCILMEMBER PONTANILLA: Yeah. I would request that.

CO-CHAIR MEDEIROS: Okay.

COUNCILMEMBER PONTANILLA: That would be interesting to see how much cost, you know, in addition to subdividing the lots would add to those family subdivisions.

CO-CHAIR MEDEIROS: Okay. Thank you, Member Pontanilla. Members, any other questions or discussion? I would like to, you know, also support what Member Mateo brought up because I think what we've been trying to do is encourage people to build homes--especially for their families--so that would in some way create more housing. However, in asking them or encouraging them to do that, we certainly don't want to add any challenges or costs to them. So I think, you know, we need to look further into this; and see if we can be more creative in coming up with things that would work both for the County and for the family subdivision, so that we wouldn't make it so prohibitive for them to consider building homes for their family members, which would relieve the County of, you know, housing for those particular families. So Members, any questions? Member Pontanilla?

COUNCILMEMBER PONTANILLA: Thank you. Other than family subdivisions that you've seen coming in for some deferrals, is there any big projects that also requested deferrals?

MR. MIYAMOTO: Mr. Chair? The only one that . . .

CO-CHAIR MEDEIROS: Deputy Director.

MR. MIYAMOTO: Mainly, the, probably, the ones . . . uh . . . acreage-wise are primarily farm, agricultural-type subdivisions that I can recall. Those are the ones that generally have the large acreage and they are doing family subdivisions to create.

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COUNCILMEMBER PONTANILLA: Yeah. Because the reason why I bring up that question is that when they were, when we were doing some work--I think it was West Maui (Honokawai or Kapalua) in that particular area--that there were some deferrals that were, I guess approved years ago, and you know, if the Department went ahead and tried to get those deferrals met in regards to our work when we did the improvements on, I think it was Lower Honoapiilani Highway.

MR. MIYAMOTO: Mr. Chair?

CO-CHAIR MEDEIROS: Deputy Director?

MR. MIYAMOTO: Actually, we're still in the process of trying to get some of those executed and we're still trying to get agreements on the right-of-way and easements so that we can go ahead and do the improvements that have been long waited for on Lower Honoapiilani Highway.

COUNCILMEMBER PONTANILLA: Was there any consideration made in regards to maybe a bond of some kind?

MR. MIYAMOTO: Not at this point. I think we've primarily been trying to negotiate with the various people to go ahead and get access so we can do these roadway improvements that the residents are asking for.

COUNCILMEMBER PONTANILLA: Okay. Thank you, Chair.

CO-CHAIR MEDEIROS: Thank you, Member Pontanilla. Members, any further discussion or questions? In light of the discussion on this particular item and the uncertainty of how this would work or affect the small family subdivision developers, the Chair at this time would recommend deferral of this item so we can research further information on this and then have a better idea of the discussions to follow. Without objections, the Chair would like to defer this matter.

COUNCIL MEMBERS VOICED NO OBJECTIONS. (PRESENT: MATEO, MEDEIROS, PONTANILLA, AND VICTORINO)

ACTION: DEFER.

CO-CHAIR MEDEIROS: Thank you, Members. That concludes the agenda items we have on . . . for today's meeting. At this time, I would ask the Members, any announcements any of you have, would like to make? Seeing none, if there are no further matters to discuss, and without objection, the Chair would like to adjourn this meeting.

COUNCIL MEMBERS VOICED NO OBJECTIONS.

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CO-CHAIR MEDEIROS: Okay. Meeting is adjourned. . . . (*gavel*) . . .

ADJOURN: 11:16 a.m.

APPROVED BY:



BILL KAUAKEA MEDEIROS, Co-Chair
Public Works and Facilities Committee

APPROVED BY:



MICHAEL P. VICTORINO, Co-Chair
Public Works and Facilities Committee

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Transcribed by: Pauline Martins