

COUNCIL OF THE COUNTY OF MAUI
PUBLIC WORKS AND
FACILITIES COMMITTEE

February 16, 2007

Committee
Report No.

_____ 07-11

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Public Works and Facilities Committee, having met on January 31, 2007, makes reference to County Communication No. 06-237, from the Director of Parks and Recreation, transmitting a proposed resolution entitled "ACCEPTING LAND DEDICATED FOR PARK AND PLAYGROUND PURPOSES AND WAIVER OF COMFORT STATION AND PARKING AREAS PURSUANT TO SECTION 18.16.320, MAUI COUNTY CODE".

The purpose of the proposed resolution is to: 1) accept the dedication of a park located in Phase I of the Maui Lani Subdivision, Kahului, Maui, comprised of approximately 78,308 square feet (1.798 acres) and identified as TMK: (2) 3-8-81:067; and 2) waive the requirements for comfort stations and parking areas in the subject park.

Your Committee notes that Maui Lani Partners is the developer of land comprising Project District I in Wailuku and Kahului. As part of the project district approval, Maui Lani Partners was required to develop and dedicate certain lands for public parks.

Your Committee further notes that County Communication No. 06-237 was referred to the former Parks and Economic Development Committee at the Council meeting of September 15, 2006.

By correspondence dated October 13, 2006, the Chief of Parks Planning and Development transmitted a copy of the Park Maintenance Agreement (Exhibit "B" of the proposed resolution) between Maui Lani Community Association and the County of Maui that was inadvertently left out of County Communication No. 06-237.

At its site inspection of October 19, 2006, the Parks and Economic Development Committee met with the Deputy Director of Parks and Recreation; a Deputy Corporation Counsel; a student intern, Department of the Corporation Counsel; and Dave Gleason, Gary Kawano, and Galen Harima, from Maui Lani Partners.

There was no public testimony.

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Mr. Gleason provided a brief overview of the history of the park and noted the park's boundaries. He stated that the park has been in existence since 1996 and is being maintained by Maui Lani Partners. He further stated that the park is used primarily by the residents of the Maui Lani Subdivision, and by youth sports teams who frequently use the park for their practices.

The Deputy Director acknowledged that the height of the park's picnic tables are approximately four inches too high and need to be corrected.

The Committee deferred consideration of the matter pending further discussion.

At its meeting of October 19, 2006, the Committee met with the Deputy Director of Parks and Recreation; a Deputy Corporation Counsel; a student intern, Department of the Corporation Counsel; and Dave Gleason, Gary Kawano, and Galen Harima from Maui Lani Partners.

There was no public testimony.

The Deputy Director provided a brief overview of the history of the park. He stated that because the park is considered a neighborhood park and used primarily for the residents of the subdivision, the Department of Parks and Recreation recommended that comfort stations and parking areas be waived.

The Committee expressed concern regarding the height of the picnic tables in the park. The picnic tables are too high and are not accessible according to the Americans with Disabilities Act (ADA). The Committee agreed that acceptance of the park should not occur until the table heights are in compliance with the ADA consent decree.

The Committee requested that the Director of Parks and Recreation provide a copy of the unilateral agreement, which established the procedures for implementing the park dedication requirements. The Committee also requested the total park assessment fee and/or total acreage that were required by Maui Lani Partners to fulfill its park dedication requirements.

The Committee deferred consideration of the matter pending further discussion.

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By correspondence dated October 31, 2006, the Committee requested that the Department of Parks and Recreation provide the following: (1) the total park assessment fee and/or total acreage of land dedicated by Maui Lani Partners to fulfill its park dedication requirements; (2) a copy of the park's unilateral agreement that was executed and recorded in favor of the County prior to subdivision approval; (3) comments on whether comfort stations should be included, and not waived; and (4) an explanation as to why the land dedication process for the park has taken approximately ten years to come before the Council.

By correspondence dated November 16, 2006, the Director of Parks and Recreation transmitted a copy of a document entitled "Supplemental Unilateral Agreement: (Regarding New Park Site and Incremental Park Dedication)", and related information. The Director informed your Committee that the community plan mandates that Maui Lani Partners provide park land to fulfill the park dedication requirements; a cash contribution was not considered due to the community plan.

At its meeting of November 30, 2006, the Parks and Economic Development Committee recommended that County Communication No. 06-237 be referred to the Council Chair for the term beginning January 2, 2007, for a recommendation as to referral or other disposition.

At its meeting of January 5, 2007, the Council referred County Communication No. 06-237 to your Public Works and Facilities Committee (County Communication No. 07-5).

By correspondence dated January 23, 2007, the Co-Chairs of your Committee requested that the Department of the Corporation Counsel incorporate certain nonsubstantive and technical revisions to the proposed resolution for consistency and clarity.

By correspondence dated January 24, 2007, the Department of the Corporation Counsel transmitted a revised proposed resolution, entitled "ACCEPTING LAND DEDICATED FOR PARK AND PLAYGROUND PURPOSES, AND WAIVER OF COMFORT STATION AND PARKING AREA REQUIREMENTS, IN THE MAUI LANI SUBDIVISION, KAHULUI, MAUI, HAWAII, PURSUANT TO SECTION 18.16.320, MAUI COUNTY CODE", incorporating your Committee's requested revisions.

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At its meeting of January 31, 2007, your Committee met with the Director of Parks and Recreation; two Deputy Corporation Counsel; and Dave Gleason, Maui Lani Partners.

There was no public testimony.

The Director explained the park dedication requirements. The Director confirmed that the tables and benches within the park had been modified by Maui Lani Partners and were now in compliance with the ADA requirements.

Your Committee discussed the terms of the Park Maintenance Agreement attached as Exhibit "B" to the resolution. Your Committee asked why the five-year maintenance period referenced in the proposed resolution commenced upon the signing of the Parks Maintenance Agreement when it should perhaps be more appropriately timed to commence upon the Council's acceptance of the land dedication.

Mr. Gleason expressed his willingness to revise the term of the agreement to commence upon the Council's acceptance of the land dedication.

Your Committee voted to recommend adoption of the revised proposed resolution and filing of the communication.

Your Committee is in receipt of a revised proposed resolution that incorporates an "Amendment to Park Maintenance Agreement", reflecting the change in the effective date of the agreement recommended by your Committee.

Your Public Works and Facilities Committee **RECOMMENDS** the following:

1. That Resolution No. _____, as revised herein and attached hereto, entitled "ACCEPTING LAND DEDICATED FOR PARK AND PLAYGROUND PURPOSES, AND WAIVER OF COMFORT STATION AND PARKING AREA REQUIREMENTS, IN THE MAUI LANI SUBDIVISION, KAHULUI, MAUI, HAWAII, PURSUANT TO SECTION 18.16.320, MAUI COUNTY CODE", be **ADOPTED**; and
2. That County Communication No. 06-237 be **FILED**.

Adoption of this report is respectfully requested.

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BILL KAUAKEA MEDEIROS Co-Chair

DANNY A. MATEO Member

MICHAEL P. VICTORINO Co-Chair

JOSEPH PONTANILLA Member

G. RIKI HOKAMA Member