

MINUTES

PARKS AND ECONOMIC DEVELOPMENT COMMITTEE

Council of the County of Maui

Lahaina Civic Center

August 31, 2006

CONVENE: 3:35 p.m.

PRESENT: Councilmember Jo Anne Johnson, Chair
Councilmember Charmaine Tavares, Vice-Chair
Councilmember Robert Carroll, Member
Councilmember Danny A. Mateo, Member

EXCUSED: Councilmember Michelle Anderson, Member

STAFF: Shelly Espeleta, Legislative Analyst
Pauline Martins, Committee Secretary

Morris Haole, Executive Assistant to Councilmember Carroll

ADMIN.: John D. Kim, Deputy Corporation Counsel, Department of the Corporation Counsel
Patrick Matsui, Chief of Planning and Development, Department of Parks and Recreation

OTHERS: Heidi Bigelow, West Maui Land Company

CHAIR JOHNSON: The Parks and Economic Development Committee meeting of August 31, 2006 at Lahaina Civic Center will come to order. In attendance, we have Members--well, we have a quorum first of all. And in attendance, we have the following Members, Vice-Chair Charmaine Tavares of the Committee. We have Councilmember and Committee Member, Danny Mateo; and we have Vice-Chair of the Council and Committee Member, Mr. Robert Carroll. From the Administration, we have Mr. Pat Matsui. Mr. J. D. Kim from Corporation Counsel should be on route. We have Ms. Shelly Espeleta and Ms. Pauline Martins.

PARKS AND ECONOMIC DEVELOPMENT COMMITTEE
Council of the County of Maui

August 31, 2006 (Lahaina)

PED-37 ACCEPTING DONATION FROM MAKILA LAND COMPANY, LLC TO THE DEPARTMENT OF PARKS AND RECREATION (C.C. No. 06-208)

CHAIR JOHNSON: Members, we only have one item on our agenda this afternoon. This is Parks and Economic Development No. 37, which is accepting the donation from Makila Land Company, LLC to the Department of Parks and Recreation. The Committee is in receipt of County Communication No. 06-208, from the Director of Parks and Recreation, transmitting a proposed resolution authorizing the acceptance of a donation to the Department of Parks and Recreation, pursuant to Section 13-8, Revised Charter of the County of Maui, As Amended, and Chapter 3.56, Maui County Code. The purpose of the proposed resolution is to accept a donation of \$24,903.05 from Makila Land Company, LLC to the Department of Parks and Recreation for County parks programs. Shelly, have there been any individuals who have signed up to testify? I'll keep public testimony open briefly. We also have in attendance, Ms. Heidi Bigelow and she is from Makila Land, so she'll be available as a resource person. Seeing no members coming forward from the public, if Mr. Matsui could give us a brief overview of this particular subject.

MR. MATSUI: Basically, it's a resolution accepting a voluntary donation of \$24,903 from Makila Land Company. Along with that, they also built the 50-stall parking lot that's across the street from Launiupoko Park and . . . uh . . . that also was a voluntary contribution. You know, it's not an outright gift because, you know, they're not giving us the land but they're allowing us to use it for off-street parking for the Launiupoko Park.

CHAIR JOHNSON: Thank you, Mr. Matsui. Members, are there any questions at this point in time? Seeing none. The . . . because Mr. Kim is not here, I just would like to brief the Committee on one of the things that I was going to ask Mr. Kim if he was here. We will . . . if there's no objections on the part of the Committee Members, before I make a recommendation to the entire Committee, as many of you know because this is a donation of both the value of the lease with the parking area, which we accepted at a previous meeting and also now this being a cash donation of the \$24,000-plus, what Mr. Kim will be asked is . . . because we have a parks requirement for another entity, which is a nonprofit, we wanted to find out if--through this gift or the value of this gift--because we don't have the authority to waive certain park requirements at this point in time for this other entity, would there be the possibility if the . . . uh . . . Makila Land would be agreeable to use this in satisfaction of that requirement on the other property. So that was the question that I had intended to pose but prior to my making the recommendation, would there be any objection, if I--as your Chair--sent a communication (with a copy to Makila Land) to Mr. Kim, inquiring if this is at all possible . . . with regard to this particular parcel?

VICE-CHAIR TAVARES: No objection.

CHAIR JOHNSON: Okay. The Chair will undertake that and then hopefully, by the time this comes before the full Council, we'll have some type of a response. Also, Ms. Bigelow, would you care to say a few words at least . . . uh . . . at this point? Or would you prefer to wait until after you receive the formal communication? Ms. Bigelow.

PARKS AND ECONOMIC DEVELOPMENT COMMITTEE
Council of the County of Maui

August 31, 2006 (Lahaina)

MS. BIGELOW: Heidi Bigelow, West Maui Land Company, representing Makila Land Company. We would consider a lease. We would have to look at all the terms included in that lease including possibly a relocation clause if there's a master plan for the parking lot, which . . . or the entire Launiupoko Beach Park, which we are looking at. But we do intend to, our vision is to expand the beach park and actually create about a 75-acre linear beach park that goes the 2½ miles of Makila Lands and that is actually, that subdivision is being processed, hopefully, starting the end of this week. It has been submitted but . . . um . . . for preliminary. So we are working on, actively working on expanding that whole stretch of beach.

CHAIR JOHNSON: Ms. Tavares?

VICE-CHAIR TAVARES: Yeah, Ms. Bigelow.

MS. BIGELOW: Yes.

VICE-CHAIR TAVARES: Have you . . . um . . .

(NOTE: The microphone cord was slightly short of allowing Ms. Bigelow to sit, so she adjusted it.)

CHAIR JOHNSON: . . . *(chuckled)* . . .

VICE-CHAIR TAVARES: . . . *(chuckled)* . . . They didn't want you to sit down.

MS. BIGELOW: Yeah. . . . *(chuckled)* . . .

VICE-CHAIR TAVARES: Have you been approached, or have you had a chance to talk with any of the partners or people at Makila Land regarding this satisfaction of--I forgot the name of the . . .

CHAIR JOHNSON: It's Lokahi Kahua.

VICE-CHAIR TAVARES: Yeah. Lokahi Kahua's park assessment?

MS. BIGELOW: Not as of yet.

VICE-CHAIR TAVARES: Okay

MS. BIGELOW: Not yet.

VICE-CHAIR TAVARES: So do you know more or less what it is that we're . . . uh . . . the Chair is trying to suggest?

PARKS AND ECONOMIC DEVELOPMENT COMMITTEE
Council of the County of Maui

August 31, 2006 (Lahaina)

MS. BIGELOW: I understand that somehow the lease will be valuated--

VICE-CHAIR TAVARES: Okay.

MS. BIGELOW: --and that that credit could be used by this nonprofit group.

VICE-CHAIR TAVARES: Uh-huh. So it's all . . .

MS. BIGELOW: That's the scope of my understanding--

VICE-CHAIR TAVARES: Yeah.

MS. BIGELOW: --at this point.

VICE-CHAIR TAVARES: Right. It's almost as if you would actually be making the donation to them to pay the cash assessment to satisfy their park assessment because they're in a little weird situation.

MS. BIGELOW: Right.

VICE-CHAIR TAVARES: And because they didn't go through a 201G process, we cannot waive the balance of their park assessment. They put in a park, but it's not big enough to satisfy their requirement.

MS. BIGELOW: Are they being assessed the old fees or the new fees?

VICE-CHAIR TAVARES: The old fees.

MS. BIGELOW: Oh, okay.

VICE-CHAIR TAVARES: Yeah, 'cause it's at the time of the subdivision.

MS. BIGELOW: Oh, good. Okay.

VICE-CHAIR TAVARES: So it was under the old assessment.

MS. BIGELOW: Okay.

VICE-CHAIR TAVARES: Thank you.

MS. BIGELOW: Thanks.

CHAIR JOHNSON: Yes. And Ms. Bigelow . . . uh . . . because we will be sending this communication to Mr. Kim, you will also be receiving a communication just explaining if this is even possible. Members,

PARKS AND ECONOMIC DEVELOPMENT COMMITTEE
Council of the County of Maui

August 31, 2006 (Lahaina)

because this is not a subject that we're dealing with, I'm kind of myself stretching the limitations a little bit; but because this issue is before us and because I believe staff had had some conversation with Mr. Kim, I think it's important that at least, we just look at any possibility. And particularly, when we're looking at this donation, if anything has to be structured in such a way that . . . um . . . by the time this comes forward for approval to the full Council, then hopefully, we would have a response back; and if for some reason, there has to be something amended prior to the acceptance by the full Council, I would at least be able to have the opportunity to keep it in Committee and then make whatever necessary amendments would be. *(NOTE: Mr. Kim arrived and is trying to enter through a locked door.)* I see Mr. Kim just about ready . . . *(chuckled)* . . . trying to break into the building. So we'll wait . . . um . . . for just a few moments. But Members, at this point in time, are there any other questions relating to the actual cash donation or any other comments that were made by Ms. Bigelow? What I will do since Mr. Kim is here and he's just in route to his Chair, I don't want to spring this on him; but just for the record, Mr. Kim, we had asked Ms. Bigelow about the possibility of this donation that's being made or any other past donation with the value . . . uh . . . that would be equivalent to let's say park assessment. We had asked "would that be able?--if you're able to give us a response back--to be used as a park credit for another entity?" In other words, they are not taking the credit for it. So we're gonna pose that to you, Mr. Kim, in writing to give you time to respond. Or do you have an answer already?

MR. KIM: You mean if . . . uh . . . a subdivider was to donate money to a nonprofit?

CHAIR JOHNSON: Yes.

MR. KIM: And then the nonprofit turned around and used that money . . . *(chuckled)* . . . to pay the park assessment?

CHAIR JOHNSON: Well, either that or the value of . . . uh . . . any lease that has been, I guess, given in the past, and I thank you. . . . *(chuckled)* . . .

MR. KIM: I don't see . . .

CHAIR JOHNSON: Would you prefer that we put this in writing?

MR. KIM: No, I don't think there would be any impediment.

CHAIR JOHNSON: Okay.

MR. KIM: I mean there would be--if the subdivider had no . . . um . . . requirements then it, they'd get a nice little tax deduction through the nonprofit.

MS. BIGELOW: Provided we have income. . . . *(chuckled)* . . .

ALL: . . . *(chuckled)* . . .

PARKS AND ECONOMIC DEVELOPMENT COMMITTEE
Council of the County of Maui

August 31, 2006 (Lahaina)

MR. KIM: That's correct.

CHAIR JOHNSON: And I think, Mr. Kim, that was the problem to begin with. They really can't utilize this as a deduction and they don't intend to; but what we would be looking at as . . . um . . . a real, I guess, community-minded thing that would help this nonprofit entity out of kind of a "pickle" that they're in. So would you . . . um . . . and I can put it in, formally, in writing so that we have a written response back. Is that, Members, what you would like me to do? Or would you like, Mr. Kim, to just respond? Member Tavares.

VICE-CHAIR TAVARES: Yeah, Ms. Johnson. I would suggest that, consider that Mr. Kim and Ms. Bigelow and whoever get together and try to look at the documents and the possibilities and how it would work out as a, you know, kind of a situation where it be a win all the way around.

CHAIR JOHNSON: Uh-huh.

VICE-CHAIR TAVARES: And from there, then report back to us what are the options, if any; advantages; disadvantages. And perhaps, you know, if we know the figure that we're talking about for Lokahi, we could throw that into the mix and see how the Makila Land partners would welcome this or not; or if they would rather keep it this way or not.

CHAIR JOHNSON: Okay. And Members, at this point in time, I believe with Staff we did a preliminary calculation of the past value of the lease of the parking area coupled with the monies that have already been paid by the other entity; and this . . . and it totaled almost exactly the amount of money that would be required for park assessment.

VICE-CHAIR TAVARES: For Lokahi?

CHAIR JOHNSON: For Lokahi. Yes.

VICE-CHAIR TAVARES: How much was that?

CHAIR JOHNSON: Around 50,000. So in, but . . . uh . . . what I will do--Members, if you feel and if you're agreeable at this point, because I don't want to move forward if there's some possibility that we're gonna have to bring this back to Committee anyway. So if, Members, you would like me to get those answers and then bring forward some kind of response so that when we meet next, in the Chambers, we'll have everything at least there on the table. Is that something that's agreeable? Because we may have to reintroduce the other item, which I believe was already filed; but we'll figure that out. Mr. Matsui?

MR. MATSUI: Yeah. Just for your information, another letter from the Director to the Council Chair is an item for . . . in communications in the September 1st meeting, and that's another \$25,000 donation.

PARKS AND ECONOMIC DEVELOPMENT COMMITTEE
Council of the County of Maui

August 31, 2006 (Lahaina)

CHAIR JOHNSON: Oh, okay.

MR. MATSUI: So . . . and then, that's probably going to be referred to Committee too.

VICE-CHAIR TAVARES: From this guy?

MR. MATSUI: I think so.

VICE-CHAIR TAVARES: From Makila Land?

MR. MATSUI: Yeah.

CHAIR JOHNSON: So is there another \$25,000? No.

MR. MATSUI: There were . . .

CHAIR JOHNSON: There's only one \$25,000.

MS. BIGELOW: We had two . . .

MR. MATSUI: I saw--

MS. BIGELOW: We had . . .

MR. MATSUI: --a communication. It's on the Council agenda.

MS. BIGELOW: We had two entities. Each--

VICE-CHAIR TAVARES: Do you happen to have that with you?

MS. BIGELOW: --donated \$25,000. The one . . .

CHAIR JOHNSON: A piece?

MS. BIGELOW: Yeah. And the one entity that was what, that was before you several months ago.

CHAIR JOHNSON: Okay.

MS. BIGELOW: And that was, that donation has been accepted.

VICE-CHAIR TAVARES: . . . *(inaudible)* . . .

PARKS AND ECONOMIC DEVELOPMENT COMMITTEE
Council of the County of Maui

August 31, 2006 (Lahaina)

CHAIR JOHNSON: So we're just checking tomorrow's agenda; but in any event, Members, what I think at this point, since Ms. Bigelow--and you would be willing to just wait until we can look into this? Would that be something that you could manage?

MS. BIGELOW: Sure. We could do that.

CHAIR JOHNSON: Okay. Members, because we have this outstanding question, what I would like to do is then defer the matter so that we can get something before you for your consideration to really come up with a win-win as Ms. Tavares put it. So Members, if there's no objection, since this is the only item on our agenda right now, I would just ask that you allow the Chair to work with Staff and the developer and also Mr. Kim in working something out.

COUNCIL MEMBERS VOICED NO OBJECTIONS. (PRESENT: CARROLL, JOHNSON, MATEO, AND TAVARES)

ACTION: DEFER.

CHAIR JOHNSON: Ms. Bigelow?

MS. BIGELOW: If it's helpful, I did bring some maps showing how the parking lot is gonna be incorporated in our master vision if--

CHAIR JOHNSON: And that was . . .

MS. BIGELOW: --anybody cares to, if I can distribute those.

CHAIR JOHNSON: That would be fine; and what we can do--because we may have to reintroduce that as a separate subject because I believe we filed the other one--we can have you distribute those . . . uh . . . perhaps, maybe even a transmittal.

MS. BIGELOW: Oh, a transmittal?

CHAIR JOHNSON: Yeah, let's do a transmittal because the parking lot is really not part of the agenda item on our current subject matter.

MS. BIGELOW: It's part of the resolution.

CHAIR JOHNSON: Oh, it's part of the resolution.

MS. BIGELOW: Yes.

PARKS AND ECONOMIC DEVELOPMENT COMMITTEE
Council of the County of Maui

August 31, 2006 (Lahaina)

CHAIR JOHNSON: Oh well then, then it's completely appropriate. Yes, please distribute it and then we'll have those available for next time; so that we . . . at least we'll be able to consider what measures we can take. Members, are there . . . is there anything further? Staff? Okay. Seeing no further business. I really appreciate the Members coming to West Maui. I realize we had only a small site inspection and this item on the agenda. So I really want to thank everyone for making the trek out here and I want to thank Ms. Bigelow too for being so gracious. Also, public testimony is closed. And if there's no further business, this meeting of August 31, 2006 of the Parks and Economic Development Committee is adjourned.

ADJOURN: 3:52 p.m.

APPROVED BY:



JO ANNE JOHNSON, Chair
Parks and Economic Development Committee

ped:min:060831

Transcribed by: Pauline Martins