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M I N U T E S  
GOVERNMENT RELATIONS COMMITTEE  
Council of the County of Maui  
Council Chamber  
July 28, 2003

APPROVED:  
  
\_\_\_\_\_  
Committee Chair

1 **CONVENE:** 1:32 p.m.

2 **PRESENT:** Councilmember G. Riki Hokama, Vice-Chair  
3 Councilmember Danny A. Mateo, Member  
4 Councilmember Michael J. Molina, Member  
5 Councilmember Charmaine Tavares, Member  
6 Councilmember Robert Carroll, Non-member  
7 Councilmember Jo Anne Johnson, Non-member  
8 Councilmember Wayne K. Nishiki, Non-member  
9 Councilmember Joseph Pontanilla, Non-member

10 **EXCUSED:** Councilmember Dain P. Kane, Chair

11 **STAFF:** Shannon Alueta, Legislative Analyst  
12 David Raatz, Legislative Attorney  
13 Pauline Martins, Committee Secretary

14 **ADMIN.:** Edward Kushi, Jr., Deputy Corporation Counsel,  
15 Department of the Corporation Counsel  
16 Alan Arakawa, Mayor  
17 Keith Regan, Director, Department of Finance  
18 John Buck, Deputy Director,  
19 Department of Parks and Recreation  
20 Marian Feenstra, Chief of Aquatics,  
21 Department of Parks and Recreation

22 **OTHERS:** Plus (4) other people

23 **PRESS:** None.

24 . . . . .

25 **VICE-CHAIR HOKAMA:** (Gavel). The Government Relations  
Committee for the Council of the County of Maui  
shall come to order.

This afternoon we have Committee members  
Mr. Mateo, Mr. Molina, and Ms. Tavares. Chairman  
Kane is excused. We also have present joining us  
this afternoon Mr. Carroll, Ms. Johnson,  
Mr. Nishiki, and Mr. Pontanilla.

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1 GR-16 APPROVING THE ACQUISITION OF REAL PROPERTY IN  
2 WAILUKU FROM MARKET-WELLS HUI II, LLC FOR THE  
3 COUNTY OF MAUI AND AGREEMENT FOR THE PURCHASE  
4 OF OLD WAILUKU SWIMMING POOL (C.C. No. 03-188)

4 VICE-CHAIR HOKAMA: Members, we do have just one item on  
5 the agenda, Item 16, Approving the Acquisition of  
6 Real Property in Wailuku from Market-Wells Hui II,  
7 LLC for the County of Maui and Agreement for the  
8 Purchase of Old Wailuku Swimming Pool.

9 Before we start, let me ask our Staff if we  
10 have any requests for public testimony at this time?  
11 Okay, seeing none, we shall move forward. I will  
12 give the public a few more minutes to participate in  
13 public testimony if someone so desires.

14 At this time, Members, you are in receipt of  
15 County Communication 03-188 from Mayor Arakawa, who  
16 has transmitted two things. One, a proposed  
17 resolution approving the acquisition of real  
18 property, and second, a copy of an agreement dated  
19 June 27.

20 At this time, Mayor Arakawa, if you would  
21 like to share any comments, please.

22 MAYOR ARAKAWA: Good afternoon, Council Members, Chair.  
23 As you know, the Wailuku Pool has been something  
24 that the County has been using for a number of  
25 years. It's been a facility that is well used by

1 both Iao School and Wailuku Elementary School.  
2 Well, this is a property that has come under  
3 consideration for purchase by a number of different  
4 Administrations over many years, and we've moved it  
5 on to the point I think at this time where we want  
6 to seriously acquire it.

7 The -- we've been talking with the owners of  
8 the pool and we have reached a tentative agreement  
9 of purchase price that is \$700,000. We do have a  
10 need to be able to expedite the agreement. That's  
11 part of our discussion with the owners, that we were  
12 trying to expedite this process. So we'd ask that  
13 you consider doing this as quickly as possible. You  
14 know, we were very much aware of the fact that the  
15 Council put in \$700,000 into the budget this year to  
16 be able to negotiate this, and that's where we are  
17 right now in this process.

18 So the pool is something that we believe will  
19 be utilized in the future quite extensively. It is  
20 an existing pool, an old pool, and I will tell you  
21 that our staff researched this area to look at other  
22 appropriate places if we wanted to do something  
23 other than purchase this pool, and we looked at the  
24 possibility of creating a pool at the Wailuku  
25 Elementary, the park there. We looked at possibly

1 using or purchasing the Golden Jade parcel, and at  
2 the end of the day what it comes down to is if we  
3 want to create a pool in this area, it's possible to  
4 do, but the cost involved would be much higher than  
5 \$700,000. We would have a brand new pool, then, but  
6 where it is right now is in the middle of a sports  
7 complex where the schools are actually utilizing the  
8 gymnasium. It fits where it is.

9 So the options -- I guess if the Council  
10 wants to seriously consider other options, there are  
11 other options that are possible, but we believe that  
12 this is the best solution as to actually purchase  
13 this pool. The priorities, again, with respect to  
14 the Council's prioritization of putting this in the  
15 budget this year, as an Administration we looked at  
16 this and we put it out very quickly for discussion  
17 once the budget was passed, and we have tentative  
18 agreement with the landowners for the purchase price  
19 of \$700,000.

20 If there any other questions, I'll be happy  
21 to answer that. We have Keith Regan, our Finance  
22 Director, and John Buck our Parks Director.  
23 Chairman.

24 VICE-CHAIR HOKAMA: Thank you, Mr. -- Mayor Arakawa.  
25 Members, hold on, please.

1                   Mr. Regan, any comments for the Committee  
2                   this afternoon prior to opening it up for questions?

3   MR. REGAN: Thank you, Mr. Chair. Keith Regan, Director  
4                   of Finance, here as a resource. I really have no  
5                   other comments to make. I think the Mayor pretty  
6                   much summed it up, but if there are any questions  
7                   that I can help answer, I'm here as a resource for  
8                   you, for you members.

9   VICE-CHAIR HOKAMA: Thank you, Mr. Regan.

10                   Mr. Buck, any comments for the Committee this  
11                   afternoon?

12   MR. BUCK: Thank you, Mr. Chair. John Buck, Deputy  
13                   Director of Parks. The Mayor basically covered it  
14                   all. I should say as a former lifeguard who used to  
15                   lifeguard at that pool for a while, that we do get a  
16                   lot of kids, not only from the two schools or the  
17                   schools adjacent to the area, but there's a lot of  
18                   kids, especially down in -- you go down farther  
19                   Market Street, the housing over there, that's one of  
20                   the areas that they like to come, especially with  
21                   the hot weather and stuff. So if we were to, you  
22                   know, not purchase the pool, then we may be  
23                   eliminating an activity that these kids really  
24                   participate in,

25                   The Mayor is right as far as if we were to

1 build another swimming pool, it would cost us more  
2 than \$700,000,, and one other thing, over the years  
3 we have actually upgraded the pool from where it  
4 used to be a -- what they call a dump and fill,  
5 about every week we would dump the water and put in  
6 new water to where we actually have a filtration  
7 system. So over the years we have made tremendous  
8 improvements, including re-plastering the pool and  
9 things. And any other questions -- and if I can't  
10 answer it, our Chief of Aquatics is in the audience.  
11 She may be able to answer.

12 VICE-CHAIR HOKAMA: Thank you, Mr. Buck.

13 Corporation Counsel, Mr. Kushi, any comments  
14 for the members at this time?

15 MR. KUSHI: No comments, Mr. Chair.

16 VICE-CHAIR HOKAMA: Okay, thank you.

17 Committee Members, as well as Council  
18 Members, questions? Mr. Molina.

19 COUNCILMEMBER MOLINA: Thank you, Chairman. Just a  
20 question for Mr. Buck, I guess just a follow-up to  
21 your comments regarding the improvements that have  
22 been made. Assuming the purchase takes place, any  
23 other long-term improvements or additions you  
24 foresee that will be needed for the area?  
25 Because -- I say that because as we look at this

1 area growing in terms of population, is there  
2 anything else that you foresee that may be needed to  
3 improve the pool or any other additions over the  
4 long term?

5 MR. BUCK: Over the long term, probably not. I mean, we  
6 put a lot of -- made it a lot better facility now.  
7 I mean, the only way you're going to make it any  
8 better is to heat it, but then a lot of people like  
9 that natural feel of the water without the heat, and  
10 we do have that smaller pool that we built a few  
11 years back that replaced the old Pu'unene swimming  
12 pool which -- for the therapeutic and everything  
13 else. So I don't foresee any improvements, just  
14 except maybe some repairs that may come up.

15 COUNCILMEMBER MOLINA: Okay, thank you.

16 VICE-CHAIR HOKAMA: Thank you. Mr. --

17 MAYOR ARAKAWA: Comment.

18 VICE-CHAIR HOKAMA: Mr. Arakawa.

19 MAYOR ARAKAWA: The other thing that needs to be  
20 considered also is because we have the gym, all of  
21 the dressing room facilities and the bathroom, rest  
22 room facilities are there because it's a combination  
23 in a facility. If we were to do a pool some place  
24 else or if the gymnasium were to fall apart, we'd  
25 have to fix it up to be able to make those



1 facilities, again, more current.

2 VICE-CHAIR HOKAMA: Thank you, Mr. Mayor. Mr. Mateo.

3 COUNCILMEMBER MATEO: Thank you, Mr. Chair.

4 Mr. Mayor, we've -- we've heard twice now  
5 that, you know, obviously to do a new pool would be  
6 more costly. What is that cost?

7 MAYOR ARAKAWA: It really depends on where we would do it  
8 and what we'd want to put in. So just the bare  
9 minimum cost that we're looking at is over a million  
10 dollars.

11 COUNCILMEMBER MATEO: So if we were to do a similar pool  
12 with the same type of facility and the same size  
13 we're talking about a million dollars?

14 COUNCILMEMBER ARAKAWA: At least, because we'd also have  
15 to put in the rest room facilities and the shower  
16 facilities, so we'd have to add those in. Those  
17 are -- currently we use the gymnasium for that.

18 COUNCILMEMBER MATEO: Thank you. Thank you.

19 VICE-CHAIR HOKAMA: Ms. Tavares? Okay, any other member?  
20 We'll start Mr. Pontanilla and work our way down.

21 COUNCILMEMBER PONTANILLA: Thank you, Chair. In regards  
22 to the possibility of a new pool, I know that  
23 Sanford Carr is the developer for some acreage above  
24 the highway as you're going -- between Wailuku --  
25 the Old Wailuku Heights and -- I'm sorry, Iao Road

1           and the New Wailuku Heights Road. As far as the  
2           park that is being designated, is there a  
3           possibility of putting a pool in there, or can the  
4           developer put in the pool for us?

5   VICE-CHAIR HOKAMA: Mr. Mayor.

6   MAYOR ARAKAWA: There is always a possibility of putting a  
7           pool up there, but again, when you're looking at the  
8           combination of convenience for the community, the  
9           predominance of the users of the pool are lower --  
10          are at the lower level right now, both schools as  
11          well as the people -- kids from the Wailuku area.  
12          So we could do that, and you could also -- there's  
13          also possibility of having another pool created up  
14          in that area. We're not quite sure what Stanford  
15          Carr and his -- because he's trying to add on  
16          property to the existing park there, so there will  
17          be a major addition when his project comes through.  
18          But at this point, if we wanted to make that a  
19          requirement, again, you're looking at a lot of money  
20          to be put into a new pool. So while it's possible,  
21          you're probably looking at well over a million  
22          dollars to be able to put the facility -- a new  
23          facility there.

24   COUNCILMEMBER PONTANILLA: Thank you, Mr. Mayor. I  
25          reviewed the plans and they had a continuous park,

1 including the old park up there.

2 MAYOR ARAKAWA: Yes.

3 COUNCILMEMBER PONTANILLA: Along with the new one, so I  
4 thought it would be a perfect fit.

5 MAYOR ARAKAWA: Again, this is why we're looking at that  
6 field as a possibility to put a new pool in there.  
7 At first, you know, when we were discussing we  
8 thought, well, if Wailuku El can walk down, then Iao  
9 could walk up, and that's part of what we would have  
10 to look at if we're going to create a new pool up at  
11 that park. It's very doable. Don't get me wrong,  
12 we'd very seriously consider that as an alternative,  
13 because a brand new facility would really look well  
14 and do well there, but again, it's not part of the  
15 sports complex that we have right now.

16 So we felt that with the Council urging us to  
17 look at the swimming pool in this existing facility,  
18 that it would be well worth purchasing that pool.  
19 And the other aspect that goes with it is a little  
20 park that's on the side of the pool. You know, that  
21 grassy area gets quite a bit of use as well and it  
22 really blends in the community well. Can you  
23 imagine that if we didn't purchase that pool, all  
24 that being ripped out then you having an office  
25 building there instead? It would take away from the

1 entire complex.

2 COUNCILMEMBER PONTANILLA: Thank you.

3 VICE-CHAIR HOKAMA: Thank you. Mr. Nishiki.

4 COUNCILMEMBER NISHIKI: Has there been an appraisal done  
5 on this property?

6 MAYOR ARAKAWA: Yes, there has.

7 COUNCILMEMBER NISHIKI: And by who?

8 MAYOR ARAKAWA: Keith.

9 VICE-CHAIR HOKAMA: Mr. Regan.

10 COUNCILMEMBER NISHIKI: And when?

11 MR. REGAN: The appraisal was done by Andrew Rothstein or  
12 Rothstein, and this was done on -- as of April 25th,  
13 2003.

14 VICE-CHAIR HOKAMA: Mr. Nishiki.

15 COUNCILMEMBER NISHIKI: And what was the appraised value?

16 MAYOR ARAKAWA: Mr. Nishiki, we would prefer not to say  
17 that in public. So if you want that number, we can  
18 give it to you, but we would ask for an executive  
19 session, since this is a negotiation. We'd be happy  
20 to give it to you in private, but I just don't want  
21 it on the record while we're in negotiations.

22 COUNCILMEMBER NISHIKI: Well, let me put it this way.

23 There's going to be some tax benefits given to  
24 the --

25 MAYOR ARAKAWA: Not in this proposal.

1 COUNCILMEMBER NISHIKI: -- buyer -- not the buyer --

2 MAYOR ARAKAWA: Not in this proposal.

3 COUNCILMEMBER NISHIKI: -- the seller.

4 MAYOR ARAKAWA: Not in this proposal.

5 COUNCILMEMBER NISHIKI: Okay. So let me ask you this. Is

6 the full \$700,000 what the purchase is or is it

7 still being negotiated?

8 MAYOR ARAKAWA: At this point our negotiation is for

9 \$700,000, period.

10 VICE-CHAIR HOKAMA: Further questions, Mr. Nishiki?

11 COUNCILMEMBER NISHIKI: Yeah, I was reading under the

12 escrow agreement, under page -- after the

13 resolution, it's not numbered, but it says escrow in

14 bold. Can someone explain to me if this execution

15 is not done in a timely fashion, what does the

16 County have in penalties?

17 VICE-CHAIR HOKAMA: Corporation Counsel.

18 MR. KUSHI: Yes, Mr. Chair. Member Nishiki, the escrow

19 agreement is Number 2 under the agreement that we're

20 looking at. Now, in essence what was negotiated was

21 the following: That they demanded -- the buyers

22 demanded a \$500 escrow deposit. And the agreement,

23 it was to close at the end of August. If it didn't

24 close at the end of August and we wanted an

25 extension, the County wanted an extension, we would

1 have to pay a non-refundable 10 percent more of the  
2 purchase price. And if we did that and it still  
3 didn't close, then it's non-refundable and they  
4 would keep it.

5 If we didn't extend the closing -- and we  
6 would only do that if we -- the Council doesn't give  
7 approval -- then the parties would walk away. We  
8 would then be responsible for -- at the top of that  
9 one page, under Item No. 4, representations of  
10 buyer, sale and closing subject to Maui County  
11 Council resolution approval, if you read on, and  
12 going over to the next page, and I apologize for not  
13 numbering, in essence says that if this doesn't go  
14 through, then buyer shall be -- shall only be  
15 responsible to pay 50 percent of the escrow fees,  
16 not costs, incurred prior to said cancellation and  
17 termination.

18 COUNCILMEMBER NISHIKI: Yeah. I guess, being that you  
19 drafted this, Mr. Kushi --

20 MR. KUSHI: In concert with the buyer's attorney.

21 COUNCILMEMBER NISHIKI: Okay. Okay. This is not a normal  
22 agreement, is it, where you -- where someone pays 10  
23 percent of the sales price if you don't do anything  
24 with -- I mean, that's \$70,000, if that's what we're  
25 talking about.

1 MR. KUSHI: Mr. Chair, Member Nishiki, it's not normal for  
2 the Council -- I mean for the County, as far as I  
3 know of.

4 COUNCILMEMBER NISHIKI: Yeah.

5 MR. KUSHI: In the private world I've seen higher, where,  
6 you know, time is of the essence and they want to  
7 close. And if you want to continue a closing, you  
8 pay a premium and it becomes non-refundable. So  
9 it's not unusual in the real estate world. In  
10 essence the buyer's telling us let's do it or forget  
11 it.

12 COUNCILMEMBER NISHIKI: And what is the reality of doing  
13 this in a timely fashion?

14 MAYOR ARAKAWA: Mr. Nishiki, if this Committee agrees to  
15 it and supports us and it goes through the Council  
16 and gets finalized at the Council, we will execute  
17 this. It pretty much could be a done deal very  
18 quickly if -- you know, that's the time schedule  
19 we're looking at. So we should be able to meet this  
20 deadline quite comfortably if the Council approves  
21 it. If you choose not to approve it and you require  
22 more time, that would be the delay.

23 COUNCILMEMBER NISHIKI: Yeah. I tell you what I don't  
24 like, Mr. Chairman. I don't like the fact that I  
25 don't know the whole story, you know, and this is a

1 basic problem for myself personally.

2 VICE-CHAIR HOKAMA: Mr. Nishiki, we have the ability, I  
3 believe, to go to executive session, if need be, to  
4 take up confidential information that is pertinent  
5 to this negotiations if the members so desire.

6 COUNCILMEMBER NISHIKI: I mean this is --

7 VICE-CHAIR HOKAMA: I believe the Mayor has --

8 COUNCILMEMBER NISHIKI: -- taxpayers' money and normally  
9 we would get an appraisal. I mean, this is standard  
10 stuff that we normally do. That's all. That's it.

11 MAYOR ARAKAWA: Mr. Chair, we do have an appraisal. We  
12 just ask that if you want to have that discussion,  
13 we do it in executive session because this is a  
14 negotiation. So we'd more than happy to do that and  
15 we can go through the appraisal.

16 COUNCILMEMBER NISHIKI: Thank you.

17 VICE-CHAIR HOKAMA: Okay, thank you. Ms. -- hold on,  
18 please, Mr. Molina. I will give Ms. Johnson an  
19 opportunity if she has a question.

20 COUNCILMEMBER JOHNSON: The only question I had was with  
21 regard to any progress at the State level or even at  
22 the school to provide some funding assistance with  
23 the purchase of the pool, if you know of anything  
24 that's being done?

25 VICE-CHAIR HOKAMA: Mr. Mayor.



1 MAYOR ARAKAWA: Well, understand that there was a  
2 resolution put forth that our legislature -- State  
3 legislature this year and that no money was  
4 allocated toward the purchase of this pool. So we  
5 can only go on the assumption that there is none at  
6 this point and that we're either going to do this or  
7 we're not. So our hopes during the budgeting  
8 process was that the legislature would come up with  
9 some funding, but, you know, that's why when we  
10 actually put a number in our budget on this, that  
11 may have discouraged the State from putting money  
12 into it as well. So that's why when we sent the  
13 original request down for a Central Maui allocation,  
14 we did not specify how much money we wanted to be in  
15 any one given area. But, again, the Council put an  
16 amount of money in there. At this point I don't see  
17 any indication of money from any other source other  
18 than the County.

19 COUNCILMEMBER JOHNSON: Okay. And this question would be  
20 to our Parks people. Because of the proximity, of  
21 course, to Iao School and because this pool has  
22 provided for particular Department of Education  
23 program, is that similar to what other pools  
24 throughout the County do in working with the schools  
25 in providing this venue for each one of our school

1 locations where we have pools?

2 MR. BUCK: Most of the schools one way or another do take  
3 advantage of our swimming programs, and we do --  
4 water safety staff does assist in the conducting of  
5 these classes. What's advantage to both Wailuku El  
6 and Iao School -- and probably Wailuku El is  
7 probably the one that takes the most advantage as  
8 far as swimming lessons because I think it's  
9 required of all their fourth graders to take a  
10 class -- is the walking distance. The other  
11 schools, like Lihikai, they'll go to either Kokua  
12 Pool or Kahului and some of the other schools, like  
13 Lahaina, but they're all bussed in, and a lot of it  
14 depends on if they get the kids to pay for the bus  
15 fare or there's extra money in that school budget to  
16 provide for the bus fare, but all the schools  
17 provide.

18 War Memorial is used a lot by Baldwin High  
19 School for their P.E. requirement, so we do have  
20 most of our schools using all our facilities as far  
21 as the swimming pools, but like I said, the Wailuku  
22 Pool is probably the one that's probably used the  
23 most because of its walking distance or proximity to  
24 the two schools, and that's their advantage too.  
25 Also, like I said before, there's a lot of kids in

1           this area and we don't -- they don't have  
2           transportation a lot of these kids, so walking --  
3           the only other way they're going to go to swimming  
4           it would be to ride a skateboard or bicycle down  
5           Kaahumanu Avenue to War Memorial or over to Kokua  
6           Pool or Kahului Pool.

7   COUNCILMEMBER JOHNSON:  As a part of the DOE curriculum,  
8           not just recreational swimming or if they want to go  
9           on their own after school, does the Department of  
10          Education or have they made any attempt to give to  
11          the County any kind of reimbursement because this is  
12          part of their curriculum?

13  MR. BUCK:  No, they have not, and it's not really part of  
14          their curriculum, just that some schools who have  
15          instructors with swimming backgrounds understand the  
16          importance of living on an island and knowing how to  
17          swim have taken it upon themselves.  As a matter of  
18          fact, some of the instructors, when it comes to  
19          issuing cards, have -- have beared the cost out of  
20          their own pocket to issue the cards to these kids  
21          who pass different levels of swimming.

22  COUNCILMEMBER JOHNSON:  Okay, thank you.

23  VICE-CHAIR HOKAMA:  Thank you.  Mr. Carroll, questions?  
24          Mr. Molina?

25  COUNCILMEMBER MOLINA:  Yeah, thank you, Chairman.  Being

1           that we are in negotiations with the seller, I can  
2           support this matter going into executive session to  
3           get more details on the exact appraisal of the  
4           property. So whenever you deem it appropriate, I  
5           could make a motion or support a motion for going  
6           into executive session, Chairman. Thank you.

7 VICE-CHAIR HOKAMA: Okay, thank you. Members, we have an  
8           opportunity, if the majority of the Committee  
9           members support moving to executive session, we have  
10          that authority under Hawaii Revised Statutes  
11          92-5(a)(3), which is to deliberate concerning the  
12          authority of persons designated by the board to  
13          conduct labor negotiations or to negotiate the  
14          acquisition of public property or during the conduct  
15          of such negotiations. So it is within this  
16          Committee's purview and authority to go into  
17          executive session to continue this discussion. Is  
18          there -- Mr. Molina.

19 COUNCILMEMBER MOLINA: Move for executive session.

20 COUNCILMEMBER NISHIKI: Second.

21 COUNCILMEMBER TAVARES: Second.

22 VICE-CHAIR HOKAMA: Okay, I have a motion by Mr. Molina,  
23          seconded by Ms. Tavares, as members of the  
24          Government Relations Committee. Discussion,  
25          Members? Seeing none, Committee Members, which is

1 Mr. Mateo, Mr. Molina, and Ms. Tavares, all in  
2 favor, say "aye."

3 COUNCIL MEMBERS VOICED AYE.

4 VICE-CHAIR HOKAMA: Opposed say "no."

5 VOTE: AYES: Councilmembers Mateo, Molina, and  
6 Tavares, Vice-Chair Hokama.

7 NOES: None.

8 ABSTAIN: None.

9 ABSENT: None.

10 EXC.: Chair Kane.

11 MOTION CARRIED.

12

13 ACTION: EXECUTIVE SESSION.

14

15 VICE-CHAIR HOKAMA: Motion is carried. We shall stand in  
16 recess and go immediately into executive session.

17 (Gavel).

18 RECESS: 1:56 p.m.

19 (THE GOVERNMENT RELATIONS COMMITTEE MEETING ENTERED INTO  
20 EXECUTIVE SESSION AT 2:00 P.M. AND ENDED AT 2:15 P.M.)

21

22 RECONVENE: 2:18 p.m.

23

24 VICE-CHAIR HOKAMA: (Gavel). Okay, we shall come back to

25 general session of the Government Relations

Committee. We have just exited from executive

session. We shall stand in recess till 2:30 p.m.,

and we will allow the Housing and Human Concerns

Committee to convene and start their agenda before

this Committee ends its business for the day.

Government Relations Committee will stand in recess

1 till 2:30 p.m. (Gavel).

2 RECESS: 2:19 p.m.

3 RECONVENE: 2:30 p.m.

4 VICE-CHAIR HOKAMA: (Gavel). We shall reconvene the  
5 government relations Committee meeting for the 28th  
6 of July, 2003.

7 GR-16 APPROVING THE ACQUISITION OF REAL PROPERTY IN  
8 WAILUKU FROM MARKET-WELLS HUI II, LLC FOR THE  
9 COUNTY OF MAUI AND AGREEMENT FOR THE PURCHASE  
10 OF OLD WAILUKU SWIMMING POOL (C.C. No. 03-188)

11 VICE-CHAIR HOKAMA: We are on Item No. 16. For the  
12 record, Members, I would like to ask Corporation  
13 Counsel to verify that for the purposes of executive  
14 session we did enter due to confidentiality as  
15 required by negotiations. Mr. Kushi.

16 MR. KUSHI: Yes, Mr. Chairman, as I understand it, we did  
17 go into executive session for the purposes of  
18 reviewing an appraisal that was done for and on  
19 behalf of the County and in conjunction with the  
20 resolution that you have before you. The resolution  
21 does state the proposed purchase price of 700,000,  
22 and you did have access to copies of the  
23 appraisal -- appraisal that was done for us as the  
24 County as the buyer.

25 VICE-CHAIR HOKAMA: Okay, thank you very much, Mr. Kushi.

MR. KUSHI: And again, Mr. Chair, for purposes of the

1 executive session and confidentiality, that  
2 appraisal shall remain confidential until this  
3 matter has been closed.

4 VICE-CHAIR HOKAMA: Thank you. Okay, Members, also at  
5 this time with no objections the Chair will close  
6 public testimony regarding the agenda for this day.  
7 Hearing no objections, so ordered.

8 Members, before you we do have the reso --  
9 proposed resolution approving the acquisition of  
10 real property at Wailuku, Maui, Hawaii from  
11 Market-Wells Hui II, LLC for the County of Maui.  
12 Any discussion? If not, Chair would recommend  
13 adoption of the resolution and filing of the  
14 communication.

15 COUNCILMEMBER MOLINA: So moved.

16 COUNCILMEMBER MATEO: Second.

17 VICE-CHAIR HOKAMA: I have a motion by Mr. Molina,  
18 seconded by Mr. Mateo to recommend to the Council  
19 adoption of a resolution approving the acquisition  
20 of real property at Wailuku, Maui, Hawaii from  
21 Market-Wells Hui II, LLC for the County of Maui, as  
22 well as the filing of County Communication 03-188.  
23 Discussion? Mr. Molina.

24 COUNCILMEMBER MOLINA: Yeah, thank you, Mr. Chairman. I  
25 think the purchase is a good one for the County. I

1           want to thank the Mayor and the rest of his  
2           Administration in the -- who are in the process of  
3           negotiating the land purchase at this price. I  
4           think the pool, where it's located, is a good  
5           example of smart growth. As Mr. Buck from the Parks  
6           Department has stated earlier, you have a lot of  
7           people that can walk to the pool, which means less  
8           traffic on the road, and I think it's helpful that  
9           we keep the pool in this area as part of the sports  
10          complex that we have in the general vicinity. The  
11          pool I think will serve as a benefit not only to  
12          residents, but for County and private employees as  
13          well, who are people who during their lunch break or  
14          after work they can go head right on down to the  
15          pool as part of their own personal wellness  
16          programs. So being -- with that being said,  
17          Mr. Chairman, I would ask for the full unanimous  
18          support from my fellow Committee members. Thank  
19          you.

20       VICE-CHAIR HOKAMA: Okay, thank you. Any other discussion  
21          by the Committee first? Seeing none. Mr. Nishiki.

22       COUNCILMEMBER NISHIKI: Yeah, thank you. I'd like to  
23          commend the Administration for moving in this  
24          direction with the purchase. As a user of the pool,  
25          someone that is used to walking because of breaking



1 the rules of drinking and driving, I find this pool  
2 very useful and I would recommend that we purchase  
3 it for my purpose.

4 VICE-CHAIR HOKAMA: Thank you, Mr. Nishiki. We will find  
5 that as part of the public good.

6 COUNCILMEMBER NISHIKI: (Inaudible). I will not be  
7 voting.

8 VICE-CHAIR HOKAMA: Any other discussion, Members? Seeing  
9 none, all in favor, say "aye."

10 COUNCIL MEMBERS VOICED AYE.

11 VICE-CHAIR HOKAMA: Opposed say "no."

12 VOTE: AYES: Councilmembers Mateo, Molina, and  
Tavares, Vice-Chair Hokama.

13 NOES: None.

14 ABSTAIN: None.

15 ABSENT: None.

16 EXC.: Chair Kane.

17

18 MOTION CARRIED.

19

20 ACTION: ADOPT RESOLUTION AND FILE COMMUNICATION.

21

22 VICE-CHAIR HOKAMA: Motion is carried. We thank the  
23 Committee as well as other Council members for their  
24 participation in this item this afternoon. Thank  
25 you very much, Mr. Mayor, Mr. Regan, Mr. Buck. This  
meeting is adjourned. (Gavel).

ADJOURN: 2:34 p.m.

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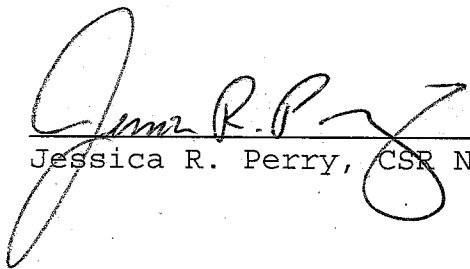
C E R T I F I C A T E

STATE OF HAWAII )  
 ) SS.  
CITY AND COUNTY OF MAUI )

I, Jessica R. Perry, Certified Shorthand Reporter for the State of Hawaii, hereby certify that the proceedings were taken down by me in machine shorthand and was thereafter reduced to typewritten form under my supervision; that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings had in the foregoing matter.

I further certify that I am not attorney for any of the parties hereto, nor in any way concerned with the cause.

DATED this 14th day of August, 2003, in Honolulu, Hawaii.

  
\_\_\_\_\_  
Jessica R. Perry, CSR NO. 404