

**MAUI REDEVELOPMENT AGENCY
REGULAR MEETING
MAY 15, 2009**

APPROVED 06-19-09

A. CALL TO ORDER

The regular meeting of the Maui Redevelopment Agency (Agency) was called to order by Ms. Alexa Betts Basinger, at 1:00 p.m., Friday, May 15, 2009, in the Planning Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Island of Maui.

Ms. Alexa Betts Basinger: . . .meeting of the Maui Redevelopment Agency. Present today are commissioners Raymond Phillips, Katharine Popenuk, Robert Horcajo, Warren Suzuki and Alexa Betts Basinger. This meeting is called to order. Approval of the April 16th, 2009 minutes.

B. APPROVAL OF THE APRIL 16, 2009 MEETING MINUTES (via email)

Mr. Robert Horcajo: So move.

Ms. Betts Basinger: It is been moved. Do I hear a second?

Ms. Katharine Popenuk: Second.

Ms. Betts Basinger: It is been moved and seconded to approve the April 16th, 2009 minutes. All in favor?

Agency Members: "Aye."

Ms. Betts Basinger: Oppose? Unanimously approved

It was moved by Mr. Robert Horcajo, seconded by Ms. Katharine Popenuk, then unanimously

VOTED: to approve the April 16, 2009 Maui Redevelopment Agency minutes as presented.

C. PUBLIC TESTIMONY: Testimony will be limited to three (3) minutes per testifier. At two minutes, thirty seconds, a thirty second notice will be given. With the recommendation of the Chair, an additional three minutes may be granted.

1. Wailuku Community Association report on upcoming events and projects.

2. Other public testimony.

Ms. Betts Basinger: Before we move on to public testimony, Commissioners, we've been requested to rearrange the order of our agenda today to move the orientation workshop to the end of our business. And without any dissenting comments, I'm going to request that we do that.

Mr. Phillips: That's fine.

Ms. Betts Basinger: No objections? Thank you. We move on now to item #C, public testimony. Has anyone signed up for public testimony? Limited to three minutes. Thank you very much.

Ms. Jocelyn Perreira: Good afternoon members of the commission, MRA commission. I'm using this segment to testify in support of the project that's going to come before you – the Four Sister's Bakery. I believe that you have our review as part of your packet. And we've looked and worked with this project through the process. And needless to say, this is a very, responsible, reliable, good solid Wailuku business. And we really feel that they need to continue to have as much encouragement and support no matter what location they going. And so we just wanted to put our thoughts to you at this particular time, in strong support of Four Sister's Bakery and their beautiful design. Thank you.

Mr. Horcajo: Chair –

Ms. Betts Basinger: Any questions?

Mr. Horcajo: – I have a question. Jocelyn, I have a question. Did you look at the staff report – excuse me – did you look at the staff report for the project?

Ms. Perreira: No, I didn't see it yet. I didn't get to read it.

Mr. Horcajo: Okay. Alright.

Ms. Perreira: Is there something I need to look at?

Mr. Horcajo: Well, I was just curious whether you folks, whether WMSA, is in support of the conditions that the Planning Department has recommended – wood framed windows versus vinyl windows.

Ms. Perreira: Well, as seen as were in collaboration a lot with the Planning Department, we work together really very well together, and we've had discussions, I'm quite sure that borrowing something really off the wall kind of recommendation, we probably would be in support of that particular comment. Unless, of course, it was something that was going to

break the backs of the property owner and their professional would have a different recommendation to substitute then we would like you to, of course, you know, be amenable to any kind of other kind of remedies.

Mr. Horcajo: Okay. Thank you.

Ms. Perreira: You're very welcome.

Ms. Betts Basinger: Any other questions for the testifier? Thank you Jocelyn. Any other public testimony?

Mr. Leo Agcolicol: Good afternoon commissioners. My name is Leo Agcolicol, standing here in support of the Four Sister's Bakery. You know, I haven't seen any paper works regarding this, but, you know, the business has been there for quite some time in their old location now. And I think with the purpose of expanding into that proposed location, I think, it will be very, very good to the Wailuku community. Not only to the Wailuku community, but in the neighboring towns as well. And I think it will serve the purpose of, you know, to expand their service. So as I've said, I mentioned earlier, I haven't seen any paper works, but, you know, when I heard that they are expanding, I think it's a good idea. So that's the only reason why I'm here to testify in favor of the new establishment for the proposed location of the Four Sister's Bakery. Thank you.

Ms. Betts Basinger: Thank you. Any questions? Seeing none. Thank you very much. Any other public testimony?

Ms. Melen Agcolicol: My name is Melen Agcolicol. Four Sister's, that was me when I was 13-years old. And I have kids now in college and that's how you can tell how many – how long we've been in business in the same location. I've seen Wailuku grow, people come and go, and it's sad to say that, you know, there's a lot of problems as every where else. But it shouldn't be a problem for all of us to tackle what ever we see as a problem, we have to face it. But I'm here to support, and hopefully all of you here to support the proposed Four Sister's Bakery because I grew up in that business and even though I have my own family, my brother take over now, I have my own business, that's still my baby. So progress in everything, improvement, I'm still very much involved and please do support this project because it serves us, you know, the Filipino, the whole community in this town very well. So thank you very much.

Ms. Betts Basinger: Thank you. Any questions members? No? Thank you very much. Any further public testimony? Seeing no one coming forth, at this time, I'd like to close public testimony for the rest of the meeting. Does everyone approve that? Thank you.

Item # – I'm sorry – Item #C, Wailuku Community Association report. Is anyone here from Wailuku Community Association? Seeing none, we'll move on to Item #D, public hearing,

Maui Redevelopment Agency request for design review and variances for the construction of a new bakery at 32 Central Avenue.

D. PUBLIC HEARING

- 1. MAUI REDEVELOPMENT AGENCY REQUEST FOR DESIGN REVIEW AND VARIANCES FOR THE CONSTRUCTION OF A NEW BAKERY AT 32 CENTRAL AVENUE, WAILUKU, ISLAND OF MAUI, HAWAII, TMK: (2) 3-4-012:046 (MRA 2008/0012) LENIENCY IS REQUESTED FROM THE FOLLOWING:**
 - a. Road widening requirement - MCC Title 16.26.3304.1**
 - b. County driveway standard - County Driveway Standard**
 - c. Landscape planter standard - WRAZ&D Title 30.14.010**
 - d. Projection limitation requirement - MCC 16.26 503.2.1**
 - e. Protected windows requirement - MCC 16.26 503.2.1**

Ms. Erin Wade: Thank you. I'm Erin Wade, the small town planner. I'll give the preliminary introduction to the case, and then the applicant will make a presentation. Okay. This property is located at 32 Central. It's at the corner of Central and Nani Street in Wailuku. It's before you today for two reasons. One, it's a new building being reviewed for design. And two, they're requesting a series of five variances to different codes in the Maui County Code. The first variance request is for the road widening. They're asking to be relieved from the road widening requirements – the Public Works Department. They're asking for driveway standard adjustment so that they can place the driveway closer to the property line than generally allowable. They're asking for a variance to the landscape planting and visual screening to enable them to create a planter area that's tapering in nature. It's a reduce in size of the required planting area. It's just one planter area from the whole site. And then two variances to the building code. Both dealing with projections into open space. Basically this is a requirement for fire purposes to keep a clear zone between the adjacent building or to an adjoining structure. So the fire rating requirements for that particular wall, they have enhanced those fire ratings in order to compensate for they projecting into the clear zone, essentially.

In terms of the design review, I provided in your staff report a few comments about design. In general, the whole concept is very much in keeping with the design guidelines, both in character of the building and the use of materials. The questions that were raised in the staff report include the use of vinyl windows and I think that should be a discussion item for you today. The material that they have selected is a vinyl but it is wood in appearance and I think it might be something that the board would like to consider as an option for a maintenance purposes. But it doesn't meet, at this point, the letter of the law for the design guidelines. In addition, the fence was not available at the time I wrote the staff report, so

that should be something that you folks take a look at as well today.

In terms of services and infrastructure, all are adequate surrounding the site at this time. The only comments related from the agencies on this property was related to the road widening. Public Works just sort of blankly recommends the widening regardless, at this point, until we create new standards for roadway within the Wailuku district which something that we will discuss as an MRA board. Other than that, I guess, that's a summation of my staff report. If there are any questions, I'd be happy to take them. If not, the applicant is prepared to make a presentation.

Ms. Betts Basinger: I'd like to hear the applicant's presentation, then we'll have question from everyone. Thank you. Hello.

Mr. Steven Heller: Good afternoon everyone. My name is Steven Heller. I'm an architect practicing in Wailuku. My office is right around the corner. This is a type of project that I've worked on over the years. I've been working in the small towns – designing for Wailuku town, Paia, and Makawao – so I have a sensitivity to this style of building. I have a very clear understanding of the guidelines. I also served for a number of years on the Urban Design Review Board. So I'm very sensitive to your position today, and let me assure you that I do know the guidelines fairly well. As a matter of fact, I was on the Main Street design review board as well. I was not for this project, but it looks like I'm going to continue in that capacity. I'd also like to say it's really been a quite nice experience working for this family. So they've really embraced me as sort of a minor member of the family, but we've gotten along really well. So I thank you folks for that.

You can see we have some boards to present, so I'll just move over here and just give you a little bit of an orientation. Can everybody see this? This is a –

Mr. Phillips: Set it up on the table?

Mr. Heller: I'd be happy to.

Mr. Phillips: Okay, great!

Mr. Heller: This is an architectural site plan, landscape plan. It was prepared by Russel Gushi. And you can see the very large shade trees in the rear of the property. The property is oriented towards Central Avenue with the main entrance right – I guess we'd call it caddy corner – to the corner of Central and Nani Street. And this was purposefully done to offer kind of a welcoming appearance. And you can see that, the focus of the rendering also shows that particular store front. If you have any particular questions, you can see these. There were a few trees that were removed, that has already been done.

We have hedge screen of areca palms. This tree in the planter, at the very front of the property, is a fox tail palm. And you saw the discussion in the staff report. But this is the planter that we've elected to try to under size. It shouldn't be a problem for that size of a tree. But you noted also in the staff report, we are in excess of the required parking. We wanted to make the parking as accessible for customers and for the business itself not to create any kind congestion within the parking. So there's adequate parking for this particular size of a structure and to also service the building with deliveries, et cetera.

Mr. Horcajo: Excuse me Chair? Can we ask question as he brings up a certain board, like the landscaping or wait?

Ms. Betts Basinger: I'd rather hear the whole presentation, then we can go back board by board if you'd like.

Mr. Horcajo: That's fine.

Mr. Heller: So, anyway, that's the overall site plan. You can see the orientation site plan. The building on this side of the property is several feet away from the property line. This is the parking lot right here. That's where this Senior Housing, that's more or less surrounds the property behind. Then there's across the street, on this side, is a single story commercial structure. Across Central Avenue is another single-story commercial structure. And then on the corner is the Minit Stop, KAOI Radio building – again a single story structure. And so as an architect when you look at a site, it's a new site, and you have to recognize, of course the zoning requirements, but in this case, the special district design guidelines. And to me, it's a question of well, how do we build a building that's going to blend in as well as you can. And so we have two things happening. We have single story commercial structures, and multi-story residential structures. And so that's where the inspiration for this particular design came. So more or less it's a hybrid. It's a mixture of one and two story. In terms of square footage building area, it worked out quite nicely in the program which I will get to when I get to the next board.

So I'm sure you've all seen this plan in a smaller scale. Essentially the retail bakery portion access through the double doors, is in the very front of the property – right in the front of the building – excuse me. In the back, you have a baking kitchen which is the, on the high side, and a catering kitchen. And essentially this is the business evolution of this particular company and they're looking to expand into a little bit larger facility and to serve in their market. And it's a direct response to that particular part of the program. In the back, on the ground level, you have just additional space for storage, for walk in coolers, that type of thing, and access delivery, et cetera, so it's a very, very simple floor plan. The construction is all masonry construction for the exterior walls. So essentially, that's a four hour fire protection. We have all the fire protection necessary by code.

I suppose that works pretty well. So you're looking at the roof plan of the lower level, and

the upper level which is basically a business office. It's accessible through a stairway right on this end. Thank you very much. If you look at the design elements of the building, again, it's masonry exterior walls. It's a parapet wall style on the single story portion. And to address the street frontage, we elected to use a canopy, a steel canopy, so it's corrugated metal roofing on a steel frame. It's a very, very common element in Wailuku, in construction. There's a variety of different types of constructions, but this project we were looking to use very durable materials, and to minimize maintenance, and that's how all of these materials were basically selected. So in addition to that, if you look at this plan, we realized that this is a four sided building. It's visible on all four sides. It's addressable on all four sides. And there's two things that led to. One was electing to bring the canopies around the back side of the building because we want to provide some rain protection for ingress and egress to the backs of the space. And we also were looking to mitigate the height of the wall to maintain that same character on the back side. And then the two story upper level portion, that I scratch my head a little bit on that. If you go through the guidelines, it really seems to focus on in fill. And there's a recent project on Market Street. I believe Maui Architectural Group had done which was an in fill building. And essentially, you can get around it, and you can see it, but it's main view point is a facade. It's an in fill facade. This is quite different. You're going to see this two story portion all the way around so I wanted to acknowledge that fact. And to use a hip roof on that, I thought was the best way. They're very vernacular in terms of local architecture. To me the overhang size is a very important part of the proportion of this, and important of the lines. And it also repeats, if you will, the same roof line you see on the building behind which is also a hip roof. It's in a I-shape, but essentially, it has very similar character. So, to me, that was very important. And the reason I mentioned that is it also led to having to apply for a very minor technical variances of the building code.

Let me see what I put in here. This is just a larger copy of the elevations that you see. I think this particular drawing tells a story quite a bit better. And these are some building sections that I have available if there's any questions to understand the basic construction. Again, the exterior walls are masonry. The roof framing on both levels are wood framings. This area is not required to be fire protected. It will be fully insulated. There will be suspended ceiling on the inside, so we're looking for energy efficiency. The air-conditioning spaces in the building which is essentially the retail in the front, we have to apply insulation to make that also meet building codes so we're not wasting energy cooling that area. It's a requirement and it is something that we elected to address in particular. The roof on the second floor is also a metal corrugated roofing and it will be fully insulated as well.

Are there any questions before I move on to a couple of details?

Ms. Betts Basinger: Continue.

Mr. Heller: I do have some samples of the colors. I can pass them around or I can put them here. It's whatever you choose to do. Those are the wall colors. Those are the

actual stow colors that we decided to use. This is a precast concrete ornament – you see that there. This is actually just a color sample. The actual ornament itself has a little bit more detail. This is the vinyl sample of the Millguard window, and if I could, I'd like to address that one particular comment right now. I also have a color sample of the roofing. This is a custom metal roofing. It's a Big Island supplying the corrugated metal. I'm sure you've seen this all around, and that's the particular color that we've chosen, that red. So we went through all of this choice process before this rendering was done. I guess you'll have to forgive the – there's a little bit of a distortion in this body color, but I think you'd agree that the earth tones mixed with the red, it works quite well.

So moving to the window selection. If you look carefully at this rendering, and if you look at the elevations, you'll notice that you're looking at quite a heavy profile on the windows. I understood that this was a requirement, and it's my recommendation as a professional, as an architect, to avoid wood windows in this climate, in general, and not necessarily because it's Wailuku, but just everywhere. It's a very wet climate where we get days, and days, and days of rain. Wood windows would have to be painted, and most likely that they're going to rot out. It seems – and they're very, very expensive, so they don't function that well. They tend to swell up. To me, it's just an outdated product. There are newer wood window products but the real good quality ones are clad and some other kind of materials. You'll see a wood window clad in the vinyl material, PVC. There's vinyl clad and various types of metals from aluminum all the way up to copper for the super high end windows. But I chose a Millguard window. I have some detail in my architectural plans which I made copies of and you can see that it's a heavy duty profile. I can certainly understand why the recommendation when it was originally made – I'm guessing it's been 15 to 20 years since those guidelines – since they've started coming up with the basic text. I mean that's just an assumption. But I know it goes back because I remember reviewing them way back. And at the time technology really wasn't available. They've come up with really very, very attractive windows. I've used them on commercial projects throughout the islands. I've used fairly nice vinyl windows on my own home. It's a good quality product and it have a very heavy profile. And if you walk up to it – unless you touch it and bang on it, you won't know it's not wood. And essentially that's the – why I made that choice to put this type of window into this building. It's economical. It's very, very durable, and if you see the color selection, this is the tan. They come in white and tan. We chose the tan because it also goes very well with the earth tones. So I can pass this around too. And these are scale drawings of the various two types of windows that we have. You can see that the profile is quite heavy. And if you want to measure, I have a scale with me. I think many of you are in construction, I think you'd understand what we're up against in trying to create durable buildings that are maintenance – low in maintenance. There's no such thing as maintenance free. That was essentially the objective and we have a particularly harsh environment.

Ms. Betts Basinger: Does that conclude your presentation?

Mr. Heller: I'm available to discuss any of the variance request. I'll go with what you want to do.

Ms. Betts Basinger: Thank you very much. I think I'll turn it over to the member for questions. Thank you. Bob?

Mr. Horcajo: Thank you Steve. That's a great rendering by the way. It's very high quality. Very nice. I guess I'm going to pass on the landscape. I had a question originally, but you had answered the question. The only – the actual variance issue is that planner ride through on the Nani Street side where that palm is so that's –

Mr. Heller: That's correct. We're just altering the shape slightly.

Mr. Horcajo: Okay. I appreciate your comments on the vinyl. I understand that. I guess I'm going to wait maybe after other questions because I was wanting you to talk about the other variance issues – the one having to do with the fire. I guess within fire setback. And I forget what the last one is.

Mr. Heller: It had to do with one particular window.

Mr. Horcajo: And the driveway. Yeah. The window. Projection limitation – what was that about now?

Mr. Heller: Would you like me to just discuss those two issues right now?

Mr. Horcajo: Yeah. The window and the projected. One more thing, I guess I noticed it wasn't in the – there was a comment from the Planning Department about the canopy – there was some issue with that. So, does that ring a bell to you? It was not a condition from the Planning Department, but there was a notation about, something about the canopy.

Mr. Heller: I remember seeing something in the comments. I believe it was from the Main Street Association. But this canopy is on property.

Mr. Horcajo: On private property.

Mr. Heller: No. Yeah, it is on private property, and it does meet the building code. There was no comments when it went through building code review, so –. This perhaps might not have been recognized as the case when it was reviewed by the design.

Mr. Horcajo: Alright, so if you can address the window issue and the other projection limitations, if you don't mind.

Mr. Heller: Certainly. Okay, when I came up with this particular design, I actually met with the Planning Department – Joe – and I also met with building division that does the code review. I explained to them what I was trying to accomplish. Essentially the projections are allowed to pass only one foot into the area where openings are prohibited, so this is kind of a complicated concept. You have a property line, if you're within 20-feet of the property, the walls are required to be rated. It's always required to have a parapet on it unless you put a rated roof on top. So that takes care of that. So we're closer than 10-feet. Now you have certain limitations on projections into that area. And this particular roof, because I wanted to maintain the proportions, this corner right here, projects in excess of one-foot. It's projecting an additional one-foot approximately into that particular area. Now I have rated the roof. The soffit is rated. The department, the building department, had no objection to that and they did not comment in the negative on this as well. So I cleared this before – I didn't want to do an up hill battle on something like this. I would've have to come up with a different design.

Mr. Horcajo: So, excuse me, Steve, are you talking that whole length of that northern wall? When you're saying which corner?

Mr. Heller: If you see the pink shaded?

Mr. Horcajo: Right.

Mr. Heller: That's essentially it.

Mr. Horcajo: Just that section right there.

Mr. Heller: So if you look at the size of the building, and you look at the impact of that area, that exceeds the allowable projection. It's just essentially what's shaded pink.

Mr. Horcajo: So basically if you reduce that width of that building by that foot, then that would not be a problem.

Mr. Heller: That's one option certainly. It's always a challenge on small lots like this to get enough square footage and get enough parking. And I think we've done a fairly good balance. We could have come right to that property line by code. It is a fire wall actually. It just doesn't terminate in a parapet. It's a four hour rated solid masonry construction, so that's about as high as you can get in this type of construction. And again, the roof has fire protection on it. Yeah, as you see the property line has an angle to it. Again, we could have taken the standard method, build a parapet on that wall, run it right up to the property line, then you'd get a big, flat, dead face of the building. That was something I did not want to do. I made the choice to do what I thought was the correct architecture for the building.

Ms. Popenuk: The soffit is fire rated?

Mr. Heller: Yeah.

Ms. Popenuk: What is that?

Mr. Heller: It's going to be double layer, type x. It's going to be a stow soffit. Essentially, that's an exterior finish system. So it's rated jibs and core. Double layer and then a plaster finish on top.

Mr. Horcajo: So the window you're talking about also that lower level.

Mr. Heller: Okay. The windows are slightly different issue. You can see there's a small red liner. It says 10-feet from property line. So if you look at that window on the front, it's just that portion of the window that falls into that 10-foot area. Again, when you're designing, you're really looking to get good balance with the fenestration and we want all the windows to match. So we're encroaching into that 10 feet area by a very small amount. So if you were to want – if you were forced to put a rated window in that opening, it would be a steel window essentially. We would have some type of wired or ceramic type glass in there. And not only are those windows three or four times as expensive as the standard window, but they're not very nice looking. So we didn't want a tail wagging the dog. But I think the key to understanding this issue and seeing the viability to allow this variance is the fact that right next door there's a parking lot. There's really no adjacency issue. The building behind there is relatively new. It's several years old. It's very, very unlikely, in the useable life of this building, would there be a building built next door because they couldn't, by code, alleviate their parking requirement. And so, to me, it would not justify their asking for a little bit of stretch on the code. And obviously, I knew from the very beginning that this board has the right to make these types of decision, in these types of situations. That was course that we elected to take.

Mr. Horcajo: So, Steve, I'm sorry, is there only one window or three windows?

Mr. Heller: It's only that one window that would be affected. There are three windows there.

Mr. Horcajo: Right. Because I'm saying if you get a scale between the property line and here, and you go up all the way up –

Mr. Heller: There's no more windows.

Mr. Horcajo: That's not a window?

Mr. Heller: No. That's just a plaster build out.

Mr. Horcajo: I see.

Mr. Heller: If you look at that one detail on the drawings. Let me show you that facade.

Ms. Popenuk: Does it matter then that's perpendicular to the property?

Mr. Heller: It's not perpendicular. That's the problem. It's because of the angle, it's open.

Ms. Popenuk: So, it's slightly off.

Mr. Heller: Yeah, it doesn't matter. If it was perpendicular, we wouldn't be here discussing this issue. And if the angle is the opposite angle as it is on the back wall, it's also not an issue. This is one of those corky little things about the code, and the code is written in black and white. You know, we're in an area that we have – we can look for grays here, and this is gray.

This particular elevation right here – the one we're talking about – that's our fire wall essentially. The idea is to use the two-toned plaster there. So these are build outs on the outside, and these are recessed areas. So it give you a feeling fenestration. To me, a blank wall can be just very unattractive, so I think you'll see these types of details throughout Wailuku where you get a little bit of relief, you get a sense of fenestration while not really trying to put in a fake window because fake window is fake.

Ms. Popenuk: Do you have space there for more depth? Could you, like, for instance, add pilasters or –?

Mr. Heller: Well, it's more or less a pilaster system. Those are four-inches thick, and it's repeated the same detail over here. Essentially those pilasters are overlays to the masonry, and they're build out to be four-inches. A building of this scale, I think that's adequate.

Mr. Horcajo: Yeah, it just didn't show the window – at least, it wasn't obvious.

Mr. Heller: This window that we're talking about that encroaches is right here. So it's only six inches of this window on the very front that fits.

Mr. Horcajo: It's on Central Avenue.

Mr. Heller: That's correct.

Mr. Horcajo: I'm sorry. I just assumed it was on the north side.

Mr. Heller: No. I'm sorry, I didn't make that clear. Does everybody understand that? We're talking about the window that we're asking for relief is this particular window right here. It's on the Central Avenue facing. You can see we're trying to create a balance to

get a large amount of, a relatively large amount, of fenestration to, you know, as a gesture towards the character of all the other commercial buildings in that area, and while also getting balance. That's really what we're talking about is that small portion of that. And you can see the obvious benefit in keeping the same window type and style.

Mr. Phillips: Steven, I have a question for you. Can you give me a little thought on what your ideas are for lighting?

Mr. Heller: For lighting?

Mr. Phillips: Yes.

Mr. Heller: Actually, we have architectural and engineering plan completed, and –

Mr. Phillips: Exterior lighting.

Mr. Heller: Exterior light. You can see in the rendering, we're showing decorative lighting underneath the canopy. And we didn't get them in to the rendering because I'm not sure what came first, the rendering or the design. But none the less, that's the concept. It's surface mounted, decorative fixtures.

Mr. Phillips: Anything in the rear for security?

Mr. Heller: That's a really good question. There are –. Well, the electrical code requires shielding on the lighting and we're working with ECM. We work with them on all of our projects. They really know what they're doing. They teach me about the lighting.

Mr. Phillips: I know ECM.

Mr. Heller: So, shielding on the lighting. If not under a canopy, it would have to be shielded so you're not lighting the night time sky. And I believe that's what they put in there.

Mr. Phillips: Are you planning on closing the parking lot in the evening when the facility is closed?

Mr. Heller: Personally, I haven't been involved in that discussion. I can ask the owners.

Mr. Phillips: The only concern is the security at night. People have a tendency to park over night.

Ms. Agcolicol: We've seen that even when the lot wasn't occupied. We've seen a lot of people gather and stay over there, but if it comes to that point, we'll do something about it. We can just put that big rope to close the parking lot. Because even in the front, it's

going to be a bare open space in the front also.

Mr. Phillips: Can you give me a little description of what goes on in the back parking lot areas – the off loading.

Mr. Heller: Well I can tell you what the architectural features are and then perhaps they can tell you more about the day to day operations. This is the rear facade on the very bottom. You can see there are door accessing the two major spaces – those single man doors – and then at the very end, you have a roll up door. I'm assuming that's for the deliveries. So there's a full loading space.

Mr. Phillips: Are they steel doors or –?

Mr. Heller: Yes. They will be painted steel doors – steel frame – painted steel, so they will have the secure. It's the best option for security actually.

Ms. Betts Basinger: Thank you. Chair recognizes Mr. Suzuki.

Mr. Suzuki: Thank you Chair. Couple of questions Steve. You know, Erin mentioned in her staff report that she had not seen the fence detail.

Mr. Heller: I have copies of that.

Mr. Suzuki: If you could just kind of explain that to us.

Mr. Heller: Sure.

Mr. Suzuki: I have another question after you finish that.

Mr. Heller: Okay. That was three – two. What we're looking at is a masonry retaining wall because the existing conditions on the property, the property falls off towards the senior housing project, and so we thought a masonry wall that builds up. It allows us to back fill the parking and control the drainage. On top of that, there's a vinyl fence. It's called out as three feet. This is a standard product that you're seeing more and more all over the island. You're seeing them being constructed in Wailuku as well. It has a lot of nice detail to it, but it also has the benefit of not rotting, and not needing constant maintenance.

Mr. Suzuki: What color is that?

Mr. Heller: It's white.

Mr. Suzuki: Is that a standard color?

Mr. Heller: The white is the standard color. Now to be honest with you, Mike Agcolicol was working on this and he did the research and put together this, but my understanding is they want to use a white one. I don't know that it's available in any other color. You probably know that.

Mr. Horcajo: Well, I think if just go drive on the street and look at the Kahikili Mauka project there, they have a gray field and then the white post. They have a lattice top. And there's beige also. So having the two tone, it actually looks real nice if you choose to go that route. So this is only on the eastern boundary.

Mr. Heller: Yeah, it's actually on two sides. It comes here and here, so it's on the retaining wall. So it's on the north end on east. It's an I-shaped fence.

Ms. Betts Basinger: Chair recognizes Warren.

Mr. Suzuki: Thank you Chair. So, staff, from the staff's perspective, what is your position as far as the color?

Ms. Wade: In terms of the design guidelines, there aren't any regulations related to the color, so I think that's kind of a discretion. You know, the building is earth tone, I think it would have been preferable to have the fence be earth tone. And if that's something that the applicant can explore that would be a good thing.

Mr. Suzuki: So in the past, in the Wailuku area, you know, I'm assuming that the fences have been placed, installed. Do you have any kind of recollection as to what sort of colors those fences are?

Ms. Wade: I do not know. I know that the chain link is the only thing that we prohibited in the past.

Mr. Suzuki: Okay. My last question.

Mr. Heller: Can I interject something? Did you folks review that small building that's below the Maui Realty suites on Wells Street? That wasn't part of your purview? Because that's also a brand new building with a brand new fence. It's that white vinyl. It's the same material. It's becoming more and more common. I'd also like to say that if there's availability for a tan vinyl, I don't see any difficulty in using that. And I can also look into the gray. I'm not sure the gray would go with this particular scheme. It really depends. There's warm gray and cold gray. And the cold gray doesn't look very good with warm tones, but certainly that's an option for us if it is a concern.

Mr. Horcajo: Fencing – I might suggest that the Maui Country Club is installing some vinyl fencing, six feet to five feet, tannish color with the white rail and post and the lattice top

within the few days, if that's something that you want to go down and look down and take some pictures of. Or maybe the Planning Department staff, you can see what that would look like.

Mr. Heller: Yeah, we can coordinate with Planning. It's not a problem at all.

Ms. Betts Basinger: Members, I think we, as a body, can make recommendations to the owner, so Warren, do you have any other questions?

Mr. Suzuki: Not as it relates to the fence types. I have something relating to, I guess, the road widening or the line on the sidewalk. I'm looking at your site plans, Steve, and you know when you talk about road widening, a lot of times what the County does when they impose a road widening lot requirement is to ensure that you have some sort of consistency as far as the curb face as you go down a particular street. I'm looking at the site plan here and the parcel that you have is on the corner, and on both sides, you know, past the corner, is a parcel that was recently developed into that, I guess, the multi-level, multi-unit project. In both cases, the curb face for that property extends further into the roadway. So I'm kind of wondering why are they asking a road widening lot for this particular parcel when the adjoining parcel which was recently developed, it has a curb face that extends even further into the roadway?

Mr. Heller: That's an interesting question. When the survey was done for this property, it was apparent to us that that curb faces outside of their property line, so it was built incorrectly. So it didn't seem logical or feasible for us to ask for anything other than building within our particular parcel. And so what we're suggesting – by the way, Engineering Dynamics did the civil engineering, mechanical engineering for the project. Doug Gomes is the engineer staff engineer, and this is his. Essentially, this was designed under his – you know, with him in consultation. And it was at his recommendation that we work with a six foot sidewalk and a six inch curb working from our property line, and then building the building right to that point. So we had no control over this sidewalk.

Mr. Suzuki: No, I realize that. I guess, as an engineering background, you know, when you drive down a road, you know, when you see your curb face kind of jot in and out, depending on which property it fronts, doesn't make a whole lot of sense. The intent is so you have a consistent line going down as you drive down a particular roadway. So for me, I'm kind of curious in terms of, how does it look in terms of the curb face on that side of the street as you drive down. Because if it's constantly jotting in and out, then I have questions in terms of what is the ultimate intent there as it relates to the curb face if there is some ultimate and some consistency in the curb face. I'm not real sure.

Mr. Heller: Right. I acknowledge your concern, and as a body, I know there was discussion and even a recommendation from Public Works that this be addressed at this body's level because frankly you're the only ones that can solve this. I mean, you go into a project like

this you realize that the County could ask you to dedicate half of the 56 foot or 60 foot right of way or whatever might have been the case, whatever your property is, and you do that kind of dedication, it kills your project essentially. I did the calculation, we'd lose 25% of the area because you can't make this any narrower. That is by code – the parking and the back up space. And so the building is basically what's left, and we have adequate turn around space back here, and then what's left is what works in terms of the economics of the project. This is an ugly little detail, and I totally agree with you and I wish it was different, but I don't see how this project can require the next door neighbor actually go out and rip out their sidewalk and build it correctly. That was the problem.

Mr. Suzuki: Are you stating it was installed incorrectly?

Mr. Heller: That's what I gather. I don't know that for a fact, so I couldn't swear that in court.

Mr. Suzuki: Because you need to be careful in terms of what sort of comments that you make, but something that, from what I can see doesn't align –.

Mr. Heller: It doesn't align, and you can see where the property corner is.

Ms. Betts Basinger: Chair recognizes Ms. Popenuk.

Ms. Katharine Popenuk: Is that going to be an accessible transition from neighboring sidewalk onto your sidewalk there?

Mr. Heller: Yes, it lines up. It aligns.

Ms. Popenuk: And on the back side too, it's accessible?

Mr. Heller: Yes. Absolutely.

Ms. Popenuk: Great. Good.

Mr. Heller: Yes, this is accessible in both.

Ms. Popenuk: Okay. In general, I'd say this is a great looking building. This would be a real improvement for Wailuku town. I do have some concerns about the north elevation because I think what you said earlier is completely true that this is a four sided building. There is no back side to this building, and especially because of the neighbors, the parking lot, that facade is going to be very visible, a very visible facade. Is there – do you have a four hour wall between yourself and the property line? And did I understand correctly that that wall actually could be right inside the property line? You have some additional space that you could work with there?

Mr. Heller: Well, we are working with the space. If you look at this design, there is an existing hibiscus hedge, a partial hedge, and our idea was to work with the same planner and making that hedge, making a contiguous planning and that was the intention.

Ms. Popenuk: So their hedge sort of comes into your planter. It becomes all one planter visually.

Mr. Heller: Exactly. I can show you. You can look at the detail here.

Ms. Popenuk: Okay good.

Mr. Heller: You see how the property line actually skirts – that planter goes right through the middle of it and so they have a hibiscus hedge on their side, and the idea was to use hibiscus rather than asking them to tear out or volunteering to tear theirs out and rebuilding it. It's hard to say how these things go. And then, I mean, hibiscus gets pretty tall, so we should be able to get, you know, six foot of cover on that wall without that much trouble.

Ms. Popenuk: In terms of that wall, I see a lot of detail – really interesting – nice details that appear on the other facades. The west elevation – they're all really rich elevations. And then I see as we return to the north side of the building, we really lose a lot of that richness. I wondering if there's any way to, like the plaster build out for instance at the base of the building or more pronounced pilasters at either end of the stair enclosure or maybe some medallions, use of the medallion or something, that will bring that elevation which is going to be just as visible as any other elevation up to the standards of what you've got going on other elevations. Is there a possibility to do that?

Mr. Heller: Sure. There is a possibility to look at this – some other opportunities for design enhancements on that particular wall. How would you foresee that happening from a particular matter. Do you want us to work with Planning?

Ms. Popenuk: No, that I don't know.

Mr. Horcajo: I've got a comment about that Chair. On that north wall, they're all going to be the same color, or what was recessed is going to be a different color? That may help solve that issue.

Ms. Popenuk: Color would help.

Mr. Heller: Well, here's what my intention is. If you see the pilasters being the dark color in this, that's what I would see happening.

Mr. Horcajo: On the inside?

Mr. Heller: No, on the outside. And then have the light panels on the inside.

Ms. Popenuk: . . .(inaudible) . . .

Mr. Heller: No, that's my intent. I can see that we can leave no stone unturned because if we do, you guys are going to over turn it. So had I anticipated that question, I would have colored up that elevation.

Ms. Popenuk: What about extending the plaster build out at the base of the building. Is that feasible?

Mr. Heller: Well, there's other ways to do the plaster build out, and this is what I had chosen. Essentially, the plaster build out goes from pilaster to pilaster, so it's purposely done that way so that it – when you run those around pilasters, they have a tendency to get kicked and banged, and so that was purposely why I didn't do that. And that, again, this would be completely concealed by planting, so doing more detail at the bottom of the wall, to me, isn't necessarily going to be effective.

Ms. Betts Basinger: Members, any other questions related to the variances that are being requested?

Mr. Horcajo: I do have a question and that's – and this is more just a general question maybe to Steve as an architect and maybe to Planning staff. The issue of that window – and again I'm not – I understood that that issue only refers to the wall that would face, in this case, north. And I bring that up because this body had looked at the ECM plan on Market Street. And for me, based on this interpretation, the existing windows that are on the south side of that ECM building, that glass, would be well within 10 feet. In fact, more than one. And that issue was not brought forth as needing some kind of variance. So there's all this existing buildings that have been renovated. For me, it only pertains to the wall that faces the abutting parking, not so much the street side, versus they're asking for that variance where it faces the street. So for practical purposes, I'm curious whether you shouldn't be here for that variance given what we looked at on some other projects.

Ms. Wade: Well, have you talked with Development Services Administration who did the review with Steve prior to coming to me, the variance for the central base of the building's facade, the window furthest to the north, that variance would be required. I don't know about the other project. Perhaps Steve could answer. Does the diagonal nature of the property line have anything to do with this?

Mr. Heller: Yeah it does. If you're at 90-degrees, it's not an issue. For some reason, that's the way the code is interpreted, and that's actually in the commentary to the code.

Mr. Horcajo: But this is more than 90 right?

Mr. Heller: It's more than 90, so it's also a requirement. There's a little diagram in the commentary. It's not in the code. And if you don't have the commentary, you're stuck. But if the angle is open, more than 90 degrees, anything within that 10 foot setback has to be—

Mr. Horcajo: Less than 90 – 90 or less, no. More than 90, yes.

Mr. Heller: Yeah, that's correct.

Mr. Horcajo: Interesting.

Mr. Heller: Yeah, it's very interesting.

Mr. Horcajo: Thank you.

Mr. Heller: And why doesn't fire go at 90 degrees? But that's not an official comment.

Ms. Betts Basinger: Chair recognizes Mr. Suzuki.

Mr. Suzuki: Thank you Joe. Real quick question Steve. On your canopies, how are you finishing your ends? Is it open or are you closing it somehow?

Mr. Heller: There's actually a metal molding. So the canopy is steel tubing and then there's like a drip angle on the edge. Oh, you're talking about the ends of the canopy.

Mr. Suzuki: Right, the ends.

Mr. Heller: Good question. No, they're open. The canopies start and stop at the pilaster, and here, you can see that. They're intermittent, and that's purposely done that way. So they were meant to be very, very light, and that's what we did.

Ms. Betts Basinger: Yes Mr. Phillips?

Mr. Phillips: Hi Alexa. Little comment on the traffic impact. Did you do one?

Mr. Heller: No, we were not required to do a traffic impact report. I know that Erin had done quite a bit of work on that particular issue which she would perhaps –

Mr. Phillips: Could you elaborate a little bit?

Mr. Heller: – elaborate.

Ms. Wade: I think for me and researching the project, the traffic impact was probably one of my number one concerns. They are providing a lot of on-site parking, more than what

is even required, so that was a positive in terms of the parking availability. The challenge though, given that this site will not be built out, the senior housing site was recently built out and the Wailuku Clinic will be coming available shortly, is going to generate a lot of additional traffic. Now when O'oka Supermarket was open, the traffic was there, and now we haven't had it, and now it's going to come back again, so it's kind of difficult to judge exactly what the impact is going to be at this point. And how much different the impact of the Wailuku Clinic will be, as oppose to the O'oka Supermarket – is it about the same? I think that's what the staff report said. That they anticipated about the same level of traffic with the supermarket and the Wailuku Clinic.

Now the traffic for the clinic, though, now, can only enter and exit off of Nani Street. So with it not being able to go out onto Main, and with the Four Sister's Bakery only being able to use Nani Street, my major concern was the left turn stacking at the light on Central at Main Street. I mapped it out. It fits eight stacking cars, or eight cars can stack up to the point of Nani Street, which is perfectly fine during most times of the day. During peak hours, the traffic stacks up past Nani Street. So, I guess the analysis, though, that we came to in talking with both Public Works and the Development Services Administration, and I talked to Department of Transportation relating to their bus stop, the bus stop is currently on Nani Street, and will be relocated to the Wailuku Clinic, so that won't be an issue once it's relocated.

I think everybody just kind of agreed that this is a condition of Wailuku. And one of the things that we need to work towards is better pedestrian facilities, additional bus stops within the area, and maybe some additional signage. So additional way finding signs, they're turning towards Iao Valley is not your only option on Nani. You can turn left, and loop out and go around at that intersection as well. So there might be some additional way finding signage that needs to occur and that the MRA can be a part of. But it probably doesn't need to be the responsibility of Four Sister's because their impact is small while the cumulative impact is large, but theirs will be fairly small.

Ms. Betts Basinger: Thank you. Members, any other questions related to the variance items? Okay, at that point, staff?

Ms. Wade: We had a series of recommendations. Well, we recommended approval of all five of the variances with a series of 24 conditions, so I would direct your attention to those.

Alright, I'll go through these condition briefly. The conditions –. Well, I guess, I should state for the record the reasons for approval of the variances. In terms of the first variance which would be the wavier from the street widening requirement. We felt that it met that the applicant's justification met the criteria for variance approval relating to local practices and customs stated in 30.16.080. As you know, there are four conditions or criteria for approving a variance. If the variance meets one of the four criteria, it can be deemed

accepted by the board.

The second was the driveway apron variance. Staff felt that this variance was justified due to their criteria relating to accepted practices in the district. There's several driveways that either straddle property lines or that are immediately on the property line within the Wailuku district.

For the planter area, staff believes that the applicant's justification meets the criteria for approval relating to improved or compensating features. The provided fox tail palm, which, when I called the landscape architect, and we have an in house landscape architect now who I also called, to discuss the species and they let me know that the particular species is perfect for what they want to do because the roots will remain within the planter area and will not encroach out into the parking lot or up lift the sidewalk in any way, but it still will have an adequately sized canopy. The only thing that our in house architects suggested was a potential use of a native species plant and lauhala could be used for that if we wanted to go with a native species, but it can have root encroachment. It's additional maintenance requirement.

Item no. 4 was the fire resistance walls requirement. And due to the situation of the property line not being in a 90 degree angle is a unique situation, we felt that the criteria for variance approval relating to improved or compensating features was met given that they provided the fire rating necessary and that the adjacent lot was likely to remain vacant and open. Where in most situations, that's not the case. In other circumstances I think staff would feel more comfortable requiring an easement agreement for that space if encroachment was larger. But given that this encroachment is exceptionally small and it's just a minor detail of the building and it allows them just basically to have a more appropriate roof style than normal, it was relatively minor.

And then finally the fifth variance, again, with the fire resistance walls, staff felt that, again, they met the compensating features requirement.

In terms of conditions of approval, we requested that they be in accordance with final construction plans. That appropriate measures be taken during construction to mitigate the short term impacts of dust, wind, ambient noise and traffic. The third one is a requirement for insurance. The fourth one is full compliance with all applicable governmental requirements. Often as we know, as you get into a project, you realize you've got additional things that come up and all of those will need to be met. If they cannot be, they will need to come back to the Maui Redevelopment Agency. No. 5, exterior building lighting be – down lighting be used. No. 6, employee parking shall be accommodated on the project site and not within the County right-of-way, or off site with a lease agreement would also be acceptable. Seven, a building permit shall be obtained. Eight, full archaeological monitoring shall occur during all ground altering activities associated with the project.

Public Works requested the following conditions – that domestic fire flow calculations be recorded for the building permit process. That an approved back flow preventer shall be required to the satisfaction of the Department of Water Supply. And that Best Management Practices designed to minimize infiltration and runoff from construction shall be implemented during construction.

The Department of Environmental Management requested that waste water contribution calculations are required before the building permit issuance. Waste water system capacity cannot be insured until issuance of the building permit. And #13, the developer shall pay assessment fees for treatment plant expansion cost in accordance with ordinance setting forth such fees. Plans shall show the existing single service lateral and property manhole. If the existing service lateral is not adequate for the project, it shall be upgraded. If a property manhole does not exist, one needs to be installed. No. 15, proposed project shall comply with all applicable pre-treatment requirements. No. 16, non-contact cooling water and condensate shall not drain into the wastewater system. And a plan for construction waste recycling, reuse and disposal will be provided to the Solid Waste Department prior to commencing of the construction. And I did speak with the applicant about that one, which is being worked out.

The Department of Health asked for compliance with Hawaii Administrative Rules, Chapter 11-46 “Community Noise Control.” The Department of Land and Natural Resources requested an archaeological assessment/inventory survey shall be conducted to determine whether significant historical properties are present. A report on the findings of the survey shall be submitted to the State Historic Preservation Office.

And finally the Planning Department had a series of five conditions. One, that no road widening lots shall be created along Nani bordering the property or improvements made to public facilities. However, a sidewalk shall be constructed on the subject property along Nani Street and Central to the satisfaction of the Public Works Department. No. 21, that a sidewalk with minimum width of six feet wide will be provided and maintained by the applicant parallel to Central Avenue and Nani Street. No. 22, the appropriate planting shall be selected for the planting areas insuring adequate space for the healthy root development. All planting shall be maintained in a healthy state and replaced in a timely manner if plantings fail to thrive. No. 23, that windows and doors will be blocked frame vinyl – will not be block framed vinyl construction. All windows shall be real wood frame, and this is one for your discussion. And no. 24, the appropriate material finishes and color palette shall be submitted to the Planning Department for final approval prior to issuance of a building permit.

Ms. Betts Basinger: Thank you staff. Members, do I hear a motion?

Mr. Heller: Excuse me? Might I ask a question?

Ms. Betts Basinger: Sure.

Mr. Heller: Actually, I have two questions. First of all, as part of the process, we were told that an archaeological survey was required, and that has not taken place. Now my question is wouldn't it be normal course that you get the survey done first before requirement for monitoring is made? Or is that automatic on every project?

Mr. Phillips: It's automatic.

Mr. Heller: It is automatic. Okay.

Ms. Betts Basinger: Is the applicant comfortable with the conditions?

Mr. Heller: Well that was one issue that I had. I wanted to clarify that.

Ms. Betts Basinger: Any other conditions that you have questions about?

Mr. Heller: Yeah. Well, I have a question certainly about the vinyl frame windows because I thought that was the correct material choice.

Ms. Betts Basinger: And we did hear. Yes, Mr. Suzuki.

Mr. Suzuki: Question on the vinyl window. And I'm not an architect so I'm not too sure in terms of just the structural integrity of it. You know, all too often we've seen vinyl type of molding that when you look at it, it looks good. But the moment you touch it or you leave it for some time, then it doesn't hold up as well as let's say wood. I'm not sure. I mean maybe Raymond can help us on this. But I'm not too sure – with the type of material that's been proposed here, you know, will it last through the years that we would like it to last? It's clear to me that it does look like wood when you look at it. But when you touch and feel, and when you leave it for a while, you know, is it going to be like wood to some degree?

Ms. Betts Basinger: I have a question to the applicant. Is this a vinyl clad product?

Mr. Heller: No. This is a –

Ms. Betts Basinger: – solid vinyl.

Mr. Heller: Well, it's actually not solid. It's a –. That's the actual color sample, and if you look at the details, it's a – I'm not sure how to – it's more a matrix than a solid.

Ms. Betts Basinger: You don't happen to have a sample with you, do you?

Mr. Heller: I don't have a sample. I do have the detail.

Ms. Betts Basinger: I saw the detail.

Mr. Heller: You can see the section through it. It's made up of many small chambers. And so these have been designed over the years to actually mimic a wood frame window. Millguard is a very reputable company. They, from what I understand, probably supply more windows than any other company does to Hawaii, so this product is design partially for this particular environment. And my experience is it's a very, very durable product, and it would last. And it doesn't require painting that a wood window would require painting. Somebody could put a wood window. And you can get them in various styles and manufactures and things, but a every couple of years, they're going to have to be repainted and that's a maintenance issue.

Ms. Betts Basinger: Thank you. Mr. Phillips?

Mr. Phillips: I think continuing on with what Warren was discussing. Millguard makes quite a few windows and have you approached Millguard to show them what the purpose is and what windows might be appropriate particularly with the structural requirements in the . . . (inaudible) . . . ?

Mr. Heller: You know, I've had a lot experience, you know, with various window manufactures. I did not, in all honesty, call them and talked to them about this one, but I'm quite familiar with their product. And let me assure you, this isn't your run of the mill, basic residential or "builder" window. And I wouldn't put that in anything that I've designed anyway, and certainly not for a commercial project. This is a relatively high end commercial style window. It's called a Tuscany replacement window, and it's made specifically to fit within the masonry opening. I think the window that you probably most object to are the nail on build style windows, and those got very narrow frames and unequal vision lights, and typically those are cheap sliders. And I can assure you, these aren't cheap sliders. These are actual operable.

Mr. Phillips: Warren, are you concerned with the structural integrity of the window?

Ms. Betts Basinger: Chair recognizes Ms. Popenuk.

Ms. Popenuk: I am an architect and we specify vinyl windows all the time, so I think vinyl window is a great product. Of course, depending upon manufacturer and I think Millguard is a good manufacturer. When we look at the detail, we see that the window is set in an opening that is covered with like a plaster finish – that sample that went around – so it's not like it's got a vinyl frame around it. From the detail, it appears to be a plaster finish that it's set into and then it sits on a pre-cast concrete sill, so it's like a stone like or plaster like sill that it's sitting on top of. So the vinyl portion of the window is actually that portion that

surrounds the individual panes and the moving parts of the window. So it's a very low key on the vinyl aspect of appearance and it appears that it's more plaster finish, concrete, pre-cast concrete sill that a person will actually be looking at. Wood windows are very demanding in terms of maintenance. Whereas in some climates, it is very appropriate. Here in Hawaii, it's, I would say, less appropriate.

Mr. Horcajo: So Chair, excuse me?

Ms. Betts Basinger: Yes Mr. Horcajo.

Mr. Horcajo: As far as the vinyl window option, I will tell you, I will vote in favor I guess of them being allowed to do the vinyl. But a comment to Steve in this case, are you folks willing to specify the brand, actual style which would then tell us the actual quality. You had mentioned Tuscany replacement. You know, would that be something that you folks would be able to live with? You know, because I know like Millguard has, I think it's called a Renaissance series which is a clad type of window. So that's my point. And so we know when we leave here, if we say yes, it's of a quality that you're saying is not the run of the mill vinyl window you would find 10 to 15 years ago.

Mr. Heller: What I can say is that it's written in the specifications for the project, so that's essentially my effort. As the architect, I write the specifications and it's in the project drawings. The drawings that have been submitted for permit, and the drawings that will be out to bid. I didn't really see another company's options, so I'm assuming that's what's going to be used.

Ms. Betts Basinger: Thank you. Chair recognizes Mr. Alueta.

Mr. Joseph Alueta: Thank you Madame Chair. I just wanted to ask a question because again I'm concerned again also with the vinyl window. What was --? Have you looked at either a clad or wooden clad window, either an aluminum? Again, I have the same issues that Mr. Suzuki has with regards to the look of them. I've seen wooden -- it seems as if that wooden clad windows the ones that I've seen both on a commercial and a residential scale have the look as far as the exterior. They reduce the cost. As far as the maintenance issue with regards to the exterior. Although the interior keeps the wood grain, and then just the beefiness, I guess, or the look of it is maintained with the wood, but it has that benefit of the vinyl cladding. Was it purely a cost issue? Because at least the ones I've seen, they're slightly more expensive obviously for wooden clad than a pure vinyl window. Was that the only consideration in here?

Mr. Heller: Well, as I tried to explain, I've used high quality commercial vinyl windows on other projects, and it's just in our palette and our bag of products that we can use. It seemed like a logical selection. I did consult with the owner's representative and we just seemed to agree that was a good way to go. And price point is certainly important.

There's a lot of glass on this project, so we're looking for something that had the beefiness, had the look and feel, but also had the longevity and the low maintenance. That's basically all I can tell you.

Ms. Betts Basinger: I have one question. In your report, do I recall that you stated that the vinyl was a wood look?

Mr. Heller: Yeah, that was written that way. Correct.

Ms. Betts Basinger: And Ms. Popenuk, what is the diameter that you're talking about that will be exposed inside the plaster – outside the plaster and concrete?

Ms. Popenuk: He submitted a detail here and it looks very minimal. I'm not sure what the scale is.

Mr. Heller: . . . (inaudible) . . .

Ms. Popenuk: So it's set in to the openings. It's set back into the openings.

Mr. Heller: Yeah. Overall, it's –. This is about three and a half. It's slightly less than that, which is four inches. So it's got –. It's not . . . (inaudible) . . .

Mr. Suzuki: Chair?

Ms. Betts Basinger: Yes, Mr. Suzuki.

Mr. Suzuki: I do share a concern because it does have a look, but as I said, it's still hollow inside, and I've got a question. Again, I'm not an architect. I don't press to be an architect, but I'm still not convinced that, you know, from the standpoint of structure, integrity and durability, it will hold up given the location, you know, given the area where, it's location, where the people will be able to touch it, feel it, and could potentially do something to damage it.

Ms. Betts Basinger: Thank you. And not to mention that there are many windows, beautiful windows on this building, so it has a big impact. Any other questions members?

Mr. Horcajo: I guess if we're in the discussion phase, I did –

Ms. Betts Basinger: Well, we didn't get a second but if we get a second.

Mr. Horcajo: We didn't get a motion.

Ms. Betts Basinger: Yeah, so we're not really in discussion yet. I asked for a motion.

Mr. Horcajo: I make a motion to approve subject to certain conditions/changes.

Ms. Betts Basinger: Any second for discussion?

Mr. Horcajo: Alright. Well, we're going to have discussion right? So I'm just going to make a motion. I guess, there a few issues that I want to ask questions about, so what's the proper procedure?

Ms. Betts Basinger: Would you like to motion approval for all variance as requested?

Mr. Horcajo: Subject to if we're going to have discussion and then I can ask question.

Ms. Betts Basinger: We will have discussion.

Mr. Horcajo: Okay. So I make a motion for approval as report as submitted by the Planning Department.

Ms. Betts Basinger: A second?

Ms. Popenuk: Second.

Ms. Betts Basinger: It's been moved and seconded. Let's move into discussion.

Mr. Horcajo: Okay. One of my main issues was item #8 having to do with archaeological monitoring, and I realized that a comment was made that it's kind of standard. So I'm of the opinion that – well I wrote in my notes here that it should be required if SHPD requires it. That's kind of where I'd be coming from. Because that hasn't been done yet. And again, it maybe a standard condition that comes out of the Planning Department, but as someone being on the other side of the fence, sometimes he'll look at it as maybe unnecessary unless SHPD says it's required because that's really the ultimate body who determines whether there should be a monitor on site. So my potential revision was to add at the very end, if required by SHPD.

Ms. Betts Basinger: Let me ask the applicant. Have you been required to do an archaeological survey?

Mr. Heller: The requirement came through in the building permit review process, so we are required to provide the survey, yes. And that's why I brought this up too because, you know, from an economic point of view, you can spend a ton of money on this stuff. And we're in an extremely difficult economy right now, and business is difficult enough in the normal economy, and to have an extra requirement for monitoring on a project without a specific reason for it, without an agency specific requirement is undo burden in my opinion.

Mr. Horcajo: Another comment on #8 and this is more for maybe the Planning Department consultants is that we all should know that an inventory survey is required subdivision project so it would be smart to start it well ahead of the game because they're so back logged. So I do have some concern that the project will be delayed because you've got to do the survey, you've got them to approve the survey with or without a monitoring plan. So just, as on the side, I'm not sure if Planning Department – when somebody submits an application, that you might want to suggest, hey, you guys are probably going to require and need an survey, maybe you guys should talk to your consultants and start get started.

Ms. Wade: We actually talked about – we did talk about it, but because the FABMAC house is on the location presently, the inventory cannot being until after that's relocated. So, we did have a conversation about that.

Ms. Betts Basinger: Do you have some idea on the depth of the excavation you're going to be doing?

Mr. Heller: We haven't had any surveys. We've actually talked to several consultants and have gathered proposals and that's the extent to which it's been taken.

Ms. Betts Basinger: My feeling about this having been through it before too is that this is an important thing, and in Wailuku, there are a lot of inventory that seem to be dug up when we're excavating. But the monitoring is only during a portion and it's just during the initial excavation of the lot, not throughout.

Mr. Horcajo: You know, I realize that because for me, undoubtedly, when they trench for utilities, when they trench for footings, when they trench for the bench footings and stuff, they're going to have to get below sub grade. The law already requires that if they find something that is potentially there that they have to stop. I mean, that's in the law.

Mr. Betts Basinger: Mr. Phillips?

Mr. Horcajo: I'm looking at from whether it's not required by SHPD because they are the ones who make that decision ultimately, not us, not Planning.

Ms. Betts Basinger: Correct. Mr. Phillips.

Mr. Phillips: You know, I think that as Steven remarked initially there's an initial investigation that's done for an archeological survey. And if there's anything that appears to be on the surface of the lot –. I think this lot has been used so much, so often by so many other users that there's probably nothing on the surface that's going to be available, and you know, it's going to give anybody an indication. So if during a process of initial site work – and have you had a civil that's laid out any of the foundation work for you?

Mr. Heller: Not at this time. No.

Mr. Phillips: No structural? Nothing like that?

Mr. Heller: No, well, there are structural and civil engineers involved in the project, but we haven't done any construction work – lay out and that type of thing. Essentially the parcel is leased to FABMAC as I know that you approved their application, and it just kind of put us in a, I guess, positive cash flow during the holding pattern because permit process is extremely lengthy.

Ms. Betts Basinger: Chair recognizes Mr. Suzuki.

Mr. Suzuki: Madame Chair, I move to amend condition no. 8 to incorporate the proviso that it is required by SHPD.

Ms. Betts Basinger: Thank you very much. So it's been – well, I shouldn't –

Mr. Horcajo: Second.

Ms. Betts Basinger: Okay. Do you accept that amendment?

Mr. Horcajo: Yes I do.

Ms. Betts Basinger: Thank you. It's been moved and seconded to add a proviso to item #8 as stated by Mr. Suzuki and everyone has agreed.

Mr. Horcajo: Chair, I have my, maybe, last comment here and that has to do with no. 23 – well no. 23 and no. 24. I guess, let's start with 24 that the proviso would be to say that appropriate materials, finishes, and color palettes of buildings and fencing shall be submitted to the Planning Department for final approval prior to issuance. Again, because we had discussion about fencing, and I agree, I would personally not rather see just an all white fence and there are options of a tan color or the gray color. And the tan would make sense. And the fact that this condition talks about the Planning Department looking at colors anyway, I would like to include fencing in that condition no. 24.

Ms. Betts Basinger: Is there agreement members? I see by nod of head that there is so condition no. 23 – excuse me, 24 – we'll add the language to include fencing materials.

Mr. Horcajo: Yeah, so I'm saying, have the color palettes of building and fencing because I think that just refers to the building, so I'm being specific – building and fencing. And then my last comment, I guess, is no. 23 that I would vote to delete that recommendation 23 from the recommendations I guess.

Mr. Phillips: What is it?

Mr. Horcajo: I making the motion to remove item 23 as a condition of this approval.

Ms. Betts Basinger: Do I hear a second?

Ms. Popenuk: Second.

Ms. Betts Basinger: It's been moved and seconded to remove item no. 23 as a condition. All those in favor, say aye.

Mr. Horcajo: Aye.

Ms. Popenuk: Aye.

Ms. Betts Basinger: Oppose, no?

Mr. Phillips: No, I'm in for it.

Ms. Betts Basinger: So it's three nos, two ayes, the condition remains.

It was moved by Mr. Robert Horcajo, then seconded by Ms. Katharine Popenuk to remove condition #23 – MOTION FAILED.

**Assenting: Ms. Katharine Popenuk, Mr. Robert Horcajo
Dissenting: Ms. Alexa Betts Basinger, Mr. Raymond Phillips, Mr. Warren Suzuki)**

Mr. Horcajo: I'm done.

Ms. Betts Basinger: Any other discussion of conditions members? So we'll go on to the vote. All those in favor approving with the amended conditions, indicate by saying aye.

Agency Members: "Aye."

Ms. Betts Basinger: It's unanimous.

It was moved by Mr. Robert Horcajo, seconded by Ms. Katharine Popenuk, then unanimously

VOTED: to approve the Planning Department's recommendations subject to the amendments as discussed.

Ms. Betts Basinger: Thank you very much. Moving now members to agenda item G. We'll do the Planning Department update. We're skipping F, we're moving on to your report Joe. Thanks.

G. PLANNING DEPARTMENT UPDATE

- 1. Update on Proposed Projects and Enforcement**
 - **List of Projects**
- 2. Briefing on multi-agency meeting on April 20, 2009**
- 3. Cash in lieu update scheduled for May 27, 2009**
- 4. MRA Expenditures and Budget Update**
 - **Staff recommendations for expenditures**

Ms. Wade: You want me to do the report?

Mr. Alueta: Yes.

Ms. Betts Basinger: Why are you standing there?

Mr. Alueta: I'm going to do your orientation.

Ms. Betts Basinger: We're doing that last.

Mr. Suzuki: That's last.

Ms. Betts Basinger: We voted earlier.

Mr. Alueta: Okay. Thank you.

Mr. Horcajo: Chair, regarding this issue of traffic stacking just for comment – because I have an office in Wailuku and I go through Central often.

Ms. Betts Basinger: Can we save that till after we finish the base of our meeting? Thanks. Erin?

Ms. Wade: The proposed project –. I'm sorry, the proposed projects list update and enforcement, Leilani passed around the TMK record. It doesn't look a whole lot different than it did last month. I did speak with the planners though that have open projects on here. Obviously everything that says Wade is my project. And then those that say Prutch – that Ditmars project is the one just mauka of Unisan on Vineyard Street. You'll see it has blue tarps and stuff kind of on the building, and I asked him to pull the file for me. The last

communication was in July in 08 so I will be following up and kind of taking on that file here shortly I think. The two, or the three, that are Danny Dias projects – the Uptown Foodmart – he was still waiting for final clearance on something, but he said he can close it. He was out these last couple of days though. And then the other two are still open – the Banyan Tree and the deck replacement – both of those are still open and have not been finalized. So the rest – the first two, the parking stalls, that's on hold waiting for additional applicant information. Ordonez house is waiting for after-the-fact fees. We just heard the Four Sister's Bakery, so that will be off the list next time. Down to the Inn on Vineyard, we are still waiting for agency comments. That one has been circulated for agency comment, and I am now waiting for the applicant to revise his application based on agency comments. Kahikili Terrace has that letter of approval has already gone out actually, so that will be closed within a couple of days probably. And Kahikili Terrace was just basically deferred maintenance. It's a painting, re-roofing, solar panels, that type of things.

Okay, no. 2, a briefing on multi-agency meeting on April 20th. Based on some of the comments that I heard from applicants that have come to the MRA in the past, and from the Wailuku Main Street Association, and just general concern about the processing from the point that the project leave MRA through construction. Most applicants are very pleased up until the MRA approval and then they actually get into the real world of construction and realize they needed a lot more variances or there's a lot of cost associated with installing fire hydrants, things that weren't brought up early on in the process. So I passed around a sheet, or a couple of sheets that identify what were outcomes of that meeting that we had. In attendance were representatives from the Public Works Department, Engineering Division, and Development Services Divisions, the Fire Department and Planning. And it was a very positive conversation. I think the outcomes will be a lot of work for the MRA. Basically fine tuning our codes and one of the biggest ones that we heard again today is identifying roadway standards for the MRA district. That would be a big help for applicant coming in to not have to do the road widening. And it's probably important that we identify pro-actively what types of roadways we would like to see instead of reacting each time a project comes in. So that's for your information purposes and if you have any questions, I'm happy to answer them.

Ms. Betts Basinger: Do we have an inventory, Erin, regarding roadway standards – an inventory in the MRA district that designates areas that fall below standard?

Ms. Wade: You have your Redevelopment Plan Town Assessment, and that indicates basically for each roadway what size – and this is for all infrastructure – so you have water, roadway width, fire suppression, everything is here and it says the County standard and what it currently is and then what the, either deficiency – how much it's deficient or if it meets the standard. So this is basically still up to date. It was done in January 2000. There haven't been that many improvements in Wailuku. And you'll see from those comments, the only thing that's coming up is the water line on Vineyard has gone out to bid now for replacement to a 12-inch line. It's currently a six.

Mr. Horcajo: So Erin, or maybe Joe, did we get a copy of that with the original packet we got?

Mr. Alueta: Yes.

Mr. Horcajo: We did. Okay, so I have that. Regarding your meeting, I was just curious, was Water Department fairly receptive to standard deviations from what they require for fire protection and fire flow standards?

Ms. Wade: No.

Mr. Horcajo: Okay.

Ms. Wade: And I think that's probably – it's for the health and safety for everyone. There's not going to be a lot of opportunity to vary from their requirements for water and fire suppression. There might be additional in kind things, you know, if they want to fire rate to a four hour. Where they're required two hour, maybe the fire suppression is less. Maybe those agencies can work together. I think just having everybody in the same room and opening up that dialogue was good.

Mr. Alueta: Sure, and I think also on from past experience is like they seem – in dealing in outline areas say like in the rural Ag district, we can sort of apply into these substandard areas of Wailuku, and that is they've been flexible. Like, if you put in sprinkler systems or if you do other fire suppression methods, they will waive the requirement to put in a fire hydrant and such that. And it's very cost effective. That's why you're seeing a lot people put sprinkle systems in, and we've had it with other areas. So I think that – we're going to work with them to come up with the standards. But, you know, when it comes down to health and safety issues, that's the primary function of government. So I think that we're kind of hard to deviate from those. But at the same, capital improvement project, part of the role of the MRA is to lobby for capital improvement projects to be done by the Water Department is that the burden of these types of improvements are not ad hoc and thrust upon one minor land owner.

Ms. Betts Basinger: Thank you Mr. Alueta. Do you want to continue your report and then we'll have discussion?

Ms. Wade: I just wanted to mention, it seems that one of the number one obstacles for redevelopment is the place on the fire hydrants within the district. That the burden of installing a fire hydrant is too much for some of the small businesses. And that's something that we might want to identify long term what the most critical location for hydrants are and something that the MRA can contribute to develop the installation of because \$15,000 for the MRA might not be that much, but if you're just running a small accounting business, that's a lot of money.

Mr. Horcajo: Excuse me, so to follow up. So is the staff going to present to this body suggestions for policy changes or regarding standard roadway, fire standard?

Ms. Wade: I think as you get into the strategic planning portion of your agenda, if you want to identify that as something that staff should work on, we'd be happy to do that. We just did the initial ground work to investigate what's needed for you.

Ms. Betts Basinger: Thank you. Go ahead, item #3.

Ms. Wade: Cash in lieu – Joe.

Mr. Alueta: We are scheduled. We are going out to a public –. We are going to hold a public hearing even though we're not required to, by law, for the amendment, to Chapter 14, which is your impact fees. So I will – in your next packet, you'll receive – I'll give you some past minutes. This is an old item. It's been discussed many times before. And so, we'll go through the ordinance. Again, it should be, hopefully, relatively quick. It's an old one. The justifications for it, and it's going to be a single purpose meeting on the 27th.

Ms. Betts Basinger: Everyone should've have gotten a copy of the draft, so if you have any suggestions before this draft goes final, submit them to Erin.

Mr. Alueta: And just to be clear, you're making a recommendation to the County Council on this amendment, so you're not the final authority.

Ms. Betts Basinger: That's correct.

Mr. Horcajo: Excuse me. The deadline for making comments is when because it's got to be advertised?

Ms. Betts Basinger: Six days.

Mr. Horcajo: What's the deadline to making comments?

Ms. Wade: So Leilani will publish that next Wednesday, so if you can have them to me no later than noon on Tuesday. That would be preferred. Thank you.

Ms. Betts Basinger: But it is a single agenda meeting. A single issue meeting.

Ms. Wade: A special meeting.

Mr. James Giroux: The notice can go out as the draft is and when you guys talk about it, you can add –. I mean, you can word smit on the record.

Ms. Wade: The notice is out. The notice is out. The agenda is what needs to be posted.

Mr. Horcajo: Okay.

Ms. Betts Basinger: MRA expenditures.

Ms. Perreira: . . . (inaudible) . . .

Ms. Betts Basinger: No, after she gives her report.

Ms. Wade: The MRA expenditures and budget – did you pass that around Leilani?

Ms. Betts Basinger: Yeah, everybody should have received it.

Ms. Wade: Okay. You'll see that there's been a reduction or some money has been spent this month – a little bit of money has been spent. We have a bullet point here for staff recommendations for expenditures which we haven't provided you this time, but I noted that on here asking if you would like us to make some recommendations for you. Some ideas came out of the agency meetings that we have, and some just general deferred maintenance within the district that we have some suggestions about. So if you'd like that, we can provide that at the June meeting.

Ms. Betts Basinger: Thank you very much. Any questions on staff report members? And Ms. Basinger thanks you for the payment.

Ms. Wade: You're welcome.

Ms. Betts Basinger: Okay, then we'll move on to item H which is the report from the Wailuku Main Street Association/Tri-Isle Main Street Resource Center related to projects listed in our redevelopment plan.

F. DISCUSSION ON MAUI REDEVELOPMENT AGENCY WEBSITE

H. Wailuku Main Street Association, Tri Isle Main Street Resource Center Report Update on Project Involvement Relating to Projects Listed in the Wailuku Redevelopment Plan.

Ms. Perreira: Related to the work –. Related to the work involving the redevelopment plan.

Ms. Betts Basinger: I'm reading straight from the agenda.

Ms. Perreira: Yeah, I know, I just wanted to make that point of clarification. Since you asked me to wait, I just wanted to make one comment on the draft first of all. That meeting that you're going to have on the cash in lieu, I just wanted you – I wanted you to maybe consider an 11 o'clock instead of a one o'clock and the reason for that is so that you can have more – you can have better public attendance because there are people who will be able to come and stay through a lunch hour. Like they'll take a lunch hour rather than take, you know, more of their time in the afternoon – their work time – and that's just a recommendation because that's why a lot of my meetings – it works well for us – we go 11 o'clock and it goes into the lunch hour.

Ms. Betts Basinger: Thanks Jocelyn.

Ms. Perreira: That way it gets more suggestion.

Ms. Betts Basinger: Good suggestion. Thank you.

Ms. Perreira: Good afternoon, Jocelyn Perreira, Wailuku Main Street Association/Tri-Isle Main Street Resource Center. Responding to a report heard this afternoon, I'd like to first all thank Erin Wade for trying to respond very quickly to getting an inter-related agency meeting. That has been a source of real frustration that the right leg and the left leg don't always talk to each other. And I think they didn't have a meeting since 1997, I think, all together. So we really thank you for that. We also thank you for having discussions with us that you can bring back and what not because some of the – you know, when you have these different agencies meet, they can get real burdensome in what their requirements are for everybody. And sometimes their looking is kind of tunnel vision. They're looking at it from their perspective and they're not looking at the cumulative impact to the person trying to get through the process. So it builds up and builds up and it ends up a small little thing, ends up a huge process to do a small little thing. Also, as I had expressed to her, we were concerned about like, if for instance, if somebody wanted to do a repair or an improvement, that they have to tell you what their whole intent was for the entire building as oppose to doing it sections, so on an so forth, because sometimes that could discourage them from even doing an improvement if they had to put a cross on the whole entire thing.

The next thing was the work involved with the Vineyard Inn. As she may be aware, we were asked to re-review and get some more information, and we're actually working with the representative from the owner to get you folks a really awesome presentation that's very thorough, very complete, so we are working on them on that. There is a project that's being done, trying under administrative end, but we're trying to get some really good improvements, and that's a project in the works not ready to come before you yet. But that's some of the things that we do behind the scenes before it's even ready for application.

Ms. Betts Basinger: What is that project related to Jocelyn?

Ms. Perreira: It's the HOME. I call it the HOMES project. It's by where Bentos and Banquets is.

Ms. Betts Basinger: Thanks.

Ms. Perreira: Also, we are continuing to track the GPAC process to make sure that, like I said, that in fill development is sufficient for Wailuku. We did provide supportive testimony and information upon request from not only the Chair of the agency, but also from Council members who had gotten information about the agency and different – that was very confusing and not very clear. So we did respond. I have a copy for you.

Ms. Betts Basinger: Thank you.

Ms. Perreira: So you can see what we sent, and we did get response from the Council members. It really helped them, and it actually helped you get your money back up to what you had instead of taking the cut.

So having said that, that's pretty much where we're at. I do thank you for your consideration, and working through a lot of this stuff. I do want to especially thank Erin Wade because we have a very good dynamic that's going on, and I know the Chair encourages that kind of stuff and more regular discussions between agencies together which would be, I think, very beneficial for us to really get something done.

The last thing I'd like to say is in projects like these that come before you, I think it's really, really important that considerations are made for not being the straw that breaks their back cost wise. Because in the case of this last project that came before you, this is a multi-generational family business, and whatever can be done that doesn't impeded upon health and safety which is areas that we really look. And in this particular project, Erin and I had an extensive discussion on the traffic concerns, and the stacking and what happens. And unfortunately, sometimes you get a project that comes after a project that has been previously approved. Case in point is the Community Clinic of Maui. And when we – I know we testified expressing concern about closing that entry into that particular project because they wanted to have more parking. In this particular instance, given the cumulative effect of the three projects all together, it might have been advisable that that would have remained open, would be less of a problem down the road. So you cannot see those things. It's kind of like hindsight looking at it, but that was one of the reasons why we had expressed that. And so thank you very much for that opportunity. We are very pleased to be of service and assistance.

Ms. Betts Basinger: Thank you. And thank you so much for your written testimony to the

Council after my frantic phone call.

Ms. Perreira: Yeah, we did talk to them independently also and made them aware that each needs the other, and they have very important missions, distinctly different, that area important to work all together.

Ms. Betts Basinger: Thank you Jocelyn. Mr. Horcajo, your report on the discussion on strategic planning. I'm sorry, redevelopment area parking issues.

I. Redevelopment Area Parking Issues (Sub Committee Report)

Mr. Horcajo: Sure, I guess, I'll give a verbal report. Sorry I didn't do something in writing. I guess I had a meeting – I guess after the last – at our last meeting, I said that I was going to get with Katharine which I didn't do. But, I did get with Erin Wade, and the couple issues that I meant to talk with Katharine about, as far as the survey itself, I kind of in the middle put a whole bunch of history. And after discussion with Erin, I think, and I think Katharine had made the same comment to me before, it's probably not necessary to have that lengthy discussion of all of the activities that has happened since the 1970's regarding Wailuku surveys and studies. But that was one issue I talked with Erin about that I wanted to mention to you.

But secondly, and maybe more importantly, is that we were talking about the need maybe for a professional survey company, like SMS, to look at the survey. Erin had mentioned, I guess, having some history working with a department at the UH – I forgot what the guys name is – that she felt she would contact and they would be a good and monetary cheap resource for us to use to give input on the survey itself, as well as, maybe create the database, which I was do in Microsoft Access. But if they can do it, she would – so Erin, you can explain whether you made the contact yet and more about that issue of enlisting the aid of students and staff from UH?

Ms. Wade: Just real quickly. Carl Kim at the University of Hawaii does a lot of traffic analysis and parking analysis. Traffic and transportation his main issue. And as a first year grad student, your job basically is data analyst, so they have to have a project that they need to do, a statistical analysis including a survey and doing – they use SAS as the program they use, but exportable to Access. So they could do the analysis. They could do any type of correlation modeling that you would like to know which variables correlate to which other variables, and I think that this might be a really good example. I did leave a message for Carl. He has been out of the country for the last two weeks, so when he gets back, I hope to hear from him.

Ms. Betts Basinger: Did anyone happen to see in Letters to the Editor in today's paper? The Maui resident from Lahaina who wrote in and said what's happening in Wailuku?

They're going to have no municipal parking lot for a while, and they have no plans for alternative parking. Well, this is where our website is going to come in real handy as we communicate to the community what we are doing about alternative parking.

Instead of going right into discussion on strategic planning, I think it would be better at this point to have our orientation, and then come back with a fuller understanding of our role to talk about the strategic planning. So Joe?

Mr. Horcajo: Five minute break?

Ms. Betts Basinger: Yeah, let's take a five minute break. We're in recess for five minutes.

(The Maui Redevelopment Agency recessed at approximately 2:53 p.m., and reconvened at approximately 3:00 p.m.)

E. ORIENTATION WORKSHOP

- 1. Role and Responsibilities**
- 2. Parliamentary Procedures**
- 3. County Policy Against Sexual Harassment**
- 4. Discussion of Boards and Commissions Booklet Distributed by the Office of the Corporation Counsel**
- 5. The Sunshine Law**
- 6. Ethics**
- 7. Ex Parte Communications**
- 8. General Plan and Community Plans**
- 9. Hawaii Revised Statutes Chapter 53 - Urban Renewal Law**
- 10. Authority, Power and Duties of the Maui Redevelopment Agency**
- 11. Wailuku Redevelopment Plan**
- 12. Chapter 701, Rules of Practice and Procedure for the Maui Redevelopment Agency**
- 13. Wailuku Redevelopment Area Zoning and Development Code**
- 14. Wailuku Redevelopment Area Design Guidelines**

Ms. Betts Basinger: . . . 3:00 p.m., we'll reconvene the meeting of the MRA of May 15, 2009, and we are moving back to agenda item E, orientation workshop. Joe.

Mr. Alueta: Good afternoon Madame Chair. As you can see, we're kind of transitioning out. I have Erin sitting or taking over. I hope you guys didn't get too shocked. We're not trying to throw her into the fire on the frying pan. I'm still here for her as long as I can be, but it's been a great big help to have her take over. She did the agenda this month, so it started off. But I'm going to do the orientation as best I can since we haven't had one. I'm trying

to think when I last did one. I did pass out one of this – it's a little – it's about a nine pager . . . (inaudible) . . . James you've got one on your thing? So I will do –. I'll cover some of the roles and responsibilities. I'm not going to exactly follow this outline on the –. I'll cover points of it on the agenda. I'll try to go as quick as I can because I know James has to cover his all important part to keep us out of legal trouble. So I'll try to go through – I'll go through this page really quickly and you can go back to it, and you can always come back and discuss it.

As you can see on top your enabling legislation just covers your Chapter 53, which is the one that everybody cites – yeah, we're under 53, we have all of this – and that's pretty much it. It basically allowed the creation for this body and it gave the County the authorization to establish you via a resolution which they did back in 1964. You also did – there was also an ordinance, 1019, back in 1980, which pertains to Boards and Commissions, so it does list this board as a board and commission. And then when there was some amendments to the Chapter back in 89, again, established this body as one of the boards and commissions of the County of Maui.

Then you have your legal framework on section two on this – you're looking on the nine page handout I gave you, Alexa. It should be on your –

Ms. Betts Basinger: "Arrigato."

Mr. Alueta: So again you have your 53, your legal framework; 91, Administrative procedures; 92, your Public meetings. And again, James will go more into that when I'm done. And then Rules and Practices and Procedures – that's your 701 – your rules. You have this also in your thing. And if you remember recently, you amended it. This outlines what makes – what documents you use to making your decisions that you had today. And one of them was which you amended, it's added, which is this design guidelines, just to give you some –. It's kind of vague. Here's the rules, but what do these rules really mean? Well, these rules allowed you to incorporate this to say this is one of the documents that you looked at which you did, and part of our recommendations today for the Four Sisters Bakery.

Agency function – you know – to implement the Wailuku Redevelopment Plan, that plan which came through this body, and you all should have a copy of this. Again, this is your kind of what you call the Bible. This is what you adopted, but more importantly, this is what Council adopted. This is what Council adopted and gave you the authority to oversee and implement. And you can get this amended anytime you want. I mean, not anytime. You can – when you're done with the tasks – you're done and you want to add more to your task, that's what you can do. And it's not easy to amend it, but you want to be able to . . . (inaudible). . . . I think the success of the MRA is when you don't have slum and blight. When there's really – the function of this board is sort of what you had today which was doing variances – to get through it – and design review. But part of this function, as you

know it, is to get help push infrastructure improvements through. And one of the main things, I guess, the powers and duties of 53 that allows us, you know, where they talk about, where everybody talks about bond issuing, condemning of properties, some very heavy handed government actions. Condemning someone's property, taking over, and turning it over for redevelopment. That has not been the approach that the administration has taken, the Council has taken or the past MRA boards have taken. This board has more, and the County as a whole has taken more of a soft partnering where we've tried to partner with private development by making it easier for them to develop.

They also try to work hand in hand with other government agencies – Water Department, Public Works – those who are in charge of doing the CIP project and trying to encourage them to get them to do the improvements needed so that individual land owners do not need to do it. And so the board, the MRA, and its function over the past 10 years that I've been associated with it, has taken that approach. We've also done trying to do encouragement by working with OED and drafting ordinances which allowed for tax breaks. So it's kind of been more of a soft handed approach, trying to relieve the burden on private developers and using kind of a carrot method as well as sometimes the stick, but more a carrot method to pull themselves up by their own boot straps, and not necessarily come in and tear things down and redevelop brand new. And that's been the methodology that we have. We've continued to go down. And I think that, you know, the board should look at either if they want to revamp it and take a more heavy handed approach or more aggressive approach. But I think that has been pretty successful, and if you look back at the projects that we have gotten done such as the redevelopment. We've condemned and took over Lao Theater. We've redeveloped the parking lot in the back of Lao Theater, Market Street improvements, very visible things, but more importantly, I think the biggest success that this board has in its implementation has been this.

And as you saw your powers, you've really simplified how substandard lots in Wailuku that don't fit the standard Title 19, you've created a whole new ordinance, and a whole new code for them to be able to come in. And you saw it today. You acted – it's kind of like an Urban Design Review Board, a Board of Variance and Appeals (BVA), and a Planning Commission all in one. Today, you were an Urban Design Review Board and a BVA. And then sometimes you're going to be planner. I mean, you've had other projects where you've got to get a Special Use Permit or a Conditional Permit and that's all granted by this board. And that has streamlined the process for a lot of these people. I mean, besides the tax abatement. But just being able to develop a substandard lot – before it was, what you've got on there is what you've got. You can't do anything. And I think now, with the adoption of this code and the powers that you have, is encouraging people to redevelop. And it's slower process than the heavy handed to bring in the D9's, scrape everything and try to sell it off to a developer. But I think it's more organic. It also encourages, from my aspect, from a planner, it also encourage smaller developers. You have individual owners. Sometimes it a little more of a pain because you have 1,000 people to deal rather than five big land owners. It's, like I said, a little organic and it creates a better dynamics and

diversity within the Wailuku.

Again, that's kind of your authority. Again, I've talked about, you know, the powers to redevelop areas. Again, you've initiated studies. We have several studies that we've done such as, you know, the existing inventory study that Erin talked about. We've also done some studies about valuations on property so it has a vacant land studies within Maui County. We've also taken on traffic studies within -. This board has taken on and had done all to the benefit of not only other government County agencies to implement your plan, but also private developers and private land owners to see. There's a resource of information for them to tag on to.

Again, your specific powers, I've covered a lot of that. You do have power of imminent domain. Promograte rules which you've already done. Again, grant variances. We kind of quickly covered that. That was good.

On page four of this handout that I've given you, again, you promote the revitalization for the Wailuku redevelopment area. You've provided clear focus on the mission. And you're one of the biggest advocates especially during the budget time when you're looking at - we do it on the Planning Department side and I think the past boards have done it and I encourage the members to do it also is look at the thick sheet of your land use items of your redevelopment plan, and go down and look at the CIP projects and then see how they line up. I mean, the budget comes out. And these lead times need to try to move some of these CIP projects that are directly impacted along within Wailuku such as the water line, and to lobby to get those items moved up and to get the Mayor onboard to push it up. And I think you have a very friendly Mayor for this board who really wants to see Wailuku area get redeveloped, and you can see her personal involvement in that. And I think you have - I think this board has - but be cognizant on what's on the CIP project. And it doesn't take much to convince a Parks Department or Water Department. If they feel that they're going to get help in either acquiring land or help pay for a part of it or smoothing public relations, helping with the public relations in selling a project through. Again, main thing, besides having a clear focus - regulatory relief, we talked about - one stop permitting. Access to Federal funds - because we have a slum and blight on the Urban Renewal Law, the County can use that ability to go and apply for Federal monies, and it puts up on a next level. You saw that with, again, economic studies, with the parking structure that was given - that OED was able to get for Wailuku.

Public participation, again, this is a sounding board. You see it all the time. I mean, I think it's a good living example. You have the Market - the Wailuku Main Street Association with Jocelyn - lots of public participation there. You also have the merchants who come in and give us a report and help. And design review - design review is kind of unique to urban renewal and unique to Wailuku. Typical urban renewal of the 70's is like I said, D9, scrape the whole thing over, sell it off to a few different large land owners, and they're going to build whatever that makes economic sense. And in the 1970's - and some of you have a

copy of the 7673 Vineyard Street Urban Renewal – I remember as a kid, my parents had it because we had a property off of Church and Vineyard. We had it at our house. And you know my mom and dad were like, this old house, yeah right, sure. They always talked about it. But some people reacted – the old timers were up and arms. And they said you're going to come in and demo everything, and it scared people. It scared a lot of the old timers. And that's where – and Jocelyn can attest to that, some of the things that – it created a big political storm at that time to not have your typical scrape and rebuild. But at the same time, they didn't think that preserving Wailuku like you did with Lahaina was an appropriate tool at the same time. They wanted an economic vitality, but they wanted it to have some type of character without losing the character of Wailuku. They wanted it to have a more, I guess, not just turn into any town, USA, and they wanted to maintain the existing character. And I think that's one of the impetus for the redevelopment plan as well as design guideline. That's where your design review comes in. It's not a harsh, historic preservation document, but it's not anything goes, we're going to allow you to build anything. It's got a good balance I feel.

The Council's role, you know, again, you're established by the Council. And that's where it's a delicate balance. The board's got to remember they're one of the player. They have to work with Council. They have to work with the Mayor. You were created by the Council and the Mayor, you can be eliminated by them. And that's where I think the reason why this board as well as the Council and the Mayor has always been like –. When you talk about they can float bonds. They see that as a power, but remember, they don't really want –. I don't believe that the excising of that power is prudent at this time until you get more political footings on that. And also as I like to say, anybody can float a bond, you know, if you're got the where with all, but what you finance that bond with? Until there's some type of revenue stream for this thing – you have the power, let's just keep in the back ground for now and then as time goes on and both at the political powers recognize the need and are comfortable with the powers of the MRA, I think it will mature on its own.

Again, blighted areas, what's the definition of it? That's on page five. The boundaries – you know, how we did it? Again, it's mostly the commercial areas that were – and lands adjacent to the commercial areas. Some of you may have the study, you should have it your binders, the MRA boundaries use to encompass only Wailuku and that was the main – around the County building and the municipal parking lot. It was expanded down into Happy Valley. When the plan was adopted, those new sub area were adopted as well as a little bit lower along central area. And I think that expanded area has really helped because it really ties in. It's not just Market Street and Main Street. And that was how the boundaries came about. We felt to give it some critical mass.

I think – clearly the main – again, you have the complete set of tools, the economic revitalization, the one step permit stop has been very important. For this board, I guess, just a clear and focus of the mission of the revitalization. And I think that that's – hopefully this board will pick up on that part in the future. Where do you want this Wailuku to go?

Not so much, where do we want this board to be? But where do you want Wailuku to go and how do we get there? I think the plan has been around since 2000. I don't think it's unheard for you to start to look at it, to look at what you've accomplished. Pat yourself on the back on all the accomplishments that have been done. But also what do we think going forward needs to be done, and I think that's a critical thing that could be done for the structure of this board going forward. Again, no. 7 and 8 is kind of your track record. It shows you what you've done and what has happen in the past. I think it's a good summary sheet of that. And again, if you look on page 9, which talks from 1999 to present. I haven't updated this list. This was done between me and John Summers. We put this together, and I haven't updated it recently. But again, you have your street festivals. You did have a farmer's market. We hope to get – I've been talking with some people about trying to re-establish a good farmer's market. We've done a lot of infrastructure studies which helped out. Iao Theater improvements. Again, the Police Substation, Iao Theater parking lot, the small town code, the Wailuku Municipal parking lot redevelopment – I think that's finally kicking off. We have a preferred plan. It's gone through years and years of public meeting. I think we're ready. And again, as indicated by, I guess, what my new role is going to be doing as far as trying to get the parking lot with whoever the parking lot coordinator is and this Mayor is committed to doing that. And your most recent Market Street improvements as well as your updated design guidelines was most recently updated. So that's the quick and dirty version of what you guys do and what you have done. James – well – questions for me, and then James.

Ms. Betts Basinger: Good report Joe. Members, any questions on Joe's part of this presentation?

Mr. Horcajo: Yes. Joe, just so I understand, the role of being able to hire a manager and deputy manager – with what happened with Wayne Steel, my understanding that the major issue was that he was under whatever, the union, HGEA. But Chapter 53 allows the MRA to hire a manager and that person would be exempted from what Chapter 71 or 72. But that only has to do with being under the civil service rules right? My other question is can we, can this body, hire a manager and a deputy manager based on what's written?

Mr. Alueta: Yes. And again it has to with – what it says your powers are in 53 and what was adopted and whether or not there's the political funding side given the fact that your funding is fully depended upon being put in by the Mayor and being adopted the Council. And I think that's where you ran – I don't want to say ran a foul – but just ran into conflicting interest. I think the Mayor at the time did not see the value in you having a manager, and I think that's the bottom line that the Mayor did not see the value, therefore, it was eliminated from your budget. And I think that until the Mayor and Council are convinced that there needs to be a manager for this body, I think, that again will happen on its own. Once you prove, I guess, it alleviates their concerns, and have more projects that you are responsible for and need to have on a day to day operation. I think the Planning Department was moving toward that five years ago when we had first put in our budget for

Erin Wade's small town planner. The concept was we want to get a dedicated staff for the MRA and for some of these small towns. And then once you have a staff, then let's think about getting, you know, the need for – that staff can bring projects to the table, as well as, bring, maybe, a manager. And I think they jumped the gun. They took away the staff and put a manager in and it kind of went array from there.

Ms. Betts Basinger: I think to answer your question simply though, yes, we have that authority and we can do that anytime. The bigger issue and where maybe when we do our strategic planning, we need to have financing, our own financing in order to have our own staff, in order to do our own thing. So when we meet for our strategic planning ideas, we'll talk about how can we generate our own income, and then hire our own staff. But, we can.

Mr. Alueta: You can, but it's just –

Ms. Betts Basinger: Right, but we need money.

Mr. Alueta: Okay. That's it for me.

Ms. Betts Basinger: Any other questions? Okay, James.

Mr. Giroux: Hello, I'm James Giroux. I'm with the Corporation Counsel and I'm your attorney. And I think I've been your attorney for about three years now – off and on – yeah. But, I've got two handouts for you. I've got the New Board and Commission Member orientation which I believe – it looks like this – it should have been in your packet, and the Open Meetings: A Guide to the Sunshine Law, which has the Hawaiian Islands on it. Basically what I'm going to be talking to about today is the sunshine law and ethics and a little bit about how that goes into your rules – how your rules have adopted both of these.

As far as the sunshine law, it's under the Hawaii Revised Statutes, Chapter 92. It's called the Open Meetings Law. And the main thing about this is that – the purpose of it is to make sure that the government conducts its business in a transparent manner. And it regulates meetings of agencies, and you fall under the sunshine law as Joe said. You have, I believe, five members – five members. So under the sunshine law, you cannot have more than two people talking about board business at anytime. Once a third person arrives, and you're talking about board business, you're going to be running a foul of the sunshine law, and that means you're having an illegal meeting. So that's one thing you need to be aware of, of the sunshine law, is that you don't want to be deliberating or discussing board business without an agendaed meeting that was published – the public given six days notice – and with a record being kept either a stenographer or a recording of that meeting.

At an agendaed meeting, you need to have a quorum. That means at least three people have to show up. Now for any action to take place, all three people would have to be voting in the affirmative, in order to any actual action to take place. That being said, a lot of issues

that come out of the sunshine law is, well, what is board business? And that's a tough one because anything in Wailuku town can become board business at any given time and you're all community members, and you all live in the community and you have interest in the community. So if you have any question about that, a lot of times, if you're at a meeting, you know, if it's a social function or if it's something and other members are there, just be aware that, you know, if you're going to participate in the meeting, or if you're going to give opinions that may influence the outcome of something that may come before you as a decision making issue, you have to be very aware of who's in the meeting because, you know, if people are there, they know your opinion now. You've stated it in public. And now if they have an interest in that, and they see you on the board and they're like, hey, that person is turning the tide on what I want to do, they can try to get you recused or raise an issue of a violation of the sunshine law. So that's one of the things that may or may not come up in the future. And I think Warren, you know, he's our resident expert on being dragged into the Board of Ethics. Not that he violated anything, it's just that, you know, people raise the issue, so just be very aware of that.

I don't know if this board has every gone on a site visit, but site visits have to be treated just the same as any other meeting. We would agenda it. You know if we wanted to go down into Wailuku and look at the curbs and stuff, we would have to put it on the agenda, public would have to come and we would have to conduct it like a regular meeting. And Leilani would have to record us while we're down there.

Mr. Suzuki: So James, so we as individuals on our own can do own type of . . . (inaudible) . . . ?

Mr. Giroux: The issue of individuals doing site visits – since you're members of the community, you know, we can't stop you from going to Wailuku. But the issue is is that if there's something that is going to be morphing into a contested case, where somebody is actually going to bare the burden of proof and production in order to get a permit, you're not suppose to make any decisions based on an independent investigation. That person's right to that permit means that you cannot – in coming to the determination if that person should get the permit or not should be based on everything on the record. So if you want to go down and do a site visit, then we would post it and it would be done as a group. Otherwise, the applicant has the burden of convincing you of –. Like in this variance, whether or not that 90 degree on the side of that curb – you know, we may all not have gone there and seen that, but Bob has driven by there. But for them to convince us of what the facts are, and for the board to make the decisions based on those facts on the record.

Ms. Betts Basinger: I have a question to that. So I was recently at the FABMAC reception that they had, and I noticed that. And just on my own – now they came here and it was questioned, not by me, but from others on this board – could I have inputted to this body that I went there and I tripped over it and personally I had a problem with it. Would I be able to share that? Is it investigative or is it just –?

Mr. Giroux: I guess, that's one of the gray areas of where you didn't go out and do an investigation, but you have personal knowledge of it. So in that sense, I think if other members of the board, you know, were to be concerned about that, then I think everybody should be exposed to the same information. So what you don't want is for the board to be relying on one person on the board who may have information separate than everybody else. So if that's a fact, but the applicant can't bring photos or whatever, then you could just say, maybe we should table this and have the applicant get better information. Go get us a photo.

Ms. Betts Basinger: Or we could do a site visit.

Mr. Giroux: Or we could do a site visit. Yeah.

Ms. Betts Basinger: Okay.

Mr. Giroux: Let me see.

Ms. Betts Basinger: I have another question on that. We've been talking about a strategic planning retreat or some kind of get together of this body to really look at our procedures, things we might need to update and so on. Does this preclude a retreat, an educational retreat? What if it were not about the MRA processes, but what if it were just educational? Maybe other redevelopment agency leaders coming to talk stories with us?

Mr. Giroux: I think OHA – and it might be in this thing – OHA had the same question they wanted to get together with their members and have “pono-pono” because there was some much rivalry within the organization, and they asked OIP, I believe, the same question. And they said, it is board business, and you would have to agenda it, and you would have to take care of it like a meeting. But for you, you know, you can invite speakers, you know, who are basically renowned in the field or who have planning expertise. As long as we agenda it, they can actually give it to the board and you guys can discuss it. It's something, you know, you wouldn't have to have a separate thing. You can call a special meeting, and then you could have various speakers or you could have a workshop with four or five speakers, and have a question and answer. And the thing is it would be record, and the public, if they wanted, could come, and sit and listen and maybe give three minutes of input.

Ms. Betts Basinger: So public testimony would have to be taken at any meeting?

Mr. Giroux: Yeah, at any meeting.

Mr. Horcajo: Excuse me James. I think the answer is in here, but you just mentioned, if we're at a party, if we all happen to be in the same party, as long as we're not talking business, we're fine.

Mr. Giroux: Yeah.

Mr. Horcajo: In terms of the invitation, for example, through the FABMAC, it was an invitation. It's not business related, I guess, that's okay if more than two people happen to show up there to talk about the kids.

Mr. Giroux: Yeah. But if you went to the FABMAC thing, and there was another variance pending, and they were lobbying you to – so that's the kind of analysis you have to do. And that goes kind of with the ethics portion. But is there any other questions about sunshine or anything you want me to expound on?

Ms. Betts Basinger: I did have another one and it had to do with page eight – having convening meetings via video conferencing, and I know you can't do it by telephone.

Mr. Giroux: Yeah. Usually the only thing that prohibits – not prohibits – but gets in the way is the logistics that you have to agenda. You have to put out a dual agenda that allows the public to either be at the place that the video is being taped. Like if the video was here, and they were videoing us, the public would be allowed to be here. Now, the signal, if it was being transferred to Moloka`i, you'd have to do an agenda, and then people in Moloka`i would be able to testify – go to that place and testify. And then you would have to, you know, kind of run like a dual meeting, allowing them to testify at that location, and us to testify here. So, that's the only logistics. And there are capabilities. I think MCC has – might have.

Ms. Betts Basinger: MEDB now has a –. We just completed a training facility that has state of the art video conferencing and other kinds of capabilities. So I think we're the only one.

Mr. Giroux: So as long as the board – I mean, as long as staff knows they need to some special agenda. Anything else? So I guess I should close up. As far as enforcement of the sunshine law, if you knowingly violate it, then you can be prosecuted as a misdemeanor. If you violate it, the actions taken are voidable. That means if somebody sues, they can go to court and the judge could basically nullify your actions, then we would have to do the meeting all over again. So those are the things. If there's any questions in the future, you know, feel free to ask me. You can call me or you can ask me in the meeting about the sunshine law. It is a tricky one. We work with OIP. A lot of times if I can't answer your questions, I'll call them, and then I'll get an opinion. And then I'll call several months later and get a second opinion.

Ms. Betts Basinger: In writing.

Mr. Giroux: But I think now after about three years, our office, you know, we have a pretty tight handle on interpreting it. And I think, from my position, I believe I'm very conservative in interpreting it because I really think that my job is to make sure that you guys can do as

much work as possible, but yet stay out of any lawsuits or anything like that. And make sure that your action stand because we don't want to spend out time in court fighting over sunshine issues. Which, if we are aware of them, we can just take care of it, and then move on, instead of either trying to get around it, take action and then have our actions delayed because we're in lawsuit. So that's kind of my take on the sunshine law is I really think it's a good tool. A lot of boards and commissions a lot of times think that it gets in the way. But if we work with it, I think we can get the job done that we need to.

Ms. Betts Basinger: I have one last question, and it really has to do more with the efficiency of the way we work. And for example, we had voted a subcommittee of Bob and Katharine on parking alternatives. So they get together on their own. It's just the two of them. They could do site visits I suspect, and they would come back and report to this body. The only problem with that as oppose to hiring – within our budget – hiring someone to do that alternative parking study is that when they report back, it's then another month before we can vote.

Mr. Giroux: Yeah.

Ms. Betts Basinger: Whereas if we hired someone to do this research for us, they would give their report and we can make our decision.

Mr. Giroux: Yeah, and that's the thing about the sunshine law is that it pertains to boards and commissions, so your attorney, staff, you know, we can all get together and brain storm because ultimately we don't make any decisions. We're here trying to facility the decision makers. We're trying to become as knowledgeable as we can. But ultimately, we don't make the decision, so we're kind of a little more free to do that. And the subsequent – the reporting and subsequent deliberation is in the sunshine law because the collection of materials is off the record. But as long as the report is given to the public, then they're given that extra opportunity to see the report, digest it, and then make comments, and then you can deliberate and take action. So, I think in the GPAC, we found, you know, people thought doing the investigative committee would actually make things faster, and what it did is it kind of threw us back into another cycle of debate and mic-managing and word smiting it. But it is a challenge, you know, the balance between efficiency and openness. And I think we're, you know, we can meet that balance. Any more questions?

Mr. Horcajo: Question Chair. So I'm assuming that that's going to be one of the topics on the strategic plan discussion?

Ms. Betts Basinger: Yes.

Mr. Horcajo: Yes.

Mr. Giroux: The other issue is your ethics. Board of Ethics basically is the board that would

take up any formal ethical issues. This board is governed by the Charter and it's under Article 10 where it talks about two things that I want to highlight. One is the receiving of gifts and the other one is having conflicts of interest. The receiving of gifts – you can't be receiving any gifts that would be construed as interfering with your ability to do your duties on the board. So if somebody does offer you a gift, it's probably good to know why they're giving it to you, and who they are. And if it's in such an amount that would raise a concern, you should either bring it to my attention, or before you accept it, ask for an opinion from the Board of Ethics. And, you know, we're in Hawaii, and I think a lot of the ethics discussion, they're aware of these gifts of aloha. You know, I think, Planning Commission sometimes gets donuts in the morning and nobody knows who they're from – Hart's Corner – so these types of gestures. You know, because it's hard to construe that somebody would actually change their mind as far as a decision based on a couple of donuts. So that means that you should be aware. In Hawaii, receiving a helicopter ride has been seen to be very, very bad. So you have to use your gut feeling. If it feels not so good, you've got to raise the flag and look into it. You know, at least ask for legal counsel or get a formal opinion from the Board of Ethics.

Ms. Betts Basinger: Would that include invitation to events?

Mr. Giroux: I think you have to look at whether the general public would be allowed at that event for free or not. You know, if it's something like Eddie Vedder is coming to town, and Everett Dowling says come party with me and see Eddie Vedder and get back passes. I'm just using Dowling's terminology. So, you know, you've got to ask yourself, what would this cost a lay person? Is this a couple \$1,000, free dinner or is this something that the public could just do, you know, for free? You know like a hula – sometimes the slack guitar stuff is free.

Ms. Betts Basinger: Well I meant like a private event.

Mr. Alueta: . . . (inaudible) . . .

Mr. Giroux: It's very specific. I mean, it's very specific as to the value. And also, you have to look at the possible intent. Is there a project coming up that is going to be very controversial? Or is there something that you're aware of that's coming down the pipe? That's why you have to know who and how much, and that's what the Board of Ethics is going to ask you.

Ms. Betts Basinger: Well we now have an expert on our board to advise us, so I feel really confident now Warren. Thank you.

Mr. Alueta: . . . (inaudible) . . .

Mr. Giroux: Yeah, it's something like that. I'm not sure if there's an actual number, but,

yeah, there's a little cap there. The other issue is conflict of interest. And basically on the boards and commissions, you shouldn't have interest in the property or interest in what is being decided on. And basically your rule says whenever a member has a conflict of interest, the member shall promptly make a full disclosure of the circumstances to the MRA and refrain from participation and discussion and voting. So if you see a project coming up, and it's questionable – you know you're wondering – just let me know and we can kick it around. And if I can't kind of bring clarity to the issue, then we would have to ask for a formal discussion from the Board of Ethics.

Mr. Horcajo: James, I have question about that, and actually something else I thought I read when I first got on the board, in maybe Chapter 53. It seems when I read that part of it, I thought that it would include me, for example, who even owns property in Wailuku town. Because whatever happens with another property, to some degree, it could effect my property. And I also remember reading that it talked about members having to post some kind of bond, and I was not told about that, and I don't know whether the other members have, but that was some where, I think, in Chapter 53. And again, now this is the first orientation, I meant to ask you. No one else brought it up, so I just didn't kind of say anything. What are your comments about both of those?

Mr. Giroux: I'm not sure about the bond. Have you ever required members to post bonds?

Mr. Alueta: It's in 53. We talked about that. I've got to go back and look back, but I believe the County actually paid for the bond.

Mr. Giroux: So there may be a standing bond?

Mr. Alueta: Yeah. I remember it coming up before. It's a nominal fee and I think it wasn't like the individual members came up with the money. I think the County took a position where they put the bond up, but I'll double check.

Mr. Horcajo: I think it was like \$20,000 or something bond if I remember.

Mr. Alueta: Yeah, but it is in 53.

Mr. Suzuki: A bond for what?

Mr. Alueta: Liability.

Ms. Wade: In case you get us into trouble Warren, and we have to use our insurance.

Mr. Horcajo: Okay, but then the other question then is the question about – because I thought it was so broad that I should not even be on this – be on this board.

Mr. Giroux: If you read Chapter 53, it says interest in projects. And we tend to look at that as saying, well, if, you know, we were going to take your building, condemn it, and then put in all new sewers and everything and then possibly resale it to you or something, that would be a conflict. You're possibly going to benefit from the work that the agency would do, and government money would be involved, so that would be seen as a conflict in 53. In the Board of Ethics analysis, it's whether or not you would get a benefit, and not a community benefit, but an actual benefit –

Mr. Horcajo: Personal.

Mr. Giroux: Yeah, personal benefit from that project. So that's where you're voting –

Mr. Horcajo: So it's more project specific versus a broad? Because I read that to be the way I read it. Just one or two words in there, it was, for me, questionable.

Mr. Giroux: And there's been a couple of ethics – with the Council, where they were voting on zoning in Kihei, and a member owned trust, a portion. And then I think there was something about a community plan amendment with Nishiki or something in Kihei also. It's very specific as far as your interest just because you're getting the community benefit from it. And really everybody on a board and commission gets a community benefit from the decision because that's the whole purpose of boards and commissions is to look at these broad issues. So if it raises a red flag, and a lot of times on the Planning Commission because we have realtors, they'll announce, I actually sold this property to these people knowing that they would be –. So they're coming for an SMA but they were part of the real estate transaction, so they're not comfortable because of that close tie to that property. So that's where you have to kind of get all of your facts together – what do you think your interest is – and then when you call me, we can talk about it. Like I said, if it's something I can't really nail down, I can't just tell you, oh, don't worry about it Bob, then we will write a letter to the board.

Mr. Alueta: I think you also have to look at after – like if you're firm – because we have architectural people on the board, if your firm is doing business, a lot of times they'll be doing business for a client, you need to disclose that your firm, that you're not part of it, or you were not part of it. Also, when you leave the board, we've had issues where architects have – or if you choose to represent someone, you can't represent anyone on a project for year until after you get off the board.

Ms. Betts Basinger: A project that came before this body.

Mr. Alueta: Yeah, that comes before this body. So we had to have an architect who was on the board, we said, no you can't be the one representing it here. You'd have to pull yourself away. And so, we had to have him recuse himself because they weren't off the board for more than a year. So those are other conflicts you need to look at.

Mr. Giroux: Yeah, we have had that situation.

Ms. Betts Basinger: Any other questions from the members? I have one last question. Why is the MRA subject to sunshine and ethics when many boards and commissions are not?

Mr. Giroux: It's because it's a government board and commission, you're quasi –

Ms. Betts Basinger: Chartered?

Mr. Giroux: You're independent, but because a resolution came through the Council, that you're seen to be empowered by the municipality. So anything that has some municipal connection would fall under Chapter 91. And right now in Honolulu, they have these neighborhood boards. And there's this weird --. People are forced to go to the neighborhood board to go get a review, but, I mean, as far as how they're empowered is kind of nebulous. And the OIP, or the legislature, has actually been passing laws to actually get these neighborhood boards with less and less requirements of sunshine laws. So they can actually, you know, get together and they don't have to put an agenda. And there some requirements that they're actually explicitly now – they don't have to follow what we do as a government board.

J. Discussion on Strategic Planning

Ms. Betts Basinger: If there are no other questions, thank you. Thank you very much. We can't ever talk to each other outside of this room. I would like now then to move to Item J. I'd like to put Item F – leave it on the agenda, but have no discussion today if it's alright with everyone and that's website discussion. So on Item J, discussion on strategic planning, this is something I think all of us have wanted to do for a long time as a body. And what we need to do is find the venue and mechanism to do that, so I thank you for advising us on that. And it looks like it might have to be – and correct me if I'm wrong – at a special meeting just to discuss the strategic plan. And the reason the strategic plan is so important is because it means this agency is living and viable and always moving forward. This has not been reviewed since 2000. It really needs to be looked at and I think we have a wonderful board at this time to do that and I don't think it would take long. It would just take the commitment of a special meeting. So I guess I'm going to put out there for everyone's comment, whether or not they're interested in moving this body to the next step, being a little bit more aggressive in finding financing so that we can complete some of our mission that has been impossible when we're constantly dependent on grant – grant money. We don't get grant money – when we're constantly dependent on department funding or Council funding. So discussion.

Mr. Horcajo: I'm ready to set a date. That's one of my main goals here. I guess we have

the cash in lieu thing May 27th. And our next meeting is June 16th. Is that what I saw? So do we want to do it before the next board meeting or after it?

Ms. Betts Basinger: I guess I'm suggesting that it be a single agenda meeting – just to discuss strategic planning.

Mr. Horcajo: Right. I'm thinking before or after the board meeting of June?

Ms. Betts Basinger: So our next regular meeting is the 19th of June, correct? Our next special meeting is the 27th of May, correct? So do we want it before or after our next regular meeting? Okay I agree. Leilani, what availability does this room have? Okay, everyone look at your calendars.

Mr. Horcajo: The week before the 19th is, of course, the 12th on Friday. So can we have everybody look at the week of June 8th which starts on Monday? 8th, 9th, 10th, 11th, and 12th.

Mr. Giroux: I'll be gone.

Ms. Betts Basinger: You'll be gone that whole week?

Mr. Giroux: . . . (inaudible) . . .

Ms. Betts Basinger: Yeah, you've already told us everything you know.

Mr. Horcajo: Erin, what's your schedule?

Ms. Wade: Pretty good actually. The first week is full, but the second week is okay.

Mr. Horcajo: So we can say maybe the week of June 8th subject to availability of space and we'll get that input.

Ms. Betts Basinger: Monday the 8th is not good for me, but everything else would be good.

Mr. Horcajo: So the 9th through the 12th.

Ms. Wade: It won't be Tuesday probably because of Planning Commission.

Ms. Betts Basinger: Right. Thursday the 10th is a holiday?

Mr. Horcajo: Kamehameha Day.

Ms. Betts Basinger: 11th – Thursday. Well, it looks like it's –

Mr. Horcajo: Any you guys take four day vacations right?

Ms. Wade: So Wednesday, the 10th.

Ms. Betts Basinger: How's Wednesday the 10th Lei? Okay.

Mr. Horcajo: I'm going to throw something in, just a thought about strategic plan, as a reason for asking why the project manager position was not on the agenda, I guess, so I know we can't talk about it. I guess the process is I need to ask to get it on the agenda for the next regular meeting.

Ms. Wade: Right.

Ms. Betts Basinger: And we'll be setting the agenda once we finish discussion on strategic planning.

Mr. Horcajo: Alright. Okay.

Ms. Betts Basinger: While we're on strategic planning, just to get an idea of the items that will be up for discussion, does anyone want to start throwing up ideas other than the broad – I mean, updating – looking at updating the Wailuku Redevelopment Plan. I'm also interested in processes, like, our administrative processes. Maybe we might need to look at those to update.

Mr. Horcajo: Processes like?

Ms. Betts Basinger: Like how do we do this? For example, we as a body want to invite members of the San Diego Redevelopment Agency which has been successful for 33 years to come talk stories with us. We want to write them a letter. Do we have letterhead? You know, that kind of stuff. So it's just really simply how do we operate as a body? Do we use Erin for things like that? Is it MRA letterhead or Planning Department letterhead? It's really how we need to get people to understand who we are. If our own Council doesn't even know who we are, we need to make a concerted effort to put ourselves out there. Not just on our new website, which is a great thing. But in a letterhead that lists all of the, you know, members that goes out.

Mr. Horcajo: I mean, I agree with you there. But you triggered something in my mind about something Erin said earlier that is going to be, I guess, on the agenda for next month having to do with budget issues, ways we can spend money before it's gone for 09. So I guess back to this – so really it relates to the strategic plan meeting and I guess if for some reason Wednesday is problem – for me, it's critical that it happens before the June meeting because that's hopefully on the agenda that we can discuss setting aside funds for the purpose of processes and all that stuff right?

Ms. Betts Basinger: Yeah.

Mr. Horcajo: So I just want to be sure that, we, at least before we leave the room, have an agreement that if the 11th is not happening, it may have to be the next Monday, the Tuesday, but we should look at dates before the next meeting here.

The last thing I was going to say – well, I guess, you’ve answered my question – Chair because you had mentioned my other – and I met – I talked to Erin about this as well – other redevelopment agencies that have done fine without being a corporation, and with just having staff from whether it be Planning or OED of their respective counties, that for me, very important. So I see, of course, I see some light at the end of the tunnel versus my path, not knowing much was to jump straight from here to HCDA style because now that you know I’m frustrated for sitting here and not getting something done.

Ms. Betts Basinger: And that’s good. That’s really a great attitude frustration. But, yes, I think a really important thing for us to talk about because everything hinges on financing. We need to also investigate avenues that other successful redevelopment agencies have used to finance their own operations so we’re not dependent, and that’s an educational component of the strategic meeting which is really important. And then how to utilize our – you know, we have \$88,000 left in our budget till June 30th. And if we at the strategic planning meeting have agreed to studies that we might want to see done that very important to the next two years, three years, four years in our strategic plan of the things we want to accomplish, which all should be things that have to do with improving the MRA district to encourage development. So we’re not going to build anything, but we’re going to improve the infrastructure and all the things that it’s our mission to do, that we’ve been tasked to do. So I would be hoping that we came out of this strategic meeting with a priority of tasks, how they’re going to be funded, how we’re going to get there, and the time line for them, at least through the end of my tenure with the MRA, so the time line would be three years from now and even beyond. So I have for the strategic plan that we’ll be talking about budget, administrative processes, educational opportunities, and financing and priorities for tasks. Does that sound like an outline?

Mr. Horcajo: As long as it’s just information Counsel, we can email Chair our thoughts of additional items for a strategic plan meeting? Like, if tomorrow, I think about something or next week – if it’s just information – I’m just asking about the law.

Mr. Giroux: . . .(inaudible) . . .

Mr. Horcajo: Erin – okay, that’s fine. Thank you.

Ms. Betts Basinger: Because this is to develop the agenda, which has to be noticed publically so that they know what we’re going to –

Mr. Horcajo: We have 30 days. Okay.

Ms. Wade: Leilani?

Ms. Betts Basinger: Is there another venue? A different meeting place?

Mr. Alueta: Yeah, I know.

Ms. Betts Basinger: You're blurry Joe. I can't see you through that eye.

Mr. Horcajo: The old MRA office. It's vacant.

Mr. Alueta: No, I don't --. I can't see of any public place that meets, you know, ADA requirements, the whole bit. That's why this room is so popular. We reserve it for --. If it's a non-government agency, we'll bump them if we need to and we have done that. So it was a meeting of somebody else, we can always kick them out.

Ms. Wade: We've used the Mayor's conference room, but it's under construction right now.

Mr. Alueta: Yeah. That's why we're kind of really --

Mr. Horcajo: What about six floor?

Mr. Alueta: They have a lot of testing. That's the Personnel Office. They do -- especially now, any County open position, the testing room is full. There's Council side chambers.

Mr. Horcajo: . . .(inaudible) . . .

Mr. Alueta: Yeah, that's side room off on the 7th floor, but that's really hard to book. It takes like an act of -- there's a lot of paperwork I would have to fill out. Act of Council.

Mr. Horcajo: I assume the Liquor Commission's conference room is the same thing. It's hard to book, or don't even think about it.

Mr. Alueta: No, this one is easy because the calendar is set for the whole year so we kind of know what they are.

Mr. Horcajo: So what else is open the following week?

Ms. Wade: Hey, Joe, for GPAC, we've used the Trask Building before. Can we do that?

Mr. Horcajo: That's where the Liquor Commission is.

Ms. Wade: That is.

Mr. Suzuki: And we've used it for Cost of Government.

Mr. Alueta: Is it just that date you guys want?

Ms. Betts Basinger: Yes.

Mr. Horcajo: I think so.

Mr. Alueta: Okay. June 10th, is that what you said? Yeah, we'll have to call around. But we'll put it for June 10th then we'll find a location.

Ms. Betts Basinger: And it doesn't have to be one o'clock.

Mr. Suzuki: BVA is at 1:30 right?

Ms. Betts Basinger: Everyone want to do it in the morning? Fine with me.

Mr. Alueta: That will get you moving.

Ms. Betts Basinger: Nine to 12. At least we'll get a start. Okay. Thank you.

Mr. Alueta: Perfect.

K. NEXT MEETING DATE: Special Meeting on May 27, 2009 (Wednesday) to discuss cash-in-lieu ordinance.

Ms. Betts Basinger: Let's quickly go through, members, the agenda for our next regular meeting and the items that we're going to have on it. A, B, C, C1 and C2. I made an attempt today, if anyone noticed, to try to follow Robert's Rules a little bit more closely, and I'm going to be making stronger and more aggressive attempts as meetings go on, so don't be offended if later on I'm just like shushing people. But we've got to ease into this for people that are not use to. And regarding the agenda on that, we're all busy people. We don't have a lot of time to do our business and I really am of the idea that reports from community/organization are nice, but they should be at our invitation. If there's something in particular we would like someone to tell us, then we should invite them and agenda them for that meeting. But to have it as a regular part of our agenda, doesn't make sense to the efficiency of getting our work done. So unless anyone has other comments about that, I'm thinking that, people that like to regularly testify about what they're doing, can do that as part of public testimony. And we'll give them three minutes, and another minute if they haven't concluded. But I think essentially, everything they normally report on is easily done

within three minutes. So I'm asking for feed back on that because I'd like to remove a lot of those extraneous reports unless we specifically ask someone to come.

Mr. Suzuki: But I think at the same time, for me, I'd like to know the background as to what lead to that item being then put on the agenda as a regular item rather than right now not knowing the background to just delete it. You know, what lead if for it to be?

Mr. Alueta: Are you specifically talking about –

Mr. Horcajo: There's only two.

Ms. Betts Basinger: Well it's really just one that's a regular line item.

Mr. Alueta: Right. That was done by two Chairs ago, and it was an attempt to eliminate the constant interruptions. If you every watched the show Welcome Back Carter, and it was Horshack that use to go "ooh-ooh," and that was basically what was happening. You attempted to –. It didn't work. What it was was it still allowed that person to interrupt. So you'd have to talk it over with your Corporation Counsel to whether or not under law are you required to have everybody testify under every agenda item. It's my understanding under Chapter 92 that every agenda item, you need to allow testimony under. And it was an attempt to have that person consolidate all of that person's comments regarding to the thing. And I think that was the intent. As how effective it was, I don't know. And as to whether or not it's –. And again, it was one Chair. I tried to remove, but I was not successful. If you want to try again, Madame Chair.

Ms. Betts Basinger: One of things I tried to today, and I would like to continue this is not to allow public testimony throughout the meeting. To have a specific time where everyone can testify on any agenda item that's been posted for that meeting, but at one time.

Mr. Alueta: Again, I'll defer to Corporation Counsel, but my understanding is that when I do a presentation or anyone does a presentation – any item on the presentation, you take public testimony after that item. So you had your public hearing today. Again, you had public testimony right after it.

Ms. Betts Basinger: Okay, I get what you're saying.

Mr. Alueta: Again, when I do my orientation workshop, you're required to basically – it's an agenda item, anyone can testify. Normally they testify right after whatever the presentation because how is somebody from the public suppose to testify on something they haven't even heard?

Ms. Betts Basinger: Has anyone had any experience where public testimony was at the end of the meeting, after they've heard all the agenda items?

Mr. Alueta: But then again, you're not taking that public testimony --. You're suppose to take that public testimony into account before your action is taken.

Mr. Horcajo: So I guess --

Ms. Betts Basinger: Would that just be on then on those public hearing items where we're taking action?

Mr. Alueta: That again, I'll defer.

Mr. Giroux: The law said that they should be able to present testimony to any agenda item. So I guess as an orderly vote we've tried to do so it doesn't get confused is to after every item, open it up to the public, does anybody have anything to say on this item. And I guess, you know, when you don't have action items -- if it's clear to the public that they have to testify on all non-action items, then it's clear that it's agenda as non-action items. That they have to testify at the beginning of the meeting, you might be able to get away with that. But it's tricky because the law allows you to agenda something, and you may think that you're not going to take action on it. But it doesn't mean that you can't take action on it. And that's where it gets confusing because we've had things agendaed under communications and, you know, people start talking and talking and talking and then all of sudden, oh, I move that we blah, blah, blah -- oh, second, and then they vote, and it was under communications. There was no action that was needed, but they took an action. So if the public didn't get a chance to testify before the action was taken, then you've got a sunshine law problem.

Ms. Betts Basinger: I see that. I guess I was just trying to use the County Council which is way busier than we are as an example and they take testimony and they close public testimony, and then they move on to their business. But, nevertheless, if we're going to go forward, taking public testimony on each agendaed item, I still am in favor of eliminating unnecessary reports unless it's something we've invited or we've agendaed. So we're still back to the same issue about that one particular.

Mr. Suzuki: Just as long as we understand that we need to provide or allow for public testimony. . . (inaudible) . . .

Mr. Giroux: And Chair I actually have talked to staff in the past about when there is a standing report that there should be a listing of issues that are going to be brought up during that report. To say, you know, any and all projects that may be in the Wailuku area, that for me is a little too broad.

Ms. Betts Basinger: And you heard what happened when I tried to limit it to that.

Mr. Giroux: Yeah, and I've always asked staff to at least put a bullet point, and Erin has just

come on.

Mr. Horcajo: I concur with your –

Ms. Betts Basinger: Katharine?

Ms. Popenuk: It seems kind of odd that certain people have a place on our agenda, and doesn't that open the door to like anybody could insist upon having a place on our agenda? So by virtual of allowing it for one person, are we opening sort of a can of worms in that regards, special privileges for certain people? On the other hand, on a practical standpoint, that person or persons are going to testify at a meeting no matter what, and, you know, what I hear, part of what our mission might be is to like sort of be a bridge builder between different people in the community, different organizations in the community. Is that, you know, in a real practical sense, very counter productive in that regard? So I'm sorry I'm very –

Ms. Betts Basinger: I'm glad you brought that up because in concert with this effort to stream line our agenda and get our business done, I also think that it's our job to reach out to other organizations in the MRA area like WMSA and the Wailuku Community Association and others under a different venue. Maybe create some sort of a coalition that includes all the stakeholders – the MRA – you know something like what the Mayor does in her task forces that have to do with Wailuku. So, yes, I think our relationship when it's done this way is not as rich as it could be if it were done where one of us meets as a stakeholder with all of the other groups on some outside arena – you know to keep that closeness. Warren?

Mr. Suzuki: I think the key for us to understand is that the specific agenda item is not for any specific individual, but it's for an organization and that individual represents that organization. So I think it's important to understand that's the arrangement it is right now. And clearly, the Main Street Association, the Community Association, it's an entity that falls within the MRA area. I think that's the reason why that specific allowance was provided for. But the question is to whether or not something that needs to be on the agenda for each month, you know, I agree, it probably does not. But at the same time, as I said, we need to make sure that we provide for whatever public testimony that's required by the law.

Mr. Giroux: Yeah, and we have this situation in other commissions where somebody could come and actually testify on something that's not on the agenda. As far as information gathering, that's fine. But what you don't want to do is then act on it or start expounding on that information without it having been agendaed. And on Molokai, I think we had that issue. They had this running, anything about planning on Moloka'i, and it's just like, what a nightmare because everybody on Moloka'i wants to come and give their point of view on things – yeah, their mana'o. But that's fine, but when the commission then engages on non-agenda items, like the project out on blah-blah valley, okay, we've got a problem now because that project is coming before us in a few weeks. So that's where you've a problem

where if it's not bullet pointed and agendaed, it's going to prevent further discussion. But you might want to know what's going on in the community that week. But, it's not necessary for you, you know, expound on it.

Mr. Alueta: The quickest way to make the thing go is – with regards to this specific agenda item – is say nothing afterwards.

Ms. Betts Basinger: Exactly.

Mr. Alueta: Say thank you and don't go on. Just like James said because you never know. She talks about projects, and if you ask more questions on it, you could prejudice yourself because that project could come before you as a design review or a variance or something else. And so the best thing to do is like, great, thank you. But her main intent was to – because if you go through your Bible, the MRA Bible, of projects there are some items that theoretically she should be working on or helping or updating on. That's what she was suppose to have originally intended was to update you on. But again, I think, as Katharine said, you don't want to – they're part of the community, and specifically to Wailuku, so the best course of action if the intent is just to move the meeting along faster is just silence.

Ms. Betts Basinger: Well, I'm going to throw this out to the group. What I suggest doing is reaching out to some of the Wailuku organizations, the merchants, the Wailuku Community Association, WMSA, in friendship under another arena where we work together with them, learn all about what they're doing. We start finding partnerships and things that we can do in our mission. We start defining with them what their responsibilities are in our town, what our responsibilities are in our town. But then in our meetings, I'd like to keep it to our business and have testimony on the agenda items. If it sways off of that, I'll just, you know, apply Robert's Rules, and give testimony, allow public testimony on each item as we go down. If we want an organization to come and present to us, then that will be an agenda item at our choosing. So, I would like if everyone agrees to at least see how if this might help move our meetings along and do it for the next one by removing C1 and 2, and removing item H. So as we go down in planning the next regular meeting – call to order, approval, public testimony – do we need to, on the agenda, Erin, then on each agenda item say public testimony?

Ms. Wade: No, you just open it as the Chair and ask if there's any.

Ms. Betts Basinger: You just announce it that way. Okay.

Mr. Horcajo: But Chair. But my comment on, for example C, I would think that you could say, of course, it's open to public testimony on any item. However, if you wanted to wait until after the report to testify solely on an action item, then you could wait right?

Mr. Alueta: Yes.

Ms. Betts Basinger: Thanks. That's what I'll do. Thank you.

Mr. Alueta: But don't allow twice.

Ms. Betts Basinger: Do we have any other public hearing items coming up?

Ms. Wade: Not for June.

Ms. Betts Basinger: Okay, so D is gone. Orientation, which was great, but it's gone too. I'd like to leave the discussion of the website on and hope that we have Mana Web here at the next meeting to make a presentation. Planning Department update remains. H is gone. Do you want to still talk about, or should we still have your parking subcommittee here? Because part of the strategic plan we'll talk about that as well.

Mr. Horcajo: What do you think Erin? Because Erin was suggesting that at our meeting, I should say that possibly if the timing is right, we could get the survey out maybe August. So I guess our job is still to inform the board here, right, as to what's going on. So if you hear something from Carl Kim between now and the next meeting, it's something that we want talk about.

Ms. Betts Basinger: Okay, so we'll leave that. We'll that on the agenda.

Mr. Horcajo: Okay. But you know back to Planning Department update, I asked at the last meeting to the planning staff I guess that if there were studies that would be relative to what is happening in Wailuku town that it is something that the staff should kind of bring forth, and the item I brought up was the actual campus plan that –

Ms. Betts Basinger: Munekiyo.

Mr. Horcajo: – a report that was done by Munekiyo and submitted to Council – I mean to the administration. For me, I know what it says, so it's important for the board to actually know it. So, I guess my question is is that something that the staff can at least, if something comes forth, you can say, you know, it should be in our Planning Department update?

Ms. Wade: Okay. Do we have a copy of that plan?

Mr. Alueta: I just got it. I got it through another source so it's kind of weird.

Ms. Wade: Exactly.

Mr. Alueta: I got it through someone else.

Mr. Horcajo: I got a CD about a month ago.

Ms. Betts Basinger: Maybe under G1, update on proposed projects, enforcement, dot point list of project and then dot point studies. So any new – not only will we get studies that we ask for, but any new studies that come that are germane will always be on our – we'll always get them.

Ms. Wade: That's very appropriate. We'll see what we can do.

Mr. Horcajo: You should read that. It's pretty interesting.

Ms. Wade: I read it for the Maui Island Plan, but, you know, we had to ask for a copy.

Mr. Alueta: We have concerns on it. I'll deal with as needed.

Ms. Wade: Okay.

Ms. Betts Basinger: Regarding the Maui Island Plan and reports, there is – they are working on our redevelopment agency as part of, you know, the whole island, and I know that its been brought up to us many times about in fill and the in fill limits. I would like to have staff give us that information from a planning point of view, as part of reports. So the Munekiyo study and the Maui Island Plan study as it relates to the MRA.

Ms. Wade: So a summary of the policies and recommendations in the Maui Island Plan as it relates to the MRA area.

Ms. Betts Basinger: Well, and what the GPAC has put forth to the Planning Commissions.

Ms. Wade: Right.

Mr. Horcajo: Right. But yes as it relates to this area. For example, there was some discussion about the in fill quantities got reduced somehow through the GPAC process. It got higher increase or something to 300 or something – I forget what it was – units.

Ms. Betts Basinger: And then I think we'll keep discussion on strategic planning on the agenda since we will have had a meeting. And unless there are any other comments, ladies and gentleman –

Mr. Alueta: I just have one if may. I just wanted to go back, if I may, to, you know, on the proposed staff recommendation on expenditures?

Ms. Betts Basinger: Yes?

Mr. Alueta: Because we do have money, we would like to expend. We can expend some of it. Some of it obviously will go back into the general fund which is not a problem given the budgetary crisis that we're all under, but we would – if permissible, I'd like to try to maybe purchase more benches, some tables for the Market Street improvements because we have a lot.

Ms. Betts Basinger: Yeah, we invite staff's input on how we can spend our money for the MRA area.

Mr. Horcajo: Recycled benches, it makes sense.

Ms. Betts Basinger: Yeah, and although – because I'm thinking strategically in planning, I'm thinking of paying for people to help us with research, very quickly, particularly on how we can get revenue. But I agree.

Mr. Alueta: For those, that will be in your coming budget. You won't be able to expend it out of this budget because there's no way we will be able to get an RFP out for those types of studies before the deadline.

Ms. Betts Basinger: I wasn't thinking of studies that cost so much that they have to be an RFP.

Mr. Alueta: Okay.

Ms. Betts Basinger: I'm think about things that we can do quickly that don't have a high cost.

Mr. Horcajo: So Joe is it thought of staff that for next meeting you're going to have numbers for items such as additional trash cans, benches, recycled things so we can take action on that?

Mr. Alueta: Yeah. Remember I passed around that magazine with the park benches and tables that we got. At the same time, if you noticed, there's trees absent at the key intersection of Market and Main, and that is because there's a water line one foot below that area, so they can't plant any trees there. So I'd like to look at potentially putting something. I'm a big believer in fountains, like street fountains – either drinking fountains or fountains that go up.

Ms. Betts Basinger: Not bath tubs.

Mr. Alueta: Not bath tubs.

Ms. Betts Basinger: Public bath tubs.

Mr. Alueta: No, no, no, no. Not public bath tubs. But I'm just saying, from just different areas, I've seen different types of street arts. And I think we can easily expend street art money or buy bike racks, chess boards –

Ms. Betts Basinger: Yeah, I think we look forward to that list.

Mr. Alueta: Okay.

Ms. Betts Basinger: And I also think we need to think about maintenance issues also coming out of the budget. We haven't talked yet about your, you know, sealing the cross walks or just having more regular power washing cleaning and that kind of stuff, so yeah.

Mr. Horcajo: So just speaking of potentially small items, but is it possible to suggest that flags that are put on the new led poles on events could come out of this budget? Colorful flags?

Ms. Betts Basinger: Sure, we can talk about that. Bring your ideas. We'll be talking about that under budget expenditures.

Ms. Wade: What's our cap for the RFP process? \$2,500?

Mr. Alueta: Actually, I think it can go up to \$24,999 or something like that.

Ms. Betts Basinger: Wow.

Ms. Wade: Okay.

Ms. Betts Basinger: Thinking in that same way for festival lighting – more trees. So, anything else? If not, –.

Ms. Wade: Next meeting date?

Ms. Betts Basinger: Yes, before I adjourn, I'd like to allow public testimony to a very esteemed gentleman.

Mr. Horcajo: Mr. Kimura you're still here.

Mr. Kimura: . . .(inaudible). . . all subject matter is spoke about, hit me like I don't want to go home and I want to stay here till the end. I wanted to come . . .(inaudible) . . . Corporation Counsel. My name is Robert H. Kimura. I've been here ump-teen years, over so many Presidents and all that kind of stuff, and I've seen the differences between the MRA and the legislative response to it. The Mayors, they don't know anything about it. My goodness. If I may say so in simple terms.

So, okay, subject matter . . . (inaudible) . . . very good presentation. Now the question is this, is this authorized? This is beautiful. Maui Redevelopment Agency area agency enabling legislation. Who wrote this up? Very good. Simplified.

Ms. Wade: Joe and James did that.

Mr. Kimura: Has it been certified as worthy of consideration by Corporation Counsel? If so, this is thing that's going to make you people popular. I mean, I'm putting it in simple terms. My goodness. The Mayor and Council members, they are all my friends, but they don't know anything about Maui Redevelopment Agency. Why did Mr. Steel quit? I don't want to mention names. But he got so disgusted about the support that he get. The popularity – the popularity or the information of this agency is not at the right places. The Mayor doesn't know enough about the agency. That's why the funding and all those situations couldn't get approvals. Okay? Alright? And the other thing is the Council members – funding area also. So, what you people have mentioned, go after it. Yeah. I've been here since 19 – over 10 years, coming to all of these meetings and all that. In fact, one time, helping you out about the distribution of the law, Chapter 53. Now your suggestion about that communication between the – in the computer situation – yes. You know why, we have to learn from mistakes of Oahu. But Oahu made mistakes in applying this Chapter 53. It's not funny all. You can learn a lot from them. That's right. I've been suggesting this for ump-teen years. I have it all written in my paper on economics and all that. I'm not bragging. I can't stand it anymore so it has to come out.

Ms. Betts Basinger: Thank you Mr. Kimura. You have good ears listening too now, so thank you very much.

Mr. Kimura: I don't want to take more of your time, so –

Ms. Betts Basinger: Well, we look forward to seeing you next month at our regular meeting.

Mr. Kimura: Regular meeting. Yes, yes, yes.

Ms. Betts Basinger: Thank you.

Mr. Kimura: Well, I had to spend some vacation time at the hospital.

Ms. Betts Basinger: You look healthy and I'm glad you're back. We missed you last month.

Mr. Kimura: That's for real. I know what I'm talking about.

Ms. Betts Basinger: I know you do. Thank you. So members –

Mr. Kimura: In fact, I have it all written down from the past – my testimonies. Now, the

other idea is –

Ms. Betts Basinger: Robert, we have to adjourn. The room is being taken.

Mr. Kimura: But you take these ideas where you dream about it.

Ms. Betts Basinger: I want to hear them, so I'll see you next month.

Mr. Kimura: I'll forget. I'll forget.

Ms. Betts Basinger: And so –

Mr. Kimura: You know what I'm going through at this point in time?

L. ADJOURNMENT

Ms. Betts Basinger: The meeting of May 15, 2009 is now adjourned. Thank you.

There being no further business brought forward to the Agency, the meeting was adjourned at approximately 4:35 p.m.

Respectfully submitted by,

LEILANI A. RAMORAN-QUEMADO
SECRETARY TO BOARDS AND COMMISSIONS I

RECORD OF ATTENDANCE

Members Present:

Alexa Betts Basinger, Chairperson
Robert Horcajo, Vice-Chairperson
Raymond Phillips (till 2:30 p.m.)
Katharine Popenuk
Warren Suzuki

Others:

Joseph Alueta, Administrative Planning Officer
Erin Wade, Staff Planner

Maui Redevelopment Agency
Minutes - May 15, 2009
Page 70

James Giroux, Deputy, Corporation Counsel