

**MAUI REDEVELOPMENT AGENCY
REGULAR MEETING
DECEMBER 17, 2010**

APPROVED 01-21-2011

A. CALL TO ORDER

The regular meeting of the Maui Redevelopment Agency (Agency) was called to order by Mr. Robert Horcajo, at 1:00 p.m., Friday, December 17, 2010, in the Planning Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Island of Maui.

A quorum of the Commission was present (See Record of Attendance)

Mr. Robert Horcajo: Chair will want to call the MRA meeting to order at one o'clock, Friday, December 17th. We do have a quorum today. We have our Vice-Chair Katharine Popenuk, Warren Suzuki is here, Alexa Basinger is here, and Ray Phillips is coming sometime this afternoon hopefully. Aside from that, our staff, Mr. Hopper, Erin Wade and Leilani Ramoran.

We're going to open the floor to public testimony. You have an opportunity to provide public testimony now or later on when the agenda item does come up. You have three minutes of testimony. Leilani will tell you when it's two minutes and thirty seconds. At three minutes, I'll ask you to conclude your testimony. There's also a sign up sheet if anybody wants to sign up. So is anyone at this present time want to testimony on any agenda item please step forward, identify yourself, and if it's a group, who do you represent.

B. PUBLIC TESTIMONY

Ms. Jocelyn Perreira: Aloha, I'm going to testify a little early because I'm a little under the weather in case I cannot stay the whole meeting. Jocelyn Perreira, representing the Wailuku Main Street Association Inc./Tri-Isle Main Street Resource Center. There's a couple of things that came to mind. There was a letter to the editor that was quite derogatory and slamming the work at the Happy Valley portion of this beautification project. I think it's really important. I mean, I don't know why we have public relations people. They're not just to talk to people in the immediate vicinity which is clearly important and I think that was done well. But you got to be in contact with the general public because, you know, there's been so much confusion on this particular project from even upper Market Street. And I mean, there's been problems with upper Market Street, and there's been things that we haven't been really happy about. And some of you probably haven't been either because when we did review the designs and what not, when things go back to the engineers and they got to change something because they got to change pipes or cables or whatever they got to do underneath the ground work, it changes what the project looks like. And it doesn't necessarily come back to any of us. We didn't get ours until like after it was said and done, after we had downtown Bosnia kind of thing that terrorized and terrified everybody. But when you have somebody printing a letter, like there you go again. I mean, this is time for let's set the record straight, let's apprise the people that this is part

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of a larger project and there's some inconvenience. You know, there is inconvenience that's going to happen. But if you just let it go without a comment, you know, it plants things into people's minds. And I can tell you for our organization's standpoint, we don't appreciate taking the rap for what isn't our project and it's your project, and people are just confused. You know what I mean. And some of that is just the inner workings that happens with the realities when you get one construction site. They have unexpected delays or problems that you cannot be anticipated. So I don't know, maybe it would be nice if Milton Arakawa – I know everybody is leaving – but somebody has to do a little, you know, just an update, just, I think to get everybody apprized.

And the last thing I want to talk about, the last but not the least, and I hope you will indulge me, is this request for proposal. We've looked at the request for proposals and at this time, you know, there are things that we feel comfortable with. We do want to express the concern, though, that we feel that a lot of this request for proposals should be done in house, and not being put out to go hire consultants to ultimately –. You can hire a consultant to get what the results you desire and probably it should be more in controlling in the hands of the MRA where there's public input into it, and so on and so forth. And that's just our comment was like we felt that a lot of this could be done by in house staff instead of taking it out to outside consultants. Some things you have to do outside consulting, but some things you really want to maybe kind of have it done in house especially if you're trying to be cost effective and economize.

Mr. Horcajo: So Jocelyn, just real quick. You talked about the RFP for the update of the WRP and zoning code, right?

Ms. Perreira: Yeah.

Mr. Horcajo: Not so much the clerical.

Ms. Perreira: No. No. That has nothing to do with the clerical. Yeah.

Mr. Horcajo: Alright, any questions for the testifier? Are you done?

Ms. Perreira: And happy holidays everybody. Thank you. I hope you have a safe and healthy new year.

Mr. Horcajo: Alright, thank you very much. Any other public testimony at this point in time? Okay, the Chair will close this part of the agenda item. Item (C), there are no public hearings for this meeting. Agenda item (D) has to deal with the workshop. We have present Francis Cerizo from the Zoning and Enforcement Division, Planning Department, who has been dutifully making presentations on the updated FEMA. So, he's here

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specifically through the area that pertains to the WRA, the Wailuku Redevelopment Area.

C. PUBLIC HEARINGS (none)

D. WORKSHOP

Workshop on the new proposed Federal Emergency Management Agency (FEMA) flood maps based on hurricane generated flooding presented by the Zoning Administration and Enforcement Division (ZAED) staff. (Francis Cerizo)

The Board may provide its comments on the information presented.

Mr. Francis Cerizo: Good afternoon board members. Today's workshop is to focus on the MRA, specifically in the the lao Stream and Happy Valley area. This flood mapping change that FEMA is going through right now is we're at the – we are here at the pre-appeal period. What I mean is that over the next three to four months, there's going to be an official appeal period. So today is just an outreach to inform the community, the board members, that there is an upcoming change in the flood mapping. FEMA is working on revising the mapping in two areas. One is due to failure of levees, and lao Valley is one of those areas that the levees are actually failed, and they're going to show the unprotected area is being flooded. Other areas, for your information, is the coastal areas. A study, a hurricane study was made for all of the islands in Hawai'i, on the southern side, so that's reflected on the coastal flood mapping.

And I'll show you –. Well, basically, today, I'm just going to show you how can you find your lot, and just the tools that where you can, if someone asks you the question, perhaps you could help them find how it's affected. One of the major implications of this flood mapping is, besides the obvious flood insurance during constructions, implications where you're going to have to improve your lot, improve your building to flood standards if you do substantial improvements. Or if you're coming in with a new building, it will be made substantially higher. These, from what I gather, lao Stream is slated, is scheduled, to be improved over the next, I believe, over the next five years. They're going through the process of getting construction drawings. But now, the time line is, I believe, it's almost four years from now to have it completed. So you'll have these improvements, but later on it will go away, supposedly, if it gets funded.

Mr. Suzuki: So it's interim. So what you're saying is interim right now?

Mr. Cerizo: Well, you know these, like the highway to Lahaina, it's taking 20 to 30 years to get the next lane. So, lao Stream was built in the 70's. This is now 2010, 40 years later.

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So we can't guarantee that it's going to get funded, but they're moving on to upgrade the channel with – they find is, there's a design deficiency. So the Corp is taking that task to improve the channel so that it provides the protection that it was designed for. So the first slide, you know, when you look, how do you locate your property? And one of the, on your handouts, we have the website on there. You can go to the URL. If you just Google, flood hazard assessment tools, you'll get there also. They have a disclaimer on here that indicates that we're not responsible for the information. It's for your information only. And one of the reasons for that is that, you know, for the lay person, you know, you might think it's correct. But for the professional, there's some adjustments that needs to be done. This is the website that you'll be –. This is how the website looks like. You know, there's layers, and there's the property search. And you know, just follow the typically, you know, put the TMK or your address and you'll get to your lot.

One of the adjustments on the map or some errors on the map that's used, that's available, is that the map layer, parcel layer, is inaccurate. The flood maps are based on imagery and the flood layer, so those two are married. When the FEMA, when you look at any FEMA maps, flood maps, they have imagery and there's the layer that's on top of it. This site has the same imagery and flood layer. However, we added, or the State added, the parcel layer and that's where the error is. And it's kind of obvious, you can see here, this is downtown, Valley Hardware, and the lot line goes right through the property. Likewise, you know, it kind of cuts through this building and that building. And here's the center line of the road, so there's a little adjustment that's needed. So keeping that in mind, when you review these, when you make your searches.

So, we're going to go through an example. This is what the current flood map shows now. This is Iao Stream. This is Market Street. This is part of the warehouse for Valley Hardware, right next to Takamiya Market. And right now the flood zone for this area here is x-zone, which is like a c-zone area with minimal flooding. And we have this area, zone-x, which is your area of minimum flooding. The reason why it doesn't get flooded is because it's protected by the levee. Now since we have a failed levee situation, we're going to have a new flood map, and this is where Market Street gets almost totally inundated. A closer view of Market Street shows the same lot that was in zone-x, now is flooded up to elevation 246. That's the elevation above mean sea level. To find out what the depth of flow is you need to get a ground topo of the property and you get the difference, and then you can figure how deep the flood level is. From looking at the map, this is Market Street. The bridge is causing – you know there's a constriction of the bridge, it's backing up, and this is where it's actually overflows. And it comes from the back side, and it goes through the community and down to Market Street, and then it flows back into the stream. So like I said, the major implications or ramifications is that increase flood insurance, new construction standards, and insurance can be very costly. If, depending on the depth of flow, we've seen flood insurance – and in this case here it's zero – it will go up to \$12,000

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a year, up to \$20,000 a year for commercial property. We've seen some residential properties go up to \$26,000. It's dependent on when the building was built, and there's a lot of factors that address it. So that's something that if you want to find out how it's going to change, you should go to your insurance company and ask for a quote.

Part of our outreach is that if you get your insurance prior to the map going into effect, you can be locked in, in the old rate or at a lower rate. And that might be enough so that you might be paying just a couple of thousand dollars or a few hundred dollars. But that's if you do it earlier. So we're going to do another outreach, you know, just prior to the adoption, you know, sometime in early fall.

We have the comparison tool that's available online, and it's on the menu on the right hand side, and you click on the tool. You need to have both the flood layers. There's two layers that's available on this here that shows the existing map and the new map, the new proposed map. You put those two together, and then it will give you a comparison. In this case here, we have, you know, there's no flooding, no base flood elevation. But in the new mapping, it shows that, you know, the elevation is now up to 243 feet to 246. So this is, this is so you can take home. We have, if you want, we can do like another area, if you want to look at specific lots, we can do that so that we can review how we went through this. And it's available. So if you folks prefer, we can, you want to go to another parcel. Give me a lot.

Mr. Horcajo: Does the members want Francis to identify some other property or this is fine for now?

Mr. Warren Suzuki: I have a question first.

Mr. Horcajo: Okay. You know what, if you don't mind, I'm going to open up to public testimony first, I guess, and then we'll call you back up Francis, if you don't mind. Is there any public testimony on this agenda item?

Ms. Perreira: Thank you for the update Francis. This is Jocelyn. I think if you have projects that's impacted, then I think it would be appropriate for him to show us some of that TMK's because the way you would treat this design reviews and how you're going to do the project, I think, will definitely have a distinction. And I'm just curious, in light of what's going on with Happy Valley, if there is something that Happy Valley now is different, what does that mean, what is the implications for insurance and all that other stuff. Thank you.

Mr. Horcajo: Okay. Thank you. Any other public testimony at this point in time? Francis? Excuse me, go ahead Howard. Identify yourself.

Mr. Howard MacPherson: Howard MacPherson. Concerned citizen. I just had a question about you identified the main problem as being the bridge over the valley. Has there been any touch on solutions for that problem?

Mr. Cerizo: This project has been on the books, as far as improving lao Stream, for about 10 years. So they've gone through preliminary reviews. So there is a plan to improve it, to correct it.

Mr. MacPherson: To correct the bridge itself, right?

Mr. Cerizo: Well, to correct the flooding. Yeah, the levees was suppose to provide, I believe, it's like a 200-year level of protection. So right now it doesn't do that so they need to anchor the core, acknowledges that it doesn't provide a certain amount of protection. So they're in the process of having that done.

Mr. MacPherson: A solution for the problem.

Mr. Cerizo: Correct.

Mr. MacPherson: Thank you.

Mr. Horcajo: Francis, if you can, the members have some questions for you.

Mr. Cerizo: Sure.

Mr. Horcajo: Warren, you want to start?

Mr. Suzuki: Thank you. Francis, so currently as the lao Stream improvements exist, the area, if you look at the area from Market Street mauka into the Happy Valley area, the majority of the area is in a zone-x as you explained?

Mr. Cerizo: Yes. This is the revised map on the left.

Mr. Suzuki: Right.

Mr. Cerizo: So you'll see that the flooding occurs just in that area. Well, actually, it goes on both sides of the stream.

Mr. Suzuki: But that's in zone-x, right?

Mr. Cerizo: Yeah, so this area here. Let's make a little –.

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Mr. Suzuki: I guess I'm trying to understand, you know, the situation as it exists today, and how it's going to change, you know, once the new maps are approved. So as the map exists today, there's a significant area mauka of Market Street, the Mokuahau, Kahawai Street area, that's in a zone-x. You mentioned the green color. But what's being proposed right now is what you're show in here is that, that area mauka is going remain zone-x or is it going to change?

Mr. Cerizo: So just plain x.

Mr. Suzuki: Plain x. So it seems like the area that will be impacted the most, with the revised maps, will the area that's closest to Market Street.

Mr. Cerizo: Correct. There's some areas here that's more mauka that's outside of the MRA that you'll have flooding. Yeah, most of it's going to happen here. Yeah, there's some –. Well let's just keep it in the MRA. That's fine.

Mr. Suzuki: So my next question I have, Francis, is that in the comments that you made, you indicated that what's causing the change now is because of a failed levee and a design error?

Mr. Cerizo: The levees are – there's a design deficiency in the levee. So whenever there's a design deficiency, the Corp or FEMA, they gave the County a couple of years to have it fixed, and they didn't have enough time to fix it because these things take a long time to fix. So what they did then after not complying, they failed the levees. I'm not sure how much they failed. They said they're going to find a place where it's actually going – they're going to say, okay, this area is going to fail because or they just took away the levee, and that is the case here. You move the levee and it will show where the flooding would occur.

Mr. Suzuki: So Francis, and again, hypothetically, if I took a position of a business owner that fall within the revised map within an area of, I guess, a high probability of flooding, and my flood insurance rates are going to go up, as you mentioned, in the thousands, you said \$12,000 to \$20,000. I could take the position that the County has been aware of this problem for the longest time, they were given proper notice to have it corrected, they didn't correct, so now, I, as a property owner would have to either, one, adversely impacted by the inaction part of the County and I have to come up with an additional \$12,000 to \$20,000 a year as far as property insurance, where, why it's something that I shouldn't have to bear? Wouldn't that potentially open the County for litigation?

Mr. Cerizo: I'm not sure. I can't answer that question. In this case, we're the messengers. FEMA saying the maps are changing because it's not –

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Mr. Suzuki: But isn't it because of inaction on the part of County, with proper notice given?

Mr. Cerizo: I'm not sure you could say inaction, but you know, some levees, like all levee reconstruction, it takes millions of dollars. This is going to be a huge job, and I'm not even sure if it's going to be all paid by FEMA or the Corp, or how they're going to get the funding. So that's why I said, you know, as far as when it's going to be built. The Corp is the one that identified the – so if anything – yeah, I'm not sure, go for the Corp. But I can't say, you know, I'm just speculating, so we'll just end that.

Mr. Suzuki: I guess, the concern that I have is that if you look at the Market Street area, there's a lot of businesses, with the exception of maybe Takamiya, that's struggling to just survive. And if they could potentially be hit with flood insurance rates amounting to thousands of dollars a year, additional beyond what they currently pay, to me, it's a real unfortunate situation.

Mr. Horcajo: Well, I'm going to ask the other members their thoughts. And keep in mind, this is still just part of the process, right? FEMA is saying this. The general public may decide it's really not right. So –

Mr. Suzuki: Well, I understand that, but I'm just –

Mr. Horcajo: Sure. Oh, yeah, I agree with you.

Ms. Alexa Betts Basinger: Thank you Chair. Francis, you said that it was built a to a 200-year standard.

Mr. Cerizo: Okay. You know, as far as the – it's typically, you know, the channels are built at 100-year. Everyone here is, you know, in a 100-year. This channel is built to a standard. They call it the standard flood, and it's a higher level of protection. And it's somewhere between 150 and 200, but it's substantially more than our typical 100-year flood protection. So I'd say approximately 200, but it could be less. But it's more than our standard of 100.

Ms. Betts Basinger: Okay. And just indulge me, one more question. It's going to sound silly, but, so FEMA is requiring this change in the maps because due to the failure of the levee or just the bridge?

Mr. Cerizo: The levee.

Ms. Betts Basinger: The levee. And that effect is mainly with the bridge then? I mean, that's the typical effect that we're going to see here.

Mr. Cerizo: Well, it's somewhat complicated. When you say failure of the levee, the physical levee is removed. And then what happens is the bridge, you know, because it's a constriction . . . (inaudible) . . .they'll naturally back-up.

Ms. Betts Basinger: And lastly, the Iao Stream Improvements, what would they improve? I mean, what is the scope of that project?

Mr. Cerizo: We haven't, I haven't seen that yet. In fact, they're developing the plans, I believe, as we speak. And that's something that we'd like to see a status on that project. You could put a request into the Engineering Division of the County because they're like the co-cooperator on the project. They acted on behalf of the County to improve the stream back in the 70's.

Ms. Betts Basinger: One other question Chair.

Mr. Horcajo: Sure.

Ms. Betts Basinger: Because your report was so clear and so precise in the increases in insurance that can be foreseen, this issue must have presented itself in some preliminary work. Where did that come from?

Mr. Cerizo: From the, we have from our last map change in September of 2009, there was some major changes. Well, there wasn't any major changes. Actually, what happened was that, the flood maps was typically a paper map. It was available in this form. It became a layer. So this layer became available to all the insurance companies, all the subcontractors. We had a lot of inquiries from many homeowners saying, why are we getting flood insurance. And it's just that the maps are now, are more precise. They can actually –. You know, they have some smart programs where the layers goes over a building and that building was not insured. They're telling the homeowners you need to get insurance.

Ms. Betts Basinger: So was that the insurance companies that requested this new layer or did we provide it – let everyone know that this new technology was available?

Mr. Cerizo: Okay, this layer is a national effort to digitize all the maps. So we're one of the last counties in the state that actually got the layering.

Mr. Horcajo: Katharine, do you have any questions for Francis?

Ms. Popenuk: No, I didn't.

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Mr. Horcajo: Francis, I have a couple of questions, and maybe the other members may have too. Just on the process itself, you call this a pre-appeal process and sometime within the next few months, I guess, there's going to be an official notification by FEMA or by the County. When is that supposedly suppose to be?

Mr. Cerizo: I'm not sure exactly, but we're suppose to have been in the appeal already but I haven't see the notice. As soon as FEMA publishes that appeal, we have 90-days to respond. And during that 90-day period, we're planning to go to all the Planning Commissions, and visit different islands. In the past week, we've gone to the Hana Advisory Committee, and we talked to the Urban Design Review Board. You're kind of unique because you have – part of it is in your jurisdiction.

Mr. Horcajo: Right. So, the – I mean, I believe I know the answer – but the idea of the individual notification to the potentially affected landowners, that's not done, right? It's just a public notification of the appeal process, and if property owners are aware of what's going on, they need to come to the public hearing. I mean, there would be no individual property notification, right?

Mr. Cerizo: As of now, we don't anticipate sending individual notices out.

Mr. Horcajo: Okay. So if you don't mind, members, I have a couple of techy questions. So what is the levee per se because, you know, I have property on Lao Valley Stream and stuff? That's what I'm confused. It's not the debris base and that thing you talked about. It's just right before the bridge where it starts to constrict to go under the bridge? Is that what you're calling the levee?

Mr. Cerizo: The levee is –. Like Katrina, you see this big –. It can be a straight wall, and along the north side of the Lao Stream there's a wall so people can't fall over.

Mr. Horcajo: Right.

Mr. Cerizo: So that's somewhat of a levee. You know, it's a small scale levee. If you go further mauka, then you'll see like a triangular. It's a fill. It's like a pyramid.

Mr. Horcajo: Right.

Mr. Cerizo: Your typical level where it's based on fill, and it's boulder wrapped so that it doesn't erode, and it's compacted to a certain level of compaction so it kind of ensures, prevents infiltration and erosion.

Mr. Horcajo: And so the failure is not just by the bridge is what you're saying. It's kind of

the whole system that was created somewhat?

Mr. Cerizo: Yeah, if you look at the map here. You know, if you go down by – I'm not sure if anyone walked along the levee – but this is the post office, this is Wili Pa Loop. And if you ever walked along here, the river is actually –

Mr. Horcajo: Eroding.

Mr. Cerizo: – lower than the levees itself. I mean, if you walk at the bottom of the river and the levee's bottom is 10-feet above it. So, this area is going to be all failed. They expect that the whole levee will just fall into the river. And then it would just overflow and –. This is Iao Parkside. And this is Lower Main Street. You know, that whole area is going to get flooded. We have major impacts on these areas because of the failure of levee at, just above the industrial area.

Mr. Horcajo: Okay, so, what I get from what you just said is that really the levee failure is more makai of the Market Street bridge because I know there's been an issue with the Millyard properties. That's more where the levee has failed? So then mauka of the Market Street bridge?

Mr. Cerizo: Well, when they reviewed this Iao Stream, they actually reviewed the entire stretch. Most of the levee breaks is occurring below Market Street. And as you can see, you know, there's more flooding below Market. At Market and above Market is minimum flooding. It's because, you know, the channel there is more protected. Actually, it's all lined, and it's a big, concrete channel. Everything below Market Street is somewhat, it's just open channel.

Mr. Horcajo: Natural.

Mr. Cerizo: Yeah.

Mr. Horcajo: So I guess my last comment is more of what Warren had said. Warren, I guess, what I'm curious about is that FEMA approved the existing plan, right? And with the Corp's help, they created this system to include the levee system, mauka and makai of the bridge. So, to some degree, I'm not sure that it's all just the thought of the County I guess. It just depends on what comes out of this whole process here because they approved what we have now. Any other questions for Francis?

Mr. Suzuki: I just have a question Francis. And being in engineering, having designed the Wailuku Industrial Park and understanding the process that the designer had to go through to design the subdivision. If you look at Iao Parkside, for example, and you've got

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those multi-family units, you've got the single-family lots and all that. And they will likely be significantly impacted by the revised maps. And my concern is that, you know, as a homeowner, when you go in – when the designer designs a subdivision they design it at that time according to County and Federal standards, recognizing the fact that you are adjoining to Lao Stream. And you make accommodations, you know, based upon whatever conditions are imposed upon you, and a developer did what they were suppose to do. The lot owner comes in and has certain assumptions relative to what's been done to protect the properties, you know, from flooding because of the fact that you are adjoining Lao Stream. And now, 10-years down the road, or 15-years down the road, after you've purchased the property, you find out that what was done was really was not sufficient, you know, for various reasons. And again, I look at the homeowner, I look at the property owner, now they're caught in a situation where they've got no choice, you know, but, now to buy flood insurance. Whereas, previously, they were led to believe and in correct assumption that they didn't have to. And you're going to find property owners that's going to be significantly impact by what's been proposed. I think that's what concerns me the most, that it's something that they'll be significantly impacted and there's not a whole lot that they say or they can do. I mean, you've dealt with FEMA before. If you was a property owner, go to FEMA and say well it's not fair. Their response is, well, this is how it's going to be and you need to deal with a situation, you know, based upon how it becomes, and they are going to be the ones –. And I'm not blaming you Francis. I'm just venting on you. But they're just, the innocent property owners are going to be the ones that are going be significantly impacted and primarily from a cost impact perspective. And I think that's what concerns me the most.

Mr. Cerizo: Yeah, so that's why, you know, one of the things that to minimize the cost impacts is that we need to, you know, have enough outreaches to have everyone that's in the x-zone now get the rate that is a x-zone. They have preferred x-zone if it's not flooded. And if you're having a flooded, you can get insurance for \$300 a year.

Mr. Suzuki: So you saying, Francis, they're buying insurance based upon the x-zone. One year down the road after the maps are changed, now they're in a really highly exposed area, the insurance company is obligated to allow you to continue to pay the x-zone rate?

Mr. Cerizo: Okay what happens there is that, and it's somewhat complicated, they give you a rate that is not the highest rate. You know you'll have, instead of \$300, they'll give you, there's another rate that is a little higher, but it's not going to be as high as the \$1,000's of dollars type of insurance. So that's why it's so important that everyone gets to know, you know, if they're going to get flooded, and how much. You can buy the insurance the day before the –

Mr. Suzuki: You can lock it into the lower rate.

Mr. Cerizo: And you can lock in. It's grand-fathered. You can sell the lot and it goes with the lot, as long as that insurance is not expired, or it, yeah, it doesn't expire. It's forever.

Mr. Horcajo: Are you done Warren? Katharine?

Ms. Popenuk: Can you explain to me what this, the 90-days appeal? What exactly are you appealing with FEMA? Are you contesting that this area in fact is not a flood?

Mr. Cerizo: That's correct.

Ms. Popenuk: How do you approve that?

Mr. Cerizo: During the appeal period, you know, people can come in and vent. There will be a lot of venting, you know, we never got flooded before, this never happened, why are you doing this to us? But an official appeal is a technical appeal. You would have to come in and say based on my study – and you have to do a study almost as high a level as FEMA and that's going to be very costly. But only appeals that can be addressed are those appeals that are backed up with technical studies that indicate –.

Some of these of lots, let's say right here, let's look at this lot right here. If there's a lot here, and sometimes even on the boundaries of these lot, you know, the flood height –. Here's the elevations, 280 and 199, and it's going to go through –. Let's say it goes through the house, and your house, it shows that your flooding is at 199. If you go out there and survey it, and you show that your house at 201. The ground is 201 all around. No ways that going be flooded. So with that, you're showing that the map is wrong. I want to appeal based on my surveyor says. And these maps that they have, these are, a lot of these topo is available or was used is through LIDAR. You know, they shoot light rays to the ground, and they can measure – you know how they shoot missiles down – they can measure the distance. They do the same thing with all ground LIDAR and they can create topography based on that. But, you know, their degree accuracy cannot be exceeded by a ground survey, that, you know, you're actually down on the ground and you go for a monument into your lot. So that's one option. And that's what we need to – if anyone wants to do an appeal, that's one way. That's the easy one. But if you're looking at why is this area here flooded while these other areas aren't flooded. And then you think there's all these walls here that prevents the water from coming through and there's no way the water can come through so you will have to come up with some kind of –. And that could be an easy one. There's walls all around my property. So, that's – and the appeal period is set. It's 90-days, and then it's up. It's really hard to get an appeal afterwards. Not that you can't have an appeal, but this is when the maps are all, you know, the consultants are there so it's easier for them to adjust. State appeals would require fees.

Ms. Popenuk: So what are you doing to inform property owners? Because this is going to impact a lot of people.

Mr. Cerizo: Yeah. So, we're starting with the boards and commissions. And this is just like a pre-appeal outreach. When the appeal comes in we expect to have it on our website. We expect to put it in the newspapers, maybe the radio. FEMA is coming in February to address all questions on Maui. They will be here at the Maui Planning Commission on the, I believe, the 8th. So, it will be on, hopefully it will be on Akaku. We're trying to use the boards and commissions as a spring board, and then the other outreaches are through the internet and your typical press release.

Mr. Horcajo: Okay, we're almost done with you. Alexa?

Ms. Betts Basinger: One quick question. So when someone asks me, because I think it's the MRA will use our website and our ability to communicate at least with the folks in our area. But when someone asks me – and I'll read this carefully when I go home – but is this new map based on elevations and 100 or 200 year storm flows? What are the two main factors?

Mr. Cerizo: I can find that information. I don't have the exact information. All of the flood studies data should be online. Use the flood insurance studies. This is Maui County. This is the old one. Now as far as the new one that's coming up, you know, we don't have that available. In fact, let's scroll down. But, on here, the cues are the same. When I say "cue," . . .(inaudible) . . . water is coming down. And it tells you what year level.

Ms. Betts Basinger: And the quantities of water coming down I assuming take into account diversion.

Mr. Cerizo: They take into account all of the area that's above. At any one point, typically they take care of all of the water that's flowing through that one point. It should be a consolidation. All the flood areas become one, including diversions.

Ms. Betts Basinger: And that one point is below the diversion or above?

Mr. Cerizo: At any one point. If you look at this stream here –

Mr. Horcajo: Does that make sense? Say for example this would be our stream coming from the back. So if the point is here, then it's all the water that flows from ridge to ridge, and it flows down to that point. If it's down here, then it's ridge to ridge, all the water that can potentially drop down within that area. And the pont you're measuring it is what –

Mr. Suzuki: That's what they call the contributory area.

Ms. Betts Basinger: Right.

Mr. Suzuki: So at any given point – because water naturally flows down hill, down stream – if you look at that particular point, how do they find what the contributory area is for that particular point, and that's how they determine the amount of water at that particular point.

Ms. Betts Basinger: So they have records of what that amount has been over a period of years.

Mr. Suzuki: It's all calculated.

Ms. Betts Basinger: Okay. Thank you.

Mr. Suzuki: I had a comment Chair.

Ms. Betts Basinger: And one last thing on process. You mentioned that it would be, the maps would be, ready for approval in the fall of 2011?

Mr. Cerizo: It will be effective.

Ms. Betts Basinger: Effective.

Mr. Cerizo: It will be effective before the end of the year.

Ms. Betts Basinger: Okay.

Mr. Cerizo: I think it should be like August or September. Somewhere around there.

Mr. Horcajo: Last question. We'll see him back.

Mr. Suzuki: I guess Francis, who makes the determination as to how notification is being sent? Because you mentioned that at this point, I guess the County's position is that you folks will be meeting the various boards and commissions as far as the outreach. And then you'll put out, you know, public notices, just general public notices. Because I guess what I'm struggling with is that, you know, when private developers come in and propose a change to their property, the County has, you know, requirements relative to what sort of notification you're required to provide to adjoining property owners, to owners within 500 feet. So, you know, here, on one side, private landowners are required to provide specific notices to property owners within adjoining or within 500 feet. And yet when the

County is involved, it's just a general notice in the paper. To me, I'm kind of struggling, where's the fairness there? On one hand you're saying we've got to do all this, and on the other hand, you're saying well, for us, it's just a general notice in the paper.

Mr. Cerizo: Okay, this is a Federal flood map, so, you know, the level, you know, we're down here, municipal and the Federal. So there's no, you know, we don't have any laws that can govern the Federal. What they are governed by is the Federal –

Mr. Horcajo: Hammer.

Mr. Cerizo: Hammer.

Mr. Horcajo: You know what, and that's fine.

Mr. Cerizo: They have a Federal Code.

Mr. Horcajo: Right.

Mr. Cerizo: There's a legal document, and it says whenever there's a map change, they're required to put in notices in the newspaper.

Mr. Suzuki: And that's it.

Mr. Cerizo: Yeah. And then the Counties or the municipalities, we're there to somewhat help out on that, and that's where, you know, how much do we want to spend? Do we go door to door? Do we go give leaflets out? Do we stand around with signs? Do we give everybody certified letters? You know, we're talking about hundreds and maybe thousands of residences. You know, we're looking at this is highly dense area.

Mr. Horcajo: Okay. Alright, I think we beat this discussion. Francis, thank you very much. But, I want to say a couple of things. You know, we have the opportunity if we so choose to send letters to all who we feel are affected in the area. I mean, that's something we can talk about at a future date. And I'm assuming we'll get Francis. We would want to get him back after FEMA gets here, February 8th. Maybe he could give us some update as to the process, when the process starts, and anything else. So, thank you for your time today.

Mr. Cerizo: You're welcome.

Ms. Betts Basinger: Thanks Francis.

Mr. Horcajo: Happy holidays.

Mr. Cerizo: Thank you.

E. PLANNING DEPARTMENT UPDATE

1. Wailuku Redevelopment Area permit and enforcement activity

Mr. Horcajo: Okay, we are now on agenda item E, Planning Department update. Erin sent you a little bit of an update sheet, I think. Hopefully you folks had a chance to read it, so all yours Erin.

Ms. Wade: Okay, thank you. We've had a lot of activity this month and probably a result of change in administration, people wanting to wrap things up and clear their plate for the incoming administration and changes.

First the redevelopment area permit and enforcement activity. I passed this out today, this long sheet. This illustrates the lists of permits right now. We only have four open actually, so we've done pretty well at clearing out whatever backlog was there. We do have a couple. We have one that came in recently. That's the Maui Bake Shop, the one that I indicated to you folks, and the rest we're still coordinating on. The one on 4856 Market Street, I'm actually just waiting for a withdraw letter on that one. They're going to be pulling that request. Everything else is just we're working on moving forward.

Mr. Horcajo: So Erin, excuse me, just a quick question. So all the other ones we had on the list months ago that were somewhat pending like –

Ms. Wade: We had Habitat.

Mr. Horcajo: I think Richard Dan had about –

Ms. Wade: A valet parking request.

Mr. Horcajo: – valet parking. They've official said you could sign off.

Ms. Wade: Correct. We removed it, and if they want to pursue those activities again, they will reapply.

Ms. Betts Basinger: And how are we being notified?

Ms. Wade: So most of them I either talked directly to. Like Rick McGovern I spoke directly to as well, and we do need confirmation in writing from the applicant to withdraw or to close their letter unless we have sent them a letter themselves saying you have 30-days to

respond or we will be closing your file. And then we'd send them a close file letter. That happened in a couple of cases. But most of them when I sent them the 30-day letters, they came in. An example of that was the Ordonez Ohana Project that had been on there for years, and they actually had a lot of after-the-fact fines that they had to take care of, so we were able to reduce it down to a point that they felt they could take care of and work with DSA to meet compliance. So there had just been a lot of that. So internally and externally people just wanted to do some housekeeping, and now we have a real short list.

Ms. Betts Basinger: This is great. The oldest one is Main Street Bistro. Is that their door?

Ms. Wade: That is actually their paint.

Ms. Betts Basinger: Their painting, not their door.

Ms. Wade: Their paint scheme doesn't comply with the design guidelines, and I kind of gave them two options. One I could deny their application, or two, they could propose an alternative and amend their application. They elected to amend it, but I haven't seen the amended application as of today. I honestly haven't bugged them about it because it just didn't seem to be high priority at this point. But you let me know.

The only other thing I wanted to bring up in terms of permits and enforcement was some activity on 2114 Vineyard Street. That's the project that's been known to you as Ditmars project. It's right above the new Four Sister's Bakery, across from Saeng Thai. It has had a blue tarp over it over the years which has deteriorated. Basically what we've done was we closed out the MRA application because there was never an application. They were informed you've done construction without a permit, and therefore you need to apply for an MRA and a building permit and all of these things. None of that was ever done. How they ever got assigned an MRA number in the first place is kind of unclear. We closed it. We've now sort of punt it back to DSA and asked them to commence enforcement again, so they're going to be taking that up. And I gave you a copy of an email between Clayton and Ralph Nagamine and I to that effect.

2. Website Update

Ms. Wade: The website update, hopefully, you folks have had the opportunity to get on the web. We actually had all of this FEMA information up on the news page. There's just been a whole of additional information added, so if you have any feed back on that or other additional suggestions let me know. Questions anyone?

Ms. Betts Basinger: I think the website looks great, and it's getting fuller and richer. We need to partner it with getting the word out that people who are landowners in this MRA

area, we need to inform the public that that's their to go place to find out what's going on. And I think it's a perfect venue also for the FEMA maps, you know, even if we have to do flyers door to door or something. But, go to the MRA website and learn what you need to learn.

Ms. Wade: That was actually very convenient. When I got the maps from Francis, I was able to identify which projects that had recently come before us we're going to be impacted. I emailed those folks and told them to go to the website, and where we had the maps posted. So that was effective.

3. Newsletter Update

Ms. Wade: The newsletter update is coming along. I think we were – this is funny. We had intended this to be a quarterly, and now it's going to turn out to be an annual one. But I would hope in January I'll have a newsletter ready for you, and I think it will include this FEMA information as well.

4. Re-Striping of the Wailuku Municipal Parking lot update

Ms. Wade: The re-striping of the Wailuku municipal parking lot is complete, so that was awesome. And it was done before the end of the Thanksgiving holiday which was wonderful. We just wanted to extend a thank you to the Main Street Association, to Chris Hart & Partners for helping, and Richard Dan for some of his funding, so it worked out. We got an additional 11 spaces. And thank you to Milton and his staff for prioritizing that, of course.

5. Contracts for services with the MRA update

Ms. Wade: Contracts for services with the MRA. You had asked me to investigate the grass that was growing out of the grates near the trees. We did make a phone call to Teens On Call. I don't know, Bob, if you saw them out there, at all, yesterday. They were suppose to be out there yesterday, pulling and a little bit of poisoning of the things that are coming out the grates, so that was positive. We'll double check that this week. If that didn't occur, I'll do another follow up.

We also have exciting news. We met with Maui Nui Botanical Garden about the planters themselves. And Maui Nui has expressed an interest in taking over the planters as sort of an extended extension of the botanical garden. They are also in the process of changing their leadership. They're getting a new executive director. So, while we planted the seed to move forward to collaborate with that, we'll have to see how this spreads out. But it sounds like no problem with the donation of plants.

Ms. Betts Basinger: Did you deal with Onis?

Ms. Wade: No. We spoke with Tamara. She's the acting interim director right now. She will go back to her garden manager position, which is great because she knew exactly what was in the nursery and what they can contribute. But, really excited about the possibility of native species. They were excited to bring native species up to Wailuku and thought it would be neat to have another climate zone to be able to feature plant materials that they can't feature in Kahului. So, it's actually a different climate zone. I didn't know that, so that was neat.

Ms. Betts Basinger: And does that include on-going maintenance?

Ms. Wade: That would be the thing that we still need to work out. She was pretty much able to commit to contributing plant materials. She said she would like to have it be part of an extension of the gardens, in which case, they would do on-going maintenance. But she can't commit to that until the new director is here. So, I think that would be the goal for us. What they would ask of the MRA is to provide either plaques on the planters themselves that identify the material and that it's courtesy of the Botanical Gardens. Perhaps a story board or something like that at the substation that explains the demonstration project. That sort of thing.

Ms. Betts Basinger: Are we talking about the old planters or the new planters?

Ms. Wade: That's a great question. We're talking about the 21 new planters right now. We still need to determine -- Yeah, the new planters are the terra cotta colored ones that are connected to the irrigation line.

Ms. Betts Basinger: So was there a failure in the existing, in the contract, for landscaping material?

Ms. Wade: In a sense. I don't know that there has been a failure in the contract. The failure has come where the meter for the irrigation lines are still yet to be installed. So the irrigation lines are not operational at this point. We are waiting for the contractor to submit the documentation for the fixture count and the pressure testing in order to get the water lines, or the water meter. So at this point, they're not connected to a meter. So that ones that have been surviving have been on the grace of all of the merchants who have been watering on their own.

Ms. Betts Basinger: So the cart came before the horse here?

Ms. Wade: Yes.

Ms. Betts Basinger: In other words, the flowers were planted before there was a way to irrigate them?

Ms. Wade: That's what it sounds like. And I guess – were you saying they were hand watered for a time?

Mr. Horcajo: Well, somebody had mentioned it because you noticed that the pink Tacomas are doing fairly well, so somebody had mentioned it. I think it was Wendy that she thought Kihei Gardens was hand watering those plants. But for me, I mean, I was questioning Wendy, and the contract does call with Diversified for the installation of a water meter. That was part of their contract. They just failed to submit the application for the water meter to be installed. And Public Works, you know then too, to confirm that the water system does work. So, somehow it got lost in the shuffle, but they're working on it now. Public Works is, to confirm with Diversified, to get Diversified to apply for the meter, and Water Department to hopefully get it installed quickly.

Ms. Betts Basinger: My concern will be when we get to a point of negotiation where money out of our budget might have to be spent for a failure of a contract.

Ms. Wade: Yeah we won't –. They're still on the hook for this, basically, so no payment has gone out for their lack of, or what so needs to occur with this contractor.

Mr. Suzuki: You're saying payment to Diversified?

Ms. Wade: Correct. Yeah.

6. Parking Assessment Fee Ordinance status

Ms. Wade: The parking assessment fee ordinance status. We just wanted to include this at this time to confirm. That is definitely still on my list of to do's. We are waiting at this point for the design contractor to give us some numbers, and what the total count is going to be. Once we have that we'll be able to complete the fee section of the ordinance, and work on the needs assessment.

7. Wailuku Market Based-Plan update

Ms. Wade: The Wailuku Market Based Plan is officially complete. We are wrapping up the grant paperwork at this point and getting everybody paid out, and moving on to a potentially a final steering committee meeting. At this point that hasn't been determined, and I need to talk to my own new direction about that one. But that is – we're closing on the grant paperwork right now, and I'm working with Jo Ann Inamasu. The one thing that I still need

to close out that grant is the EDA's quarterly report because we used EDA money for it. So I need the last couple quarterly reports that explained what the use was for, so we're waiting on that. And I've sent that email. I provided it for you folks.

8. Planning Department effort to make application process more user-friendly

Ms. Wade: Finally, the Planning Department is going through an effort right now to make all of our application processes more user friendly. This was kind of was initiated with the bed and breakfast application if you've seen that. The SMA application was recently updated. I did a historic district events package. So I was wondering from you folks if you were interested in me asking for the MRA application package to be prioritized in terms of updating that in it's user friendliness. Basically what we do is we do an in-house update of the application process. Right now for the ones that have had the updates, you can go online, you fill in, where it's applicant's name, you fill it in, it fills it out for you through the whole package. Things like that where it's auto fill. So we can do that for the MRA if you would like, and then we can have it also posted on the MRA website as well as the County's website. So if you would like that, we're in that mode right now at the Planning Department. So I can put it on the gentleman who is working on it, Paul Mikolay, and his agenda.

Ms. Betts Basinger: Well, I'm all for that. Yeah.

Mr. Horcajo: Yeah, I agree.

Ms. Wade: Will do. Are there any other questions about the update?

Mr. Horcajo: Okay, I'm going to open up the floor to any public testimony on this agenda item first, I guess, and if we have any additional specific questions for Erin Wade.

Ms. Perreira: Jocelyn Perreira. I just had one question Erin. EDA is what?

Ms. Wade: The Economic Development Administration is the grant received for the parking structure. We used \$47,600 of that grant for the market based plan.

Ms. Perreira: \$47,000 what?

Ms. Wade: \$600.

Ms. Perreira: And they don't have a report back yet?

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Ms. Wade: Well, the Office of Economic Development of the County reports quarterly to the EDA about what's going on, basically. It's a requirement from EDA when they give the funding. So I'm waiting to get that from the Office Economic Development.

Ms. Perreira: And Jo Ann Inamasu is working.

Ms. Wade: Yeah.

Ms. Perreira: And she's going to be retained, right?

Ms. Wade: I don't know the answer to that.

Ms. Betts Basinger: I don't think so.

Ms. Perreira: But somebody will be.

Ms. Wade: That's why I made the inquiry now. I mean, the sooner the better, then we can get that. I need it to close out our grant which was G3040 with the County because there were multiple sources of funds that went into that. To close out all the paper work with the Finance Department, I need to ensure that we've met all the obligations of our funders and that's one of the obligations.

Ms. Perreira: And that's for the Wailuku Market Based Plan.

Ms. Wade: Correct.

Ms. Perreira: So if you don't have that report in, does that hold up everybody else from getting paid?

Ms. Wade: No, it won't. It just leaves that as an open thing. It would be much better for me to get this taken care of before January 1st, and not on the County's books anymore so that we can, you know, move forward. The grant process can still move forward.

Ms. Perreira: That's a little unusual because I guess government can slide that way because most people have to get all reports in before they can even get access to funds to finalize payment.

Ms. Wade: Well, this is retroactive so essentially the County pays – and Joe can correct me if I'm wrong – but the County makes the initial payment and EDA reimburses us. So the \$47,600 came out of County's monies at this time. EDA will reimburse upon the recording.

Ms. Perreira: Thanks for that clarification.

Ms. Wade: Yeah.

Mr. Horcajo: Okay. Any other public testimony on agenda item Planning Department update? Okay. Members, any specific, more specific, questions? Erin had suggested, asked us, whether we want our forms, I guess, to be updated and I'm assuming the consensus is yes.

Ms. Betts Basinger: Yes.

Mr. Horcajo: And ideally it sounds like eventually we'll get it on the website, and if there's a link to an already embedded document that's on our site, whether it be the zoning code, I guess, we have the option to go crazy with that form, right?

Ms. Wade: Yeah you do. Okay, I'll prioritize that.

Mr. Horcajo: Warren, you're leaving at 3:15?

Mr. Suzuki: Yeah.

F. MAUI REDEVELOPMENT AGENCY BUSINESS

- 1. Wailuku Municipal Parking Structure update and discussion on the parking structure project including issues relating to design, schedule, contracts, proposals, project collaboration and funding. (Morgan Gerdel, AIA, Parking Structure Coordinator) and update on Economic Development Administration Grant for parking structure (JoAnn Inamasu, Office of Economic Development).**

Mr. Horcajo: Okay. Thank you. So we're going to plug on you folks. Agenda item (F), Maui Redevelopment Agency business. Item 1 is Wailuku Municipal Parking Structure, so Morgan is here, and also Joe Alueta from Planning who we can ask any questions about any OED type funding project process, I guess, if we so choose. Morgan?

Mr. J. Morgan Gerdel: Okay. Morgan Gerdel, Principal with Nishikawa Architects. I've included an updated schedule for the municipal parking lot project. Right now the two items in the critical path are the consultant selection for the design of the parking structure, and also we're just waiting for a contract addendum to include the parking management plan. That's just getting finalized. The County is projecting that the notice to proceed (NTP) for the consultant team for the parking structure will be issued in January 2011. And then once

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we get that notice to proceed I can create a more detailed overall schedule for the whole project.

And we're looking forward to starting on the parking management plan. We're going to be working with Andy Miller from Woods Consulting Group, and he's a specialist in downtown parking plans. And we're looking at doing a survey of the lot users and also working on the parking management plan for the construction phase of the parking structure. And that's about all I have for now. If there's any questions.

Mr. Horcajo: I'm going to open the floor to public testimony first. Any public testimony please?

Ms. Perreira: Jocelyn Perreira, Wailuku Main Street Association. The question for Morgan is this Andy Miller that you're going to be working with Woods Consultants, we would hope that you folks are going to be interfacing with us, with the Main Street Group. Because surveys that have been done in the past regarding the municipal parking structure were found to be very deficient and were challenged not only by our organization but the commissioners of the MRA. Because of the timing that they conducted studies and what not was found to not be very reflective of what, you know, it was taken like on Wednesday afternoons when, you know, nobody is around, just as an example. So I'm hopeful and placing it on the record that we're expecting you folk to interface with us. Thank you.

Mr. Horcajo: Thank you. Any other public testimony on this agenda item?

Mr. MacPherson: Howard MacPherson. I have some questions about the final design of this structure we're talking about. First of all are they planning to design any solar or wind applications in this structure?

Mr. Joseph Alueta: Yes.

Mr. MacPherson: Yes?

Mr. Alueta: Yes.

Mr. MacPherson: Yes, they're planning both?

Mr. Alueta: At this time, they're reviewing all options, but we're looking at a solar deck.

Mr. MacPherson: Okay, great. Are they working on a possibility of increasing any useable property around the structure?

Mr. Alueta: I'm not following your question. Could you repeat it again?

Mr. MacPherson: Well, as far as cantilevers or building any roadways?

Mr. Alueta: Yes, but not over the existing property. The existing property is the existing property, but –

Mr. MacPherson: I'm talking specifically about the alleyway that runs on the side.

Mr. Horcajo: Excuse me Howard. You know, I think you should ask your questions to us and if you have any concerns ask it of us and we can at least have that on the public record and we can ask any consultant.

Mr. MacPherson: I'm sorry, I don't understand that. I'm sorry.

Mr. Horcajo: You should be addressing the actual board here. If you have any concerns whether it be about the actual type of construction, how they're going to deal with alleyways, the solar panels.

Mr. MacPherson: That is one of my question. I have a few questions that I think are important to look at before the final drawings, and I don't know, I can put it on paper or whatever you want me to do. I think I have a few areas in transportation. Is there going to be a terminal for a bus or anything? Are any of those things being considered? It's just a lot of questions to be answered on this?

Mr. Horcajo: Well I agree, and again, we have probably the same kind of questions, so I would suggest you put it in writing so at least there's something that's in writing from you and other groups. And a lot of us have asked the same questions and I'm sure we're going to ask again. And as long as you keep in touch with the process, as far as I know and Morgan can confirm this, there's going to be an official public hearing process sometime in February. But still between now and then there's going to be –

Mr. MacPherson: Are they planning a final drawings before that?

Mr. Alueta: If I may Mr. Chair. The best thing to do is we can sit down with you anytime, any place you choose and we can explain all of the questions that you have. The vast majority of your questions that you've portrayed so far have been repeatedly asked over the last two years.

Mr. MacPherson: I haven't received any answers on any of them is the problem.

Mr. Alueta: And your official response and your official review or your comments on that will be done during the EA process. You haven't missed the opportunity or the boat is what I'm trying to say.

Mr. MacPherson: Well, how would I go about doing that as far as getting a sit down talk with somebody.

Mr. Alueta: Call us at anytime.

Mr. MacPherson: Okay. Great. Thank you very much.

Mr. Hopper: Just as a note, public testimony you could certainly ask your questions to the board or make those concerns raised. It was just the generally the back and forth would not be procedurally correct. But you certainly would have the right during testimony to raise those questions to have them on the record so that they know, and then in addition, have a meeting and certainly participate in the future meeting. So I just wanted it clear, you do have the right to make those comments. It's just usually there's not a question or answer during the public testimony time. That's all I think the Chair was getting at there.

Mr. Horcajo: Right.

Mr. MacPherson: I thank you very much for that. And the fact that I can talk to him will be beneficial. Thank you very much.

Ms. Betts Basinger: Howard? Chair?

Mr. Horcajo: Go ahead.

Ms. Betts Basinger: I do think though, I, as a part of this body would like to hear your comments in your testimony time. If you could like dot point them. I wrote down your solar and energy, other energy efficiency concerns.

Mr. MacPherson: I have two other questions.

Ms. Betts Basinger: Transportation and a bus terminal.

Mr. MacPherson: Well, the basic question, how is the thing going to be build? We obviously been through this again. You can't schedule this if you don't know how you're going to build it. Transportation, are there going to be in and out transportation services designed into the structure? Are there going to be bus terminals design into the structure? The surrounding street design, are their designs including Lower Main Street, this

intersection up here? Do they design those things or someone else designs it after-the-fact? There's just a lot of questions that I have in my mind about the structure.

Ms. Betts Basinger: Thank you.

Mr. Horcajo: Okay. Any other questions for the testifier? Thank you very much. Morgan, please. Members, any questions for Morgan? Warren?

Mr. Suzuki: I seem to be asking a lot of questions about the schedule because when you first started his venture, you know, one of the main concerns that a lot of the members had was would we really follow the schedule you came up with? And I looked at the schedule as we've kind of gone through the process, and there's been some slippage in the activities and I realized you tried to reflect all of that, but you still show essentially a fairly close completion date for the project even with all of the delays that we've incurred up until now. How realistic is that Morgan? I mean, because the slippages have been fairly significant, and yet you're indicating that the project is still going to be done at the same time as originally scheduled.

Ms. Popenuk: My question is very similar which is that I do notice that, for instance, the estimated start date and the estimated end date we've lost a lot of time, you know, eight or nine months or something like that. And I wanted to ask you if you had any ideas about how that could be moving faster. It says Public Works is finalizing the contract process, so I would assume it's some kind slow wheels in the County or something maybe that's creating this.

Mr. Horcajo: Why don't you answer Warren's first.

Mr. Gerdel: Okay. As far as the first question. I think the original schedule was based on an expanded sequence of tasks. As far as the EA, it was happening separately from the design. So those are overlapping which is helping. But I think it's true that you're acknowledging it has pushed out. So I think it will be our responsibility to try to see as much as possible to have the consultant team follow the original schedule to get it done.

Mr. Suzuki: I don't follow. I guess my question is that as I've said, there's already been slippages as far as in the activities, you know, between when you first started this project till now. And yet you still show essentially the same end completion date and I don't buy that. I mean, you're just trying not cause us -. The feeling I'm having is you're allowing all the slippages and yet you show the same end date so you don't alarm us. And my question is how realistic is it to think that with all the slippages that you've incurred to date and the slippages that you will likely incur going forward, you know, how likely are you still going to complete the project the same time?

Mr. Gerdel: Well, I think I can –. That's a good point. I think I will have a better answer next month when I have the schedule from the consultant.

Mr. Horcajo: Now excuse me Warren, are you talking just the design phase or just the whole thing?

Mr. Suzuki: No what I'm saying if you look at the schedule, and if you look at all the different activities, it already reflects significant slippages. I didn't actually count the months, but Katharine said, you know, eight months or so. And yet if you look at the completion date of the parking structure as compared to how it was originally indicated, it still basically show the same end completion date. And I'm wondering, you know, how can you have all these slippages occurring in the front end, yet, you're still going to finish the project at the same time?

Mr. Gerdel: Yeah, I think that's a good point, and I guess I haven't – because I don't have a specific reason to move that date, I mean, until we can get the schedule from the consultant.

Mr. Suzuki: No but you prepared the original schedule based upon what you, at that time, to be all the activities that would occur and what you anticipate to be the time line regarding for all those activities, understanding what the sequences are, coming up with the critical path, and you came up with an end completion date. And yet you're already seeing slippage, and you've still got the end completion date. You're saying that you're not going to know until a later point in time? I mean, how did you come up with the schedule in the first place?

Mr. Horcajo: You know Warren, I want to make a comment. So you're talking about the whole project. We haven't even, of course, got through with design, and we don't even know where we're getting the funding from yet. So I don't see it being a problem because until we get to design phase and we get the buy in from the administration, and the Council and the general public, you know, we can't even talk about the funding sources, and when and where that's going happen. So I can appreciate him saying I don't really know yet.

Mr. Suzuki: I don't think that's correct Bob because when you do a schedule, you try to follow a schedule as best as you can, and you try to, you know, get things done according to schedule so you have an end completion date. You're saying that well we shouldn't worry about the end completion date, let's get the activities as we go along, and whatever ends up as being the completion date is the completion date. I mean, as a designer you don't do that.

Mr. Horcajo: So you're suggesting then if now that we see the finalized conceptual design

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is like a year or 13 months behind schedule, that what they should be doing is changing that construction completion 13 months forward?

Mr. Suzuki: I'm not saying that you do that. I'm questioning, you know, how can you have all these slippages and yet the completion date is still the same?

Mr. Alueta: Mr. Chair, if I may, just to jump in here. Again, like with any multi-year project you try to come up with – and that's why Morgan came up with a best schedule for us to come along with and follow. Again his job was to try to come up with the best idea of what the schedule would like. A lot of the key points and completion tasks are sort of he's interconnected, but he's not the driver of that. And he's relying upon a lot of, primarily County people, as well as outside people to get things done and to give him an update. And I think that he didn't want to update the schedule because we're very near to awarding the contract and we should have a better idea on the schedule. And I'm going to turn it over to Wendy if I can and she has better idea. She the CIP. With the contractor, we have met with him several times, and we kind of have an idea of where the schedule is going to fall. If I may.

Mr. Horcajo: Sure. Wendy, please identify yourself and position.

Ms. Wendy Taomoto: I'm Wendy Taomoto. I'm the County's Capital Improvement Program Coordinator under the Department of Management. And I'm overseeing the project for primarily the Managing Director's Office because we have coordinated efforts between Office of Economic Development, Planning Department, and Public Works Department. And so I'm trying to just keep everybody together.

But like Joe said Morgan was provided the status report, and since then, you know, we've been working with the consultant to nail down a schedule that they can deliver. And it's likely that he's going to have to move out his schedule somewhat on the construction phase and that is primarily because we have to get through the environmental assessment process and the permit process. And also we're waiting for them to give us their opinion on how long construction will take. I personally don't think we can finish it in a year, and it maybe a year and a half till we, you know, do all the walk thru's and accept everything. I mean, we maybe able to implement certain parts of it, but the whole entire project. But when you look at your schedule on the side that's bigger – well they're both – any way this one – it seems realistic to me that the MRA maybe requested to hear the presentation, present the final design to MRA like – three, six, seven, eight, nine, 10 lines down – estimated start date, April 29th, 2011. And that had to be pushed out only because there was EDA approval required for the proposal, EDA approval required for the consultant selection process, and then, of course now we're going through the contracting of the actual contract with the consultant. And they have it in their hands, and we're working out

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a few bugs, but it looks like we're going to issue NTP on January 3rd. Do you have that on here, Morgan, somewhere, January 3rd?

Mr. Gerdel: Well, I'm showing January 11th, but January 3rd would be better.

Ms. Taomoto: No, no, no. The start. Yeah, the first yellow is architect selection process and contract. Okay, that will end close to December 31st, and we will give notice to proceed, to start preparing the conceptual plans for MRA and Mayor presentation. And from what they're telling me, they need January, February, and they'll try to get something to you in March. But they're trying to give themselves on month leeway, so they're saying April. And he has April 29th, but I'm pretty sure we can push that up to early April. I'm going to have to use my discretion, and of course Mayor is going to have to approve it, to see what level of design we present to the MRA. But I don't think it will be like structural drawings and so forth of that nature. It will be more conceptual, with hopefully the parking management plan incorporated from Morgan's contract into the presentation with our design, architect and engineer, with the landscaping and how the parking lot will flow and those kinds of things. And I'm thinking, I'm pushing them to finish it by the end of February. It is pretty aggressive for them to get it out that soon, but they're going to try. So we might be requesting in March, at your March meeting, a presentation. And if not, we're going to be requesting it no later than the April meeting. Otherwise, I'm going to be unhappy. So, not just you. So that's the schedule. And like Joe said, or whoever said, he's not driving it. The architect, the engineering and the parking management consultant is. To me, we should do a presentation where it has the conceptual design with the management as one presentation, so we'll have this dual presentation. And Morgan is also processing a contract amendment for the parking management consultant. So we can give notice to proceed any day. Yeah, so it's going to be about the same time we're going to start both work. We're going to aim for the same. Morgan and I have been talking about it. It seems reasonable.

After MRA approval, I'm hoping that the Mayor will consider it for the FY 12 budget. As the Capital Improvement Coordinator and part of Management, it's being submitted by management for his consideration. Whether he puts it in or not, that's up to him, but that's one possibility of it getting put into the budget. The other possibility is for the Council Members to stick it on the floor after the Mayor's budget is submitted. So those are two possibilities for it to get funded for construction. From what I know now, we're proposing probably bond funds because we don't have any, we have not heard any word from anybody about any grants. So we're proposing it to the Mayor as a bond funded project. And so that's the most I can give you, and we'll know, from management side and budget side, we'll know more once the Mayor takes office and kind of lays out his priorities. As you know, there's other big dollar value projects on the books that we need to fund. I'm working on two of them, competing projects, for money. But anyway, we'll do our best to be ready.

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But we are definitely not where we wanted to be when we first met. I know we're at least two months behind of where we wanted to be sitting with this new Mayor. Because I really wanted to have the presentation in January for this Mayor and we're not going to be able to do it until March. And that's unfortunate, but that's just how – there's nothing I can do about it because we can't have them proceed without a contract.

Mr. Horcajo: Thank you very much Wendy and Joe. Does that answer, I guess, some of your concerns or questions as far as timing? It's not like they're working on amending it soon.

Mr. Suzuki: I guess for me, you know, Chair, as I indicated when we first started the project, let's look at the schedule. And, you know, my concern was that you put up a schedule and you just kind of move along your way and you find out at a later point in time, that, hey, you're way behind schedule and you find out then and too late. As I said, as we moved along, I wanted to know where the slippages were so would there be anything at that particular time that we could do to address the issue and concern at that time so we minimize any sort of slippage or we can make up the time slippages as we go forward. I guess what I'm understanding now is that the schedule that we may have had initially and we're looking right now, may not necessarily reflect all of the activities and the proper time line for those activities, and the relationship between the different activities. So for me, I'd like to see the schedule that accurately indicates the activities, the relationship with the activities, and the time lines as best can be estimated to be prepared and sent to us. And I'm not picking on Morgan. I mean, it could be anybody else. You know, we hired a project manager right? The MRA pays for the project manager. The project manager is supposed to be aware and coordinate all these activities and get all the information together so the information can be accurately compiled and presented to us. And that would be my expectation irregardless, you know, who it was. And I'm concerned that, you know, again Morgan, I'm concerned that we're not getting that, and that's my concern right now.

Mr. Horcajo: Go ahead Wendy.

Ms. Taomoto: Once our consultant comes onboard, effective January 3rd, Monday, we will be getting monthly schedules of that detail that you expect. I know you're an engineer, like me, so we have this flow thing. What triggers what, and what flows what. So we'll have a detailed schedule for you and they're going to update it monthly. And we're going to have – Our consultant is going to do a schedule and give it to us, and we're going to have Morgan submit it. And we're going to time it so you have it for this meeting. Unfortunately our contract doesn't allow – because they're in Honolulu – we can't have them fly over here to be present, but if we can do a teleconference. If you really need them to answer questions, we can do a teleconference. But other than that, the first meeting with you and them would be, I would say, the earliest would be March. But we'll have schedules from

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January. The first schedule is going to be what do we expect, you know, coming out of the gates. Then we're going to give you one in February saying can we expect you in March? Once Mayor approves, you approve, we will get that project constructed if Council funds it. And what they're telling me is if everything falls into place and we get our funding, they need until maybe August of 2012 to get through permits – I think it was – which is almost what Morgan is saying. Right Morgan? Construction –

Mr. Gerdel: Yeah, I might be a little optimistic in my permit timing.

Ms. Taomoto: Yeah, you're optimistic because we have to get through permits. So you say finish permits in May, and they're saying, no. They talked to some of the agencies, and they were saying you should say maybe August.

Mr. Gerdel: Okay.

Ms. Taomoto: Only because DCAB, SHPD is going to be a little bit sticky right now. We're trying to figure out how we're going to meet the requirements on some of those things. But they're suggesting our schedule reflect something more like August or September based on their discussions with their civil, electrical and permitting offices. And so that's probably what you can see in January.

Mr. Suzuki: Thank you Wendy. So Chair, if we can do what I just explained we do. You know, let's get a schedule that accurately reflects all the activities as best as can, you know, what the time lines are required so we can have a schedule in front of us that we can look at and feel comfortable as we track it on a monthly basis, and this how we're moving along. As we do see any sort of slippages or whatever, you know, we can try to act on it so we minimize any sort of delays in the project. Because if you listen to what people say, when is this parking structure going to start. And we've indicated to the public that we are in process right now. And the more we're allowed to slip, the more I think there will be a skepticism on the part of the community in terms of whether or not this parking structure will actually become a reality. You know, I don't want to give false hopes to the public and then, you know, kill that because of delays that maybe we could have anticipated or be able to react to or respond to, to minimize any sort of . . .(inaudible) . . .

Mr. Horcajo: Okay. Warren, I have a question. We somewhat do have a schedule here, and it talks about the design side, the parking management side, the EIS processing side, and we now know that the parking management is coming out of Nishikawa contract. So for me, there is a schedule. I sense, I think what you're saying is more, you know, the relationship, so it's more notes that we're looking about.

Mr. Suzuki: No, no, because wouldn't they just say it? There's certain activities that the

schedule currently shows it to be a certain time line. And she's saying based upon her discussion with the consultant, those are not realistic schedules. So let's come up with a revised schedule that reflects, you know, more realistic. Because I don't want, you know, pie in the sky, you know, kind of schedule, and then when all boils down, we couldn't even follow that to begin with.

Mr. Alueta: If I may Mr. Chair?

Mr. Horcajo: Yes.

Mr. Alueta: Just to clarify a couple of things. I understand what you're looking for, and again, as we've said, once we get the contract awarded, we would be able to do that, and we will be able to provide you more with a detailed schedule, and update that schedule on a regular basis. One of the key things I wanted to point out is that even though we're coming to you with a preliminary architectural drawings, these are based upon your already preliminary approval of what the parking structure is going to be. So the biggest issues that this board can help with is making sure, or we can refresh you on what was previously approved, what was the discussions going in there, and making sure you understand that, that design, and the design that we're basing everything on went through a lot of public hearing, a lot of communications with everyone, before we got to this stage. So it's not like all of sudden here's the first draft of a plan that we saw. This is something that worked through the communities significantly. And one other thing is that – and that's where you can help is make sure one, we're following the intent that it was desired by the board as well as the community, but also to help you educate the public, the general public, out there that this is not something out of the pie out of the sky or whatever. This has been a concept or design that's been out there for quite a while. So we don't get the Johnny coming lately saying why wasn't I told about this. I never knew about this. When in reality this has been discussed for years upon years, and we're just now finally getting the momentum to get it done. And we're going to need your help to keep that momentum going through the next coming administration.

Mr. Horcajo: Any other questions of either Morgan, Joe or Wendy based on their comments?

Ms. Betts Basinger: I do have a question for Wendy, and I'm so glad that you're here. I wish you were here every month. And, you know, in addition, Warren to you're wanting detail on the schedule, I would like to have detail on the financial schedule. And I know you commented that it's going for bond because you have had no information forthcoming about grant.

Ms. Taomoto: There is no grant.

Ms. Betts Basinger: Has that been researched?

Ms. Taomoto: The EDA –. Yeah. I talked to EDA when we were processing their approval and I don't think we're going to get any construction money from them.

Ms. Betts Basinger: So I guess I'm talking about other means of funding through grants that don't necessarily have to come, in full, from EDA. Is anyone working on that?

Ms. Taomoto: OED was looking –. Well, he's working on –. Well, not really because we talked about it with the Finance Director, and our funding, our bond is, other than a straight out grant, the bond is likely going to be the source of funding. Wailuku does qualify for USDA funding, but it's not going to be anything significant. Like for the Police Station, we qualified for a USDA loan. We applied for a ½ million dollar grant. We got the loan, but we didn't get the grant. But the loan is actually at a higher rate than the interest rate that we just bought the bonds at, so, you know. But the other thing is OED is the one who got the original grant with the Mayor, Mayor Tavares. And so we're going to be, hopefully, have an opportunity to meet with the OED, the new OED person, to see what they're doing. Because we already have connections at that level, so it harder for Morgan to, I think, make those connections from where he is than for OED to continue to make, you know, build on those relationships that are already there. So right now, as you know, it's winding down, so it's not a good time to add new work load to them. But I am in contact now personally with the EDA office.

Ms. Betts Basinger: In Seattle?

Ms. Taomoto: And no indication of any construction funding right now.

Ms. Betts Basinger: I bring that up Chair and body who we all know that without the funding it doesn't matter what the schedule is. And we were, we initially had one report from OED regarding this initial funding, and we were told – well, we queried and were answered that if all the i's are dotted and t's are crossed on this phase of their funding, the likelihood of construction funding was way high. So if that has changed, I'm glad this body knows about. And you know, I'm just curious as to what other sources we're looking at because we know what the economy is and, you know, what our revenue is.

Ms. Taomoto: Like I said when the new OED director or coordinator comes in, we're definitely going to try to have her get in contact with our EDA – I forgot his name – source in Seattle, Washington. I'm a little bit uncomfortable doing that now because, you know, we have a current administration who's working on that. But when she comes, we'll see what she can do and see where we go from there. But we're not expecting it, and if we go into the budget with a grant, and not put our hold on the bond, or dibs on the bond, you're

not going to get it after the fact.

Ms. Betts Basinger: . . . (inaudible) . . .

Ms. Taomoto: That's why sell it as a bond, and if the grant comes along, you know, then we can just –. Even if we get a grant after the bond is appropriated, half way through the design phase and prior to construction, Council is more than happy to do a budget amendment to reduce the bond and accept the grant. So there's a lot of opportunities to work on.

Ms. Betts Basinger: So there's a side by side schedule for what we have to do – approaching Mayor first to get it in budget, and selling it then to Council with OED.

Ms. Taomoto: I mean, I can talk to USDA about a loan. But like I said the loan interest rate was higher than the bond, and it came with tons of conditions.

Mr. Alueta: And this has been the strategy from day one. It was we had a commitment from the Mayor, the current Mayor, that she's willing to build this project regardless, and I'll do the bond. And that's the kind of Mayor you want.

Ms. Betts Basinger: Exactly. But there was the hope that EDA would fund this.

Mr. Alueta: Correct. There's still that hope. And I think when you go for funding from other sources, EDA, as well as, hopefully, someday we'll come back and do our cash in lieu and be able to collect the money from those who owe money for the parking structure. That looks favorably upon one, Council when they're granting the bond, but also on EDA to say you're committed to this project, I'm willing to back someone that's someone is willing to commit.

Mr. Horcajo: Alright, thank you very much Joe, Morgan and Wendy.

Mr. Gerdel: Thank you.

**2. Market Street Improvement Project, Phase II through Happy Valley
Update on project progress, public relations and schedule. (Yuki Lei
Sugimura, Public Relations)**

Mr. Horcajo: Okay, you want to keep plugging along you folks until Warren has to leave if it's no problem for you folks? Alright, we're on agenda item Market Street Improvement Project. Yuki is not here. Did she file any report or do you have comments?

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Ms. Wade: You know she said she was going to and I realized right at this moment, I never checked my SPAM firewall. Nothing came in via my email. It usually doesn't get caught in the SPAM firewall, but it may have. She did inform me that construction is 95% complete. It's just the details that are left, the painting, and they're doing some power washing and that kind of thing along the streets, but at this point it's pretty much complete. I did email Yuki and Chico, in the Public Works Department, regarding the letter to the editor that was sent, and asked if they would be publishing a response. I guess the contractor's position is since they did not do the design, they will not be publishing a response. Then the question was reposed to Public Works, and I haven't heard whether or not there is going to be like a general response. But it was suggested by Wendy Kobashigawa that perhaps we want to post something on the MRA website related to the construction and what the process was for coming up with the design and things like that so people can refer to that for more information.

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

Mr. Horcajo: Hang on. You'll have your chance. Go ahead Erin.

Ms. Wade: So I was just saying, you know, once I get some feedback from the Public Works Department about whether or not they're going to respond. If they do, we can put that on our website along with the process the project went through.

Mr. Horcajo: Okay, the Chair is going to open it up for public testimony first. Any public testimony on this agenda item, Market Street Improvement project?

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

Mr. Horcajo: If you can please identify yourself, and stand at the mic.

Ms. Perreira: Jocelyn Perreira. I just want to say that not everybody is going to know to go the MRA website for a response. The general public is entitled to have a public response in the paper. Because not only people in the MRA area is impacted, there are people who are coming from Kahikili Highway, et cetera, and from all different areas on the island to get stuff from Takamiya, et cetera. And they should know, really should know that this wasn't a project that was just, you know, haphazardly thought of. This is a project everybody should be proud of, and they need to make it clear that we're in as much as there may be construction delays or what, you know. They appreciated the patience and understanding because this improvement is going to be very beneficial for the area. And I think that's really, really important. Otherwise, you know, any time they're going to find out MRA is doing a project, there's going to be a lot of skepticism of, you know, what's going to happen. And that includes the municipal parking structure which we're looking at

down the road. Thank you.

Mr. Horcajo: Any questions for the testifier? Any other public testimony? Alexa?

Ms. Betts Basinger: I agree with the testifier and I also don't feel that it's the MRA's position to respond to a letter to the editor. However, I think it's really important that perhaps we contact the contractor and find out if they're planning to do a final dedication, or a completion ceremony. And I think we should work with them if they'd like to do a press release announcing the completion, how wonderful it is, the history of the project as the testifier mentioned. And I would like us, as a group, the MRA, to make sure that happens. If it's not going to happen from the construction folks that we announce the completion of the project. If the body feels that's appropriate.

Mr. Horcajo: Any other comments you folks? Go ahead.

Mr. Suzuki: Just a couple things. I guess I'm the one who always raised concerns about what occurred, you know, during construction. And a couple of things, first of all, if you recall several months ago, you asked me to meet with Milton and with Yuki, a representative from the County, trying to reach some resolution about the impact on Makua Road, and construction activities on Market Street. At that time there's an agreement and directive from Milton that construction work was going to stop at three o'clock, other than any kind of special circumstances where they agreed that they'll work 24-hours a day. There was several instances where it didn't. It went, you know, beyond three o'clock. And I personally, I spend a lot of time driving to Happy Valley because my in laws live there. It was a mess. It was four o'clock. It was a total mess. As Jocelyn testified to indicate it was just a mess in terms of cars backing up, cars not knowing where to go. It was a total mess. And I also ran into a couple of people that lives on Makua Road, and I asked them how had things been for them, in terms of the impact because of the amount of traffic. Because again that was something I specifically, you know, raised as a concern. And one resident told me, you know, Warren, I just gave up calling because every time I called, they don't respond to anything. So I just gave up calling. And that kind of bothers me because it's something that we specifically – well, I personally mentioned time and time again, listen to the residents, respond to residents. And when they told me that they called but they gave up because nobody does anything, it kind of, it didn't sit real well with me. But I just wanted to share that for the record.

Ms. Betts Basinger: Yeah that's interesting, and so it's even more important that the press release overflow with gratitude for the inconvenience that it caused a lot of people. I don't know if there's a recourse that should be taken in grading the work of the contractor. That's an interesting point, I mean, if we wanted to do something official.

Mr. Horcajo: Okay Erin, you want to comment?

Ms. Wade: I will note I did talk with both Wendy Taomoto and Wendy Kobashigawa about the parking structure contract. Once we've reached construction and that having a go between attend the MRA meetings wasn't sufficient for us, for our purposes, that we will need the construction manager to attend the MRA meetings this next time so that we can have immediate response. Because at this point, you know, you were sort of coming up with good ideas. But then, for Yuki had to just take it back and see whatever answer she could get, and then a whole month later, come back. That wasn't enough. So they both agreed that they'll build that in into the next, whatever contract occurs.

Ms. Betts Basinger: That's great.

Mr. Horcajo: Katharine, you've got any comments on this agenda item? Okay, you folks, if you don't mind, I'm going to move on to (F3), Request RFP update of Wailuku Redevelopment Plan and the Wailuku Redevelopment Area Zoning and Development Code. You should have got a draft RFP in the mail. I'm going to have Erin talk about it, we'll open it for public hearings – public comments I should say – then we'll ask questions. Erin?

3. Request for proposals to update the Wailuku Redevelopment Plan (2000) and Wailuku Redevelopment Area Zoning and Development Code (2002).

Ms. Wade: Okay, last meeting you folks prioritize as an 11 out of 10 moving forward with the TIF plan, the redevelopment plan and the zoning ordinance update. So in order to maximize funding and to expedite both, you know, all of those projects, I packaged it as a single RFP. To seek professional consultants to basically do the updates, the minimal updates were pretty much that are necessary for the development plan; to add on the tax increment financing component; and to update the Wailuku Redevelopment Zoning and Development Code. So I broke it. I gave a little bit of a background at the beginning. I identified a scope of work which does include several public sessions. Then the redevelopment plan I would anticipate being fairly quick except that it moves forward to County Council while we're going through the update of the zoning and development code process. So there might be two concurrent components going on at the same time. And actually as James told us at the last meeting, the redevelopment plan and the zoning and development code go to Planning Commission and to County Council, so that will take a few months at a time. So, through the zoning and development code, I just identified some of the key things that we have identified in meetings, that public has identified as concerns in the zoning code, or that Corporation Counsel has identified as problem areas. And then also asking for essentially a professional audit of those zoning ordinance.

We talked a little bit about schedule but mostly just saying as quick as possible getting this project to move forward. I did put clauses in here that are pretty standard elsewhere. I don't know if our RFP's include this, but I put conflict of interest, information about contracts, and identified basically what the process would be for selection and evaluation.

Mr. Horcajo: Okay, so the Chair will open up this meeting to any public comments about agenda item (F3), please.

Ms. Perreira: Jocelyn Perreira. Couple of questions. Professional audit of the Zoning and Development Code, I don't know what that entails, what that means. What does it mean? Who's going to conduct it? What is the intentions of doing that? What is the desired outcome? I also have a question about this Wailuku – and this is probably for Corporation Counsel – about the Wailuku Redevelopment Plan and the Zoning and Development Code. I am a little puzzled because – and maybe it's because of different Corporation Counsels having different kinds of opinions. Because we've had a slew of different opinions over the years depending on whoever was the Corporation Counsel. But it was the general idea that this agency had some exclusive powers, and you were able and empowered to make some decisions, have some decision making, and then your work then goes to the Council for action, like the original redevelopment plan. So I'm a little bit confused that this needing to go both the Planning Commission and the Council. I'd just like a clarification on that. So thank you.

Mr. Horcajo: Okay. Any questions for the testifier? You want to answer that question?

Mr. Hopper: If Mr. Giroux gave an opinion on that at the last meeting, I mean, I'm not –. I can review the issue with him, but, it's in the scope of the request for proposal and where they have to go. I mean, if James has already looked at that issue, I would, you know, discuss that with him because he's probably looked at it in a lot more detail than me since that was not an apparent item for me prior to this meeting. But we can look into that certainly.

Mr. Horcajo: You want to answer the question the term "professional audit?"

Ms. Wade: Sure. Generally when you do an update to a zoning ordinance the first is to go through and identify all the links to additional sections of legal documents or code. So what they would do is identify okay this refers to this section of the code, which authority is given in this other area. So what they would do is basically make a hierarchy chart of where each section of the code, where the authority comes from, and how it's supported, and then how it's enforced and carried out. And then wherever links are needed or loop holes are found, they identify those as holes in the zoning ordinance. We've found a number of those as we've been working and operating with this. So that audit doesn't necessarily identify well

you should really think about reducing your lot sizes or anything like that. It just identifies where there's legal problems in the structure of your ordinance.

Ms. Perreira: Who does that?

Ms. Wade: Whomever we hire to do the service would perform that audit.

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

Mr. Horcajo: If you want to –

Ms. Perreira: . . . (inaudible) . . . because I asked the question. The purpose and the desired outcome for it. The reasons why you would be trying to do that?

Ms. Wade: Why would we request an audit? So that we don't –

Ms. Perreira: – no, no, no. I know. You addressed that. What would be when they find, like when they go through that hierarchy and they find how that is supported, how that's carried out, but what is your end result? What are you seeking to do when you said you're trying to close loop holes and things of that nature?

Ms. Wade: Generally they would provide us a report that indicates where those holes are and what needs to be improved, and we can determine what the course of action would be. So, like one of the problems that we're finding is having this zoning code independent of Chapter 19 of the zoning ordinance is very confusing for people, and very confusing legally. So they could provide an alternative of how to structure it differently to remain independent of the code or how to structure it to bring it in to Chapter 19 and still do the same things that we would like to have the autonomy that this section has, or that this district has.

Ms. Perreira: Yeah, so when you get that report Erin, you circulate that report to the MRA as well as the general public?

Ms. Wade: Yeah. I mean, that would be a component. That would be a component of this scope of work.

Ms. Perreira: Yeah, yeah, yeah. And then I guess the last thing is when you said they give you a report with recommendations, and then you said, we determine. When you say we determine, does that mean the Planning Department determines or the MRA?

Ms. Wade: Well, that is, that's up for discussion. Well, no. 1, who's the project manager of this, they would ultimately be making the decision. And what is the MRA want their

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authority to be in terms of conducting the approval process for whatever products are provided.

Ms. Perreira: Thank you for –. I'm sure we'll probably have a couple more questions, but thank you for the chance to clarify some of these questions because I wasn't clear and I'm sure a lot of people would find that not clear at all. Thank you.

Mr. Horcajo: Members, any comments, questions on the RFP? Questions of Erin, comments on how it's written?

Ms. Popenuk: I read it through and I just had a couple of areas where I had like a question mark. First of all, who decides, who's on the hiring committee, if you will?

Ms. Betts Basinger: Could you refer to a paragraph, Katharine, just so we can follow?

Ms. Popenuk: Well, it's not specifically. It just says the candidate is this and that as, you know, being whatever. You know that they qualify, they don't qualify.

Ms. Betts Basinger: Where's that?

Ms. Popenuk: And I thought like who actually hires this person? Who actually decides who's the best candidate and hires them?

Ms. Wade: I would imagine it would be – we could set up something similar to what we did for the parking structure manager with a panel. I mean, that's generally how it's done is you'll have a staff member, a couple members of the board, maybe Corporation Counsel would be a good one.

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

Ms. Wade: Yeah, we had someone from the Mayor's Office last time.

Ms. Popenuk: And then my next comment is relative to – I was reading this, (C), update of Wailuku Redevelopment Area Zoning and Development Code, item no. 4. It says make updates to development standards in each district including decreasing minimum lot size, use adjacencies, minimum parking requirements, et cetera, et cetera. And I was wondering where this list of items came from and, you know, do we know that we want to decrease the minimum lot size and so on and so forth?

Ms. Wade: The list in no. 4, everything specifically listed was a recommendation from the market base plan. So we could change it to instead of saying make updates, we could say

evaluate development standards in each district including, and then take out decrease and just put minimum lot size usages and choosing that kind of thing to remove any assumption. It does say at the beginning that the applicant or whomever replies will need to understand that there have been several recent studies done, and they will need to familiarize themselves with the recommendations of those studies. So if you prefer that to be more neutrally written.

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

Ms. Wade: We're on no. 3, scope of work, (C), update the Wailuku Redevelopment.

Mr. Horcajo: Second page.

Ms. Wade: Yeah, second page. And no. 4, make updates to development standards.

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

Ms. Wade: The specifics came from the marketing plan.

Mr. Horcajo: Well I agree with Katharine, definitely make that and anything else neutral.

Ms. Popenuk: And then . . .(inaudible) . . .

Ms. Wade: No. Absolutely.

Ms. Popenuk: Scheduling.

Mr. Horcajo: Where are you now? You are on the next page.

Ms. Popenuk: Sorry. I am on the next page, (C). I'm sorry, not (C). Item no. 4, roman numeral four, schedule. And that's the scheduling – as quickly as possible. How is that? You know, maybe that would tie in with the time which the funding is available or something, you know. When you say as quick as possible, you know, I might be thinking it should be done in two weeks, and you might think, well, two years is good. So it's always better be more specific if you can.

Ms. Betts Basinger: Thank you for bringing up that item. I didn't bring my normal batch of reference materials and I wish I did, but is there or is there not an existing task? Is reviewing and updating the plan and the zoning code an existing task?

Ms. Wade: Actually the creation of the zoning code is.

Ms. Betts Basinger: Right, we created that.

Ms. Wade: Right. So, you know, because basically our plan is timed out. It doesn't say to update. It just said what the creation was.

Ms. Betts Basinger: Well, our plan is timed out according to what we learned last meeting, only if we are going after certain grant funds. And that it's not really timed out that it needs to go through a huge reorganization and update. And I'm feeling pressured all of a sudden that we're being driven by this market study rather than by what this body has already spent time going through our task list saying need to be priorities. So I'm still kind of in that trying to absorb what you're telling us what the Chapter 19 confusion is, what the urgency is, if we're going to be going for a TIF. And so, I'm just sort of feeling rushed on this issue as if it's something new, which it actually is because it's being driven out of the new marketing study. And, you know, consultants are wonderful, and I think we've got a real good bang for our buck in that marketing plan. But it's not the only thing that drives this local body in this local area. That's our job. That's the job of the commissioners to say, you know, there are certain elements of this plan, the study, that we need to engage immediately, and others that we don't. And so maybe I'm just getting old but I'm feeling too much of a push. And you know, when we update it with a consultant, and we go over it as a body, and it goes to public hearing, and then it goes to Planning Commission, and then it goes to Council, to me, right now, I haven't been convinced that all of that is even necessary. We have a small budget. I don't want to lose our entire budget on studies. I think that we should be showing the community that we're going to do things with the budget that we have. And you know, show things that are happening that are successes to our local people. If we're going to have a problem, for example with flood hazard assessment, maybe the MRA should be thinking about some contingency fund that maybe could help some of the TIF area or the folks in our area to deal with insurance. I mean, I just am still not convinced that we need to go through this huge effort.

Ms. Wade: I'll just respond. You know, last month when you ranked everything, and you ranked this as high as you did, I spit this out as fast as I could. So I feel like I'm getting a little bit of a mixed message. The reason that it's timely – because maybe I have to back track.

Ms. Betts Basinger: The TIF, yes.

Ms. Wade: The TIF is timely.

Ms. Betts Basinger: Yes.

Ms. Wade: And to approve a TIF, you have to have a plan that supports your TIF. You

have to explain exactly what you're going to do with the money that you're going to get from the TIF. So to do that, we have to update the plan. So if you wanted that to be the only package, that would be fine too. We can break that apart from the zoning and development code if you wanted to do that.

Ms. Betts Basinger: Yes.

Ms. Wade: It was just we had also gotten so much public testimony recently that there's all these problems with the zoning and development code. So I patched it together because I felt there would be a tremendous cost savings to you. You've got one consultant who can do both under contract. They're already up-to-date. They know the plans, and studies and background. And the issue with getting public testimony from the general public is they don't understand the distinction necessarily between a plan and a zoning ordinance. They're not going to really –. You're going to get a whole lot of public testimony about well our problem here is substandard lot sizes when you're talking about the plan, when you can affect that to the zoning ordinance but not really through the plan. You know? So, your public testimony that you receive would be able to be utilized in both components of the contract. So that was the only reason that I married it together. There's no reason you cannot separate it apart again.

Ms. Betts Basinger: Yeah, I know that they weren't married, even in our discussion last month. There were some people, like me, that objected or didn't understand quite about the zoning part, but put TIF right up there.

Ms. Wade: Right.

Ms. Betts Basinger: And the plan, I do believe, from last meeting does need to be updated to meet the criteria you're talking about, but I don't think to a degree where it needs to go before Planning Commission and Council. And that was advice from Counsel. So that's something we need to talk about more.

Ms. Wade: The advice that you asked for me to request in writing a response from Corporation Counsel, which I did. So they have request for legal services to respond to the requirements for an update to the redevelopment plan.

Ms. Betts Basinger: Great.

Ms. Popenuk: They haven't yet responded to you?

Ms. Wade: Correct.

Ms. Popenuk: I just wanted to say that I am in favor of a comprehensive approach to all of these things because I think the zoning and development is really important, and the tax increment financing to investigate that, I think is really important. And as I understand it, if we are hoping to maybe get grant money from other sources, a precursor to that is to update the Wailuku Redevelopment Plan because it's old, right?

Ms. Wade: Uh-huh.

Ms. Popenuk: I also understand that I was going to suggest perhaps just working off the market base plan maybe we also want to look at our to do list, our priorities and somehow integrate that in.

Ms. Betts Basinger: That's what I was saying.

Ms. Popenuk: So not like just throw the baby out with the bath water, but rather integrate stuff we already have on our list, to make sure that gets addressed as part of it as well.

Mr. Horcajo: Warren, any general comments first, I guess, or questions for Erin?

Mr. Suzuki: Yeah, I'm trying to understand – this is an RFP, and the RFP process doesn't bind you to selecting the lowest price submitted. You know, there's a lot of other factors that are considered during the RFP process. So, in looking at this thing, you know, we probably need to, if you look at section 8, it talks about minimum bid requirements. It probably should say minimum RFP requirements. But, then if you go to your evaluation selection process, (9B), it talks about, I guess, if you look at the last sentence, County staff reserves the right to reject any proposals; to choose one, or a combination of consultant firms to preform the duties outlined. Recognizing that, is it possible to ask them when they submit their RFP to break it down such where RFP submitted for our MRA plan, a breakdown as far as the Redevelopment Agency Zoning and Development Code, and combined? So if you are looking at breaking apart to select one or more consultants, if you had the RFP broken down that way, it probably would be easier for a selection committee, if that is what they so desire to do, to select different consultants to be able to select it based upon the price that might be submitted if it's broken down in that fashion.

Ms. Wade: Yeah, we could do that.

Ms. Betts Basinger: I think this was meant to be a framework to work from.

Ms. Wade: A point of discussion.

Mr. Horcajo: So Warren, I guess, I have a general question. I mean, do you understand

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the reasons why? Because I know you weren't here maybe the last meeting, why we're with this RFP now. I mean, why we feel we need to update at least –

Mr. Suzuki: I'm okay with it. I can understand. I just kind bring it up to date. If you are looking at, you know, moving forward, being the documents as old as they are, it's always important, you know, to bring it up to date in the situation of change. I think circumstances have changed, but when you look at the RFP as I've said, you know, my suggestion is to maybe break it down in that fashion to allow the selection committee, you know, more flexibility when making a selection.

Ms. Betts Basinger: Chair?

Mr. Horcajo: Go ahead.

Ms. Betts Basinger: I do have a comment about the selection committee and the phrase, and this was on both RFPs so it will cover both. County staff decides. In the enabling law for the MRA, the MRA as a body can appoint three staff – a director, a deputy director and staff person. That's an appointment by this body. I'm concerned about the fine line between our funds which are meant for MRA's work being utilized by Planning Department to have just another staff person really for Planning Department. So I'm just concerned about really clarifying in the verbiage, Erin, that the MRA hires and fires and makes the accountability of the scope of work in that regard, rather than being eliminated out of it as it's County's staff that reserves this.

Mr. Horcajo: And you're saying both regarding the clerical –

Ms. Betts Basinger: It's just common language that Erin put in there, and I'm asking that it be more clear to allow this body to say who we're going to hire, and pay.

Mr. Horcajo: Is there any suggested language change that you can propose now?

Ms. Betts Basinger: I think that there is language. I can't propose it right this minutes, but I'll email something.

Mr. Suzuki: I guess my question is who's going to be the contracting body? Is it going to be the MRA? Is it going to be the County of Maui?

Mr. Horcajo: Right.

Ms. Betts Basinger: That's exactly what we're talking about.

Mr. Horcajo: Right, it's our money.

Mr. Suzuki: Through the County.

Mr. Horcajo: Well, through the County.

Mr. Suzuki: It's money budgeted to the MRA, but any contracts going to the County of Maui, correct?

Ms. Wade: Correct. Yeah.

Ms. Betts Basinger: And we also requested legal clarification on that a long time ago, I mean, years ago. And the hold up according to James Giroux is that we as a body at this moment don't have a capacity to receive money. But that's just a process that needs to be done. We are, in fact, in law, able to do that and so that becomes like one of those process things that, I think, comes before the cart. You know, the TIF is so huge. That would be, even if we have to let that contract out right now, we should do that one, and then move on to these others that we've prioritized. And to me, paying a consultant right now to re –. You know, updating our plan is really a lot of demographic updating because the Wailuku area, or our area, has changed demographically. That kind of updating can be found by our own staff person. I mean, that's not something we have to contract out. So there's a huge part of updating the plan that I'm not convinced needs to come out of our budget to pay a consultant. So, I'm just throwing these out. I know that we're not going to reach, you know, a decision on this today. We're waiting for the legal opinion, first legal opinion. We've asked Erin to take another stab at this to break it out, given an opportunity to break out, to clarify the language that this body that's hiring someone to do the work for us.

Mr. Suzuki: Excuse me.

Mr. Horcajo: You've got to go. Thank you very much Warren. So Alexa just kind of summarized our discussion so far – the minor changes to, and Katharine's comment, I guess – making it the statements neutral. A couple of typo as you've all probably seen. Alexa, you mentioned the legal opinion and that's kind of just a general thing and the selection criteria, looking, re-wording I guess.

I guess the only comment I want to make is that I don't necessarily feel that the market base plan is really driving the update of the WRP. You know, our re-prioritizing the WRP last year talked about even physical improvements that, you know, improving sidewalks on Vineyard Street and Central; and other funds that we could get for even design for Vineyard Street sidewalks, the CDBG grant block fund is the best source for that. And we're not going to get that unless we update the WRP. So for me, that's been in our job any way.

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The market base plan, I agree, adds to, if you want to call it pressure, but that's why we get paid the big buck, right, to kind of get the job done. But there's all these steps, and we've already improved the process so far by what we did last year under Alexa's chairmanship. So, further discussion, let's end this one. If you don't mind, right now, we'll go to the next agenda item.

Ms. Wade: I'm confused about what direction you've given me at this point. I've written a bunch of changes, but are we just going to leave it as is with the minor changes that you suggested for now, or what would you like me to do?

Ms. Betts Basinger: Well, I think the first thing Katharine brought up – what Katharine brought up is that each and every one of these things is important to be done, but maybe in a different priority. So I'm going to propose that the priority of completion, and I want to get to a job done, would first be TIF, closely followed by the update of the plan. And I don't know that the plan, you know, needs a huge input to update it to a level that would need CDBG or some other kind of funding. And then lastly, the zoning update, which is much more comprehensive, I don't feel, I don't feel comfortable yet at this point about Chapter 19, integrating it with our own zoning area. Or should we just clarify it clearly and have a better way of expressing what the zoning laws are within the MRA so developers are not confused? You know, maybe it's just streamlining the process of an applicant a little bit better and not going through a huge zoning change that has to go to God and everyone for approval, and we get it back in 2030.

Mr. Horcajo Erin . . . (inaudible) . . .

Ms. Betts Basinger: So those would be the priorities that I see is the TIF. Because once we start getting our own funds, we can do a lot more studies, you know. So, to me, if getting our funding, the plan update and then –

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

Mr. Horcajo: Did I not have that yet?

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

Mr. Horcajo: I did not. Well, if I didn't, then I will open the floor to public testimony. My bad.

Ms. Perreira: Thank you. Mr. Chair, I want to thank you for making that statement that you did just prior about what is . . . (inaudible) . . . , you know, the plan. Because I have to tell you, in as much as we participated in the formulation of a Wailuku marketing, comprehensive marketing study, no where did we have any clear indication that we were

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going to be using that or that was going to be a mechanism to overhaul the redevelopment plan. And I think that would be a real concern. That would be the driving element that did this because then many of us would be unaware that that was going to be happening. I do concern with some of things that Commissioner Alexa Basinger is saying because I'm not, we're not even clear that you have to update the plan if you're not going to undertake certain improvements. That is not something that is crystal clear out of what's coming from the CDBG office. If you're going to undertake certain projects that's going to require that, then maybe you're going to have to. But until such time, it doesn't look, appear, to be that may have to be an eminent thing to do. And I like the practicality of moving on what has been stated and processed here over the course of over a year or what have you. I think everybody that we're following anyway is that the TIF was important to try to do that. But to have a TIF that necessarily had to go with the recommendations of the marketing study or a plan, that has not been digested, discussed and widely accepted, not even by an ad hoc committee. I mean, it hasn't been discussed in detail. I think what was addressed of going in stages and steps, and then when you look at the Wailuku redevelopment plan, there may be stuff to update. But I don't think we need to do an overhaul of it. I think you're going to find a lot of the professionals going to say why are doing that? Because there's many aspects of it that you don't have to overhaul. You may need to update it, but you may not have to overhaul it.

And what was the last thing? The zoning. The zoning thing, I mean, there are partners that are working on zoning. I know that we are working on it. I know that the AIA is going to be working on it, and what not. You know, it's something that –. And we're working with them in partnership and we would hope that we would be working with you guys also at some point in partnership. So, when you get this whole thing all crunched and put in altogether, you know, so whoever asks the question of – I think was Warren – can the RFP state what is the price for just doing the TIF or you know what I mean? And then what is the cost if it's together or what not. I think you create more options for yourself, and maybe it gives us a better understanding as well. And I also really worry about taking on too much and not being able to complete it, and frankly, the test for the MRA out there in the people's minds is the municipal parking structure. That is numero uno. That should be on your list of priorities, remain until completion, numero uno, number one is get the Wailuku municipal parking, sensitively designed, multi-use facility, completed. So thank you.

Mr. Horcajo: Okay, any questions for the testifier?

Ms. Betts Basinger: Yeah, I recall this conversation from last month's meeting too, and I understand your organization is undertaking a zoning study which does not, at this point, include us as a partner. Has anything, have we gone further in those discussions?

Ms. Perreira: Well, we would eventually get to that point, but I think we were respectfully

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waiting for the new, the results of the elections to see if we have an existing administration or we going be working with a new administration. Also, this whole big undertaking of overhauling Chapter 19, I mean, that is no small feat, and I think that needs to be totally and thoroughly looked at real carefully before you undertake something that ambitious. I know that we need to have zoning changes and we're looking at what is the most appropriate. We are working with some people, who, I guess, going to be in positions, in quite notable positions in this administration, new administration. So I'm comfortable that they know kind of where we need to go to like a surgeon to do a –. You know, instead of doing radical surgery that we're going to scalp out where and what we need to do, and I think that's where we prefer to look at. Let's get a good understanding of this and figure out what areas we need to address rather than have this comprehensive. You know, it's kind of open ended, and how does this interject with Chapter 19, which sections of Chapter 19. Chapter 19 is a huge section. So that's the thing, we just want to kind of get that kind of squared away. And I know we're going to start discuss and work on that in January.

Mr. Horcajo: Okay, thank you. Question for Jocelyn or no? Okay. Thank you very much. Okay.

Ms. Popenuk: I just wanted to say get back to prioritizing TIF. I think the TIF is really important. That's the source for us perhaps in the future. And with this – what is called – the caveat which is maybe in order to do the TIF, some of this other redevelopment plan needs to be looked at or changed or updated, or the zoning needs –. I don't know. We've got to leave that work to the experts. So, yeah, let's do TIF and do whatever else we have to do to do TIF. So I don't want to have dictate exactly . . . (inaudible) . . . start.

Ms. Betts Basinger: Right.

Mr. Horcajo: Okay, so am I hearing that, I guess, you brought up the question or the statement, we want a legal opinion as to, to get TIF, what is the process?

Ms. Wade: The approval process.

Mr. Horcajo: Whether we have to approve the WRP to get TIF going. That's what we're going to hopefully get sometime soon.

Ms. Betts Basinger: Well, she already requested it, so we can, I guess, –

Ms. Wade: Well I didn't include it as TIF. Before the question was what is the approval process for the development plan, and is there something that we could do that isn't the whole formal approval process that James read? Is there something short of that we could

do? But I can amend it to also relating to the TIF.

Ms. Betts Basinger: Specifically relating first to the TIF.

Mr. Horcajo: Right because we're talking about piece meals and he was suggesting, well, if you're going to go through this whole process, you might as well –

Ms. Betts Basinger: Well, Erin put together – I mean, this is comprehensive. But I think we need, at this point, for all kinds of practical reasons to break it down into prioritized pieces.

Ms. Popenuk: Well, I just want to finish my comment, also, that it was something that I noticed in the document. For instance, fee, update of Wailuku Redevelopment Plan, no. 1, is incorporate the findings and recommendations of the Wailuku market base plan as appropriate. So it's sort of like a lot slosh there. It was appropriate according to who? So this idea, and kind of what Jocelyn was saying of like that they're working hand in hand with MRA to make decisions about what needs to be pursued. I want this person to work a lot with us so that, you know, we're implementing our agenda.

Ms. Wade: Well, I got to say, I honestly think Alexa's point is valid about do we actually even need to hire somebody if we're just doing the redevelopment plan. Like a minimum update and a TIF plan I can do that for you.

Ms. Betts Basinger: Right. And if you have someone to assist you.

Ms. Wade: Yeah. So, the only component that I might want to hire out would be the complete – this is scope of work (A), one, two, three down – complete a new structural survey to document conditions and building ration of slum and blight conditions. That might be something we want to hire the update of that study to be done.

Ms. Betts Basinger: I'm afraid to do that.

Ms. Wade: Why because everything looks better?

Ms. Betts Basinger: Yes. I don't want to lose some of our raison . . .(inaudible.) . . .

Ms. Popenuk: So, do you have time to do this?

Ms. Wade: Yeah. I think if I didn't have to do the structural survey, I could do the update. I mean, we already did the charts. The charts are done, for the most part. As Alexa said the statistics and figures are no big deal at all. The piece that's going to be the most work is the tax increment financing plan, and those are kind of boiler plates, to be honest with

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you. So what it would do would be to be constructing it so that it matches the Hawaii process which hasn't been done before. So there would be a lot of legal interface with Corporation Counsel which would be tough for consultants to do anyway, to be honest. So, that part I had always thought would have to be done by in large, in house, anyway.

Ms. Popenuk: But the plan, do you mean, also implementation, right, or no? We don't just want to make a plan and go, oh, isn't that nice?

Ms. Betts Basinger: And we don't even want to make, we just want to update.

Ms. Popenuk: No, no. About the TIF. We want to figure that out, draw it out, and then do it.

Ms. Wade: Well, there's nothing that you and I can do to create a TIF except write the component of the plan that says here's what we want to do with the money, and here's what we project our revenue to be based on the property valuations. And then we have to write the accompanying ordinance that creates a new fund within the budget that says once we agree to do this tax increment financing, the monies will go into this fund. So those are the two things that we do, and then we send it up to County Council and they say, yes, we agree with you, you can separate this portion of the general fund.

Mr. Horcajo: But let me ask you this. Don't you think we also have to have an idea of where, suggested to Council in this case, where we expect funds to go?

Ms. Wade: Well, that's the reason you have to update the plan.

Ms. Betts Basinger: Yeah, that's why we're updating the plan.

Mr. Horcajo: Right. Exactly. Right. So, I guess, yeah.

Ms. Wade: If you want to do much beyond what we already have in these actions charts with the added things from last year's strategic planning, this year's market base plan, that's what this thing, that Bob has, includes. It includes all of that stuff. So, it would be good planning practice to invite the public to comment at one point during this process. And whether that's at an MRA meeting or you would like something beyond that's informal, that should be maybe a point of discussion. But as far as the other updates and statistics go, I can start updating that in house now, and then we can talk maybe next meeting about what you would like the community process or component to be as part of the community plan update TIF. Because you're going to want to inform your property owners as well about the TIF.

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Ms. Betts Basinger: You know, that's such a good strategy because incorporating the findings and recommendations of the Wailuku market base plan as appropriate, the people who say it's appropriate should be the voice of the people that have an opportunity to testify. And that's the perfect time for them to do it when we review that part of it. It's sounding, you know, it's sounding good.

Mr. Horcajo: Well, you know, I was thinking the same thing you were saying. I was thinking we never PUMA approval. I mean, we as a body, when we were on the steering committee, after the project, after the contact was done or after the job was done, you know, even to get some buy in from the public on the CDC or whatever else, the plan, in general, was to get the MRA to endorse or adopt or whatever and Main Street. And we as an MRA body have really not had that discussion. Am I missing something?

Ms. Betts Basinger: I agree with you Bob, and I think we owe it to the people that paid for it, you know, the community –

Mr. Horcajo: Sure.

Ms. Betts Basinger: – to let them know how we judge the plan. And I don't know if it's at a meeting or in a press release or in our newsletter where – and it doesn't have to be a formal thing. We're very happy to have receive the plan that we asked for, here are some highlights of things the MRA is happy to have found in the plan.

Mr. Horcajo: Well, why don't we put it on the agenda next month? That's, I think, is where we should start because I'm feeling some resistance already about maybe some of these things on here. Because to me when we go to the County –

Ms. Betts Basinger: Well, I know that dining and entertainment district is going to be controversial. We've already heard it. We've heard negative comments about that.

Mr. Horcajo: Okay, can we move on because it's the holiday season?

Ms. Betts Basinger: Oh, eat your candy.

Mr. Horcajo: I had enough already. Okay, if you don't mind, we're going to jump onto item 3, request for proposal for clerical assistant to MRA. I'm going to have Erin take the lead again.

4. Request for proposals for clerical assistance to the Maui Redevelopment Agency.

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Ms. Wade: I did, based on the clerical conversation we had, outline the things that were discussed, and everyone had agreed that, yes, these are things that we need assistance with. I didn't take it any further than that. It's a complete RFP per as needed basically clerical services. That's all it is.

Mr. Horcajo: No public testimony over here. And before we, I guess, just a quick comment, you brought up last meeting too, we have a new administration so we have to see what the Director, and new Mayor, feel about what we had the previous, the current, Director has agreed us to let us do. So any comments on this, whether we want to take this today?

Ms. Popenuk: I just wanted to say that I am in favor of it especially if you're willing to undertake TIF. I think that's great. I love that. And I was wondering how much this position would pay, and I was thinking maybe a similar position in the County with similar duties might be, you know, based in which to make the decision on how much the pay should be for this. And otherwise, as I said, I think it's a great idea. How many hours a week?

Ms. Betts Basinger: Because we're starting, Chair, in the middle of the fiscal year with this position, it would just go to the end of the current fiscal year in our budget. And because that time is short, maybe in the RFP it could say – I don't know the legal language – but something like subject to renewal on July 1, 2011, da-da, da-da, da-da. So that a person who applies who might be looking for a longer term part-time position, or to really get to know this body and what the work might be, won't just think it's just short term. My other comment is when you read – this is so great that you did this in a way we can look at it – the scope of work is not clerical. So my suggestion would be a request for proposal to provide administrative and operation services to the MRA rather than clerical. I just want to be real. And, maybe to combine the grant in this one, add bonus for grant writing skills, and in the other one, I don't know, leave the other one as is, looking for a grant writing, but add to this one that, you know, if you are a successful grant writer that's a bonus. And then we're not looking at a whole lot of people that this agency has to oversee or have to be accountable for us. It's much easier.

Mr. Horcajo: So just for the record, I know we all got copies of the RFP for the grant, but it's not something we can discuss today because it's not on the agenda itself. But as far as Alexa's comment . . .(inaudible) . . . But Alexa, also, your comment is pertaining to authority, I guess, of the MRA regarding hiring.

Ms. Betts Basinger: It was the same thing that I brought up.

Mr. Horcajo: Same comment, right.

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Ms. Betts Basinger: Yeah, same exact comment. Wherever it was in here that it says it's Planning Department, I think should be clarified to it's MRA with Planning Department's staff input that this person is accountable to.

Mr. Horcajo: Yeah, I think it's kind of unusual because we may be the only board that has that kind of authority we do, and most times it's just the Planning Department.

Ms. Betts Basinger: Right. Yeah.

Mr. Horcajo: So, what are we going to –. I guess we can't make an opinion because one of the most critical thing sounds like the response, your comment about, who hires, right? Until we get that legal opinion from Corporation Counsel.

Ms. Betts Basinger: No, no. We didn't need a legal thing for that. We needed a legal thing for the procedure for updating the plan.

Ms. Wade: We can hire this the same way we hired Teens on Call.

Ms. Betts Basinger: This is a contract. Yeah.

Mr. Horcajo: Okay, so do we want to continue the discussion to move it to a vote? Right now we have a suggestion to change the word clerical to administration.

Ms. Betts Basinger: Something to do with operations.

Ms. Popenuk: Almost like Administrative Assistant.

Ms. Betts Basinger: Yeah. Because really this person is going to working with Erin and with us to do operations and administrative things between meetings. So whatever is more appropriate than clerical. What do you like, operations?

Ms. Popenuk: Administrative Assistant.

Ms. Betts Basinger: Administrative services?

Ms. Wade: Yeah.

Ms. Betts Basinger: Okay.

Ms. Wade: And maybe we can identify a not to exceed estimate because we'll probably get an hourly, and then it would be good to know how much I can utilize that person and when

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I'm over taxing person. Because there's going to be weeks where I don't use that person at all, and there will be weeks where it's like they're here all the time.

Ms. Betts Basinger: I think that – and I didn't bring my packet – we had an amount last meeting. I can't remember if it was \$16,000.

Ms. Wade: Right. Yeah.

Ms. Betts Basinger: That was left. Now, we have less time because this person probably wouldn't start until mid-January.

Ms. Popenuk: I was thinking the pay should be analogous to what someone else in County who's doing similar work.

Ms. Betts Basinger: So what is an annual pay for an administrative assistant? What did Milton's admin AA make?

Ms. Wade: I don't know the answer to that. But I can look it up. I mean, what I'm looking for is just saying what do you want me to say? You've got your total budget. You have all your priorities. How much of your total budget do you want to spend on this because I think that might be a better way to look at then what is that person worth to us because you still have your total amount.

Ms. Betts Basinger: I think after we took out monies that we thought we would spend or maybe we could save even now, we were left with \$16,000 at the close of our last meeting. So let's start with that. It won't be that. At that rate, we can probably go through the end of the fiscal year. We could extend the term of this contract.

Ms. Popenuk: I'm wondering how many hours per week, on average, you think that person might –

Ms. Betts Basinger: Well, that's the flexibility that she wants to have.

Mr. Horcajo: Yeah. I mean, really, when you look at it now, the only reason the next potential job would be having to do with getting, if you wanted to spend stuff up for FEMA, for example. And then after that, if we wanted to do stuff for the TIF thing, that's going to be a few months down the line.

Ms. Wade: Well, we'll have FEMA, and then we're going to have the parking structure stuff.

Mr. Horcajo: Right, February, March, April.

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Ms. Betts Basinger: And the simple update of the plan that can be done, you can direct her to do, or him to do.

Ms. Wade: Yeah.

Ms. Betts Basinger: I think there's immediate work.

Mr. Horcajo: Okay, so --

Ms. Betts Basinger: And one last thought.

Mr. Horcajo: Go ahead.

Ms. Betts Basinger: If you write the contract so that it cannot exceed x-amount of hours a month doesn't mean it can't be less than. It's not a less than requirement, so maybe we'll only need that person just like you said.

Ms. Wade: Yeah.

Mr. Horcajo: So, is that something we write in the contract now or that's part of the negotiating?

Ms. Wade: I think it would be good to put in the RFP now because then they know how to allocate their time.

Mr. Horcajo: Right.

Ms. Wade: So, I'll come up with something reasonable and I'll bring it back to you.

Mr. Horcajo: Okay. Okay guys, next item is budget. Move to next month till we get these done?

G. BUDGET

1. Priorities for 2011 and coming years.

Ms. Betts Basinger: Yeah, I think we're still in our heads where we were with budget last month.

H. NEXT MEETING DATE: January 21, 2011 (Friday)

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Mr. Horcajo: Alright, the next meeting date January 21st. It's a Friday.

Ms. Betts Basinger: 1, 21, 2011. And don't forget on 1, 1, 11. 12/31, the last day of this year is the Hawaiian, on the Hawaiian lunar calendar, is when the night march warriors march. So be careful where you are celebrating new years eve.

Mr. Horcajo: 1, 1, 11. Okay, if you don't mind, I'm going to adjourn the meeting because I got to run. Thank you very much. Merry Christmas!

I. ADJOURNMENT

There being no further business brought forward to the Agency, the meeting was adjourned at approximately 3:42 p.m.

Respectfully submitted by,

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

RECORD OF ATTENDANCE

Members Present:

Robert Horcajo, Chair
Katharine Popenuk, Vice-Chair
Alexa Betts Basinger
Warren Suzuki

Excused:

Raymond Phillips

Others:

Erin Wade, Small Town Planner
Joseph Alueta, Administrative Planning Officer
Francis Cerizo, Staff Planner
Michael Hopper, Deputy, Corporation Counsel
Wendy Taomoto, Capital Improvement Program Coordinator, Office of Management
Morgan Gerdel, Parking Structure Coordinator