

**MAUI REDEVELOPMENT AGENCY
REGULAR MEETING
JUNE 17, 2011**

APPROVED 08-26-2011

A. CALL TO ORDER

The regular meeting of the Maui Redevelopment Agency (Agency) was called to order by Ms. Alexa Betts Basinger, Chair, at approximately 1:04 p.m. Friday, June 17, 2011, in the Planning Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Island of Maui.

A quorum of the Agency was present (see Record of Attendance.)

Ms. Alexa Betts Basinger: The June 17th, 2011 meeting of the Maui Redevelopment Agency is called to order. Present are members Katharine Popenuk, Bill Mitchell, Mark Walker, and myself, Alexa Betts Basinger. Excused today is Warren Suzuki. Reminder to everyone in the room to turn off any noise makers. Before we begin, I'd like to welcome everyone who is here. We have a full agenda today. And in order to assure a productive meeting, I would like to remind members of the public, Commissioners, and staff that the prescribed rules of conduct and decorum will be enforced. Any willful disruption that impedes the work of this Agency will be remedied to the full extend allowed. Thank you for being here. Thank you for your cooperation and now we'll proceed with our agenda by calling for the approval of the minutes of the May 13, 2011 meeting.

B. APPROVAL OF THE MINUTES MAY 13, 2011 MEETING (via e-mail)

Ms. Betts Basinger: Members did you all receive it by e-mail? Any comments before Chair approve the minutes as entered? Thank you, so approved.

***Without any objections by the Maui Redevelopment Agency members, the
May 13, 2011 Maui Redevelopment Agency meeting minutes were approved
as written.***

C. PUBLIC TESTIMONY

Ms. Betts Basinger: We're going to enter public testimony. Public testimony will be taken at the start of the meeting on any agenda item. Testimony will be limited to three minutes per testifier, and with the recommendation of the Chair, without objection, additional time may be granted. So I ask those of you that want to come forward with testimony to come to the podium, tell us who you are, who you represent, and thank you.

Mr. Walter Enomoto: Aloha and good afternoon Chair, Vice-Chair and members of the Maui Redevelopment Agency. My name is Walter Enomoto and I'm here on behalf of the Maui Bicycle Alliance. Maui Bicycle Alliance is a grass roots bicycling advocacy organization committed to improving conditions for bicycling in Maui County. We promote bicycling for an advocate bicycle use in Maui County for health, recreation, sport, and transportation purposes.

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As this is my first time testifying before you, I figure I'd like to give a little bit of introduction in my background. I've been involved here – I've been bicycling advocacy here over 20 years now. I was the former Chair of the Mayor's Bicycling Advisory Committee during the Lingle Administration. I've been involved with the Maui Bicycle Club, Maui Off Road, Maui Mountain Bike Club. I have worked on and helped organized over 40 bicycle rides and events over the past 20 years, and we are actively involved in many different projects, both on the State and County level, as well as budget items and all that.

I wanted to submit testimony that I've left hard copies with you regarding the Wailuku Municipal Parking Structure. We would like to add that, you know, in terms of the design as it relates to the bicycle parking facilities, we would like to ask that the MRA and County of Maui Planning Department utilize this bicycle parking guideline. This is put out by the Association of Pedestrian and Bicycle Professionals, and it is currently the state of the art in terms of the whole issue of both engineering and other logistic issues in regards to bicycle parking, and to utilize this part of the planning for the structure in terms of bicycle facilities. We'd also like to ask that you look at the possibility of totally enclosed bicycle lockers. For many people who commute who might have more valuable bikes, having a totally enclosed locker where they can also place all of their other gear that they don't want to take to work with them would be ideal. And if these can be incorporated as part of a lease or a rental program, I'm sure there would be some cyclist who would be very interested in that possibility. Also, we'd like to recommend that a minimum number of bicycle parking stalls be added as a condition of this project, and we're recommending one short-term bike stall for every 20 vehicles spaces, and one long-term enclosed bicycle stall for every 50 vehicle spaces. And this is actually a little bit less than what is even recommended in this book. They actually called for one in 20 spaces for long-term enclosed parking, so we know that depending on the exact count, I think it works out to about eight enclosed parking stalls, and about 20 short-term bicycle parking stalls.

And again, I'd like to thank you for this opportunity to testify on behalf this project, and I may be seeing you folks again for other projects. So if you see me, it's bicycle related. And if you have any questions, I'd be happy to answer them.

Ms. Betts Basinger: Thanks Mr. Enomoto. Members, any questions of the testifier? Seeing none, thank you.

Mr. Enomoto: Thank you.

Ms. Betts Basinger: The next person who has signed up for testimony is Barbara Long.

Ms. Barbara Long: Good afternoon board members, I'm Barbara Long, and I'm speaking on behalf of myself. First I want to thank you for volunteering your time and expertise, and for the professionalism and transparency that you're bringing to the process. Your work and your accomplishments are valued and appreciated by all of us who care about Wailuku's future. . . . (inaudible) . . . has been a long time coming, and now you are tasked with the responsibility to not only address the town's parking needs, capacity, circulation, safety and convenience, but

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also to ensure this historic civic core retains it's character and integrity. The Municipal Parking Structure will have enormous visual impacts as it is viewed from every perspective. It is big, boxy and tall, and its top levels will intrude on view plains from street level and from above. The design plans presented here, I assume, address present and future parking issues. But my concerns are with the embellishments on the facades from the bright green standing seamed roofs to decorative plaques and grills that seems to mimic Kahului shopping malls, and not Wailuku's historic architecture. I've passed around some photos of just a few Kahului malls. There's many of them. That green color is everywhere.

The Wailuku Design Guidelines emphasize the importance of context, and provide the rules to help you determine the relevance and appropriateness of design, materials, color and scale. On page 23 it says, parking structure design, "shall respect the character defining features and be compatible with existing context." Pages 37 and 38 say " the use of interesting patterns and shapes is required on stucco and cement facades." And on page 41, it says "no pasted on ornamentation." As a side here, Wailuku has a serious pigeon problem. I'm concerned that the grills will be a pigeon magnet.

No other Maui town has more 1930's art deco masonry buildings. The pictures that are there in black and white from exploring historic Wailuku illustrates some of them, and they look beautiful today. I drove around, looked at the colors that highlight the deco features. They are really, really special, and really attractive. The typical pilasters, cornices and parapets that enrich the street scapes are important to Wailuku's historic character. Thank you, I've got a minute more Madame Chair. Ask yourself do the design details and ornaments in today's plans meet the criteria of your development guideline. Doesn't Wailuku deserve a design that's true to its past with colors, materials, and features that truly reflect its character and history? A building that not only solves the parking problems, but is a model for integrating the charm and unique architectural features that define it's location. Thank you.

Ms. Betts Basinger: Thank you Ms. Long. Members, any questions of the testifier? Seeing none, thank you. Scheduled next to testify, Susan Halas.

Ms. Susan Halas: Good afternoon. My name is Susan Halas. I'm a business owner and a property owner inside the Maui Redevelopment Area. I've been a long time opponent of this project. I find it very unusual and highly irregular that I'm asked to give comments on this presentation prior to seeing the presentation. I'd like an opinion from the Corporation Counsel if that is permitted practice under the law, and I would like to reserve the remainder of my time to testify and give my questions and reactions after I see the presentation. Thank you very much.

Ms. Betts Basinger: Thank you. Scheduled next, signed up next is Anthony Ranken.

Mr. Anthony Ranken: Hello Madame Chair and members of the board. I'm testifying –. I'm an attorney – Anthony Ranken – and I'm testifying today on behalf of the Richard and Carolyn Dan family and the businesses that they own on Market Street. Mr. and Mrs. Dan have five retail

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locations on Market Street. They're opening up two new ones at their property on 92 North Market. They maintain a residence on the second floor of one of the buildings, and have been in business for 28 years on Market Street. They advertise very heavily to bring people to Market Street for the benefit of their businesses and the other businesses reap the benefits as well. I'm testifying about the First Friday request in case that wasn't clear.

There have been some problems with First Friday, which I myself on behalf of the Dan's have tried to work with the organizers to resolve. But the overall picture that's emerged is that First Friday organizers are constantly bending and sometimes breaking the rules. To give you a few examples, originally their permits stated that they could cone off stalls from 5:30 p.m. to 9:30 p.m, but as soon as a stall opened up at 8:00 a.m. or 9:00 a.m. in the morning, they would cone off a number of stalls on Market Street, not letting anyone park there, just to make sure that they'd have room later in the day to set up their stages. We called them on that. They managed to get the permit changed to allow them to do what they've already been doing. But just last Friday, a couple of other – last First Friday I should say – they set up in one of the stage – one of the areas designated for stage, they set up a vendor, a vendor booth. I have a DVD which has the vendor booth on it, which is completely against the permit. We're talking about they're taking away, I believe, it's a total of six parking stalls on Market Street during the busiest day of the month because this is, you know, Friday, it's pay day. It's when people patronize all the financial businesses there. My client has several financial oriented businesses, pawn shops, second hand good store, a loan operation – Kamaaina Loan – so this is a time when parking is a premium. They also got hired police officers which also is on this tape to start putting cones in the middle of parking stalls along Market Street starting at 5:00 p.m., and the street doesn't close till 6:00 p.m., but blocking off entire parking spaces starting at 5:00 p.m. This is history, but First Friday is constantly over reaching, and this time they are really going too far asking to have complete jurisdiction of all the sidewalks and anyone who can sell there. MRA does not have the power to do delegate to First Friday, it's jurisdiction over the sidewalk sales. MRA does have jurisdiction over open air sidewalk vendors. But the law is basically it's 30.08.090, and again the definitions that appear at the beginning for open air sidewalk sales at the beginning of that chapter. Basically the law is that a business can have a table out on the sidewalk as long as they leave a three foot right of way. And the only way that can be restricted is that the MRA, during special events, may limit in location and sales, as well as duration of time, the use of those sidewalk tables. They are not allowed to delegate to another organization, a private organization, their right to restrict sales, location and time. And clearly, I mean, I would ask –

Ms. Betts Basinger: Four minutes Mr. Ranken.

Mr. Ranken: Can I have another? And also I wanted to mention, I will be staying around for the decision making part, and if legal issues come up or more dialogue, I would appreciate the opportunity to participate at that time. . . (inaudible) . . .

Ms. Betts Basinger: We might call on you as a resource. Thank you.

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Mr. Ranken: Good, I'll be here. But the problem also here is that we're talking about –

Ms. Betts Basinger: Mr. Ranken, can you conclude your testimony?

Mr. Ranken: I thought you said you would give me one more minute.

Ms. Betts Basinger: You're over four minutes and may call on you as a resource . . . (inaudible)

. . .

Mr. Ranken: Okay. Can I make one final small point that I think is important?

Ms. Betts Basinger: Yes please. Please.

Mr. Ranken: Essentially, let me give you an analogy. We have a local coffee store there on Market Street. First Friday is asking for the ability to say, you, coffee store can't put outside, you can't sell your coffee on the street, but we can rent a table to Starbucks and bring them to sell coffee right in front of your store. That's the breath of what they're asking for in this request. It's not reasonable.

Ms. Betts Basinger: Thank you very much. Members, any questions of the testifier? Seeing none. Next testifier signed up is Teri Edmonds.

Ms. Teri Edmonds: Aloha Madame Chair. Aloha Board. This is Teri Edmonds. I am speaking on behalf of the Shoe Fits today. And it's not on your agenda, but I'd like to ask, I know you're so busy, but I'd like to – last year we addressed the neighborhood watch and we did a nice thing with the local police and I think I'd like to, if we could, maybe address the security issues in Wailuku again in the next couple of months, and see if we can put some kind of plan in place that would work with the community and get organized again. I believe we have a new community police officer, and I'd love him to become familiar. We have filed, we've been following the steps that we came up with the neighborhood watch at this meeting about keeping badge, report numbers and things, and it's been going great. We've been collecting those so, we'd just love to take a move on that as we're getting more and more population in town. And thank you very much.

Ms. Betts Basinger: Thank you. Thank you Teri. Members, any questions of the testifier? Seeing none, thank you. No one else has signed up for public testimony. If there's anyone in the audience that would like to testify please step forward. Seeing none. You're behind the camera.

Ms. Jocelyn Perreira: Aloha. My name is Jocelyn Perreira. I'm the executive director and small town specialist for the Wailuku Main Street Association/Tri-Isle Main Street Resource Center. Our website is mauitowns.org. We encourage you to read through that site. We're testifying today, expressing concern, once again for the rules of engagement in discussion. I think a couple of testifiers had expressed concerns about agenda items that you have listed on your

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agenda that we do not know enough about that we cannot provide meaningful comments until we hear what these items are referring specifically about. So I would strongly recommend that, and I know you will be getting a communication from our board of directors on that as well.

I'd like to note that we've done extensive design reviews this past month as we always have, and we've done a lot on the municipal parking structure so it's too long for me to read the whole thing. But just so you know we did have concerns and we have listed them, and they are in the following areas – multi-modal access, design height and mass, ornamentation, architectural details, site features, increase safety and accessibility for users, construction, studies – Pili Street in particular – loss of open space, and maintenance and management. So we will be trying to get more discussion and dialogue going hopefully at some point in the future relative to that. And to also note the progress on our regulatory initiatives for small towns – that is going very, very well with our organization. That will eventually help projects in Wailuku to be able to comply with realistic code compliance, and that's something we're very excited about. And again, for more information, go to www.mauitowns.org. Mahalo for your kind consideration of this time.

Ms. Betts Basinger: Members, any questions for the testifier? Ms. Perreira, I have a question. Thank you for the list. Do we have written testimony?

Ms. Perreira: Not at this time.

Ms. Betts Basinger: Okay.

Ms. Perreira: Not for the MRA because we don't know what the MRA is presenting.

Ms. Betts Basinger: That's fine. We'll look forward to it. On the dot points that you itemized that your organization is concerned with, I got multi-modal access and a few of the others. But could you also let us know on which side, if it's something you support or it's something you'd like to further discuss on each of those dot points.

Ms. Perreira: Again, because we do not have enough information, we have not seen the presentation in the MRA, under MRA business so on and so forth, we have to refrain from making comments because it is our habit to have an issue thoroughly researched and discussed and to know where the MRA is coming from relative to this prior to sharing those comments with the MRA. Thank you.

Ms. Betts Basinger: Thank you. And we will be explaining where the MRA is coming from for this review. Thank you. Anyone else wishing to give public testimony on any agenda item coming before us today? Seeing none, at this point, we're going to close public testimony. And we are going to move on to design – the actual design review. If all of you could look at your agenda, Chair, without objection would like to move some of the agenda items further into the agenda, up after the design review simply because they're all related and we would very much like everyone to hear all of that. And that would include Item-F1 which is Morgan Gerdel's

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report which he gives every month to this agency on the parking structure, and also Item-F3 which is the tasks status LU-3 from our own agency, Bill Mitchell. So without objection members, I'd like to change the order. Thank you.

D. DESIGN REVIEW

- 1. Presentation by Alison-Ide on the Wailuku Municipal Parking Structure Design. The Maui Redevelopment Agency will be asked to provide comments and recommendations to the design team.**

Ms. Betts Basinger: So at this time, I would like to call on Alison-Ide and receive the presentation.

Mr. Brian Ide: Thank you very much Madame Chair, and members of the Board, ladies and gentleman. Thank you very much for this opportunity to present the design of the Wailuku Municipal Parking Structure project to you this afternoon. Performing the presentation besides myself will be architect Mel Choi, Media Five Architecture; Civil Engineer, Stacy Otomo, Otomo Engineering; Landscape architect, David Sereda, of Chris Hart & Partners; and Mr. Karl Walker of CW Consulting, our parking structure consultant. Besides our Civil Engineer, Stacy Otomo; Landscape Architect, David Sereda; and our Environmental Assessment Consultant, Michael Summers, our Maui based consultants include Mechanical Engineer, Engineering Dynamics, Doug Gomes; Electrical Engineer, ECM Inc, Mark Rickard; the Soils Engineer, Island Geotechnical Engineering, Charles Beagle; our archaeological consultant, Dynamic Research, Eric Frederickson; and our Surveyor, Warren Unemori Engineering, Darren Unemori.

Alison-Ide Structural Engineers was constructed by the County Public Works to preform the – to prepare the construction documents for the Wailuku Municipal Parking Structure. Notice to Proceed was issued on January 2, 2011. Since that time, the design team has completed the conceptual design and drawings, preliminary drawings for the project. The conceptual preliminary drawings were provided on May 19th, 2011 to the Maui Redevelopment Agency, the Wailuku Main Street Association and other stakeholder groups for comments.

The purpose of this meeting is to provide an overview of the conceptual design. The next step would be preparation of construction plans and specifications for the building permit, as well as the contract, drawings and specifications for construction. A formal design review application will be submitted to the Maui Redevelopment Agency in February 2012 upon the completion of the Environmental Assessment process.

Now the key design criteria. Our design team was presented with the following criteria as our key design criteria components for the project, and they include the concept design based on option PC-1 of the Wailuku Municipal Parking Lot Master Plan completed in 2001, and approved by the MRA in 2004. The design of the parking structure would be within the 45 feet height limit. Number three, to provide on-grade parking adjacent to the parking structure and the remnant lot. Number four, to preserve the remnant lot for future mixed use developments.

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Number five, to re-establish Pili Street to provide for efficient pedestrian and vehicular circulation. Number six, the parking structure is to be tucked into the established building envelope. Number seven, to comply with the MRA zoning and development code. And number eight, to apply the Wailuku Redevelopment Area Design Guidelines.

Next, we will have our Civil Engineer, Stacy Otomo, discuss the items related to the site issues. Thank you.

Ms. Betts Basinger: Thank you.

Mr. Stacy Otomo: Thank you Brian. Good afternoon Madame Chair and members of the Maui Redevelopment Agency. My name is Stacy Otomo. Bear with me for a second, I need to get a pointer. I'm going to be using the mouse instead of a pointer. I'm going to go over very briefly – very briefly the site aspects of the project. For orientation purposes this is Main Street, Market Street, Vineyard and Church. I'm sure all of you are familiar where the parking lot currently sits. Pili Street will continue to be an access, to and from, the property, basically in it's original configuration. There's an existing driveway on Vineyard that's located right about this area. The new driveway would be skirted further mauka to give you a straight alignment into the entry to the parking structure. There's also going to be about a 15 foot wide road widening lot that's going to be dedicated to the County along Vineyard that would correspond to the property that's mauka and makai. On Church Street, there's Pili Street that comes down here now. There's going to be a slight realignment of Pili to accommodate the front end of the structure, at Pili, would be, going right through to Market Street.

In terms of the pedestrian access, there's an existing access that comes down right adjacent to First Hawaiian Bank. That's going to be maintained. There's a smaller access that gets out to Main Street that's going to be slightly improved. In terms of the grading and the drainage for the project, the concept is fairly simple. We're going to try and maintain the existing grades as close as possible and minimize the cuts and fills of the project. There's an existing drain line that exists basically on the eastern end of this whole parking, existing parking area, that comes down Vineyard, heads north on Market, and eventually outlets into Iao Stream. The drainage plan would be to use that existing line, supplementing it with additional catch basins to minimize the amount of overland flow along the entire property. And in a nutshell, that's the site elements that we're going to be using for this project. And I'd like to call Mel Choi to go over the architectural aspect of the project.

Mr. Mel Choi: My name is Mel Choi. I'm the architect for this project. I thank you very much for inviting us here. Let me quickly go over the design criteria for this project. The amount of criteria is substantial. The lot's tight. This is a complex project, and so it's well that you understand the complexity of it because it isn't – well one might think to squeeze on x-number of stalls into the site might be easy. This is extremely difficult, and let me tell you why. First of all, we are abiding by the Parking Lot Master Plan that was developed by Chris Hart & Partners in 2001 for the Maui Redevelopment Agency. Option PC-1 was selected. That is the guide that we used to develop this project. It has 363 stalls in PC-1, the one that was established in 2001.

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There are 10 stalls on-grade, for a total of 373 stalls. Today's design which I will be showing you shortly has 348 parking stalls in the building. It has 21 on-grade. There's 370 stalls on this site here. This remnant site which is bordered by Pili and Vineyard Streets, that contains an additional 48 stalls, totaling 418 stalls. Now we get real close to what was originally designed on PC-1. They're three stalls apart and I'll tell what the difference are shortly. Furthermore, we have a smaller, more efficient building, roughly about 10 feet in each dimension. We also are preserving the remnant lot for future mixed use development. This is the on-grade parking stall, and again, remind you we have a total 418 stalls.

We have codes to comply with. This is a 45 foot height limitation. We're asked to maximize the amount of building on the site, maximize the parking. We have a setback on all sides to allow emergency and service vehicles. Now that's an important distinction between this design and the previous design. There's a 20 foot swathe around this building that's paved, and emergency and service vehicles can certainly navigate this building. We are compliant with ADAG 2010. For those who are not familiar, that's accessibility guidelines. We are following the 2006 International Building Code because that would probably be the building code that we'll be the one we have to be compliant with when we go to building permit. We have determined that no fire sprinkler systems are required in this building. All we need to do is put in dry stand pipes and hose cabinets, and that's been verified by the Maui Fire Department.

As an overview, as I've said, 418 stalls – 349 in the structure, 21 on-grade which front the buildings that are fronting Market Street. These are 48 stalls between Pili and Vineyard. Some people might recognize a little bit of a discrepancy between what we show here. These have been added on and the landscape and several drawings, and the reason for that is that we had to keep this drawing pretty much in tact because we received the updates from civil and landscaping on June 3rd. So we wanted to represent to you very clearly the time lines here.

This is the design for the structure. We think it fits pretty tiddly into the constraints that we have. There's a 45 foot height limitation. The site slopes from this corner which is what we call the northwest corner, or the Pili-Church corner, and it slopes diagonally down to this corner here which we call the Main Street – Main and Market Corner. This view is elevated above Vineyard. This is a higher view right now, and you can see there's a complete swathe around the building. I have further slides later in this program to show you. This is the remnant lot here. I'd like to call on Karl Walker who is our parking expert. Karl has done well over 500 parking buildings over the years and is considered one of the best international experts on the subject. Karl?

Mr. Karl Walker: Thank you Mel. Let me just briefly talk about one of our major goals is simplicity for the driver to enter the facility, and we have what we call a continuous ramp, a two-way traffic facility. And you enter at this point, either coming in, off of Church Street, off of Market, or off of Vineyard, straight through the remnant parking lot, through a single entrance in the facility. And the reason for the single entrance is simply because of control. And if at anytime we want to have a controlled gate with ticket spitters and cashiers, we're limiting that to one point to eliminate or minimize the cost of that control.

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And then once the person enters the facility, they have the choice of either coming in and turning left and going down, or most of the parkers will come in, go straight ahead and come up to the facility in this counter clockwise pattern on what we call a scissors ramp. And then to exit the facility, you simply back out of your parking space and proceed down bound in the opposite direction. This is a plan of the lower level, and what you are seeing here are some of the columns. This is the west side. This is the east side. Let me go over to the main entrance floor. This is Pili Street, and you would enter at this point, and either make a left turn and go down, or, come straight ahead and go up. And the column spaces, the distance from the outside to the middle column line is 60 feet, and that's clear span. So you will not have any columns to drive around to get into the parking spaces. We've eliminated what we call the fender bender stigma of having to drive and park around columns. And so you would proceed up in this fashion.

And then the types of parking spaces we have, we've maximized the standard parking spaces which is an eight and a half foot, or eight foot six-inch wide by 18 foot stall, and generally the cars today don't exceed much more in length than 16 ½ feet. And so what we're going to develop is an aisle here in the middle that will be a 24-foot minimum aisle, minimum width aisle, which is standard highway, two-lane highway width. Two 12-foot lanes. And then you proceed up to the facility, come around the end, and at the parking stalls at each end of each run, these are compact spaces. Now we are allowed to have up to 25% compact spaces, but we're minimizing that simply because if you're driving there and this space is available and everything else seems to be full, people have a habit of making their medium sized cars into compact cars and driving in that space. But we're going to minimize them, but keep them as much as possible to help make the turns around the ends. We don't want somebody with a big 18-foot pickup truck parking in that particular space.

And then over here, we're introducing the electric charged spaces and we have compact car spaces that will have charging stations, and we have standard spaces that will have charging stations. Then the other special type of parking space will be, what you call a handicap or American's with disabilities access spaces, and these will be located adjacent to the elevators. So you have minimum grade problems from getting the handicap person out of the vehicle and into the elevator to proceed down into the – to exit the facility. I'll just quickly go through – you can see roughly 84 to 86, and then we get to the top. The top ends right here – or the roof deck. So you come up around this way, and you park here and to get out, you proceed back down. So with that, as I mentioned, we have only 12% compact spaces. We're allowed 25%. I'll turn it back to Mel to further discuss the design of our parking structure.

Mr. Choi: Thanks Karl. Karl makes a very good point. One of the reasons why municipal parking lots of this nature are different than the standard parking lot defined in the condo and defined in office building is because it requires a lot of traffic. You've got to move traffic quickly. You don't want people jamming up the aisle ways, therefore, aisle ways are very big. But also an inhibiting factor is when people have to wait and dodge columns and line up, that creates maybe a 10 or 15 second delay. That adds up every time someone parks, every time somebody coming out of a stall, so we tried to eliminate that as much as possible. It's also very

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brightly lite. The verticality of the space is extremely important. As you can see here we have a minimum height throughout the parking, 8'-2". We have even higher van accessible stalls at the first level. We have furnished two elevators, conveniently located on the Pili-Vineyard and Market-Main corners, with glass windows on the exterior side. Now why glass windows? Well, primarily for visual security. That matches perfectly what we've designed for you. What we've designed is a very, very open building. Every corner has this open staircase – completely open. There's not even a door on it. So again, visual security. On grade handicap access route on both north and south sides, again, linking into the elevator system and we have specific routes. The building conforms to natural slope of land as I indicated to you earlier, minimizing excavation and fill. And again, column free, 60 foot spans.

Here's a little bit better graphic to cover again what Karl was talking about. Entry here. Exit here. When you come in, it slopes down. Now people will probably ask, how do you slope down and get the on-grade here and here? Well, it's because the grade – that was interesting for us as architects when we visited the site – that it's higher here at this corner of Pili than it is here. It drops down. There is a slope. There's also slope from here to there. This is a good graphic that shows the perimeter completely free. This is not an up to date drawing landscaping. And Dave will show you this is completely paved. There's a whole different design to it.

The next level up, you'll notice here the staircases on each corner. Elevator on this side. Elevator on this side. Again, this is the demonstration of the really openness of the garage. This is level three, level four – very typical – level five. Now you can see the roof top. The roof top has again sky lite, but open. Stairwells on the four corners. Elevator penthouse. Elevator penthouse. This is a standing seamed metal roof that has a photo voltaic, a morpheus material attached, and we are told by our electrical engineer that it can furnish between 10% and 20% of the electrical requirements for this building.

This is what the building looks like over the Vineyard Street side. What you're looking at is this 48 stall parking lot. Ingress and egress along here into the building. Market into the building, or through these 21 spaces here and on to the parking lot is controlled by First Hawaiian Bank. Another point of ingress through here which is through that remnant lot of approximately 48 stalls.

This is a section through the building. And we've included this by the way because we had presented this in hard copy to the MRA and we felt like it should be included. So I should point out to you that all of the drawings that the MRA had a chance to see has this black line across. So every drawing that the MRA has is being shown in this presentation. But it shows how you come in this level here, off of Pili, and it drops down more towards the Main-Market Street side. This is a section, cross section, through the building.

So some of the features of this building which I think are extremely important for you to understand is the building is designed to be visually and physically open. It's a very transparent building. There's visual security because of the open design. There's natural light and lots of

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it. Natural ventilation. There's no mechanical ventilation required which is great. You don't spend any additional money having to mechanically ventilate, and we do a lot of parking structures that have to be mechanically ventilated. Minimum artificial lighting during the day. That's a big energy saving on this item. Artificial lighting will conform to light pollution and requirements. And we will design the lighting so the middle part of the building will have the lighting during the day, and then we turn on the entire building at night.

This is an elevation. This is looking from Market Street. This is what the building looks like. Pili Street dropping down towards Main. This elevation is from Vineyard Street. This is the entry elevation. This is the west elevation. It's obstructed by the Professional Building. But this is if we were standing in front of the Professional Building looking at this facade this way. And this is from the Main Street side, or where the Food Court and the Church are. I have other drawings to show you when we get there.

So here are some of the aesthetics and I'm sure a lot of you are interested in how we had derived to the aesthetics. First of all we are following the Wailuku Redevelopment Area Design Guidelines, and following distinctive buildings like the Lao Theater, the old Crest Building. The architecture vocabulary basically is Wailuku Plantation and art deco styles. I'll stop here just for a moment.

We have a 45-foot, five story parking structure. It is extremely difficult to extrapolate vocabulary when you try to utilize plantation. So therefore, I think that we've instilled it to the point where we really have excellent essence of what the design is all about. Design is a difficult thing. Some times they're very subjective. We're trying to be very objective here. We have looked at color. We have looked at the cornices. We looked at brackets corbels, railings and guardrails, the lattice work, grills, trellis, and medallions. All these occur on the buildings nearby. This was delivered to the MRA, and we have embellished this with larger detail. So I'll quickly go through this. These are the various colors of the facade. The primary color will be this color, and that one, and this darker brown color will be on the shared walls, but I'll get to those quickly.

This is the elevator detail. There's quite a bit detail in here because the elevator itself is glass enclosed. Here is a grill work here, which is this grill work right here. It's decorative, but it's also protecting people going over the edge. This is the staircase. These are where the medallions are. This is the cornice, and these are the brackets for corbels. A larger view of that. This is the sheer wall I was talking about, and there are several sheer walls on all four sides of the building. This is an image of the cornice, an image of the trellis, and image of the standing seamed metal roof. And we have examples of all these colors, larger scale, true colors. Unfortunately, at lot of times power point can't represent the colors perfectly. In fact, we even brought some of that photo voltaic film with us.

This is the detail for the sheer wall. It's got a fancy name – Colorado Clay. I guess it does look like Colorado Clay. Textured form liner and they are three-quarter inch reveals in this grid pattern. You can kind of see inside the structure, and it's fairly open. There's a cornice detail.

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Now this is what the MRA hasn't seen yet, so I think this is indicative of – here is a photo of the Lao Theater. We are not just taking the design and moving it over, but we have taken and interpreted the design, added in this cornice detail. This is rail and lattice details. Over at Lao Theater, it's this recto-linear grid and it has a circle in it, and we translated that. This is fairly recto-linear. We put in a square on a corner, but this does not meet code requirements. So we have a mesh behind it to prevent kids and foolish people from going over the edge. We also have this lattice here at the top. So you can kind of see how all that comes together. We feel like it very, very nicely represents some of the images that you see in town. There's a corollary because one, you're in this. If you're walking down the stairway for some reason, you'll be able to see over, and you'll see the Lao Theater. These are medallion details. They're done in pre-cast concrete, and they're located in these areas here. And these are consistent within the vocabulary of art deco. This is the lighting. We felt like this was appropriate lighting for the stairwells. They provide enough illumination without being the typical ugly fixture that one normally sees. Our ceiling lights are vandal proof and they occur in the ceiling of the garage. And they're not only vandal proof, but they are water resistant making them perfect for washing the garage down. You can wash the light fixture, the floor, the walls, the stairway all at once with a high pressure hose.

So a little bit of a review. What do we have here? Open design minimizes energy usage for lighting. Open design requires no ventilation. There's no mechanical ventilation in this building apart from the elevator penthouses. Open design requires no fire sprinkler system, and we had to work at this. But we're able to convince Maui Fire that it was not required. It also requires no air-conditioning of course. Open design requires no stairway doors. We have bike racks to encourage alternative transportation. We feel like that we can meet the standard quite nicely of bike racks that was mentioned earlier. We have nine electric vehicle stalls which is about five more than what I understand that will be required from January 2012. Of that, we'll activate two stations, and seven will be stubbed out for future. But if it gets to 2012, we will put all four in. We have a photo voltaic array at the roof level. It provides enough energy for approximately 10% to 20% as I mentioned earlier.

Now here are some of the energy saving items. Again, a quick review, photo voltaic and high efficiency lighting and an open air designed. These are the bike racks we're talking about and you'll see more of that in David's presentation on landscaping. This is what one of those photo electric charging stations look like. So when you bring your Nissan Leaf or one of the electric cars up to it, you'll encounter one of these devices. You plug this into the front end, we'll have a sign, electric vehicle charging station and you swipe a credit card to get your vehicle charged. These are some of the views of the building. This is from Vineyard Street. We'll move clockwise around the building. This is from Market. Again, you can see the slope from this corner to this corner, so you're at grade here, you're also at grade here.

These are views that we put in to shots that we took off of Google Earth, so they pretty closely represent what's already there. This is off of Main Street, so here's the building. Here's what's in the foreground. I'm sorry, this is Pili Street. Excuse me. So this is the American Savings Bank building. This is off of Main Street. This the foreground. This is the building in the

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background. Now one of the important components to this is that this thing has to look like a parking structure. It has to advertise itself. We don't want people driving around. That's a main component of the design. It has to look like a parking structure. Off of Church Street. This is Pili again. It's hardly a mistake that it's a parking structure. We could do all kinds of fancy facades, put all kinds of things on the side of this building, all it does is drive up the cost, in the facade itself, in maintenance, in having to mechanically ventilate this building. A number of issues. That's why discarded – we wanted this to be as open as possible. But people argue well it's not really transparent. Well, it's about as transparent as it can get to be a legal building.

Okay, now we start to gain elevation here. Pretend you're in a helicopter. This is a very prominent corner here. So again you can see the configuration. We're going clockwise on the building. One of the things that I personally like is that you never have to wonder where you can get out of the building. There's a stairway in every corner, and the stairways are exactly alike. This is at the Church and Main Street corners. You can see the skylight here. You can see the elevator penthouse here. By the way, the elevator stops at this level, of course, and you can see the photo voltaic roof. Come around the corner, again, a more broader view. Then you can see this area that is significant. It's 20 feet from that, the wall of this executive building to the parking structure, allowing emergency and service vehicles to come completely around. This is the Vineyard Street view. Again, a little bit closer.

So what we have for long term maintenance. We have no planters. Planters are expensive to build. Planters leak. Planters are expensive to maintain. We were asked to put them in – well, nobody asked to put them, sorry. We put them initially, and I think, because of those issues, we were asked to remove them. There's an easy wash down of the parking and stairwells. This structure is completely open. High pressure hose – you've taken care of all the wash down you need. The exterior fenestration is pretty much vandal proof, long durability materials, pre-cast concrete, fiber glass, aluminum efface. Material selection, again, reinforced concrete. Basic structure – there's corrosion resistance put into the add mixtures of the concrete prolonging its life and also water proofing the slab. So we have a real clear focus on long term service life. Okay, I'll hand you over now to David Sereda. He's the landscape architect with Chris Hart & Partners, and he'll go through the landscape design with you.

Mr. David Sereda: Thank you Mel. I'm David Sereda with Chris Hart & Partners, and I would like to talk a little bit about some of the onsite improvements outside of the building. So if we revisit the site plan itself, you see the building is obviously in the center. Vehicle access along Pili, Vineyard, as was previously mentioned. The vehicle circulation would be around three sides of the building. And this side here would actually be a – is a 20 foot fire lane, and that would be inaccessible to day to day traffic. There would be bollards at either end, but it would open it up for the opportunity that it could become something else more along the lines of a pedestrian mall, which could be programmable space, perhaps a farmer's market or outdoor merchant areas. It might even be something that could happen in conjunction with First Friday as well. So that would be in this area here.

Pedestrian circulation through the site occurs around the perimeter, and then through the center

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along Pili. And these would all be new sidewalks through here. Some of the onsite amenities that we'd like to propose include benches, trash receptacles, bicycle racks, trees and some different types of at grade paving and surface treatments. The benches and trash receptacles would be located along Pili Street here, and along Vineyard. And the bicycle racks are located – there's two locations – here and here which accommodate 16 bicycles.

In terms of the street furniture and the amenities, when originally the Market Street improvements were designed, there was public input from the MRA and as well as from the Wailuku Main Street Association. And at that time these features, furniture elements, were chosen based on fitting in with the architectural character of Wailuku, going back to again the 1940's and the art deco period. And you can really see that in the light standard that was chosen for the Market Street improvements. So what we would like to do is carry that theme through to the proposed improvements for the parking structure, and just replicate that and continue with these architectural elements. Some of the other things that we're adding which don't occur on Market Street right now is a bike rack. And this is a preferred type of bike rack by the County as well as – Walter was telling me that it works well because you can actually pin the bike at two locations and avoid it from falling over. And each one of these accommodates two bicycles. Here's the bollards which would be on the fire lane. The tree grates, the bench, trash receptacle and the light standards same as Market Street.

The crosswalks would be the same as Market Street. Again, it would be the lightly colored scored concrete pedestrian crossings, and the lighter concrete gives it a high visibility and it increases safety. And the planter areas in the at grade parking areas, as an alternative to providing planter space with the higher maintenance plant material like grass or ground cover, we thought that you could put concrete brick pavers in there. The colored concrete brick pavers which might have more of the visual appeal that just concreting it over. And plus it would be – it will withstand the high pedestrian traffic.

Some of the plant material we're proposing to use are the typical street tree along Market Street which is a preferred species for parking lots and streets. They're very hardy. They're non-invasive. They don't have intrusive roots. They're drought tolerant. They can take a heavy pruning. And plus they have some color. They're a flowering species. In front of the some of the sheer walls on the parking structure itself, we'd like to have taller palm trees coming up, sort of break up the massing of the building, and to soften those, the large sheer wall elements. Along Pili Street, perhaps, Royal Palms would be appropriate. They're one of the large palm species and it might get up to a similar height of the parking structure and give a bit of a visual balance as you look down Pili Street. And then some of the other shrubs would be lower maintenance – red ti, eldorado, snow bush type of plants – and MacArthur Palms around the perimeter of the structure itself.

And that concludes my portion, and I'm going to turn this over to Brian. Thank you.

Mr. Ide: Thank you David. I'm now going to talk a bit about the estimated construction cost. The estimated construction cost was based on the preliminary design drawings which were

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developed in April of 2011, and we've broken it down as follows. The base construction cost comes in at – it came in at \$12,742,000. A 5% construction contingency of this figure comes in at about \$620,000, or a total base construction cost with the 5% construction contingency of \$13,379,000. Now what we have here what we're calling additive alternates are items in the parking structure design which are things which have a relatively high price tag, but they don't necessarily have to be part of the total parking structure. The parking structure can still function without these items, but these items throughout the presentation have been shown.

The cost of a second elevator at the Main Street side – remember in the presentation there were two elevators shown. But if one elevator is taken out we can save over \$500,000. The photo voltaic system has a price tag of close to \$850,000. The skylights at the four stairways, stairwells, cost \$134,000. Metal top rails in lieu of pouring the concrete railings the full height – three feet six high – at the interior of the garage cost \$57,000. You wouldn't be able to see the difference at the exterior because the exterior we're going to have those metal railings. But on the interior this is the price tag of having the metal railings. In order to construct the decorative medallions that Mel was talking about, it has a price tag of \$268,000 over a comparable fiberglass medallion, or medallions. Using colored or scored concrete in lieu of asphalt at the walkway, along the Church Street side, has a price tag of \$98,000. And painting the ceilings within the parking structure has a price tag of almost \$300,000. Now if we were to add up all these additive alternates they have a price tag of \$2,200,000. We add a 5% contingency, construction contingency, to this figure, we have \$113,000. And a total price tag of all these additive alternates are included with a 5% construction contingency, the total price tag on the parking garage would be \$15,760,000. We have a note down here. It says that the construction cost includes 31% for the general conditions, bonds and insurance, overhead, profit, general excise tax, and a 7% estimating contingency.

That is the end of the formal presentation. We'd like to open it up to questions to the board.

Ms. Betts Basinger: Thank you very much. At this point I think Chair would like to take a break so everyone can stretch and we will reconvene at 2:20 p.m.

(The Maui Redevelopment Agency recessed at approximately 2:14 p.m., and reconvened at approximately 2:22 p.m.)

Ms. Betts Basinger: The June 17, 2011 meeting of the Maui Redevelopment Agency is reconvening. Chair is recommending without objection to provide an additional opportunity for public testimony. Testimony will be limited to three minutes per testifier with the recommendation of the Chair, additional time to four minutes will be granted. Prior to opening again for public testimony on this just reviewed item, I'm going to ask Erin Wade to share with everyone here and the members, the purpose of the MRA's meeting here today. Thank you. Erin?

Ms. Wade: Thank you. The Maui Redevelopment Agency has essentially three functions associated with the parking structure. One of those is to be a commenting agency for the

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Environmental Assessment that has to be produced. That's a requirement because we're using public funds and public property for this project. The second is to be a commenting agency on the interim parking plan and the parking management plans that are being developed for later phases of the project. So after we've finished the design phase, moving into planning for construction and interim parking and those sorts of things. And then the third component of the MRA's review is going to be the actual design approval. So today we're not at the design approval stage. Today we are at preliminary consultation on the Environmental Assessment. So the MRA today will be receiving information from the public and suggestions, and offering their own comments to guide the design team in their preparation of their preferred alternative for the evaluation during the Environmental Assessment. So that's the purpose of the review today.

Ms. Betts Basinger: Thank you Erin. So at this point we will open for public testimony Item-D, design review, on the presentation we just heard. So anyone wishing to testify please step forward, state your name, and your affiliation if any.

Mr. Robert Joslin: I'll sign in later. My name is Robert Joslin, and I own the Main Street Promenade properties on the Main Street side. And I guess, first of all, I understand now by watching the presentation – I missed the first 20 minutes last night – how you got to where you are now. It looks like – it looks like the piece . . . (inaudible) . . . in 2004. And now in 2011 I guess our problem is, some of us are serious stakeholders in the area, didn't know that all of that was going this far. Truthfully we did not know. A few months ago, I know that consultant for you has been – gave me a plan. He and I had a meeting, and I think with you also Erin? We did some talks and discussions that way. But I didn't know that this thing had gone this far at all, truthfully. And we have a lot of problems with this, a whole lot of problems with this. And I'm sure there's some time limit on this thing, and what I'd like to know is –. I don't even know where to start on this thing other than I could start rambling stuff up but that's going to sound lunatic like and I don't like doing that. But the concept is off already. We don't know why it's shoved up in the . . . (inaudible) . . . corner. We don't know why this whole thing about Pili Street got re-established. We don't know so many things that have gone on with this thing without the input of the people that are there that own the adjoining the properties weren't included in this. It's the biggest problem we've got.

It looks like it's very consultant driven, very little citizen driven, the owners. It looks like a lot of these things have sort of taken on from earlier 10 year ago issues and have gone forward without sort of looking up and saying, "gee, maybe we ought to talk to some of these people." Seriously, that, I think is probably the biggest problem you're going to face. So you may want to kind of pull back on the reins a bit here and talk to some of us. Some ad hoc issues maybe – you know if you put something together that way so that we're not impeding any worse than it's going to get if it keeps going forward. So those are my current comments. Hopefully they're accepted well, but, honestly I'm really – I want to hear what other people got to say and I think that we'll all be doing a lot of dialogue later.

Ms. Betts Basinger: Thank you Robert. Members, any questions of the testifier? Seeing none,

thank you. Anyone else wishing to testify? Susan?

Ms. Halas: My name is Susan Halas. I'm a property owner and business person. I live and work inside the redevelopment agency. And I'm commenting exclusively on the portion of the presentation that I've seen so far and I understand that there are future portions of the presentation to come. And because I know the Chairperson likes to hear the positive things first. She wishes that I would have positive things to say because I'm perceived as a person who only has negative things to say. I will say to the design team that given the guidelines they were given that they have solved the problem that they were given. Unfortunately I also echo two of the people sitting in the room. I echo Barbara Long who says it doesn't look like Wailuku. It does not look like Wailuku. It's not something that we would want in Wailuku, ever, under any circumstances in this present incarnation. And I echo Mr. Joslin who I'm not often on the same page with but in this case I am in that the people who actually live, work, own property and will be most directly impacted by this are not involved, have not been involved, and really have no idea of, you know, what this is going to do. We already went through one scenario where we did a so-called Main Street improvement which a large majority of the people on Main Street were not happy with. Now are we going to do a Wailuku Parking garage in which all the people who actually live and work in Wailuku as I look in the room here, I see that I know a lot of the people who live and work in Wailuku. I do not see them here today. And I think that like Mr. Joslin, and like myself, and like some of the other people, they are going to be amazed that this has gone this far. So I think that my basic comment no doubt will receive an extensive amount of written comments from my in excruciatingly boring detail.

But my main comments are you have forgotten two parts of this. You have forgotten that the people who live here have to live with this particular building seven days a week, 24-hours a day, and that it's basically an ugly, big box. It's a monolithic box. That is if things were to change in Wailuku, you could not do anything else with it. And also I point out to you that I see Bill Baer and I see a lot of other people in the room who were present during the initial discussion of what they wanted it to be or what could it be. And with that – how many minutes? I have one more. And that discussion was held 11 years ago and a great many things have changed in Wailuku. We have a much larger poverty clientele. We have a much smaller business community. And we have a very high probability that the lots at Maui Lani, the commercial lots at both ends of Maui Lani, will be the most attractive to the business end, the business community, so that the people who will be the parkers in this parking garage such as it is will probably be people who work in offices all day long.

And my last comment is I have not seen one, or heard yet, which I'm waiting for the second part of this, is exactly who's going to pay for this. Now if this were in Paia where I can see a huge growing commercial base and utter demand for parking, then I would say, well, big and ugly, we'll make it look like Paia. But since it's Wailuku –

Ms. Betts Basinger: Thank you Susan.

Ms. Halas: I think I don't –. I'm against it irrevocably and there's better ways to do this.

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Ms. Betts Basinger: Thank you Susan. We look forward to hearing from you again. Any other members in the audience wishing to testify? Tony?

Mr. Anthony Takitani: Good afternoon and thank you for the opportunity. My name is Tony Takitani. I'm also property owner in the area. And I think I used the word last night, I own the building that is deceptively represented to tower over the parking structure. When that structure comes up it will completely block and will be of equal height to the building that I'm in on 24 North Church Street. And I know we're suppose to keep our comments to the Environmental Assessment issues, so I think the only thing I would say is that I think this is –. We started off with a parking problem in Wailuku, and I think that's why we wanted to –. I'm not against increasing parking. I'm not thrilled with this plan. Not only because it blocks my building completely, but it also, I think, it's just way too big, way too tall. And we seem to be reserving space for future economic development or something along Vineyard Street, and I don't think that's what the parking lot was meant to be for. I think it should be lower and it should be broader. And I do think we're increasing the size by 70 – by approximately 200 stalls. It comes out to \$75,000 per stall. I think this is way too expensive as well. But I appreciate the opportunity. Thank you.

Ms. Betts Basinger: Thank you. Members, any questions of the testifier? Mr. Takitani I do have a question, and actually maybe to our resource. If you could pull up again that one slide where you filled in with Google, so we can actually see Mr. Takitani's building in relation to the one I think he's thinking about.

Mr. Takitani: . . . (inaudible) . . .

Ms. Betts Basinger: But getting to, yeah, a view that puts it in better perspective. I think you're –. Yeah, I think it was the next one. No back, back, back one more. There. Well, we don't see the building but –

Mr. Ide: This is taken off of Google Earth so the accuracy we have no idea how accurate it is. We have to assume that it's fairly accurate. I apologize if it's not. It looks like we deliberately did that. We did not.

Ms. Betts Basinger: And Tony one last thing. How did you arrive at a \$75,000 per stall number?

Mr. Takitani: I think that you're improving – you're adding about 200 stalls? There's 210 stalls now, and we're going to –

Ms. Betts Basinger: Well, there's 200 –

Mr. Takitani: So how many stalls are there now?

Ms. Betts Basinger: We're a little more than doubling.

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Mr. Takitani: Yeah, so you're improving by 200 stalls. So if you take \$15 million divide it by 200, it's \$75,000.

Ms. Betts Basinger: Well, but we're actually building 418 stalls in the whole project.

Mr. Takitani: You already have 200 stalls.

Ms. Betts Basinger: They're going to disappear. We are rebuilding 400–

Mr. Takitani: If you didn't spend a penny, you still have 200 stalls.

Ms. Betts Basinger: I understand you're talking about net. But in this, in just viewing it as a project, it comes out to \$37,705 per stall on the big picture of this project. That's the way I look at it. Thank you.

Mr. Takitani: I appreciate that, but I look at it a little differently.

Ms. Betts Basinger: Good. Good.

Mr. Takitani: Thank you.

Ms. Betts Basinger: Anyone else wishing to give testimony? Okay, if not, I'm going to close public testimony on this agenda item. Thank you very much. We will be moving on now to –. Well, what we're going to do at this point is move Item-F1 and F3 which are relative to the parking structure up to this point so we can get those reports in before we start our discussion. Without objection? So Morgan? We're going to be listening to the report on the Wailuku Municipal Parking Structure update by Morgan Gerdel, AIA, parking structure coordinator. He presents a monthly report to this body on this project so if people want to continue to follow this project please feel free to join us each month.

F. REPORTS

- 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)**

Mr. Morgan Gerdel: Good afternoon members. My name is Morgan Gerdel. I'm with Nishikawa Architects, and what I prepared for you is a brief update of the work we've been doing on the parking management plan and the interim parking plan for the parking structure project. Andy Miller of Downtown Parking and Planning Associates has completed the parking studies and parking management plan draft, and he has submitted to Public Works and Planning for review and comment. Once the comments are incorporated, the final report will be submitted to the MRA and will be released to the public. The final report will be completed prior to the end

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of June, meeting the schedule last presented in our previous meeting.

For the interim parking plan during the construction of the structure, Nishikawa Architects has submitted a draft plan to Public Works and Planning. We'll incorporate their comments into a final report, and we'll present the plan in the next MRA meeting scheduled for July. Based on the initial research, there are enough interim parking locations to address the number of spaces lost at the municipal parking lot during construction. We're looking at the alternatives to address the various user groups: County employees, State employees, private business employees and the short-term parking users. Some of the property owners have indicated that they will be willing to lease their properties to the County which is encouraging news.

I've also updated our status report with a spreadsheet that shows the work that's in progress. And we've expanded the phase development of the project to show the work to complete the plans for the parking structure, and also do the building permit review. And that's about it for my report, if there's any questions.

Ms. Betts Basinger: Thank you Morgan. Members, any questions at this point? If not, thank you Morgan.

Mr. Gerdel: Thank you.

3. Task Status LU-3 Wailuku Municipal Parking Lot (B. Mitchell)

Ms. Betts Basinger: Bill, from your seat there.

Mr. Bill Mitchell: Thank you Madame Chair. I'd like to thank everybody for their input from the public and surrounding landowners. I attended last night's meeting with you and there were also some good testimony and thoughts that came out of that meeting that I'd like to share with the MRA that haven't been mentioned yet in today's meeting. But I'd like to preface that by just saying to Mel, and to Brian, and the team, I think you guys have really done a great job, and with all the constraints that you had getting a five story structure shoe horned in there, and it's unfortunate we don't live in the days of just walking and horses and carriages anymore. We got to find a place to put these animals, so I think you should be complimented to the whole team for having a good presentation packaged together.

I think one of the components of the MRA hasn't seen it, as Morgan said, we will be seeing in July is this parking management plan which will weigh heavily on both two things. One, the value of the structure, and two, the operational cost of the structure. In my estimation that may be one of the most important components aside from the design itself whether this project is, you know, completely viable. The other concern that came out in last night's meeting which I think is important and will be further defined is the issues of the construction access, the schedule, traffic issues. Knowing that regardless of how this gets built, it will be discomfort for some period of time. But to the degree that it can be minimized and better, more well thought out, I think that will be helpful for not only the residents and the merchants and everybody else.

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And if that's publicized and everybody sort of knows the game plan and the schedule, I think it will go more smoothly.

One of the discussions, and Brian, I think, detailed it well, that we'll have to have, as we get down to the cost of this, is the function of the additive alternates, and how we place value on each one of those, and what things really make sense to do now versus delaying. Because I think we all could probably agree that things delayed tend not to get done just because they fall off the budgetary map. And one of the questions – it's not a question for Public Works, but a comment – it's a question and a comment – is there potential for grants or other non Maui County funds to build this? And you don't need to answer that now, but we can talk about that. And if there are, that maybe the opportunity to get the additive alternates put into the project which would be helpful since there's – . I don't know, is there any stimulus money floating around out there still?

One of the other, I think, important points made in last night's meeting was the issue of public transportation as it relates to the parking structure. And Wendy did a good job of explaining. They have talked to MEO, and there are constraints right now on – constraints and demand issue that may not warrant a public transportation component our location with the parking structure. But I'm not sure that that wouldn't be included or shouldn't be included in the future, and I think it should be seriously looked at. And if that there are things that can happen on Pili Street now – I know the right-of-way is limited and pavement width is roughly 22 feet. And there's any number of limitations but I think we seriously need to look at the opportunity for public transportation, ie: buses, to have a place to drop and pick people up at the parking structure because potentially the parking structure could become a park and ride for people in this section of the island that would park there and then have either public transportation or some other mode of transportation to other parts of the island for work.

There was some lengthy discussion last night about ADA stall locations, their relationship in use in the structure, to elevators, and also access to Market Street. I think the design team has addressed that, but I think we should be – the MRA should be aware of what those issues are because the reality is as the population ages I'm guessing is ADA will probably become more of a need. Finally, or secondly finally, the discussion about bicycles was really good and thank you Walter for your input and information on that. But I just noticed and I was thinking about bicycles, we've got a new scooter store just opening up right here in Wailuku. And I noticed more and more mopeds and scooters on the road and we probably need to think about what – and maybe the design team could look at that in relationship to motorcycles as well. If not necessarily in there today, how could they be added in the future if the scooter and motorcycle demand goes up as people use those sort of modes of transportation.

That's pretty much what I had. Thank you very much.

Ms. Betts Basinger: Thanks Bill. So members, let's go right around the table, and I'd like each one to add their comments to the MRA on the presentation that we just saw. So Mark, shall we move on with you?

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Mr. Mark Walker: Thank you Madame Chair. My comments are fairly short. I like the open architecture concept. I think echoing what Bill said given the requirements you were given I think you've done a good job for all the reasons stated. You know, elimination of the mechanical ventilation, the visual security, and particularly the long-term ease of maintenance. You know, a parking structure is utilitarian at some level and you can only make it so pretty. It is what it is. But I applaud your efforts and try to make it as attractive as possible. Obviously at the end of the day there's dollars involved and we've got to figure out how to pay for it which actually happens to be my task here on the Commission, so what's a few bucks in there? Anyway, obviously, you know, this has been a long time in the making. You can't please everybody. It is a big building. Yes, it will affect people as have every other building that's been built in Wailuku. One-story, two-story, three-story, four-story, they all, all those buildings in the past have affected somebody else. It is what it is. You want to do the best you can. You're looking to serve the most people, the common good, so thank you for your efforts.

Ms. Betts Basinger: Thank you very much Mark. Katharine?

Ms. Katharine Popenuk: I had a couple of questions actually and I'm not sure who should answer them, but I can ask all four of them, or I can give them one by one.

Ms. Betts Basinger: Well, will you want to call up a resource person that can answer all of your questions?

Ms. Popenuk: Probably.

Ms. Betts Basinger: Or do you just want to propose them as discussion at this point that we will present to them?

Ms. Popenuk: Well first of all I wanted to verify the height limitation. The height limitation is 45-feet. Is that correct?

Mr. Choi: . . . (inaudible) . . .

Ms. Popenuk: Okay. So and our building is less than 45-feet. Is that correct?

Mr. Choi: . . . (inaudible) . . .

Ms. Betts Basinger: Excuse me? You're going to have to go up to the podium. I'm sorry. Introduce yourself.

Mr. Choi: It's quite alright. Mel Choi. I'm the architect for the building. The question that was asked what's the height limitation for the building? The height limitation is 45-feet to the top of the top most parapet which is the railing height, and we are right there. We have tried to get as close as we possibly can. There are other elements that project above 45- feet. The elevator penthouses and other things but they're allowable. So I think the top most height or

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just some of the small little peaks is about 53-feet, but they're allowable. They're all within the code.

Ms. Popenuk: Okay. I wanted to ask about the additive alternates of the photo voltaic roof on the upper level of the building. Is it additive alternates in terms of the PV film or is the roof itself an additive alternate?

Ms. Betts Basinger: Could you identify yourself please?

Mr. Ide: My name is Brian Ide. The additive alternates for the photo voltaic array, this number represents the entire roof structure and the PV system for the parking structure. Basically what we will do if the additive alternates is not selected is to construct the columns so when the additive alternates can be added or if wants to be – if there's ones to be added, it can be added very economically by just putting in the support beams, probably structural steel beams, and some secondary framing members which are probably open . . . (inaudible) . . . by putting in a metal roof and putting in the film. There are other alternative PV systems too.

Ms. Popenuk: And when you looked at the price for this additive alternate, did you happen to break it down in terms of what if we just put a roof but no PV application film?

Mr. Ide: I believe it was in the range of approximately \$500,000 for the roof structure including the –

Mr. Choi: Mel Choi again. Your question regarding if we just put the roof on, and forget about the PV.

Ms. Popenuk: Right.

Mr. Choi: We can't do that. The reason we can't do that is that it has to have – be an energy providing. In other words, it has to be a photo voltaic roof because that roof projects into the 45 foot height limitation.

Ms. Popenuk: Okay. And a related question, we're seeing a cost for a five-story structure here. Is there a consideration for a four-story structure, and how are the cost impacted when we only build four-stories?

Mr. Ide: Brian Ide again. The cost of the four-story structure is as follows. Base construction cost of \$10,327,000. 5% contingency, approximately \$500,000. Total base cost with a 5% contingency of \$10,844,000; additive alternates \$2,000,000; \$100,000 for the construction cost contingency, for a total construction cost of \$12,975,000. It has a total of 265 stalls in the parking structure, 21 on-grade, and in the remnant lot, 48 stalls, for a total of 334 stalls.

Ms. Popenuk: Does MRA have a hard copy of these numbers? Your slides? We do. Okay. Alright. My last question is actually an environmental question and we're talking a lot about

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cleaning the structure and washing it down, et cetera, and I was wondering is there any provisions for the fact that water may contain oil, gasoline, tar, blah, blah, whatever one might find in association with parking stalls? And are we diverting that in or is that going directly into Iao Stream, or what's happening there?

Mr. Choi: We'll have Karl comment on that. Karl Walker.

Mr. Walker: My name is Karl Walker. I'm the parking consultant. And we have provisions as was previously discussed for a wash down system. But your runoff from the wash down system is no more than you would get on a public street and exactly the same thing. And would be handled with the storm sewer in the same way.

Ms. Popenuk: So when you say wash down system, is there actually built in components?

Mr. Walker: No. There would be a two-inch vertical pressure water riser with what we call hose bibs or an inch and quarter hose, so you get a substantial quantity of water and you'll actually, you hose it down the same way you would your driveway or something of that nature. But it's materials that you would have from the parking space, on the street or just normal rain water coming down on the surface of an open parking lot.

Ms. Popenuk: And that's it for me. Thank you.

Ms. Betts Basinger: Thank you Katharine. Members, any other questions or comments or discussion at this point? Okay, seeing none, we're going to move on then to agenda Item-E1, request from Yuki Lei Sugimura on behalf of First Friday to limit the location and sales of outside open air sidewalk sales during First Friday events per the Wailuku Redevelopment Area Zoning and Development Code 30.08.090.E.

Ms. Wade: Pardon me Chair, I need a moment to set up a presentation for that.

Ms. Betts Basinger: I'm sorry. And just before we do that we'll recess for five minutes.

(The Maui Redevelopment Agency recessed at approximate 2:55 p.m., and reconvened at approximately 3:11 p.m.)

E. MAUI REDEVELOPMENT AGENCY BUSINESS

- 1. Request from Yuki Lei Sugimura, on behalf of First Friday, to limit the location, and sales of outside open air sidewalk sales during First Friday events per Wailuku Redevelopment Area Zoning and Development Code 30.08.090.E. The board may take action on this item.**

Ms. Betts Basinger: The June 17th, 2011 meeting of the Maui Redevelopment Agency is reconvened. And we're going to continue with Item-E1, as I read before regarding First Friday

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events on the Redevelopment Area Zoning and Development Code 30.08.090.E. Erin?

Ms. Wade: Yes, I apologize. Here's some maps for the group that the applicant brought today. Thank you. So per a request from Yuki Lei Sugimura who coordinates the First Friday events on Market Street and is the permit holder for the Police street closure, she is asking that we limit sidewalk sales on Market Street during the duration of the First Friday event activities. Essentially the MRA offers the opportunity per the Wailuku Zoning and Development Code to have, open, outside open air sidewalk sales. And this is actually a permitted use within the district. However, it does give a condition that the MRA has the ability to limit that use during special events. And so that is what Ms. Sugimura is asking for at this time. There is no other permit required for this event. The MRA does not, like historic districts, give a special event's permit. In the Historic District you aren't allowed to have sales on sidewalks. So when someone comes and pulls an event permit for something like a parade or any type of a street closure, there isn't that conflict with the sidewalk sales. However, the authors of this code thought about that when they wrote it and realized that, yes, while we feel sidewalk sales is a good thing for Wailuku, there may be conflicts during the time that there would be special event, so the clause was written in for that purpose.

This wasn't an issue at all at the beginning of the First Friday events but things have sort of changed with First Friday. It's become extremely successful. The event attendance has grown from dozens to thousands, and the street is very packed. The vendor spaces are now very highly sought after. And the overall management and safety of both event participants and attendees is a primary importance. So therefore, we felt it was important to bring this issue up quickly.

The other issue, you know, relating to this in terms of the capacity of the event is – advertising for them – but Willie K is going to be at the next First Friday event, the July 1st. And the last time Willie K was there as a performer, the event was extremely packed so now that momentum has grown we want to just insure that the event coordinators are able to provide a safe and well managed event for the public. This is why the event holder was encouraged to make this request to redevelopment agency. So I'll let the event holder, the permit holder, sort of explain to you how they do and arrange for the vendors now, and what they're specifically asking for.

Ms. Betts Basinger: Thank you Erin.

Ms. Yuki Lei Sugimura: Good afternoon everyone. My name is Yuki Lei Sugimura, and I am a co-coordinator for the Wailuku First Friday event. And before I get into that specific request, I just want to thank you for allowing us to build this event. It is one of the MRA's action items in your Market Development Plan section of the Redevelopment Agency Plan which was adopted in December of 2000. As the event does fulfill the areas in the redevelopment area plan for market development one for promotions and event development, organize street festivals; market development two, expand the use of the Lao Theater; MD-3, develop a visitor market development plan to develop a new visitor attraction; MD-4, business recruitment initiative attract street entertainment and vendors; and MD-6 is develop Wailuku town activities

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and business opportunities. Also we do have a website which is also a part of your market development action items. So I want to see how much we fit into what you are trying to do with the revitalization of the town.

The Wailuku First Friday event which started about three-and-a-half years ago. When we first started, we didn't close off the streets. We did have vendors or merchants such as Teri and some others who did participate and opened up their stores, had cheese and cookies and different things and did Wailuku First Friday specials. And here you have an active street, you know, continuing on. Stan Rippey who was one of the – also, besides Teri – who also came up with this idea of doing this monthly street event. Stan Rippey had the lease on the Wailuku Banyan Tree Park. Today, Giovanni Rosatti, he has the lease on that and is an active member with us to put on our monthly events. But Stan Rippey had entertainment in the Wailuku Banyan Tree Park. We had the stores open and we had like some activity, and there was this active street going on. And finally Police notified us that is getting kind of dangerous as we got more popular. And so October of 2009, around there, we pulled permits and we closed off the streets, and every month we're required to do that. In our permit, we do ask or we do say our event is from 5:30 or 6:00 to 9:00 or whatever it is. Our event has grown now so we actually, on our permit, we say we close at 10:00 because we want to allow all of the vendors to get off the street and all their things off the street so it's safe before we open up the street. And the event has said, on our posters, that we start at 6:00 and we close at 8:30 or 9:00, whatever it is. But for safety factors, in October when we pulled the Police permits, Police came on board, and we went from five police officers, to today we're asking for, the July event with Willie K, we're going to have nine.

We work very closely with Police as how to monitor this event because safety and security is a huge concern of ours. The reason that we're making this request for the use of the sidewalks is as we've grown, we have, our event has, if you haven't been to it, we have – we now have gotten the streets closed. June was the first time we ever had no cars on the street and this has been a pet peeve with the Police because when you have vehicles who are left on the street, what happens is in the middle – and this happened so often – in the middle of the event going on with all these hundreds of thousands of people you have somebody who wants to leave the event. So then Police has to escort this car off and you have to be really careful so we don't run anybody over. And Police has been on our case for months trying to say, okay, look, we got to get all the cars off the street. June was the first time we did it. And the way that we do this is the police permit that we have, Police comes on board from five o'clock. And when a space opens up, and they get our cones which are on the sidewalk, from 10:00 in the morning notifies them of our event, and they put the cones where a parallel stall where it crosses like this. So a person can actually pull in and park because the cone is on the edge of one stall to the next. So that is the way we try to work it so that we have made this a safer event. It was a huge concern of ours. And on the sidewalks, which is what we're asking you for, is we have sidewalk vendors that set up from about 4:30. According to our permits, they can set up from 4:30. And once they're set up and people are all congregating – and we try to monitor this – but people automatically when they see a hot dog stand, they're going to start buying hot dogs and they start congregating onto the street which is kind of human nature. And

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so we go and we tell them, you know, we don't start yet, can you not sell, but, you know, those kinds of things happens. So there's safety concerns.

We also have a situation or situations where the sidewalk vendors that are on there are not ours. They're not part of us. They're being rented out by, you know, other people which we have no control over actually. So that's fine, but then again we don't know what they're doing and then if there's a problem with the event, it's our problem. So I have a real big concern about security and safety of what happens during our whole event. We also have situations of people who – because this is an open event – who come to the event and pass out flyers and we always have to make sure that those flyers don't have x-rated things or whatever, so we've very cautious about, you know, the event that we've built. It's, hopefully, a family event. And that the vendors and sidewalk vendors are there, we know who's there, the ones that, you know, we place. But the ones we don't place and that appear it's kind of like, you know, we have no control over it, and we understand that. But we would like to know what's going because if there's a problem, it becomes our problem. Anybody who has a business, you must understand liability and insurance concerns. And our insurance has expressed a concern about things like that for us to follow.

Our event permit also does – when we pull a permit with Police, we ask for the road closure times as well as when we ask for certain parking spaces to be set aside for us because we have to set up stages. So if you take a live street and then you try to set up a stage in the middle of the day or whatever, it becomes difficult because people are always coming in and parking. That's fine. My permit specifically says that certain stalls, three in front of Maui Thing and by Native Intelligence and in the municipal parking lot that those stalls are available from seven in the morning so that we can put out cones to designate areas that we'll be setting up our stages, and then the stages get set up. Please bear with us because I did have a discussion with one of the previous testifier about that expressing concern about their client who wanted to say that we had no right or whatever to put up, you know, the stages that early. And I just want to tell you that we have – to do this event with the resources that we have available, we ask for volunteers, many volunteers to help us. Some of these volunteers have day jobs and so they can help us from seven in the morning, and if they are there to help us to do this free labor to get this stage up we're taking it at that time. Other places, they bring the stage pieces, they leave it on the sidewalk throughout the day, and as we get closer to the time that our sound guy starts coming in for the logistic layout then they stand there and they try to free up those parking stalls as somebody leaves. So it may look like, well, it's really easy, you just go to do this, but to actually do these things, it takes a lot of logistics. I also would like to note that as best we can we try to work with the situation and we've made adjustments. The earlier testifier noted that – I think he said that a vendor was being setting up where a stage was suppose to be set up and that's with Native Intelligence. And I will let them know. I did not pay attention to that. I mean, that probably did happen because last event they did have some native Hawaiian plant sales.

The other – my closing remark I would like to say that, you know, this event is only 12 days out of the year. We are a minor inconvenience, I think, for the overall 353 days of the rest of the

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year that Wailuku town can do whatever they want. We try our best to come in and clean up. We have hired logistic people that help us clean up the street and do whatever we can so that it is in the best condition when we leave as when, you know, we found it. We're pretty serious about security and safety, and so we're asking your help with this sidewalk situation.

Ms. Betts Basinger: Thank you. Members, any questions of the testifier?

Ms. Popenuk: Excuse me? What exactly are you –

Ms. Betts Basinger: You can ask for recognition of the Chair.

Ms. Popenuk: I'm sorry.

Ms. Betts Basinger: So I know where to look. Katharine?

Ms. Popenuk: Thank you. Sorry. What is it exactly that you're asking for?

Ms. Sugimura: I'm asking for –. Okay, let me go back. The Police permits that we pull every month allows us to have street closures and the parking spaces which are the Police kuleana basically so we can have, you know, work on that with however we build our event. This request is to ask the MRA to help me get custody or jurisdiction over the sidewalks which is where we place vendors now. And again, we have circumstances where vendors pop up and we don't know who they are, we don't know what we're doing, and it creates a confusion of liability for us. Our insurance has mentioned to us. I've asked Police about it, and Police says, you know, we can't do anything that that's not their kuleana basically. And so I've asked the MRA – I'm asking the MRA for your assistance so that we could then just 12 days out of a year do this and the rest of the 353 days we won't be in Wailuku trying to do, you know, anything else to obstruct them or anybody from doing those kind of things that they want. So that's kind of what I'm asking for, the sidewalk.

Ms. Betts Basinger: Members, any other questions? Mark?

Mr. Walker: Yuki, so what you're asking for is not to allow any of the stores to either set up their own booths or lease out space to some other vendor that's not associated with your event.

Ms. Sugimura: Probably more the second. Yeah. Yeah, but, yeah.

Mr. Walker: Right. And what do the – each store owner has x-number of feet in front of his store. I don't know what the code is or what –

Ms. Betts Basinger: Perhaps Erin can read us the code itself.

Ms. Wade: Sure. The definition of outside open air market states:

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“An outdoor area set aside for the display and sale of products and located on a private or public property. Examples include outside farmer’s markets.”

I’m sorry. I was reading on open air markets. Outside open air sidewalks sales:

“An outdoor area set aside for the display and sale of products and located on the sidewalk provided. The open air market is used in conjunction with a business located within the building or structure located along and adjacent to the sidewalk sales.”

And in the conditions related to sidewalk sales it says that there must remain at least three feet from the edge of the curb along the sidewalk free obstruction so as not to impede pedestrian.

Mr. Walker: So they get all the room from their store front to within three feet.

Ms. Wade: Of the nearest obstruction. So if that happens to be a utility pole or trash can.

Ms. Walker: . . .(inaudible) . . .

Ms. Betts Basinger: And Erin could you relate to the body MRA’s responsibility?

Ms. Wade: Sure. So there’s several things related to outside open air sidewalk sales in addition to the location of the sales. It has to remain clear and free from debris. There can be no advertising. There can be no permanent fixtures or encroachments. But then the final condition is during the special event each open air sidewalk vendor may be limited in location and sales, as well as duration of time the MRA. So first in the definition it says that the sidewalk sales have to be associated with a business in which they’re in front of. And right now in some cases it’s not occurring. Sometimes people are leasing out. But then above and beyond that it says that the MRA can limit the location, sales and duration of time of whatever sidewalk sales is occurring.

Mr. Walker: So I guess, so a further question would be a store owner wants to stay open and participate because there’s a bunch of people and they might buy his product. So could you, could the event, actually put up a booth right in front of his store and block the people coming into his store, or their store?

Ms. Sugimura: So I’ll make a statement, and I think, if I could ask Teri who handles our booth placement it’s probably better. But we have – the event –. Let’s see. The history of this is probably when we first started there were very few merchants that were actually open, just very limited. And of course as we’ve grown in popularity or the event has grown, then, you know, more merchants stay open which is really the goal. The benefit to the merchant would be, I would think, to keep your store open so that you can service your people, showing them all your things right? But what we’re seeing is that the merchants are renting out or leasing out spaces to other people which is kind of like we can do that. You know, the event, that’s what we’re

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bringing all these people for so let's work together and not for your benefit, but I hope there's a community spirit that you may think, okay, somebody wants a booth space so maybe I'll send him to Teri and then they could help pay for the marketing, the security, the logistics, everything that goes on to put this event on which is really thousands of dollars. And if we can collect – it's so small it's like \$25 if you're not a food vendor, and \$40 if you're a food vendor. It's so small, but it adds to our pot and we struggle every month to pay our bills. So we're hoping that this would help us get this kuleana or jurisdiction over this area so we can do an event, not worry about what's happening that we don't have control over, get control over that, communicate with the merchants, and you know, get this kind of cleared up. Which I started talking to people as I've seen them on the street saying, hey, I have this concern and this is, you know, kind of what's happening. A lot of them are totally surprised.

And, you know, another comment I want to make before I bring Teri on is that on a regular Monday thru Friday because I'm in Wailuku so much, usually by 5:00 p.m. on this segment of Market Street that I'm talking about, the stores are all closed. I mean, there really are – they've closed their shop. They're tallying their cash registers or whatever and then I think Maui Thing and Requests Music stay open till six. But it's normally a quiet time at this hour that we have our event. So we're only here 12 days out of the year, so it's kind of small kind. But we do generate a lot of interest and hopefully we help market Wailuku so that these merchants or the businesses – you know, the trickle of this can flow so that the merchants can get residual business after from being open, you know, I think that's a huge benefit. But, Teri, you want to answer that question? Is that okay, Alexa?

Ms. Betts Basinger: Yes. Teri?

Ms. Teri Edmonds: Hi. Teri Edmonds. Thank you. Vendor, coordinator for Wailuku First Friday. When it comes specifically to merchants we actually started this to help the merchants be successful, so I'm very cognizant about the types of vendors I put. I never put them in front of somebody's store, like right in front of the doorway. It would never block entry. I also try to be – I gave you map there – it has these tiny little numbers of where we have booth placements, and I pretty much narrowed it down to places that still allow for good walkways. Some of the stores that are closed, I'm able to put a few more there. In that instance, for example, Brown and Kobayashi, they're usually closed. And so I put people right across the whole frontage. They don't mind. However, they're so excited they just told me that their customers are starting to come down so now they want to open. I know it's super exciting. So he came to me, and we adjusted our floor plan for him. If there's – I try to make sure I don't put a jeweler in front of jewelry store, you know, so I'm very aware of those things. Plus our First Friday committee meetings are open to the public so we really want the merchants – that's the idea – is to get the merchants to stay open and find the value in it.

One of the other things I like to say is that let's say I get competing vendors. I get a lot of jewelers and they don't mind. I'm going to say I get two taco stands. I try to put them on opposite ends. I'm very careful about spreading out the variety in what we have. Again, the other thing is as merchants we really try to cater to the merchants so if I have a merchant that

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is, let's say, a shoe store and they're concerned about a slipper vendor. We really try to come up with guidelines that help them express their concern. We even in the beginning offered . . . (inaudible) . . . Should they just show up to the committee meeting and participate and show that it's not just, you know, we want to be the only shoe vendor there. You know, you really have to participate and be a group, you know, come and open up. But we do give the merchants so much. They get first priority, if they're will to do that.

Another really great example is Treasure Imports. The family goes home on the weekends. I mean, they've been here – they don't need to open up at night, but it's been such a success that now his daughter puts out a booth. But it wasn't coordinated until after they were already there. So it's those kinds of things. We would have made a space for them for sure, and we're so glad that they're there now and that they find the value, but it is nice to be coordinated through us. Plus we have strict requirements. You absolutely have to have a Department of Health temporary food permit. You have to have your General Excise Tax license. The other one is – right – additional general liability insurance that has to be stated on the vendor's business insurance to protect the landowner. So those are things we like to just keep control of.

Mr. Walker: That makes sense. Thank you. Because as you mentioned at the beginning, you know, the goal is to promote business or redevelopment which to me means mostly business and we hate to hurt obviously the people that we're trying to help.

Ms. Edmonds: That's right.

Mr. Walker: So contrary to the earlier testimony about you guys stealing parking stalls earlier than allowed that's – your refuting that or that doesn't –?

Ms. Edmonds: Absolutely. Yeah. And I think our permit might change for July on that. Right, Yuki, we're actually closing – you know better on that. I'm going to let –

Ms. Sugimura: So Mark just as a clarification – I'm Yuki – just as a clarification on that question. So what I tried to explain earlier is that my permit, Police permit, which approves or disapproves states that from seven in the morning I have designated or asked for these certain parking stalls to be designated for staging and the areas I described. So legally, per se, we have jurisdiction over the parking stalls that's in our permit and the street closure and all times that do is all in our Police permit. I'm not too sure what Anthony Ranken was saying about the 5:30 p.m. to 9:30 p.m. which is that may be closer to when our event is, but that doesn't necessarily reflect our logistics to set up.

Mr. Walker: And what does your permit says as far as time?

Ms. Sugimura: It seven o'clock, a.m., for those parking stalls which is, you know, what he brought up. And our event is, in July, at the encouragement from the Police, we used to say that we would be, you know, starting to shut down from 5:30 a.m. and go till nine. And now we

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had a meeting after this last Wailuku First Friday which was hugely successful, and Police is asking us to, asked us to put the permit in from 5:00 p.m. for the street closure just because people are already walking on the street, and they have these live cars following them and they're just zig zagging through once they see that activity is starting to kick up I guess. So our street is going to be 5:00 p.m. street closure till 10:00 p.m. is when we say that all vendors, entertainment, beer garden actually closes at 9:00 p.m. – once that gets cleared off and it's safe, then the Police are going to actually open up the street. So that's kind of the scenario, and the ending part and the beginning part is critical, you know, for safety and whatever. And we're really trying hard to get the cars off the street for obvious reasons, just so we don't have these kind of situations of people, you know, trying to drive out in the middle of the event. And Police will work with it, but it really raises a lot of caution, you know, for them.

Ms. Edmonds: Like – this is Teri Edmonds again – like Yuki was saying, you know, we have the permit to close those staged stalls early in the morning, but we really try to save parking because it's right outside of my store. You know, there's cars parked there most of the afternoon. We let people get in, we put this really clear signage that says this event is going to close and that sets up by 10:00. Our volunteer gets out there at 10:00 in the morning, so it's out there all day. And then, really, it's not until later in the afternoon. Like she says we stand out there and have a person wait and then try to block off so we do try to help with parking throughout the day.

Mr. Walker: I mean it's clear that the event is growing and obviously with growing pains come issues and things you need to overcome, but – and I'm liking what I'm hearing. You're right it is only 12 days a year, but, I guess, the main thing is really to be able to communicate what you're doing, why you're doing it, et cetera to all the affected merchants on the street. And, yeah, of course, you're not going to get 100% buy in, but you have the right to do what you have to do according the permit.

Ms. Edmonds: One of the other things that we've been working on this last week because of these issues is we're – you know, we already have a set of vendor guidelines that are published, but we're always tweaking them and we have adopted a new policy that we're going to let the merchants know. Do a nice new draft of the letter that lets them know clearly what we're trying to do and that is part of our next execution plan.

Ms. Betts Basinger: Katharine?

Ms. Popenuk: So in fact a merchant could rent a booth in front of their own store. I mean, you're not precluding that.

Ms. Edmonds: Currently, they can have it for free. They actually have – we give them priority, so I just ask that they give me some lead time because I have people that have been there that have been diligent about their dues on time, and following the rules so I try to be respectful of them. But they actually, at this point, they can have it for free.

Ms. Popenuk: And would you continue with that same policy?

Ms. Edmonds: I would like to change that.

Ms. Popenuk: And how do you want to change it?

Ms. Edmonds: Well, the reason I want to change is because of the fact that I don't have any control over what's happening as far as what they're selling. Like you said if they have food that they decide they want to put out there and it has not been monitored. They don't have a permit from the Department of Health. I mean, I'm even applying that rule to myself, so, I'd like to see it happen like that. But the merchant has first right of refusal. They would have a discount. These are just ideas we're kicking around. They would still have to provide their general excise tax, so it's actually Teri or If the Shoe Fits would have to be the vendor in front of my store. I can't sublease it to somebody else. And again, for fairness, you know, we try to be fair and spread everything out and just have better control over what's out there on the street especially since there's that liability issue.

Ms. Popenuk: So in other words, the person who owns the store would be treated in the same way that any person who approached you for a booth?

Ms. Edmonds: Yeah, except they would get first right of refusal and a discount just because we're excited that they're participating.

Ms. Betts Basinger: Bill?

Mr. Mitchell: Teri, about how many registered – how many vendors do you have now that are falling under First Friday? Do you know?

Ms. Edmonds: About of 50 with a wait list of 30.

Mr. Mitchell: And what do you think the boot leg quantity is? Those that aren't coming, that are setting and doing their own thing?

Ms. Edmonds: I'd say last month, I'm going to say off the top of my head, about 10. And that would include, maybe, like a street musician that we find that sets up willy nilly.

Mr. Mitchell: You may have answered this question already Erin, and I didn't hear it. Is there no permit necessary for anyone to go down and set up any time of day on a public right of way?

Ms. Wade: Right. So however at this time it has to be associated with the business that they're in front of. So the business themselves can put a table out in front of their store and have outside open air sales. But otherwise they do have to come in and request permission if they're going to use public property.

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Mr. Mitchell: If they use public property. So anybody setting up that's not associated with the business is doing it in violation of the code.

Ms. Wade: Correct.

Mr. Mitchell: Okay. Thank you.

Ms. Betts Basinger: Any other question members? Thank you. I know that the event has growing pains and I'm so happy that it's having growing pains. I remember way back when that it was part of revitalization and energizing, bringing people to the street for our merchants. So I'm glad it's working. I do have one question. Well it's actually it's a comment. You know because of the growing pains and I see it. It's going to continue. It's going to be liquid process where you're going to be creating better vendor control, better guidelines, and that's something that's just going to continue. I need to hear – and well, and the last thing is MRA is now contributing and is a sponsor of the First Friday event in one very important area. And we have allocated monies exactly for security and safety. So the safety of these – 7,000 is the number that was there last month – of 7,000 people converging onto Market Street falling into our jurisdiction is very, very important to this agency and to the County of Maui. So all things being equal we're always going to go on the side of safety. So I'm not quite sure Erin what the MRA can do at this point so if you can tell us our options. And then I know we do have a member in the audience that wants to testify after we hear what we can do here.

Ms. Wade: Okay. You can – at this time what is before you is to make a determination whether or not to limit the time, location, and duration of sidewalk sales. And what the request is for is for the street, extent of the street closure. Correct Yuki? So that would be from Main to Vineyard Street on Market. Correct? Okay. So that's what's being requested. You also have the option to condition those limitations. And one of the things that staff would recommend is that you would add a condition that requires the event holder to notify businesses in writing no less than one week prior to the event. This is a standard condition that we require for historic district events whenever there is a parade or street closure.

Ms. Betts Basinger: Members any comments, questions, for Erin?

Mr. Mitchell: Does the First Friday folks, do they – are you in the loop on a constant basis presumably with them on what they're doing? Or are they pretty much autonomous from –

Ms. Wade: They have no – at this time, they have no permits from the Planning Department, and have no responsibility to be accountable to us.

Mr. Mitchell: Okay.

Ms. Wade: This will change that. At this point what will happen is essentially we are extending them the use of the sidewalks and they will need to be accountable to us for the use of the sidewalks.

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Mr. Mitchell: Okay. Thank you.

Ms. Betts Basinger: Erin, I have a question. In the conditions, how would we address enforcement? So if someone were to set up just past Vineyard Street or some where up around the corner, could that be conditioned or is it our responsibility?

Ms. Wade: Well, the way I have phrased it at this point is for the extent of the street closure. So the private business would be able to still exercise their rights under the open air sidewalk sales. So if you were a business – let's use Swan Interiors as an example, at the corner of Vineyard and Church – they would be able, if in theory if they had the sidewalk room, put something out, they would be able to put out merchandise and do open air sidewalk sales because they wouldn't be within the extent of the parameters of what the sidewalk permit would be. But it can be extended beyond that if that's the interest of the applicant, but for now, I mean, my understanding was the conflicts were occurring where the street closure is occurring, and where the majority of the on street attendees have been.

Ms. Betts Basinger: So thank you. Therefore I still have a concern about enforcement. Any suggestions to the applicant? Or may I ask the applicants if they have considered an enforcement procedure for people that are setting up. If you were to receive this, how would you handle the vendors that are . . . (inaudible) . . .

Ms. Sugimura: I think you're asking me if you were to pass this today which is really our request is from Main to Vineyard, and if there was somebody who came and set up on Church Street let's say. Is that what you're asking? No?

Ms. Betts Basinger: Not really. I'm asking how you would enforce it in your normal once a month event?

Ms. Sugimura: During this?

Ms. Betts Basinger: As Teri testified there might be up to 10 vendors that are setting up, boot leg, as Bill said.

Ms. Sugimura: Yeah, that's a good word.

Ms. Betts Basinger: How do you enforce that now, if in any way at all?

Ms. Sugimura: Okay. So actually we observe it. We talk to them. We can't do anything about it, you know, and we truly can't. And there's a concern for us about liability and safety, and concern for security, so that's our plea to you so that we can do something about it. We are, already, have drafted a letter and hopes after this meeting, in hopes of approval, we have already been working with our attorney to try to draft up a letter that we can send out to vendors, street vendors, to land owners, and participants that work with us closely just so that they know this change that's happening. If we do get your approval, then we'd be able to go

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to these people and say you know what we have to ask you – we'll ask, can you please send your vendors to us. And you know, this, we have no grounds to change anything, so, you know, this will help us in terms of getting things, probably better organized and minimize our liability. That is a huge concern.

Ms. Betts Basinger: You mentioned that the event is so successful that you're requirement for security and safety has elevated up to the need of nine officers at each event, and I suspect that may grow. Is it something, and I know I'm asking this, you know, before the event if it were to happen, but would they take into their security scope the removal of vendors that are not sanctioned by the event? Would that be something you would negotiate?

Ms. Sugimura: We haven't talked to Police about, you know, doing anything like that because that sounds pretty adversarial. So hopefully we can all play nicely together basically and work this out. I think that's possible. I mean, I hope so. We're all, you know, trying to do this all for the same reason I would think.

Ms. Betts Basinger: Thank you. I know Erin wants to make a statement.

Ms. Wade: I just wanted to clarify one point that there are several private properties right now that do host vendors that work with the First Friday event.

Ms. Sugimura: Very closely.

Ms. Wade: Right. And this wouldn't put any restrictions at all on them or on you folks. This only deals with the sidewalk, between building face to building face.

Ms. Sugimura: Correct. And can I make a – can I say something about that because Giovanni Rosatti is in the audience?

Ms. Betts Basinger: I recognize Yuki.

Ms. Sugimura: Thank you. Sorry. Sorry Alexa. But I just want to thank, I mean, truly, to put on this kind of event you will not believe how much coordination it takes and how much really community love it takes, and Gio who is in the audience has sat through many meetings with us, trying to work with us, as well as Jonathan Starr. They're the two property owners that basically allows us to put, you know, vendor booths there and we work them. And you know, we're providing insurance, additional insurance for them. So it is possible to work together if that is a positive attitude of, you know, the landowner and the community.

Ms. Betts Basinger: Thank you. Members, any other questions of the testifier?

Mr. Walker: Madame Chair?

Ms. Betts Basinger: And then we'll move into discussion.

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Mr. Walker: Okay. I don't want to put words in your mouth, but I think you were asking physically what happens to enforce –

Ms. Betts Basinger: I was.

Mr. Walker: If someone sets up, what, you just – I mean, do you –?

Ms. Betts Basinger: Yes. And I think what I'm hearing from the testifiers is if they had some sort of authority which we may be able to give them, then they would be able to start thinking about what enforcement measures they would want to take, baby step to big step or whatever. So I'm satisfied with that, and I knew that I asked the question in advance of any authority that we might have. And you know we are looking at a neighborhood watch program as well that might work very closely with the ordinance. Seeing no further questions, Teri did you want to make another comment? I saw you raise your hand.

Ms. Edmonds: I'm not specifically asking for this today, but this issue has come up before and that would be maybe if you do discuss a provision that as this event grows because you remember our goals are always to take it block wide that we might be able to extend that if we have to get further permits. Because that is our goal is to make everybody else busy – Swan Interiors and Four Sister's Bakery. We have plans for the lot across from Maui Bake Shop. And, you know, we're really trying to get Good Shepard Church is getting involved so it is that whole block thing, that it might need to be expanded later.

Ms. Betts Basinger: Thank you. Members, on this item –. I'm sorry, Mr. Ranken.

Mr. Ranken: I'm starting to think maybe we don't really have a disagreement here. Maybe there is no need for action by this body. I was relieved to hear both Yuki Sugimura and Teri Edmonds say that they're not trying to stop the open air sidewalk sales from occurring. Open air sidewalk sales, there's this a specific term in the law, in Chapter 30.08 of the Maui County Code, which governs this Wailuku Redevelopment Area. It's a term that means only one thing which is a business that is on that street putting a little table out on the sidewalk. So they're saying they don't want to stop that, and I think I heard Erin say she doesn't want to stop the businesses from doing that even during First Friday. So that's great. That's all that my client wanted to hear.

I don't see why they are asking the MRA to take action. Let me remind you that pursuant to 30.08.090E the power of this body is limited to doing only one thing and that is limiting open air sidewalk vendors, which I'll remind you are the businesses that are there. The only thing you're allowed to do is to tell businesses on Market Street during First Friday, you may not sell your wares on the street or there are limitations in the location where you can do it or duration of time that you can sell it during First Friday. But if they're saying they don't want to limit my client and others from putting out their booths to sell material products that they sell in their stores, then why would there be any need for the board to take that action. I'll remind you also that as it has been acknowledged this body does not issue a permit for First Friday of any sort. You cannot

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– you cannot give these sidewalks to First Friday. All you can do is tell the businesses that they can't use the sidewalks. It's up to other bodies and other law to determine what First Friday gets to do, and that in fact has already been determined. The Police permit says repeatedly that the applicant is granted permission to utilize the mauka and makai sides of the sidewalk within the closure area for vendors and exhibitors to erect tents, so they've been given that permission by the Police which is the permanent authority for First Friday. The problem that seems to be raised here now that I've heard Ms. Sugimura explain it all, she said a couple times that –

Ms. Betts Basinger: I'll give you one more minute.

Mr. Ranken: Really, I didn't know I was being limited. I really think this merits, you know, a serious, kind of legal discussion about the duties and powers of this board and the necessities. But I would ask you to cut me off if I seem to be repeating myself or straying from the topic, but I would ask for a license to cover these important legal issues.

Ms. Betts Basinger: You have it and for another minute, and members will be able to ask questions of you to further expound on your legal argument.

Mr. Ranken: Well, Ms. Sugimura said it's not the problem of businesses selling on the sidewalk, but it's businesses renting out the space to others. Now the law specifically prohibits that, so this board has no ability to say, hey, to do anything further to prohibit what's already prohibited by the law. And for this board to tell the outside open air sidewalk – for this board to tell the businesses on Market Street you can't conduct open air sidewalk sales, there's limits on it, or go to First Friday, it would accomplish absolutely nothing to limit the so called interlopers. That's a Police problem. That's an enforcement problem. The Police aren't going to do anything different based on this board's actions. They've got to work with the Police to address that problem separately. So I think really, you know, there's a simple way to solve it. And you know Yuki I wish you would work with us. You're suppose to meet with me. We asked for a meeting.

Ms. Betts Basinger: Excuse me?

Mr. Ranken: And now they go behind our back. We found out this about 10 o'clock this morning, you know, so . . . (inaudible) . . .

Ms. Betts Basinger: Thank you very much. Thank you very much. You've been heard. Thank you. Okay members.

Mr. Walker: Madame Chair, so I would ask Corporation Counsel to comment on the legal issue raised by the testifier.

Ms. Betts Basinger: Thank you very much. James?

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Mr. James Giroux: And again, you can go into executive session if you want.

Ms. Betts Basinger: Would members like to go into executive session?

Mr. Mitchell: I have one question. Madame Chair, may I ask Mr. Ranken a question?

Ms. Betts Basinger: Well, let's finish on this.

Mr. Giroux: Why don't you finish the question.

Mr. Mitchell: Mr. Ranken, you did mention something about your client having some difficulty with the traffic being closed off. Did I hear that correctly or not?

Mr. Ranken: Yeah, and now they're – and this is a very busy time. I mean, 6:00 p.m. on Friday afternoon all the banks are open till six. There's two banks on Market in that one block. There's three pawn shops and a loan operations. It's a very busy time. I've been there. Those places are always used, and that's why First Friday now has the Police standing and I'll be glad to plug in this DVD I brought. You'll see the Police setting up the cones right in the middle of the parking spaces at 5:00 p.m., space after space. That's what they're doing to prevent people from parking. It's already a problem. and now they're talking about starting at 5:00 p.m., closing the street from that point on. Again, I hope that First Friday will make good on what they've said here today and work with the neighborhood businesses on these issues because we'd like to discuss that. But we were thinking more it should start at 6:30 p.m., so that you know, parking – they can get all the cars, tow them away at 6:00 p.m. if there's anyone left over and have an orderly transition to the First Friday event. But yes parking is very competitive right up until 6:00 p.m.

Mr. Walker: Thank you. I have another question. So in your client's opinion, I mean, 5,000 people there doesn't trump – I mean, if he's open for business at 6:00, it doesn't trump the parking humbug and the street closure humbug?

Mr. Ranken: Well, let me put it this way. First of all, my client tells me that nobody goes inside the businesses on First Friday. It's all happening on the street and there's all the sidewalk things. No one even notices, you know, they're in the store. But they have been putting out tables in front of the stores, selling the goods that they sell in the stores which is, you know, compatible the theme jewelry items and that kind of things. There's a lot of jewelry sellers. And that's a benefit. And you know, my client's concern was that First Friday wants to, the organizers want to take away that one benefit that he does get from First Friday and for all the inconvenience that he has to, you know, put up with in terms of the parking hassles and people having trouble visiting the store late that afternoon. But, you know, I guess First Friday is telling us – Teri Edmonds was saying, you know, we'll give priority to the local business. We just want them to work through us. If you do, you know, feel that you need to – you do feel you have the power after consulting with counsel to take some action that would involve, you know, giving the First Friday jurisdiction over these spaces then I hope you would make it a condition that

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they would have to give first right of refusal to the businesses there again. I don't think that this board has that power under the law, but if that's how you interpret then make that part of any permit or ruling that is granted. Because we don't think we should have to just rely on trust and the possibility of favoritism if the personnel of running First Friday changes, and they want to, you know, do their friend a favor and put a competitor out in front of our store. That's not really fair. So, yeah, and again I just don't think that would add anything – that another layer of regulation would add anything. You know, I got to say I don't quite understand the concept that Erin referred to about –

Ms. Betts Basinger: Mr. Ranken, you're here to respond, not to ask. Thank you.

Mr. Mitchell: Thanks.

Ms. Betts Basinger: Thank you. Thank you so much for being here. So Mr. Walker has – did you suggest that we go into executive session to confer with our attorney about our liabilities and rights on this issue?

Mr. Walker: I don't think I asked for executive session, but would that be the –? Okay, then I would ask. Yeah.

Mr. Ranken: I don't see why executive session is –

Ms. Betts Basinger: At this moment, at 4:00 p.m., this body is going into executive session until 4:15 p.m.

(The Maui Redevelopment Agency entered in Executive Session at approximately 4:00 p.m., and reconvened the Regular Meeting at approximately 4:23 p.m.)

Ms. Betts Basinger: . . . has reconvened it's meeting of June 17, 2011. At this time I'd like to turn to our Corporation Counsel to share with you the advice that we received.

Mr. Giroux: Thank you Chair, and with permission of the Agency that we did go into executive session in order to look at the rights, duties, and liabilities of granting or acting on the present request. What I have advised this board to do is to, well, I haven't advise them on the final action. What I have done is I have raised some major issues with our rules and procedures that give me great concern about them taking action at this time. One of those being that absent any rules or procedures for notifying the merchants along Market Street or any where along this area, I think it would expose them to some liability if they were to, through this action today, tell those merchants that they could not do something that is outright permitted in the zoning district as of right now. In the future, I think that if we could develop a methodology where we could assure that the merchants were informed of the meeting and informed of the request, and then have an opportunity to be heard before we took action on that, I think it would be a much better process and would alleviate the concerns of, well, of the community and or the board about that

type of liability.

The second of level of advice is that I believe that some of the concern of interpreting, you know, whether or not a merchant can actually lease out their space as opposed to them putting out their wares, I think it's something that the department has to look at as an enforcement issue. The second part is that if people are just boot legging, to use the term, if they're just boot legging, I believe that there is also a no peddling law that MPD should be able to enforce, and that they should be able to look into that because it is enforced in Lahaina on sidewalks. So that's something that the applicant can bring. And what we're hoping is that if this is an emergency, if this an issue of health and safety that in working with the merchants in the immediate area of the concern that that can be done by agreement. And that in the future if an application of this type comes back that specific merchants are mentioned, so we know we're dealing with, and the area that we're dealing with so that there's either a map or, you know, so that we can check, you know, internally to make sure that these people have been advised that the MRA does have that power and that they do have a right to come before us and ask that it not happen and that we can then know that the MRA is making a decision that it's a fully informed decision.

Ms. Betts Basinger: Thank you Counsel. Chair looks to a motion from the body.

Mr. Walker: Yeah, I mean based on the recommendation of Counsel, I don't see we have any other course but to deny the application.

Ms. Betts Basinger: Do I hear a second?

Ms. Popenuk: Second.

Ms. Betts Basinger: Okay, it's been moved and seconded to deny the application before us at this time. Any discussion members?

Mr. Giroux: My only caveat was that I did want to let the applicant know that it's not with prejudice.

Ms. Betts Basinger: Right. Without prejudice.

Mr. Giroux: Without prejudice, meaning that if we can, you know, work with Erin about a procedure that will work that, you know, these types of applications aren't going to just be summarily denied or we're telling you that we're not the venue, but there is something that we need to work on this side to make sure that the process does work for everybody.

Ms. Betts Basinger: Any further discussion members? All in favor, indicate by saying aye.

Agency Members: "Aye."

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Ms. Betts Basinger: It's been moved, seconded, and approved unanimously to deny this particular application without prejudice. Thank you.

It was moved by Mr. Mark Walker, seconded by Ms. Katharine Popenuk, then unanimously

VOTED: to deny the application without prejudice.

- 2. Discussion on the memo dated May 10, 2011 from Josh Stone, Chair of the Maui County Charter Commission. Maui Redevelopment Agency is asked to provide proposals for Charter amendments and/or recommendations.**

Ms. Betts Basinger: Okay, members, I'm going to suggest that we take a five minute break and reconvene, and I'd like to at that point talk about deferring the rest of our meeting to next month. If you don't want the break, we can do that discussion before adjournment now.

Ms. Popenuk: Keep going.

Mr. Walker: No break.

Ms. Betts Basinger: Okay. We are looking at Item-E2, which is discussion on a memo dated May 10th from Josh Stone, Chair of the Maui County Charter Commission. The Maui Redevelopment Agency was asked to provide proposals for Charter Amendments and/or recommendations. The issue here is that they want to have a response by June 30th, and I did pass out to each of you – I did go through the Charter and there is an article, Article 13, General Provisions for Boards or Commissions. And I went through that particular section which I thought was germane to us or what they would be asking our input on, and I passed it out to you. Because we have a time limit on this, what would members like to do? We can take a few minutes and read it, and discuss it briefly and make a decision to respond or not, depending on –. It's pretty simple to read so why don't we do that.

Mr. Walker: Madame Chair, did you in your review of this see anything that caught your eye that you would want to focus on?

Ms. Betts Basinger: Thank you. In my review of this I saw nothing that would compel this body to have any recommendation to change it to the Charter Commission.

Mr. Giroux: Without jumping into this and getting my head chopped off, I think, that as a body that you need to understand the history of this board and some of the frustrations that you probably run into or will run into at this juncture. And one of the concerns, I guess, as your attorney that I have had in the last five years is that there's a lot of implied powers that you have as a board. And we always look at Chapter 53 to basically look at the spirit and purpose of redevelopment and say this is what we perceive to be your powers, duties and liabilities. I mean, just like you saw today. We had to go into executive session to find your perceived

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power. And one of the things that concerns, you know, as your attorney is that I'd rather see explicit power, and that's what the Charter opportunity really does is to look at these powers that are perceived and try to make them undeniable in that you don't always have to ask Corporation Counsel can we do this? Or Corporation Counsel, can you write an opinion for us? It should be self evident in the document that empowers you that you have those powers. And if there are powers that you perceive but don't see any where in writing, this is an opportunity to really address that. So that's all I'm going to say at this time, just as your Counsel, that this is what that opportunity is for is to look at that.

Ms. Betts Basinger: Your three minutes are up. I have no problem if you guys want to take this and digest it. I will make a couple of other comments in my reading of the Charter. You know, the MRA is not established by this Charter. The MRA is established by State law, and the work that we do is established by County Ordinance, by the County Council. One of the really apparent differences between not being chartered in this document is that we have only five members. Whereas any other board or commission that's chartered under this document has nine members. I don't know if that's something we want to rail about. We do comply and are required to comply with Article 13, Section 13-2, on boards and commissions which you have here. And we do comply with all of those guidelines that are set forth in the Charter, and to me without any problems. Every single board and commission ask Corporation Counsel for advice. We're volunteers. You know, just because it's in the Charter doesn't mean it's going to make any clearer to members who are serving on this body. That's why we have staff. And there is a climate. You know, every 10 years the Charter Commission meets, and they amend this document and they make changes and they get rid of Commissions, or they add Commissions. And there should be a balance as to whether or not we want our work be put into that kind of scrutiny. So that's why I felt that our authority is clear, where we came from, why we're not chartered, what we are allowed to do and the rules that we follow in Chapter – in Article 13.

It would have been my, in discussion, it would be my recommendation to thank the Charter Commission very much for asking for our recommendations, but offering none our behalf. Now there are other things however. They're going to be facing – they're going to discussing realigned voting, you know, areas. And it should be very important to the MRA in the district that we are which is the Wailuku district that we have fair representation on the Council. And if those voting districts are going to change, yes, I think we might want to make a recommendation in favor of any change that assures the constituency of our greater area that we serve is well represented, but that's moving out of Article 13. And it doesn't preclude any single one of us as citizens going before the Charter Commission and making independent testimony, not on behalf of the MRA.

Mr. Mitchell: So the action could be no action?

Ms. Betts Basinger: Exactly. The action could –. One of the options could be thanks so much for asking us.

Mr. Walker: That's a recommendation.

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Ms. Betts Basinger: Yeah.

Mr. Walker: That's what I would move.

Ms. Betts Basinger: Okay. It's been moved to respond thankfully but with no recommendations to the request by Josh Stone. Do I hear a second?

Ms. Popenuk: Second.

Ms. Betts Basinger: It's been moved and seconded. All in favor? Or, any further discussion? Hearing none, all in favor say aye.

Agency Members: "Aye."

Ms. Betts Basinger: Opposed? It was unanimously passed to send a thank you letter from the MRA thanking the Charter Commission for requesting input, and that we have no recommendations at this time.

It was moved by Mr. Mark Walker, seconded by Ms. Katharine Popenuk, then unanimously

VOTED: to send a thank you letter from the MRA thanking the Charter Commission for requesting input, and that the MRA have no recommendations at this time.

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

Ms. Betts Basinger: Thanks members. We can moved on quickly now to Market Street Improvements Project, Phase II, through Happy Valley, update on project progress. Yuki Lei Sugimura. This is under reports.

Ms. Sugimura: Yuki Lei Sugimura, Community Relations for the Market Street Phase II project which is the Happy Valley segment. I think the reason why this is here is that you wanted an update of the angled and parallel parking which was the last item on the check list that was completed earlier last month from the Goodfellow Brothers. And just as a follow up, I had a meeting with Public Works this week, and I did have a chance to talk to them about this particular project. And just so you know, it looks like, not unless if Valley Hardware decides to renovate or reconstruct their building, that those angled, the parallel parking will probably remain. So it's not something that we could -. At first we thought when we did our site visit, we had Lance Takamiya who said, yeah, yeah, you can, you know, go into his right-of-way which is his sidewalk. And the Yamashiro's which are next door to them also gave us at that point a verbal approval to realign their cement wall so that – that could probably happen. We

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can, you know, readjust that so that can be converted back to angled. But right now it's parallel, and it's, yes, it's less parking, but it's safer which was a concern. And just for overall – Public Works said I could say this is that if we didn't convert the angle to parallel the way that it was, we had a chance of losing our Federal funding for the project, so that's how serious it was. So with that said, and they said that I could say it, so it must be public knowledge, that those parallel parking will not change unless if Lance Takamiya decides to renovate his building and give us, you know a further access into his property area. Which he said he would, but then it would cost a lot of money to renovate. So that's really the update of that, and I will let you know if anything else happens. For parking, because of this, Public Works has put in some parking on Alahee Street which is the back. It's really not part of this project, but they paved that street because of our construction trucks coming in. And then they added some more, not many, but parallel parking to accommodate some of the loss. But it's still kind of a huge loss, but safer.

Ms. Betts Basinger: Thank you Yuki. Okay, members, Chair recommends to defer Item-F4 through F11, and G1 through G2, until our next regularly scheduled meeting without objection.

4. Task Status VPC-6:9 Parking Management (W. Suzuki)

5. Task Status I-4 Tax Increment Financing (M. Walker)

Mr. Walker: Madame Chair, I would love to just give F5 because it's only going to take one minute. And we don't have to do it next time, if appropriate.

Ms. Betts Basinger: That's very good. So with the exception of F5, Chair moves to defer to the rest of the items for today's meeting to our next meeting, without objections. No objections?

Ms. Popenuk: No objections.

Ms. Betts Basinger: Thank you very much, so done. May we hear your report on tax status I-4 tax increment financing, M. Walker.

Mr. Walker: Did I say a minute? We have engaged – the County has engaged – MRA.

Ms. Wade: We did. The money got encumbered this afternoon.

Mr. Walker: Goodwin Consulting Group from Sacramento, California to prepare the tax increment financing plan. Erin did a great job. You know we had, I think, two people submit proposals of five she sent to. Both came highly recommended by the various agencies that they've worked with – on Big Island and Kauai, even Oahu, I'm not sure. Anyway at the end of the day we chose this Goodwin Consulting Group because I think the recommendation where they were politically more in touch with Hawaii. And this is going to be a political thing on some level because a TIF has never been done in Hawaii before. So, anyway, I wanted to apprise the board of that. And I think we're going to expect to get that within 60-days, so I would say at the end of August would be a realistic date.

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Ms. Betts Basinger: Any questions? Comments?

Ms. Popenuk: Very good.

Ms. Betts Basinger: Very good report Mr. Walker.

Mr. Walker: Thank you.

Ms. Betts Basinger: And I just want to add to that, with that perculian effort she was able to, and engender FY11 funds, so that's a huge plus.

Ms. Wade: And Michele and all of our accounting staff.

Ms. Betts Basinger: Yes, exactly.

Mr. Walker: And within budget.

Ms. Wade: Yes.

Mr. Walker: So far.

6. **Task Status LU-5 One-Stop Permit Center (A. Basinger)**
7. **Task Status MD-3 Visitor Market Development Plan (A. Basinger/K. Popenuk)**
8. **Task Status LU-2 Mini-Park (K. Popenuk)**
9. **Task Status Administration and Operations (A. Basinger/E. Wade)**
10. **Correspondence (E. Wade)**
11. **Open Projects (E. Wade)**

G. BUDGET

1. **Update on budget expenditures for remaining FY2011 funds**
2. **Discuss FY2012 budget and potential expenditures**

Without any objections from the Maui Redevelopment Agency, Items F4, F6 through F11, and Items G1 and G2, were deferred to the next regularly scheduled meeting. *Deferred items #4, and #6 thru #11*

H. NEXT MEETING DATE: July 15, 2011

I. ADJOURNMENT

Ms. Betts Basinger: Unless any member has any other comment, I'm going to move to adjourn this meeting.

Ms. Wade: Excuse me? Pardon me? Were you going to ask for a special meeting?

Ms. Betts Basinger: Thank you very much. So members, we're looking at –

Ms. Wade: July 1st. Friday, July 1st. That's two weeks from today.

Ms. Betts Basinger: This will be a one topic special meeting. And the topic will be our hearing the response that we are required to make as a body. Be prepared, members, to send your comments to Erin as you go along because as much of the document that she can already get done, the better it will be when we all meet to approve what we're going to send.

Ms. Wade: This is regarding the Municipal Parking Structure topic.

Ms. Betts Basinger: Yes. Right.

Mr. Walker: That's the initial EDA comments?

Ms. Wade: Correct.

Mr. Walker: Okay. And so will the department be preparing comments?

Ms. Wade: So normally the way that it will work in – we basically did step one today. And then we would go around the table and take comments from all of the individual board members. Staff compiles those comments, and wherever there's conflict we ask you to discuss. I will give you the feedback then about what all the comments have been and you can choose which, and probably all send on as your recommendations to the design team.

Ms. Popenuk: What time will our meeting be?

Ms. Wade: Is one o'clock available Leilani? Okay.

Ms. Betts Basinger: Same place. Same time. Okay, and the purpose of that meeting members, I'm sure you already know though is to create a single document with this body with some recommendations. So, you know, feel free any two of you to talk about issues that you might want to influence or state your opinions about especially based on public testimony because we heard it last night and we heard it today. So with that, at 4:40 p.m., this meeting is adjourned.

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There being no further business brought forward to the Agency, the meeting was adjourned at approximately 4:40 p.m.

Respectfully submitted by,

LEILANI A. RAMORAN-QUEMADO
Secretary to Boards and Commissions I

RECORD OF ATTENDANCE

Members Present:

Alexa Betts Basinger, Chair
Katharine Popenuk, Vice-Chair
William Mitchell
Mark Walker

Excused:

Warren Suzuki

Others:

Michele Chouteau McLean, Deputy Planning Director
Joseph Alueta, Administrative Planning Officer, Department of Planning
Erin Wade, Small Town Planner
James Giroux, Deputy Corporation Counsel

Morgan Gerdel, Parking Structure Coordinator
Yuki Lei Sugimura, Community Relations