

MINUTES

PUBLIC WORKS COMMITTEE

January 9, 2008

A meeting of the Public Works Committee of the Council of the County of Kaua'i, State of Hawai'i, was called to order by Councilmember Mel Rapozo, Chair, at the Historic County Building, Room 201, Lihu'e, Kaua'i, on Wednesday, January 9, 2008, at 9:06 a.m., after which the following members answered the call of the roll:

Honorable Mel Rapozo
Honorable Tim Bynum
Honorable Ron Kouchi
Honorable Shaylene Iseri-Carvalho
Honorable JoAnn A. Yukimura
Honorable Bill "Kaipo" Asing, Ex-Officio Member
Honorable Jay Furfaro, Ex-Officio Member

Minutes of the December 12, 2007 Public Works Committee Meeting.

Upon motion duly made by Councilmember Kouchi, seconded by Councilmember Iseri-Carvalho, and unanimously carried, Minutes of the December 12, 2007 Public Works Committee meeting was approved.

The Committee proceeded on its agenda items as shown in the following Committee Report which is incorporated herein by reference.

CR-PW 2008-1: on Bill No. 2247 A BILL FOR AN ORDINANCE TO AMEND SECTIONS 21-3.1 AND 21-9.2(a) OF THE KAUAI COUNTY CODE 1987, RELATING TO INTEGRATED SOLID WASTE MANAGEMENT
[Approved.]

PW 2007-3 Communication (2/15/2007) from Mel Rapozo, Public Works Committee Chair, requesting that the Administration be present to give an update and status report on the County's bicycle/pedestrian pathway project which encompasses various segments from Ahukini to Anahola;

MEL RAPOZO, PUBLIC WORKS COMMITTEE CHAIR: There has been a request by the Administration to defer this item.

RON KOUCHI: Mr. Chairman, we also have a letter on PW 2007-11 on the Kapa'a Beach Revetment wall as well as the Moanakai Road alignment, Fujii Beach

revetment, and would it be in order to move to defer PW 2007-3, PW 2007-11, and PW 2007-12?

Mr. Rapozo: If there are no objections from the Committee.

SHAYLENE ISERI-CARVALHO: I don't have an objection. I do want to state that these items had been pending since December 12, and it was expected that we would get full report. However, I understand that most of the personnel are not on the island and, therefore, I would have no objection to a deferral with the expectation that these items will be disposed of at the next meeting.

Mr. Rapozo: Yes, and I did get a request from the Parks & Recreation Director Bernard Carvalho requesting... my only concern is... and I know I did have a message from Donald Fujimoto who is actually on vacation I believe out-of-state that many of the questions that were posed that we are awaiting answers are not on the purview in my opinion under Parks. It is pertaining to the construction of the bikepath which is a Public Works issue. I am just hoping that they have not just dumped the responsibility of entire bikepath project on Parks because I don't believe that is where it belongs. Also in the request for deferral from Bernard is a... it is stated that he has requested agenda time on the January 30th Council meeting where he will... what he has told me, brief this Council on where we are at on the entire project. So I will agree that the expectation is that, you know, this deferral should be the last deferral and hopefully we can wrap this up and receive this item at the next Committee meeting. So any other discussion?

PW 2007-11 Communication (9/19/2007) from Shaylene Iseri-Carvalho, Public Works Committee Vice Chair, requesting that the Administration be present to discuss an action plan, timeline and cost proposal for the repair, removal, and/or maintenance of Kapa'a Beach Revetment; and

PW 2007-12 Communication (9/19/2007) from Shaylene Iseri-Carvalho, Public Works Committee Vice Chair, requesting that the Administration be present to discuss an action plan, timeline and cost proposal for the repair and/or maintenance of Moanakai Road alignment/Fujii Beach Revetment.
[These items were deferred.]

Upon motion duly made by Councilmember Kouchi, seconded by Councilmember Iseri-Carvalho, and unanimously carried, PW 2007-3, PW 2007-11, and PW 2007-12 were deferred.

There being no objections, the Committee recessed at 9:10 a.m.

The meeting was called back to order at 9:42 a.m., and proceeded as follows:

CR-PW 2008-2: on PW 2007-15

Communication (10/30/2007) from the Council Chair, requesting the Administration to update the Council on the status of the former Hanalei and Kōloa Courthouses facilities.

[Received for the record.]

Ms. Iseri-Carvalho: Before you go on, I believe on the items that we deferred earlier this morning on PW 2007-3, PW 2007-11, and PW 2007-12, we did not give the public an opportunity to speak on those items. So I don't know if we have time before the caption break before going onto the next Committee.

Mr. Rapozo: Staff, what is the procedure for... would we have to remove all the motions? Do we have to reconsider? Can we... Okay, thanks. By law, we have to take public testimony, and I was just checking on the process because we already made the motions. I have been told that we don't have to undo anything. We can suspend the rules and take the public testimony. Thank you Councilmember Iseri-Carvalho for bringing that up. Mr. Mickens, and we took all items together, so can feel free to testify on 3, 11, and 12.

GLENN MICKENS: PW 2007-3, yes.

Mr. Rapozo: Thanks.

Mr. Mickens: For the record, Glenn Mickens. Yes, thanks Mel, thank you Shaylene for bringing this to the public. I know this has been deferred. I have no idea why it is being deferred again. We are talking about PW 2007-3.

Ms. Iseri-Carvalho: If I could just step in and explain that Glenn. We received two (2) communications from the Administration, from the County Engineer, Deputy County Engineer, as well as the Parks & Recreation Department that they are not prepared, again, to answer those questions... that personnel, Donald Fujimoto I believe is off-island. I know this is a new year, 2008, and I know this sounds like the same story which it is. There was reference made that this item had been deferred from December 12, and that we did not receive any of the responses that we had requested and we had also spoken directly to them verbally. It is my understanding as I had raised with the Chair of this Committee that I would be supportive of deferral if we are going to be assured that this item can be answered and that this item can be received at the next meeting. It appears that there were some assurances that were given to the Chair, and that is why it is getting deferred. So we don't have the responses which I think you weren't here at the time that those statements were made.

Mr. Mickens: Yes. Thank you Shaylene.

Mr. Rapozo: Glenn, your time starts now.

Mr. Mickens: Okay, thank you Mel. You have a copy of my testimony and let me read it for the record. If you have any questions, please come back at me. First, I said that my testimony for a year, I want to thank Councilmembers Rapozo and Iseri-Carvalho for keeping this issue on the agenda. It is so important and it certainly needs resolution. Also, I find it incredible that in over a year as Shaylene just said, this Administration hasn't been able to fully answer the questions that Mel and Shaylene have asked along with a list of questions that Mel sent to them for me. Councilman Bynum continually states that the questions asked have been answered, but I totally disagree. Why would Councilmember Rapozo keep communication PW 2007-3 on the agenda for over a year if the questions were satisfactorily answered. That is a great question. Here were the other questions that I think part of these were sent over, but I am not positive.

Number 1, who is the person in charge of this path, and why hasn't he or she been present at the question? I think it is a big question. Number 2, the public has a right to know completely itemized how much has been spent on this path, for what, and what the actual cost will be for this total project. Also included should be the actual route of the path. I have that booklet from the path people showing where it is, but they got three (3) or four (4) different routes of this thing. I have never seen a definitive path yet. Remember that the public when properly informed stopped the path from going into the houseslots. So whether a prospective routes will be cancelled once public input is taken.

For example, the Foodland/Safeway Shopping Center with no bridge across the stream... another project Shaylene went at it for over hours and it is still sitting there. The Kawaihau route and the Anahola route which, again, Shaylene said nobody wanted up there. Number 3, what land acquisition or condemnations will be necessary and at what cost? Number 4, what will be the total maintenance cost of this path? I never hear a figure on that. What is going to be the total maintenance cost. Number 5, what will be the security cost for the total path (16 miles, 23 miles, whatever). What was resolved about the wall to be built by the golf course that Kaipō brought up? What has been resolved about the equestrian users and the part of the path that bikers, walkers, and horses will use? What about the liability factor... the rocks falling from Keālia Kai, and whose responsibility? Why are the people not using this path when it hasn't been officially opened? You know, you all making reference, all kinds of people using that path are walking on it, bicycles, and whatever. Dogs are even on the path illegally. Why isn't that those in charge of this path fail to confer with Joe Rosa about it when he is undoubtedly the best expert on the paths built on Kaua'i. When this path was proposed to the Feds, it was given to them as a 16 to 23 mile continuous path. At best, it would be segmented, and, thus, will Fed funds still pay for it and there is a drop dead date to use their 80% match.

Obviously, bikepaths have a place in our society. Again, I am not against bikepaths; however, as with everything that this County does, we simply start the

project before looking at the big picture as Jay keeps saying, and all the problems that will be encountered with it. Then we spend huge bucks trying to rectify the mistakes instead of addressing them before pushing the start button.

In closing, and I am on my second three (3) minutes okay Mel? In closing, I will ask one very simple question to any and all components of this path particularly to JoAnn and Tim. If this path is as you say a project to get people out of their vehicles and one that is as the Federal guidelines and their TE manuals state, for transportation and not recreation. Will any of you completely abandon your car and use a bike? And I don't mean to have a bike for occasional recreational use, but to use it as your only means of transportation (day or night, rain or shine), just that bike. The answer is a no brainer just as turning the clock back 150 years, and using the horse and buggy to get off fossil fuels. Theoretically, it would work, but realistic, it will never happen. You can't turn the clock back. A vehicle is a necessity and is an integral part of our lives. And we will be here until some other means of transportation takes its place. Whatever that is, it won't be a bike. You know, you heard Ken talk about peak oil, yea, I don't know where the answer is, \$200, \$300, \$400 a barrel that oil gets to. And, you know, again, I am not against bikepaths. I have seen beautiful bikepaths in California. I have shown you pictures of them, but they were integrated into the area before the area was built up. Here, we are trying to retrofit a path into an area that is going to be completely helter skelter trying to put this path in there. So, anyway, if I have said anything in here that you think isn't true, I would appreciate anybody's asking me questions. If not, I thank you very much.

Mr. Rapozo: Thank you Glenn. Do you have a question? We only entertain questions and not comments. We will do the comments when we get to discussion. Go ahead JoAnn.

JOANN A. YUKIMURA: Yes, do you feel that the goal is for a person to totally abandon a car or that there might be some value in just diminishing the number of car trips that one has to make?

Mr. Mickens: Well, the TE guidelines state that, that it is for transportation, not... I guess you can make the case that walking is transportation, but how many people, JoAnn, you think you are going to get out of your car to use that bike or walk?

Ms. Yukimura: I just... I mean, I think it is not really fair that you are asking for someone to totally to abandon the car. A car is needed, but if there is times when a person doesn't have to use the car, like, for example, just going... somebody from living around Baby's Beach just going to Safeway and they could ride their bike instead. That is a plus for the community if we lessen the number of car trips that a family has to make, so I don't think it is anybody's goal here to say that somebody would live without a car. But I think it is a fair goal to say, we would diminish the number of trips, car trips that a family would have to make,

right? I mean wouldn't that be something useful? You could reduce the amount of gasoline cost to a family.

Mr. Mickens: Everyday I walk four (4) miles up where I live JoAnn and I see these bikers coming around there, so I stop them on the road, and say, are you going to take your bike down to use that bikepath? They say, no, I wouldn't use that bikepath because people walk for (inaudible) on the bikepath. In fact, Conrad (inaudible) said that (inaudible) he rides his bike up there all the time. He says, you know, he has heard complaints about it all the time that you can't... you are not going to put people on bikes in the same place with ADA people and people walking and skateboarders are on this thing. JoAnn, we haven't made the big picture plan for this bikepath that we are trying to stick in there. You know, in answer to what you are saying, yea, you know, there is a place for a path, a walking path. I jogged on that path all the way up to Donkey Beach before the path that was there. It was fine and I didn't have any problems. I don't see \$51 million being a necessity for building the thing.

Mr. Rapozo: We are... anymore questions for Glenn?

Ms. Yukimura: No, that is fine. Thank you. Mr. Furfaro?

Mr. Furfaro: Real short. Item number 1 on your questions really should be directed to the Mayor. Thank you.

Mr. Mickens: Oh, okay, yea. Well, I would presume that I think that is why it has been deferred, right, for over a year now.

Mr. Furfaro: I am just saying that item number 1 should be directed...

Mr. Mickens: Well, you are the... I can't tell the Mayor to have (inaudible).

Mr. Rapozo: And neither can we obviously.

Mr. Mickens: I know, I know. You have a lot more authority than I do and you can't seem to get a response out of these people. My question about who is the one that is in charge of this total path?

Mr. Rapozo: You weren't here Glenn earlier (inaudible)... it appears that they have laid it onto Bernard. The questions that... especially, I just highlighted some of the ones that you mentioned more specifically 3, 6, 7, and 8 which have nothing to do with parks. It is talking about the construction and the plan of this bikepath. It is still a Public Works issue, so you are right, we got the questions, and that is why it is deferred again.

Mr. Mickens: Okay, got you.

Mr. Rapozo: You got a question Councilmember Iseri-Carvalho.

Ms. Iseri-Carvalho: I just wanted to say thank you Glenn. There was a discussion and I am not sure if you were present or not where the Administration's resolution to this issue was creation of a task force. Based on the task force, I don't know what the title of that task force is at this point, but we have been told that all communications should go via the Mayor to Bernard whether it has to do with a County Attorney issue, whether it had to do with a Public Works issue, whether it had to do with a Parks issue that Bernard would be the person who would address those concerns to the appropriate body. That is what we were told that there is some person now who is in charge, so we haven't been able to really utilize that process yet, but that was the Administration's word in a communication.

Mr. Mickens: And even that Shaylene, I take tremendous offense to not have a guy like Joe Rosa here to ask to be on that task force/committee or whatever. He's got more expertise than anybody on this island, so why didn't they ask... he is not going to cost a penny either.

Mr. Rapozo: Glenn, Glenn, thank you. They will be back on January 30th with a complete report and that will be at the full Council.

Mr. Mickens: The 30th?

Mr. Rapozo: Well, we will have it on the Committee, but they will be back on the 30th with a complete... I am assuming a PowerPoint, you know, Bernard does wonderful presentations, so we will expect that. My biggest question was, why didn't they have a member of the Council sit on their task force?

Mr. Mickens: Great question.

Mr. Rapozo: I mean, why not, you know. Anyway, whatever. Next? We have three (3) minutes before we have to take a caption break Mr. Rosa, so rip it.

JOE ROSA: For the record, Joe Rosa. Some of those things that I have seen at... hasn't been answered. It is like DOT, in front of the Coco Palms area and what our plan by the committee on this bikeways or the plan for the bikeways is to go toward the ocean side which DOT had to reinforce that area with boulders during the 40's and the 50's. How are they going to put those bikeways other than hardening of the shoreline. DOT had said nothing about it. Mr. Steve Kyono, I don't know what they are doing, they are not here. It is a concern of them because it is a problem for them when it came for beach erosion. That beach erosion just comes and goes with nature. There is no breakwaters, no seawalls, no nothing. They have to expect that maybe in another 10 years, you are going to have that erosion problem again because it is a common (inaudible) in there. Also, the

wetland area in the back of Safeway and Foodland, where is the bird lovers? That is a swamp area and you should have gone out there with all these recent rains. I took a peek back there and it is swampy. Are you going to raise the wetlands and do away with wetlands?

Mr. Furfaro: Mr. Rosa, just so that we are all clear, Mr. Rapozo and I am not on his Committee, but Mr. Rapozo has written and sent over all the questions to the Administration. They have an understanding that those questions are going to be reconciled and in a correspondence back from the Mayor's Office, they have identified Bernard and all of the committee members as really being members of County agencies, and they are going to respond on the agenda those questions on January 30th as they are reconciling. At the last meeting, I was privy to Mr. Rapozo asked for them to reconcile those questions and address those that are still unanswered. Maybe the wetlands is part of that, but I just want to make it all clear, I mean you can list a bunch a questions here as Mr. Mickens has just done, but I understand that Councilman Rapozo is asking the Administration to reconcile those questions and they are prepared to respond to us on January 30th. That is what I understand. Am I correct?

Mr. Rosa: And also the speed limits (inaudible).

Mr. Rapozo: And the reason why it is still here is because those questions were not answered. At the last meeting, the impression was that or the comment was made by the Administration that they felt that they had answered all the questions, but simply, they have not. That is why the reconciliation is being done and we will finally... hopefully at the next meeting, be able to finally put this thing to rest, but it will not be put to rest, I can tell you, unless we get all the questions answered. As the Committee Chair, that is my position.

Mr. Rosa: That is a lot of things that are left up in the air that is why I am kind of here... kind of... trying...

Mr. Rapozo: And you bring up a good point about the speed limit on the path, you know, the dogs is a good... I still haven't received a response regarding the dog. There was a dog bite already.

Mr. Rosa: And as I have said in one of my statements that I seen the guy with a skateboard, on a skateboard, and the dog pushing the skateboard.

Mr. Rapozo: That was the dog that bit the lady. The dog was being pulled by... it is totally... again, the problem was that the enforcement officers were informed not to enforce the laws on the path and that is ludicrous. So I assume that has changed, but I don't know. This is the first meeting of the year, so we have a whole nother year to...

Mr. Rosa: A lot of this is going to be banked on that Committee meeting or whatever is coming up on the 30th.

Mr. Rapozo: And I am hoping. I am hoping, but thank you.

Mr. Rosa: Also, before closing, as I say, it seemed that a lot of the bikeways that they talk about which I know and I have seen on the mainland myself is sort of works in a metropolis area, not in a rural area like this here. People, like I mentioned JoAnn at the last meeting in December, they are not going to come to work and get all sweaty. It is a recreation thing, but I know recreation is recreation.

Mr. Rapozo: Well, no doubt.

Mr. Rosa: And it is not going to alleviate the traffic problem in Kapa'a or wherever because we don't have that much cyclists. It is not like in Taipei or Hong Kong or Japan. I have been to those areas and, you know, cyclists use it. So to divert cyclists from the traffic, it is a no, not yet. I don't see... it is not a realistic thing.

Mr. Rapozo: Okay, thank you. We have to run because we have to take a... you got a question?

Ms. Yukimura: Just a question. So Mr. Rosa thank you for your input. If gas goes to hundred or oil goes to \$150 to \$200 a barrel...

Mr. Rosa: I won't be around by that time I think so.

Ms. Yukimura: I think you might be around. You know, it has gone from \$70 to \$100 in what two (2) years, five (5) years.

Mr. Rapozo: So what is the question JoAnn?

Ms. Yukimura: So the question is, if oil goes to \$150 or \$200 a barrel, do you think that more people would be riding bikes whether it is to work or just any other way?

Mr. Rosa: People are going to be looking in areas to live where everything is centralized and you have all the facilities.

Ms. Yukimura: I think that is true too.

Mr. Rosa: Like here in Līhu'e, I lived here in Līhu'e for 75 years (all my life) and I found it convenient for me when I used to go to work, even to shop. Everything is within a two (2) mile radius.

Ms. Yukimura: I think that is true too.

Mr. Rosa: I used to walk to go to school and I used to walk sometimes to come to work when my car used to go to service and stuff like that and it is convenience. People will live within an area of convenience.

Ms. Yukimura: It is convenience and price too though, yea.

Mr. Rosa: Right.

Mr. Rapozo: It is kind of hard when the houses is a million dollars in Līhu'e. Okay, I am sorry, but I have to cut it. Anymore questions? If not, thank you and Mr. Rosa I am sure we will see you at the next meeting.

Mr. Rosa: I will.

Mr. Rapozo: And I will agree that people may use the path if it is a path that leads from point A to point B and not segmented.

Mr. Rosa: Also...

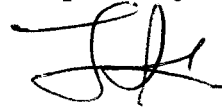
Mr. Rapozo: I can't. I am sorry.

Mr. Furfaro: We have no more time.

Mr. Rapozo: We have to run and we have a captioner right there. Sammi, Happy New Year. Mr. Rosa, thank you. That is it, the Committee is adjourned.

There being no further business, the meeting was adjourned at 11:11 a.m.

Respectfully submitted,



Lisa Ishibashi
Council Services Assistant

APPROVED at the Committee Meeting held on January 23, 2008:



MEL RAPOZO
Chair, Public Works Committee