

MINUTES

PUBLIC WORKS COMMITTEE

May 2, 2007

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, Līhu'e, Kaua'i, on Wednesday, May 2, 2007, at 9:02 a.m., after which the following members answered the call of the roll:

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

There being no objections, the Committee recessed at 9:02 a.m.

The meeting was called back to order at 11:01 a.m., and proceeded as follows:

Minutes of the March 21, 2007 Public Works Committee Meeting.

Upon motion duly made by Councilmember Iseri-Carvalho, seconded by Councilmember Bynum, and unanimously carried, Minutes of the March 21, 2007 Public Works Committee was approved.

Minutes of the April 4, 2007 Public Works Committee Meeting.

Upon motion duly made by Councilmember Iseri-Carvalho, seconded by Councilmember Bynum, and unanimously carried, Minutes of the April 4, 2007 Public Works Committee was approved.

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

CR-PW 2007-14: on Bill No. 2220 A BILL FOR AN ORDINANCE AMENDING SUBSECTIONS (a) AND (b) OF SECTION 21-9.2 OF THE KAUA'I COUNTY CODE 1987, RELATING TO INTEGRATED SOLID WASTE MANAGEMENT (Tipping fees)
[Approved as amended.]

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.
[This item was deferred.]

There being no objections, the rules were suspended.

MEL RAPOZO, PUBLIC WORKS COMMITTEE CHAIR: Donald, this is the ongoing saga of the bikepath and I know that... Donald, you know what, let me take the public testimony upfront. I am sorry, I called you up for the tipping fees. Let me get the public testimony upfront because I know that there are some people here that wanted to testify. Mr. Mickens?

SHAYLENE ISERI-CARVALHO: I guess I just have a question, so we would have time to review the responses that were due today. Do you have any responses, Donald? I guess you need to answer here.

Mr. Rapozo: I believe Donald is going to be asking for a deferral on this matter, so when he gets up here, we can ask the questions.

Ms. Iseri-Carvalho: I just wanted to clarify. We do not have any responses because the last response that I received from Doug Haigh was that there was partial responses, but he needed more time on certain other questions. Do we have a partial response, do we not have any response? What is the response?

DONALD FUJIMOTO, COUNTY ENGINEER: I can give you a partial.

Mr. Rapozo: In written or...

Mr. Fujimoto: Verbal.

Mr. Rapozo: Verbal, okay, thank you. Mr. Mickens? You have one minute.

GLENN MICKENS: Thanks Mel. JoAnn, I am glad to see you back and I am glad to see you are talking a lot better than the last time I talked to you.

JOANN A. YUKIMURA: Thank you.

Mr. Mickens: You have a copy of my testimony and I will read it for the record please. We know that this Administration has been asked for a complete report on the entire bikepath project since at least July 25, 2006. My testimony to this Council on March 20, 2007 will verify this. Is there some valid reason for this non-response from our Administration. For them to ignore or delay giving answers, Councilmembers Iseri-Carvalho and Mel Rapozo have asked for over eight (8)

months for me is inexcusable. In fact, I have gone back through my correspondence and this was back in 2001 when all this started. Hopefully, this Council still remembers that another meeting where this item was on the agenda and after Mel got to the end of his questioning, our Administration with no response, he was told that these were questions for the Engineering Department. If this were the case, why wasn't the Engineering Department at the meeting ready with the answers to the questions given them far in advance as Mel said of the meeting. Since the Council rules prohibit me from directly asking these questions to the Administration and I haven't seen all of those asked by Shaylene and Mel... maybe Councilman Rapozo will be kind enough to include mine if they are not repetitious to his list. My questions are:

- 1) What is the true length of this path?
- 2) Why are these communications only asking for an update and status report on the pathway project from Ahukini to Anahola whereas the path is projected to go from Nāwiliwili to Anahola, what about that segment?
- 3) What is the specific route of this path?
- 4) Has an EA or EIS been done on this total specified route?
- 5) What is the projected cost of the total path? What part will be paid for by the Feds and what part by our local government?
- 6) How much of the 20% match of the total cost do we have at the present time?
- 7) You have documentation saying that the Secretary of Transportation has given permission under Section 23 U.S.C. 271(i) that the path will be built principally for recreation and not for transportation? As you all know, this never says transportation.
- 8) When road blocks like the illegal pavilions and setback and SMA area violations occur, who foots the bill for the new planning and design phase to correct these violations?
- 9) Can you show in writing where segmented EA's are legal?
- 10) If the path ends up in segments, when the Feds still fund 80% of the project since it was projected to them to be 17 to 23 miles long or will they want their money back?
- 11) What will be the total maintenance cost that local taxes will pay for?
- 12) Why hasn't the Administration listened to the wise words of Joe Rosa who is in the audience today? Who has said from the get go that we don't need another bikepath since the one along our highways and the one from Pono Kai to Otsukas that he was the inspector for never did work? Why spend millions of dollars to duplicate a project that was a failure? Again, I defer to my friend Joe because I think he has... he was here... he has lived here all his life and he was on this project.
- 13) Where will security come from to patrol this path and who will pay for it?

I once again applaud Mel, Shaylene and Ron for their oversight of this project to see that it is done right if it is done at all.

Mr. Rapozo: Thank you. Any questions for Glenn? If not, thank you Glenn. Anybody else wanting to testify? Mr. Taylor?

KEN TAYLOR: Chair and member of the Council, my name is Ken Taylor. As you know in the past, I've spoke in favor of moving forward with the bikepath. I am very concerned about the timeframes in which it is taking to get answers to the questions that have been raised. I think it is appalling that this thing has dragged out as long as it has and why there is not being better response times to these questions. I just don't know what it is that is taking so much time... every couple weeks you ask the same questions, you ask the same questions and there is no response. It is going to be later and that is very disappointing to me and to a lot of other people that would like to see the project completed. I don't know if there is anything that you can do to expedite getting a response from the parties (inaudible). I think it is something that has to be looked at. Since it has taken so long, I think you need to put a little more pressure on getting the answers to the questions, so that we can move on. Thank you.

Mr. Rapozo: Thank you. Ken, what would you recommend more pressure?

Mr. Taylor: Got a bigger hammer.

Mr. Rapozo: This is all we got to put them on the camera. That is all that we got. I am as frustrated as you. I am as frustrated as many of you. You know, it is not just the fact that we don't get the responses, it is the fact that we are blamed for many of the delays and, yet, we are just asking the questions. So, anyway, Donald is here and he will be able to explain some of the lack of responses, but Mr. Haigh is not available today again. One of my biggest frustrations is that Wednesday... we have our meetings on Wednesdays every week. We don't change every week. There are times we do move the meetings, but our standard Council or Committee day is on Wednesday. As Councilmember Furfaro often uses the term, this is not an RSVP, this should not be an RSVP. When the Council requests the presence of the Administration, their butt needs to be in that chair. When they are not here, it gets deferred for two (2) more weeks, two (2) more weeks. In the meantime and I am hoping to get a presentation up. I was not going to do one, but I am totally upset because along... behind Pono Kai, they are laying concrete, feet from the shoreline and I thought that we had an understanding and apparently we don't. So, anyway, it is frustrating, so I understand what you are saying. I wish I had a bigger hammer. I don't know what that hammer is other than an audit which is what I am going to be pursuing real soon if I don't get some responses. But other than that, this is all that we got. We got the dog and pony show. We got this thing every Wednesday, tune in and see what else we can find out. That is what it is Ken and I am frustrated.

Mr. Taylor: Well, I can just say that in talking to a lot of people in the community that there is a lot of frustration out there at this point. This thing has been torn up for several years now and basically almost unusable... now there is a little concrete down and people are using those areas even though it is posted not to, but it is a beautiful spot on the island and everybody enjoys it. It is just a shame that we find ourselves in this position and especially a shame that it has taken so long to get the answers, so we can get the problem resolved and move forward. Thank you.

Mr. Rapozo: Anybody else? Mr. Rosa?

JOE ROSA: Good morning members of the Council. I am Joe Rosa, one of the persons that always talk against the bikeways basically because it is being... taxpayer's money that is being spent and there is no direction as yet. It has been over a year and it is just a patch, patch, patch job. Yesterday's *Garden Island*, I see something else. I said, gee, now, what I going go... why taking the bikepath way up Nunou Road and pass in front Eggerking, Mr. Baptiste residence over there. What is the use of going back on Eggerking Road. This is the bikepath and they want it scenic drive along the shoreline and it started out as such. Are they going to enhance Mr. Baptiste's property value? Those are the things. They have architects and designers coming from Honolulu and the County is paying them big bucks. They could have gone along Koki Road that comes across in back of the valley, the foot of the Wailua Homesteads... Houselots area. What they going do up Nonou Road and up through Eggerking Road, way in the boondocks. Another thing that I see the problem is that they wanted this bikepath by all means (inaudible) that they just making segments at a time and you meeting all kinds of obstacles. As I said, it is poor planning. Mr. Doug Haigh wanted to railroad this thing in and at times I had him biting his nails when I come here and say some stuff. It is like the talk from Nāwiliwili lighthouse point to Ahukini Road. How can you go through airport property? It is high security. Those are the things that I think he didn't do his homework. So I can see still more major blocks in this project here. It is going to be years before it is completed. You need water in that Kīlauea area too for these restrooms. Where is the electricity, all that? Where is the end of the money? You are talking big bucks and where is the end to it. JoAnn knows me from way before because she used to come out and check projects when we used to put bikeways. Maybe she is the person that started bikeways on Kaua'i. Yet, and I said this project, to me, is not going to be completing a new picture of all this articles that appear as... take the area behind Foodland and Safeway, that is marsh land. When you get a big rain, the bikeway is going to be under water? Are they going to raise the swamp lands which is going to be against the EPA? You have Honolulu architects that are designing the areas and they don't know what lies out there in the field. I had the same problems working with the State before. They design thinks that, eh, it wasn't supposed to be like that. Well, that area behind Foodland, Safeway area, swamp, marsh land area, that is wildlife sanctuary.

Mr. Rapozo: Okay, Mr. Rosa, your three (3) minutes are up. Do you have any questions for Mr. Rosa? If not, thank you very much and I appreciate your...

Mr. Rosa: That is why I say, I am here to speak and I speak sense, not dollars.

Mr. Rapozo: Anybody else? Mr. Fernandez?

MIKE FERNANDEZ: Good morning Councilmembers, my name is Mike Fernandez and I come from Wailua Houselots. I really wanted to hear what the Administration was going to say about the route into Wailua Houselots, but evidently, we are not going to hear that today. But I can tell you from all the people that I talked to, they are against this spur that goes into Wailua Houselots and I don't see why that all of a sudden, they are taking this route into Wailua Houselots. I don't see... (inaudible) reason for it. I can't see how they are going to go up and transfer... parallel my property and go up to the base of Nuhou mountain, then create a new trail into the old trail when we have so many problems up there already and then they are going to cross into Eggerking Road, cross Hale'ilio, continue on to Eggerking, make a right onto Nuhou and go into Wailua Houselots. All the people I talked to on Eggerking Road are not happy with that particular route either. How is this going to work when they create the new road that is going to come from the bypass that is going to connect into Eggerking Road? If this bikepath is created, it will be probably about 10 feet away from my property line. When I moved up there 27 years ago, Amfac was farming cane there and they were good farmers. When J&B took over, in my opinion, they were the worst stewards of the agriculture land there. What happened was, motorcycles traversed the property, people walked up there during the day, during the night, there was no control and I got burglarized twice. And with this new bikepath, where is going to be the security? Is this going to be open 24-hours a day and if you talk to all the old people that have been up there for 60 years, 50 years, they are all in their late 70's and early 80's and they don't want this. So I am totally against this spur into Wailua Houselots.

Mr. Rapozo: Thank you Mr. Fernandez. Any questions? Councilmember Iseri-Carvalho?

Ms. Iseri-Carvalho: Yes, Mr. Fernandez, when did you learn about this alignment going up to Eggerking Road?

Mr. Fernandez: I went to a Ka Leo 'O Kaua'i meeting and Doug Haigh was present and he presented his testimony. I mean, he presented the scope of the project that... what was going to happen in Wailua Houselots.

Ms. Iseri-Carvalho: And was that the same alignment that you heard of in the newspaper?

Mr. Fernandez: Well, I got confused when I read the paper because I didn't... it didn't tell me exactly what the route was going to be, so I was hoping today that I was going to hear the correct route that was going to be taken in Wailua Houselots.

Ms. Iseri-Carvalho: And we are hoping too because we are not sure where the alignment has... where the alignment is, so I wanted to know how much information was provided to you earlier where you said that you attended a Ka Leo meeting, do you recall when that was approximately?

Mr. Fernandez: I think it was the ending of last year.

Ms. Iseri-Carvalho: Ending of last year?

Mr. Fernandez: Yes.

Ms. Iseri-Carvalho: And do you remember how much people was present at that meeting?

Mr. Fernandez: Maybe there were 10 people.

Ms. Iseri-Carvalho: 10 people?

Mr. Fernandez: Yes. You see, the older people will not come out anymore and that brings the question that why isn't the County notifying these people that is going to parallel this bikepath?

Ms. Iseri-Carvalho: I agree and we will ask what kind of information that has gone out to the public. One of the problems that have come up... the main problems is because this is an alternative way of building a project meaning we are doing a design/build project as opposed to normally, what would happen is they happen consecutively as opposed to concurrently at the same time. So what happens during the design build is they are designing at the same time that they are building and that is what is happening and that is what you can see. I mean, at the same time, a lot of times, you know, decisions are made and, we, the public, find out and then we say, well, why did you make that decision? Why did you build it so close to the ocean? Why did you use this kind of material as opposed to something that would be moveable as opposed to something that was set in stone? Why did you use this color or material as opposed to that? But by then, the decisions had already been made before it even comes to us, so that is one of the problems which I raise a lot of concerns about and said that, you know, no design/build project has ever been successful and this is one of them. There has been a lot of public outcry because of this process because there hasn't been.

RON KOUCHI: On your point, I think the other concern that has come up

is that... and we have been told that the community was all for it, so now if 10 people were there, I mean, if you guys didn't come today, you know, the testimony, overwhelming support from the Wailua Houselots people.

Mr. Fernandez: And the biggest question is, why is it going to Wailua Houselots? Why isn't it staying on its route like it is supposed to have been? Why doesn't it go up to Ōpaeka'a Falls? I mean, you know, it just doesn't make sense to bring this bicycle path to Wailua Houselots.

Ms. Iseri-Carvalho: And we will ask that question and the other question if you recall when we were talking about another segment where there was concern, why is this bikepath going through the business intersection in Kapa'a which would link Foodland and Safeway (a pedestrian bridge) and that is where the bikepath is going to go. It is going to go through the shopping centers of both of those complexes. The reason was because we could get a match of Federal funding in order to do the project. So it was explained to us that it was because of money. Now I don't know that we could actually get 80% funded as opposed to the County putting in 100% of a bridge that was actually was supposed to be paid by the developer.

Mr. Fernandez: We were told also that they would have to purchase the land from Bette Midler and then through...

Ms. Iseri-Carvalho: I am sorry, you were told that at your Ka Leo meeting?

Mr. Fernandez: Yes, that they would have to purchase that land from Bette Midler and then later on we found out that it was a done deal already. I don't know how true about this done deal thing was, but if you have gone up to the connection into Nonou mountain trail... if you had gone up Nonou mountain lately, that trail is just eroded to a point that it is dangerous, it is littered, it is... we had a big fire up there at once and now the parking lot at night turns into a drug haven. We don't need anymore of these things in Wailua Houselots.

Ms. Iseri-Carvalho: At the time that there was a presentation done by Ka Leo back in the ending of last year, were your concerns raised at that point?

Mr. Fernandez: Yes, I did.

Ms. Iseri-Carvalho: So the same concerns that you raised here, you raised to Mr. Haigh?

Mr. Fernandez: Absolutely.

Ms. Iseri-Carvalho: Did he or any other Ka Leo representative get back to you as to the progress of how they were going to proceed in light of the concern

that you had raised?

Mr. Fernandez: None whatsoever.

Ms. Iseri-Carvalho: So you had no contact with Ka Leo representatives nor of Doug Haigh?

Mr. Fernandez: No.

Ms. Iseri-Carvalho: Thank you very much. I appreciate it.

Mr. Rapozo: Councilmember Yukimura?

Ms. Yukimura: Yes, I was... you may have covered it, but I was just interested in your thoughts about the problems with the Nonou trail. If I recall, you just said that there is an issue of drugs at night at the parking lot?

Mr. Fernandez: That is correct.

Ms. Yukimura: And what else? What are the other issues with that trail? I am just wanting to understand.

Mr. Fernandez: Another, not an issue, but your Uncle Bob told me, why are they so concerned about a bikepath when we need another way of getting out of Wailua Houselots. You know, and that is something to think about, you know?

Ms. Yukimura: Yes. That might come with the bypass road, right?

Mr. Kouchi: But I think what JoAnn was asking, I thought I heard you say because of erosion and maybe lack of maintenance that the actual trail is now not safe for hikers to use because I know for quite a while that a lot of people after work park and that was part of their exercise routine.

Mr. Fernandez: Well, I tell you something Councilman. If we had known that what it would turn into when it was first offered for a trail, I think the community would have turned it down because at least once every two (2) weeks or once every three (3) weeks, we have the Fire Department or the ambulance, somebody sprained their leg or fell down or something. It is a never ending problem up there.

Mr. Rapozo: Any other questions for Mr. Fernandez? Councilmember Iseri-Carvalho?

Ms. Iseri-Carvalho: Yes, Mr. Fernandez, the other question I wanted because on a lot of the other segments as Councilmember Kouchi has said, we had gotten conclusions that there was overwhelming support for this project. And, you

know, we heard that along the Wailua Golf Course segment and then we get a petition from 300 people saying, no way, we don't want it going through there. We had requested all of the attendance sheets of all of the people that had attended these Ka Leo meetings or presentation... informational meetings that had been presented by the Administration. What we learned was, really, there were very few people that showed up and most of the people that did show it were either people that were contractors or people that had worked on the project or people that were affiliated with the project in some manner. So, you know, we really did not get a clear assessment of the support for the project because, like I said, they weren't really that much people that had showed up and, again, because it is design/build, they were designing as it is building and when people see it in their backyard is when they say, hey, where is the notice and why did this happen? We are trying to fix a lot of what has happened and trying to get more information as Mr. Mickens has said. This has been on for a long time and we focus on certain aspects that had required immediate attention. At one point, we had talked about the Anahola because there were some concerns about the equestrian community and the Anahola community came out and said, we do not absolutely want horses in our backyard and then we went to shoreline issues where people said, well, those are monk seal habitats, where was that considered. So then there were SMA violations and there were shoreline protection issues. We just recently now got another one in the vicinity of Pono Kai where there is another seawall that is falling in there. We had issues about Kapa'a Beach Park where the pavilion had fell into the ocean as well as the tree and the bikepath was actually still destined to be five (5) to ten (10) feet away from where the pavilion had just fallen into the ocean. So we are living and learning as it happens and you are right that it has exploded into something that nobody could have even imagined that it would, but we appreciate your efforts in providing some insight into how this is going to impact your community.

Mr. Fernandez: Because at the end of the bikepath going up to the base of Nonou trail, according to Doug Haigh, they are going to make an area where they can park their bicycles and I don't know if they are going to make a lean-to or whatever it is, but it is going to be exactly right across the Alamazon property. The two (2) boys that live there that they are really opposed to that and it will be just another place for people to hang out during the night and we have considered... when we know exactly what the route is going to be, we are considering getting a petition together and we are going to try to get Bette Midler's address and send a petition to her too that she is aware of what is going to transpire.

Ms. Iseri-Carvalho: What was also very concerning is that although there were some discussions regarding commercialization of that bikepath that there would be no commercialization. Already, in the Kaua'i Island News, I believe it was two (2) weeks ago, there is an ad in there for tour guides for hire to take people along that bikepath which is very disturbing because it was never intended to be for commercial use at all. And that is clearly prohibitive and people will utilize that as a commercial business, we know that and we don't have the manpower in order to monitor that as well as the other issues that you have raised

about maintenance and being that it will be open for 24-hours as it currently stands, so there is a (inaudible) of issues that are still unresolved and hopefully with a lot more input from the community, the Department of Public Works as well as the contractor would be able to make more prudent decisions than what appears to have been made in the past.

Mr. Fernandez: And you brought up an interesting word, maintenance. That is going to be an enormous task and it... on your way home today whoever goes North, you go up Hale'ilio Road and drive all the way up to Hale'ilio Road and (inaudible) and tell me what you see on both sides of the road. When you come down, you go down Nonou Road and see what is parked in the Wailua Park. Go take a look and when you talk about maintenance...

Ms. Iseri-Carvalho: That maintenance issue, it was brought up... I had spoken to the UPW members who would be assigned the task should the County appropriate new positions to maintain this bikepath and I can tell you, it was almost 100% that they did not want to be involved. They were very vocal about not being put in these positions to maintain this path given the kinds of concerns that you have raised and the type of materials that they would have to be responsible for cleaning up. They were, like I said, almost 100% against it, so we are learning as it is coming up. I have only been for two (2) years, but a lot of these issues had predated us before we came, again, so getting full information or more information is always better to make better decisions, so thank you for your input.

Mr. Rapozo: Anymore questions? Mr. Bynum?

TIM BYNUM: Hi Mike, thanks for your testimony today and I just wanted to let you know that the EA was just published. There are the maps that show the route that they are recommending as a final route. It doesn't extend beyond Eggerking... that was part of the... the EA is a thick document and it tells you all of the things that were considered and now they are at the point where they are saying, this is what our intention is. Right now, the intention is that the path doesn't extend further up past Eggerking. I can show you those maps and they are available at the library. There is also a public informational meetings scheduled.

Mr. Fernandez: Tim, I am glad you told me that, but why didn't they come to tell us at our first Ka Leo 'O Kaua'i meeting last month? So we are under the impression that it is going to go all the way up.

Mr. Bynum: And that was just released a week ago and that is the first information that I knew what the final alignment intention was, but that document is available and there is a public information meeting scheduled for the May 23... no, that is the fourth public information meeting in this process, so I just wanted to let you know that there are answers to those questions and there is a meeting scheduled for everyone to come to and ask questions and try to get answers.

Mr. Fernandez: Thank you, I appreciate that.

Mr. Bynum: Sure.

Mr. Rapozo: Anymore questions for Mr. Fernandez?

Ms. Iseri-Carvalho: I just wanted to add that even though that an alignment is contained in the final EA, that does mean that that will be the actual alignment. So it is not accurate when Councilmember Bynum says that that is the route because it may not be the route as we've learned with the golf course issue. The route that was proposed there was not the route they, in fact took. And the people that attended Ka Leo meetings believed that that was the route and then learned that, otherwise, it had been changed. So because, again, this is a design/build, final doesn't ever mean final until the thing is actually built. So I would caution as far as what the actual alignment is and hopefully, again, the final alignment... because they have gotten all the money that they need in order to develop that alignment whatever they choose and they don't have to come back to Council, we won't know about it. I mean, they may choose to give that information at a public informational meeting or not, maybe that is the Administration's choice, but, really, until they need more funding, they are really not required to come back to us, so follow up with Mr. Haigh.

Mr. Fernandez: Regardless of the change in the scope of the project, I am still against the bikepath going into Wailua Houselots.

Ms. Iseri-Carvalho: At all?

Mr. Fernandez: At all.

Mr. Rapozo: Councilmember Yukimura?

Ms. Yukimura: Yes, well, just your input, I think at the EA, that public information meeting is important because Councilmember Iseri-Carvalho is right. The route that they are proposing may not be the final route. They are supposed to take input, I believe, and it may change with the input, right?

Mr. Bynum: The planning process is through, as you know, a whole number of meetings and they just published the EA and the word I used a minute ago was the intention. That they are saying, this is our intention for the final route. We have considered all of these options and now this is our recommendation and intention for moving forward. So you and I have talked about this path for five (5) years or more, right, and I am well aware of your opposition to it coming into Wailua Houselots and that is a valid and important position. You know, I have in my office the document and I can show you the map and it is available in the public libraries and it is available on request. So, you know, a lot of discussion about

potential routes and then a lot of reasons, so that is the purpose for the public meetings is to give people an opportunity to ask questions, to give input and the input that community has given in the past, you know, helped make the decision and one of the decisions, apparently, from reading this was to not extend above Eggerking on the Bette Midler property. Thanks for your testimony.

Mr. Rapozo: Anymore questions for Mr. Fernandez, if not, I am going to have him go sit down, so we can get the next person. Thank you very much. Hang out and Mr. Fujimoto will be up here.

WALLY IWASAKI: Good morning, I am Wally Iwasaki. I just have a couple of questions. Who decides where the bikepath going?

Mr. Rapozo: Donald, will come up and...

Mr. Iwasaki: Now the second question is, you are talking about going across Eggerking Road, you folks ever drove on Eggerking Road when you meet another car coming? You have to get off the shoulders. Are they going to widen the road? Are you going to buy from the property owners over there? Because the road is not wide enough for cars and bike. You know, go look into that. It is not that wide, so that means that the County has to buy properties from the property owners. You have to buy land from them to make the bikepath go through there? I heard the bikepath is going to be what, 12 feet wide?

Mr. Rapozo: 12 feet?

Mr. Iwasaki: It is wider than Eggerking Road.

Mr. Rapozo: The cars are going to have to go around.

Mr. Iwasaki: That is right, the cars have to go around. Anyway, that is all that I have.

Mr. Rapozo: Thank you and Mr. Iwasaki, the Project Manager Doug Haigh is not here today. I will tell you that we are going to have another agenda item on the 16th of May in the Committee and we will have all... hopefully, all the people in one room. DLNR, conservation people, UH and all of them will be here, so any question that we have will be answered without having to send a letter. It is my intention to have all of them here in this room. As far as the design, whose determination, who makes the decision on the route, it is that process. We hired a consultant and I think that has been discussed time and time again, but the consultant submits a recommendation to the County and at that point, you know, you have the meetings and so forth. You know, we hear a lot about the Ka Leo meetings and stuff that is why I never support the funding for Ka Leo 'O Kuaa'i because it is not, in my opinion, the right way to get the information out to the public.

Mr. Iwasaki: Right.

Mr. Rapozo: Because if you don't go to that meeting, you are out of the loop like I believe Mr. Fernandez said earlier. A lot of people don't go. The older people will not go down there and they have just as equal voice as everyone else and if they are not at the meeting, it is not considered and I don't think that is fair. So that is just my opinion, you know, that is not the proper vehicle for getting the information out and this is living proof again. We saw it with the golf course, we see it so many times. The treatment center in Hanapēpē. It was after it hits the paper, the public comes up and says, what are you guys doing? Because a banner advertising a meeting doesn't tell you that we are going to be discussing a bikepath going through your property or your subdivision. If you put that sign up, I can tell you that you will get more participation. Again, that is my personal... if you ask how the process is done, there is a process in place and in that process is an opportunity for public input. Are we getting the best or the number of public input that we need and I don't think so. That is why whenever it hits the paper, I read this in the paper as well. I also read, you know, given the regional... this is what came out of the EA. Given the scope of the path system, it is scenic quality and it could emerge as one of Kaua'i's visitor attraction. This is the leg that is going through the houseslots. Is that what we are saying? We are going to have all the tourists ride right through Wailua Houseslots? I used to live there for 15 years. I am sorry, I cannot support that, but that is what the... we have gone away from intent of the bikepath which was traffic enhancement and so forth and we are creating a visitor destination or visitor attraction and that is not what I thought the intent of this path was. That is, again, my opinion that is why it stays on the agenda because we have the questions that haven't been answered. Anymore questions for Mr. Iwasaki?

Mr. Kouchi: I guess it is flattery that you don't want to actually have because (change side of tape)...

Mr. Rapozo: Thank you very much Mr. Iwasaki. Mr. Pa?

KANE PA: Good evening... good afternoon Councilmembers. I am falling asleep over there. I wasn't going to speak on behalf of this issue. I came for another one.

Mr. Rapozo: Can you state your name real quick just for the people who don't know who you are.

Mr. Pa: For the record, Kane Pa.

Mr. Rapozo: Thank you.

Mr. Pa: Thank you. By the way, kanaka maole. On this situation with this bikepath and I heard you guys bringing up the points of who makes the decisions on this and it is the consultant. Apparently, when the County hires the consultants, there is supposedly great ideas how it would benefit the public, but at this point, we can see what is happening with our community that do not totally agree with the consultant of his vision of these plans. So in the near future, we should take into consideration of... instead of having these individuals make the decisions, go to the communities, the people that are from the community instead of having a consultant come in and hire them that don't even live here, don't even know the areas, go to the community. I think it will save you a whole bunch of head problems that we call Advil or whatever you want to use to take care of it, but it is a complexity issue here and just to try to make it move along is very hard. I got a lot of concerns on the situation with the bikepath and, yes, when it becomes to the Homesteads, there is a lot of... again, having a lot of meetings and people saying that...(inaudible) support it and I think you should take a poll on it because we got guys moving here in the last 10 years and they are all for it. The majority of them goes there and I can be honest with you Mr. Rapozo is that from day 1 when this came out, I knew it was about tourism. My question was, all along, with when we tried to assist Onipaa Keālia with Keālia and assessing to clean up the beaches and our intentions was to try and get a grant to make the road go directly to Anahola which was a one way pave that the tourist could see the coastline (stop into Anahola Homesteads and buy crafts from the Hawaiian community). Well, other people had ideas, you know, things didn't work out because of personal interest and, again, I knew it from day 1 that this is about tourism. You know, Councilwoman Iseri-Carvalho brought up a good point. How do you manage the commercial? And I brought that out when the whole thing sat down at Wailua Golf Course, I was invited with the Kapa'a Business Association and that was my point. Is this going to be for the community or for community and the tourist industry which is business? I don't see nothing in the ordinance how we can make sure to enforce the process of this procedure of not allowing them to do business.

Mr. Rapozo: Thank you Mr. Pa. Any questions for Mr. Pa? Thank you very much, appreciate it. Anybody else from the public wishing to testify? If not, Donald? I know you have a flight to catch Mr. Fujimoto and I know that Doug is not here, so I would appreciate whatever updates you can give us. If you want to just start with an update and then we can open up for questions.

DONALD FUJIMOTO, COUNTY ENGINEER: Okay, thank you. Do you have the PowerPoint? Doug prepared a PowerPoint and, again, the reason he's not here is because he is at a Transportation Coalition meeting. He is trying to expedite that (inaudible).

Mr. Rapozo: Just for your information Donald, myself and Councilmember Iseri-Carvalho also sits on that commission, but some things take priority and it is frustrating. I just want to let you know that Council should take priority over Transportation Task Force meeting or coalition meeting.

Mr. Fujimoto: Right.

Mr. Rapozo: So I am upset.

Mr. Fujimoto: I will try to address whatever was brought up as best as I can, but, again, he's the most intimate with the project and probably can give you a lot better response. So I may have to defer some of the questions. Anyway, in reference to Mr. Taylor, why is the response so long and that is a good point. Doug is one person and he has a lot of projects. Fortunately, we have been very lucky and we actually just acquired a new person to help Doug with project management. His name is Pat Kahara. This is actually only his second day, so we have a guy with over 30 years of construction experience, 20 years in the management of construction companies. He is very knowledgeable in construction and project management, so I am hoping I am very optimistic that at least on this bikepath, we will have a lot more objectivity and faster response.

Ms. Iseri-Carvalho: I guess that would be the question. I recalled the budget when we put in this funding for a project manager that we were told that Doug Haigh would relinquish this part of the position because this was not something that required or would require. I know he has a lot of expertise and I don't know how much is there, but there are a lot of other projects that I think need his expertise as well which have fallen to the wayside because his full 20% concentration has been on the bikepath. You know, hopefully that will be resolved. I mean we have budget coming up again, but my recollection in this last budget that that was going to take place because every other project has been held up because of this bikepath that Doug decides to commit 120% or whatever percent to including the affordable housing projects as well.

Mr. Fujimoto: Regarding the other gentlemen brought up some very good points. Mr. Fernandez... hopefully, I will be addressing the route issue with this presentation. Mr. Iwasaki on the road widening, I will probably get back to you, but there is no doubt that we would have to improve the Eggerking to accommodate the bikepath. With that, I will just give you a real brief overview. Which button do I press?

Phase I, I guess, I myself got kind of confused when I read the article and I am not sure where they got the information, but my understanding is that they probably looked at the EA that was published. Again, it is kind of confusing when you read the article, but Phase I of the bikepath actually started with the Lydgate project. Roughly 2 ½ miles of pathways which included the Kamalani Bridge, maintenance building and comfort station and the funding match by the volunteer (people that actually constructed the project). The pathway actually goes right around. There is quite an extensive...

Mr. Rapozo: Donald, excuse me, Donald, you know what, we've seen

this presentation several times, several times, what we want to focus on is that Phase III that was just talked about in the newspaper.

Mr. Fujimoto: Alright.

Mr. Rapozo: This has... I think I can memorize these slides already.

Mr. Fujimoto: I will do it as fast as I can. Phase II is the section that... from Lihi Bridge, Lihi Park to Kuna Bay which is the one that is under construction right now. This is, again, kind of repetitious. I will just go through this real fast. Okay, Phase III, anyway, these are some of the issues that (inaudible) concerned on the Phase II project. We kind of realigned that section right by the Kapa'a Park. Phase III is really Mr. Fernandez's questions I guess. On the Lydgate...

Ms. Yukimura: Excuse me, could we just back up. I would like to know what the realignment was and forgive me if you guys know and I've just been a little bit absent.

Mr. Fujimoto: The original path... actually, this is Kapa'a Park (beach park). This is the parking lot. Actually, the match line is from here to here, so the road actually goes to here, the parking lot stops and then the beach continues on. The library is here. The original plan was...

Ms. Yukimura: Wait, are these two (2) segments, the top and bottom?

Mr. Fujimoto: Yes, you are supposed to actually cut it and match it. Do you see where the match line 25 plus 00.

Ms. Yukimura: So the bottom one is the one closer to Keālia? Right, you match it up above.

Mr. Fujimoto: Right.

Ms. Yukimura: Thank you.

Mr. Fujimoto: Okay, the original path actually was along the makai side of the parking lot.

Ms. Yukimura: I see.

Mr. Fujimoto: And it was actually down here, so because of the erosion and the uncertainty of where it is going to... how far it is going to be and still trying to keep the use of the park. The compromise was to go mauka of the parking lot just inside of the library property to the bridge and kind of match up.

Ms. Yukimura: So there is like about a 40... how many feet back from the original alignment? I know it varies, but...

Mr. Fujimoto: I say easily about 100 feet because the stalls are 20 and you have about 40 feet here, so just this section here is about easily 80 feet.

Ms. Yukimura: Okay, well, that is better than the original that's for sure.

Ms. Iseri-Carvalho: Can I add to that? Just for point of reference. We had been requesting of the Administration at least a year to move the alignment and part of the reason was because as people recall, the articles in the paper, there was Kapa'a Beach Park pavilion that literally fell into the ocean and that we had to... I don't know if we foot the cost or whether DLNR foot the cost, but we had to go in there and demolish the pavilion because it was unsafe and remove it. That was also preceded by a huge ironwood tree that had also fell into the ocean and a huge grill that had also fallen into the ocean. And that is the concern that we have that dispute... we speak for the public as well and despite us going to them over a year ago, they did not want to change the alignment and that is why all of these concerns are being raised because, finally, after they actually went into the ocean and all these pipes had been exposed and all of these degrading material had been into the ocean and the shoreline, at that time, had an erosion rate that was calculated by about five (5) foot per year, there was absolutely no interest in moving the alignment up until last year after much begging, then the Administration decides that they were going to move it up closer to the park. So these are what kinds of decisions we hopefully have been able to change by the numerous amount of meetings that we've held.

Ms. Iseri-Carvalho: I think that is to be commended that the change has been made. I have a letter that I am going to be writing to you because it came from a DLNR suggestion that there was a revetment that is not used anymore or which may be part of the reason for the rapid erosion that is based on DLNR's position.

Mr. Rapozo: Councilmember Yukimura, we talked about the May 16 meeting and that will be addressed at that meeting as well because there is also another one in front of Pono Kai that needs to be removed as well.

Ms. Yukimura: And that may be part of the solution at least, but at least a discussion of that should be held, so I am glad that is already on. Thank you.

Mr. Rapozo: Okay, thank you very much.

Mr. Fujimoto: Okay, moving into Phase III which will hopefully answer Mr. Fernandez's concerns. Okay, Phase III is from Lydgate Park to Lihi boat ramp and the total length is two (2) miles. An environmental assessment has been published April 23 and I think that is what prompted the news article. Estimate

permitting to start after final environmental assessment. Okay, this kind of shows the alignment and I am not sure if you guys can all see the red, but it starts from the end of... or just the beginning of the bridge, the old cane haul bridge. Follow the bridge and, again, one of the big advantages of the bikepath starting the planning process early is that the planning is actually being used as part of the bridge for the traffic mitigation and an additional fourth lane on the old bridge. And then the exchange is that the State will pay for the construction in return for using the design. It runs along in front of Wailua Beach. It goes up to Papaloa and then ends at the shopping center here and then it goes mauka. What road is that?

Ms. Iseri-Carvalho: Lanikai.

Mr. Fujimoto: Lanikai, thank you. And it goes back this way behind... along the... there is a waterway like back to the shopping center behind Foodland and it comes down along the canal across that foot bridge and down through here. This is the houselots path and the original plan was to actually go all the way up to Nonou Trail and I guess due to the fact that they found out during EA process that there is a lot of, not only community opposition, but also, I think right here, there is also a physical barriers. It is really steep and hard to negotiate. My understanding of the criteria of the bikepath is not only does it go to a destination... the secondary benefit is also to provide access to the communities, so that the communities can safely ride their bikes to the main bikepath, so it ends at Wailua Park. Again, it comes down Eggerking and it goes all the way to the end of Eggerking and comes down here.

Ms. Yukimura: Can we ask questions on this map?

Mr. Rapozo: Sure.

Ms. Yukimura: So the line from the main highway up there is along a road?

Mr. Fujimoto: This is the old cane haul road. This is actually along the edge of the subdivision.

Ms. Yukimura: Right, so it is actually going to create a new paved area there?

Mr. Fujimoto: Yes.

Ms. Yukimura: And there won't be any... and that is path. That is not car traffic will not be allowed on that?

Mr. Fujimoto: According to this and I would just to, again, put things into perspective that the Planning Commission did impose a requirement to the development that they connect to Eggerking also, so I think Mr. Iwasaki brought up

a good point about the access, road access as well as the bikepath and that is going to have to be, I guess, negotiated to them and it is going to have to be planned as far as...

Ms. Yukimura: So Eggerking is the connecting road to the road to the park? Right? It is the lateral road that we are looking at right now?

Mr. Fujimoto: Yes.

Ms. Yukimura: So that is the one that you are saying has to be widened in order to be safe for both bike and road/car traffic.

Mr. Fujimoto: Well, I need to do some research on that. I am not... right now, I am not even sure how wide the right of way is or... I know the pavement width is not 20 feet.

Ms. Yukimura: So that poses a problem too.

Mr. Rapozo: Eggerking cannot accommodate, right now, a 12 foot or even a 10 foot bikepath.

Mr. Fujimoto: And the existing roadway. That is for certain, I agree with that.

Ms. Yukimura: And what about the road that goes to the park? I am sorry, I am not seeing what is that...

Mr. Rapozo: Nunou Road.

Mr. Fujimoto: That also would have to be widened I think.

Ms. Yukimura: And if I just may ask a question, how does that coordinate with the bypass proposals?

Mr. Fujimoto: Well, the bypass is supposed to connect up to here and it is supposed to follow the existing cane haul road and I think it goes down a short jog and then it goes back across to the bypass and across to Foodland through the existing cane haul road.

Ms. Yukimura: So you are not talking or thinking about the one that would go across Wailua River?

Mr. Fujimoto: The Wailua River, according to the masterplan and this was interesting because I, myself, was kind of wondering how the State was going to propose a mauka bypass. It is actually down here, right here. We had planned to tie in their mauka bypass is actually low, their connection.

Ms. Yukimura: It is low meaning towards the ocean?

Mr. Fujimoto: Yes, very close to the existing intersection.

Ms. Yukimura: Well, still, it is going to intersect the bikeway at some place, right?

Mr. Fujimoto: Yes, right?

Ms. Yukimura: I mean that is pretty crazy to think of having to cross. Of course, it is going to be both car and...

Mr. Fujimoto: Like the other crossing, this eventually crosses the Kapa'a bypass and I think they are talking about putting in underpass.

Ms. Yukimura: Okay, that makes sense. Separating it by grade makes sense.

Mr. Fujimoto: I am not sure what their final design was.

Mr. Bynum: Just to clarify for anybody that is watching this, what we are talking about the Pouli Road extension. The road that goes between Foodland and Two Wheels right now... requirements of the coconut resorts if it ever got built and there has been an effort for a long time to extend Pouli Road and the part of that requirement was to connect at Eggerking. It connects at Eggerking because the way the Houselots is designed, it is a collector road that stubs out. It doesn't have a dead-end, you know, it comes out like a road, so, you know, when the Houselots was originally laid out, it was the intention at some point, that would be a collector and that would give a second exit from the Houselots and allow people to go to the store and back without getting onto the highway or to go into Kapa'a, Kapahi and (inaudible)... the idea of having multiple connections and not just relying on the highway.

Mr. Rapozo: Donald, so in the Houselots, just to answer the questions of the Houselots residents, you are talking about the Lanikai... they are going to cross the highway at Lanikai?

Mr. Fujimoto: Yes.

Mr. Rapozo: And they are going to go up and straight on that outer edge of the Houselots subdivision and they are going to turn left on Eggerking and then it ends at the park?

Mr. Fujimoto: Yes.

Mr. Rapozo: Okay, I don't know why they wouldn't go on Lanakila which is right along side the park, but, anyway, how do they get back to... how does that path continue to Kapa'a, the bikepath?

Mr. Fujimoto: Right here, this is the so-called junction after Lanakila. It follows an existing drainage way and this is an existing cane haul road too and there is a crossing of the bypass right here which is the one that I am talking about. I am not sure how to resolve that issue. They were talking about either at grade or an underpass, possible underpass and then following the drainage way to the back of Foodland and back across the pedestrian bridge.

Mr. Rapozo: So the purpose of the park leg is not part of the... that is just an extra, right?

Mr. Fujimoto: Well, my understanding is, again, you know, a good question was brought up as who decides where this path goes and we brought in this consultant who is supposedly very experienced in bikepaths. He did a lot of them on the mainland and based on his recommendations and it was supposed to be connecting scenic points or destinations. The bikepath, the intent was to provide...

Mr. Rapozo: Again, Donald, you know, I know you've heard this many times, but the intent was a lei around the island to preserve lateral access to the coast and I can see because we cannot... we don't have land to go along the coast, so you are going to cross the highway and go up, but there is no need in my mind to go up into the Houselots areas just for the sake of getting the bikes to ride up to the park.

Mr. Fujimoto: There is another secondary benefit. Like I said, it provides people from the Houselots to actually use the bikepath and safely get to the main...

Mr. Rapozo: Are we going to do that for Hanamā'ulu and Keālia and Kapa'a. I mean, why...

Mr. Fujimoto: That was my understanding that there would be segments that would reach out into the communities.

Ms. Yukimura: May I say something?

Mr. Rapozo: Sure.

Ms. Yukimura: I mean one thought is that a child from Wailua Houselots could go to Lydgate Park on bike and it is true that in Hanamā'ulu, I did ask about how they would get from the bikepath that comes from Nāwiliwili into Hanamā'ulu town because if you are wanting to connect workplaces or people places, those connections are important. I mean, I am not saying that all of that outweighs all of

the other considerations, but that is a possibility that a child could ride safely and that is only if you actually address those issues of Eggerking's width and all of that could line safely from Wailua Houselots to Lydgate Park.

Mr. Rapozo: Okay, and I guess my question is, I understand Merle Grimes and I don't really care what Merle Grimes thinks, but I care what the Houselots people think and it just doesn't sound like that is what they want, so my question is and we will follow up with this later because I don't know how many people attended the meetings and I don't know how much effort was... from what I hear today and the few phone calls that I received since the article is not a very popular choice to go up into the Houselots with the bikepath. So, anyway, Mr. Kouchi?

Mr. Kouchi: And I guess I mean this in all sincerity and I don't mean to be a wise guy about this, but it just seems that the key fundamental question that needs to be asked is, philosophically, how are we going to go about our planning process? Are we going from a top driven where the County goes out and does EA's and puts plans and specs together and come out or is it a community base community driven process where we go to the community before we spend any money and find out what they feel and think and, then upon the recommendation of the community take the next step forward. I came out in my personal opinion on the short end of the argument because I used to be a more top driven kind of process person, but the people of Kaua'i spoke loudly in 2002 to say that they wanted a community driven process. That it should be community based and not government dictating to them and it appears somewhere along the path, philosophically, that we have lost our way.

Mr. Fujimoto: I agree with you and I think it is a combination of both. We need experts to tell us, you know, what is the best way of doing this. The most efficient and how it is done historically to learn from other people mistakes and to get community input. I agree that there seems to be a shortcoming on the community input process that we are just following a process that was established for years and years, but we are realizing that there is a shortfall, shortcoming there. People don't really know what is happening until it is almost too late.

Mr. Kouchi: But, Donald, I guess my point, though, was that... because you are coming in not from the beginning of this Administration, but there was a commitment from 2002 by this Administration that that old way was not the best way and that the better way was to be community driven, that the better way was to get that input, so that you were empowering people.

Mr. Fujimoto: My understanding is that there was a community input process. There was community input as to whether it is a small group that should have been expanded. Apparently, again, a lot of people don't have time to actively participate and that is what is happening. You have the few minority that has the time and the energy there out there, but they do not necessarily reflect everybody

and that is the problem.

Mr. Kouchi: But I think Mel hit it on the head earlier which was part of the Salt Pond issue and everything when did the sign advertise. Come to a Ka Leo meeting or come to a meeting to discuss a bikepath being placed in your neighborhood. Come to a meeting to discuss having this drug treatment center versus a Ka Leo meeting and if, you know, we want to have greater participation, we need to have...

Mr. Rapozo: Hang on real quick. I just want to get Mr. Bynum's comments relating to that topic.

Mr. Bynum: Because I have attended many meetings about this in Wailua Houselots. I lived in Wailua Houselots for 14 years. The reason... on this particular EA, there are two (2) connections to neighborhoods. There is one at Houselots and there is one up to Kawaihau. Both of those connections are in there because of initiatives from the community. People in the community said, we want safer transportation alternatives, we want our kids to be able to make it into Kapa'a into the markets to go to the ocean safely. We would like improved sidewalks... when the bikepath project was going, community members saw that as an opportunity to do that and they advocated... not all community members wanted that, but some disagreed, but at least a couple of dozen people lobbied in Wailua Houselots. A similar group in Kawaihau said, hey, we love this path that got put up Kawaihau Road. It has made it safer for our kids to go to school, but it is not safe to get from Kapa'a Elementary School down to the highway, so as you go through this presentation, there is a segment to connect the communities. This is foremost a transportation project and transportation is anytime a human being moves from point A to point B and to move there safely and to move there on a dedicated path where there is an opportunity whenever possible separate from the roadway. So, you know, every planning process seeks community input. There has been a number of community meetings and there is another one scheduled now and there is outreach, there is fliers and notices and some instances, people have gotten even door to door. We can't make the community come out, right? So at this point and this is after years of planning and now there is a newspaper article and now there is a... so I want to be clear that the reason there is a connection to Houselots and the reason there is a connection to Kawaihau Road is because it is a community initiative. That is how it started in the first place.

Mr. Rapozo: Thank you Tim. You have a question or...

Ms. Iseri-Carvalho: And I think the community consists of more than people who show up at those informational meetings. I mean, a lot of the comments that I get are from people that attend baseball games, that attend soccer games that are at the park... that at these various functions, we cannot simply rely on the easy way out and say, this is the informational meeting and if you come you get your

voices heard and if you don't... I mean, we look at how much people that have to work two (2) or three (3) jobs and they don't have that ability. But if their kids are out there playing soccer or their kids are out there playing baseball and they have the opportunity to see you, I find those comments just as valid as those that show up at those informational meetings. I disagree that just because you have an informational meeting and you have two (2) dozen people, that means it is community driven. I don't think that is the case, so it is our duty as Councilmembers to try to get as much opinions as possible from the community. Like I said, you cannot be selected in what group... some people... the local culture, a lot of the people don't come to these public meetings and even voice their concerns. We had a humongous amount of local people that were here last week that basically watched the testimony and I am sure had thoughts and wanted to say something and never came up to this mike. For the first time, I think, this year, we have had more new people that come in and make statements because they realize that these kinds of decisions are really impacting their lives already and will be impacted their children lives and their children lives. I mean, you know, I like the word community driven, but let's make sure that we are talking about a large segment of the community and not a half a dozen people.

Mr. Rapozo: Is there anymore to this presentation except the... that pertains to Phase III? Because I wanted to focus on Phase III today because of... I did not expect this today because I did not expect the article. And because of the article, the timing was okay, we have people here to testify, so does anybody have any questions for Donald as it relates to Phase III of this path as what has been discussed? Phase III is the Wailua Houselots. Not from the community, from the Council.

Mr. Fujimoto: I would just like to echo what Councilwoman Iseri-Carvalho just mentioned that we really have to look at this public, this process, and it doesn't seem to be working. I think we need to have more steps or there needs to be something, but it is really hard to do a project, get only one side testifying and then all of sudden when you are ready to complete it, get a whole different picture come in. In our best efforts, I have always believed that one of the things that we really have to do is always look at the negative of one project, so we can address these even though these people don't come up and say it. We need to look at the other side of the project, you know. For every positive, there is a negative and we need to address that.

Mr. Rapozo: You know what, we are going to have to change the tape at 12:21 p.m. I was hoping that we could wrap this up and I don't want to spend a lot of time because it is going to be deferred, but I do have some areas that I want to cover before the next meeting. I know that Councilmember Kouchi has a question that he wants to pose before then. Why don't you ask that question now Ron.

Mr. Kouchi: My question is not to be answered today Donald, but just what Shaylene brought up about that advertisement and potential commercial

activity. Kane, when we were meeting over at the Civic Center had predicted that and we assured him that public money was being spent and this was a public recreational piece to be used by visitors and residents, but not to be someone's commercial enterprise, so I would be curious as to how we would look at regulating that if those kinds of ads are appearing. As I said, I know that you have to take a little bit of time, when it comes back up.

Mr. Rapozo: You know, we are going to take the break and then we are going to come back and wrap this item up. I don't know, Donald, what time do you have to be out of here?

Mr. Fujimoto: 2:00 p.m.

Mr. Rapozo: Okay, we have some time. We are going to come back and resume this discussion.

Ms. Iseri-Carvalho: At what time?

Mr. Rapozo: After lunch because we have to take the lunch break for our staff, so at 1:30 p.m. we will be back. But I just want to say this because I hear about the communication about how we can get the word out. You know, all of a sudden, this table here and many others, every two (2) years go out we feel that it is important enough for the people to know what we can do for the community. So we either walk house to house or we send out notice to every household. The Mayor does that extremely well. I don't see why this issue should not be treated with the same importance. Why is it so difficult to notify everybody in the community that is going to be affected with a simple postcard with a simple letter and I know I am talking to you Donald and it is not intended for your ears, but you are here, poor thing and you take all the punches every single week and I appreciate that. It is not you. This predates most of us here. I can honestly say that I have never supported this because of the uncertainties in this project and you say it coming for a long time and now it is surfacing and now we have to deal with it and, again, it cost money. But I think when we deal with a project such like this, such as the treatment center, why is it so hard for this County to put out a notice to everybody who is going to be affected. I just don't see it being that much of a problem, but I can tell you that I lived in the Houselots for 15 years, but my position on the bikepath was known from the beginning. Do you think I got a call to come to the meeting? Of course not because I didn't need to be there because I had already made up my mind, so the process is flawed and it is not a good one. As far as if you want to get the message out and get an honest feedback from the community... like what Ron says, if it is going to be delegated and dictated and said, no, this is what we are going to do for you because we know what is best for you, it is not the right way and I heard you say that you agree with that, Donald, and I appreciate your honesty. Anyway, we will take a lunch break and we will be back at 1:30 p.m.

Ms. Yukimura: I have one announcement.

Mr. Rapozo: Sure.

Ms. Yukimura: As Planning Committee Chair, I just want people to know that I am going to be asking the Committee, the Planning Committee to defer Bill No. 2203 which is the big box bill, so that we can have the whole Council at the final vote on it. I just want to let everyone know that we are not going to be making a final Committee decision on the big box bill today.

Mr. Rapozo: But you will be taking testimony?

Ms. Yukimura: Yes, we will be taking testimony, so anybody who wishes to testify on the matter should come back after lunch, but anybody who is here just to see the final decision in the Committee, that will be deferred with consent of the Committee, it is just going to be my recommendation, but that it be deferred to the next Committee.

Mr. Rapozo: With that, we will take a lunch break until 1:30 p.m. The Committee stands at recess.

There being no objections, the Committee recessed at 12:23 p.m.

The meeting was called back to order at 1:32 p.m., and proceeded as follows:

Mr. Rapozo: Donald?

There being no objections, the rules were suspended.

Mr. Rapozo: Unfortunately we had to take the lunch break, so we will resume where we left off. Are there... I know that Councilmember Kouchi and Yukimura are not here, but are there any other questions for Donald regarding this alignment or regarding the bikepath between Nāwiliwili and... Ahukini and Anahola?

Ms. Iseri-Carvalho: Committee Chair, we do have the questions that we had requested, but is that what you intend to go over or do you want to have questions on the presentation that was done by Donald?

Mr. Rapozo: I am not sure. Donald, I am not sure...

Mr. Fujimoto: I am not prepared to address other issues. It was pretty much only what is on this PowerPoint.

Ms. Iseri-Carvalho: I am sorry, what...

Mr. Fujimoto: The only thing that I can provide you is things on this PowerPoint that are... anyway, if you ask me, I can try to address it as best as I can, but, really, the detailed response is coming from Doug and I am waiting for that.

Ms. Iseri-Carvalho: And...

Mr. Rapozo: I don't want you to assume or guess and I would much rather just get it from Doug, but I guess my concern is what assurances can we have that he will be here at the next meeting and what really takes precedent in your eyes as the Department Head. Is the traffic coalition thing going to take precedence over... I need to know, so...

Mr. Fujimoto: Again, I am not sure. Today's meeting was actually prompted by the Mayor. He is with the Mayor.

Mr. Rapozo: That is fine. Like I said earlier, Shay and I are both on that coalition as well. We have never attended one meeting because of this Council meeting, so when we request the presence of someone from the Administration to specifically answer a concern, you know, I think they should be here. That is just my opinion. The traffic coalition may be... we sat here earlier today talking about raises for people and, you know, part of that is... it is the total package. We have to all be obligated and have some kind of accountable. We are in budget right now and I don't think you folks would be too excited if four (4) of us decided to take the day off and extend the budget or not hear your specific department's concerns. We have to do that and this is not the first time that Doug hasn't been here. It is not the first time and that concerns me because if he is not here and somebody else here that can answer, I don't have a problem. It don't matter who sits there as long as they can answer the questions, but if the only one person in this County those questions and he goes off to a traffic coalition meeting, I don't care if it is with the Mayor, the Governor or the President, that doesn't matter to me. The issue at hand is an issue that we want to resolve and we cannot resolve unless we get the answers and now we are going to defer it for another two (2) weeks. It doesn't matter to me because that is our hammer I guess as Ken says. Get a bigger hammer and this is the only hammer that we have, but it is not fun and it is not fun for you, so what kind of assurances can I have where we defer this for two (2) more weeks and that Doug will be here or somebody will be here that can answer these specific questions.

Ms. Iseri-Carvalho: Can I intervene here? Donald, the last time that this was on the agenda on April 4, Doug was the one that requested the month long deferment, so it was set at his request and that is what I think is offensive in the sense that we try to accommodate your request, we set it on the date that you request or your Building's Chief and then he doesn't show up. And the questions that were provided had to do with the cost and we had a huge discussion by the Finance Committee Chair about the cost and how we were complying with Federal, State or County regulations, what were the minimum requirements, the workage

that had been done. We had received a lot of communication from people trying to imply that, basically, the bridge work was halted as a result of the Council which was totally inaccurate and which we had wanted your department to clearly make... correct erroneous statements to say that, in fact, those bridge repairs had not been conducted due to the contractor's responsibility because they had not received the materials. They took down the bridge without having the materials to replace it, so simple things like this, you know, we get accused of that really isn't true and we don't hear the accurate information coming from your department. Now you guys have chosen to continue the work on the bikepath without answering the question that we have, so it does seem like there is some priority that you guys want to do your project and do it how you guys want it done without even having the input from the Council because we can't really make input without having all of the necessary information in order to give you a valid input as to some of these issues. So I would hope that this would not be deferred for another... more than two (2) weeks. We had just had a discussion here earlier about salary increases and the Salary Commission had proposed, you know, 25% increase in the first year, second year 7% increase, third year 7% and then another year after that 7%. So we are talking about humongous increases and one of the concerns was brought about the evaluation and that the public should have some input into the evaluation of the Department Heads or the Departments would be subjected to salary increase because why should the public or the taxpayer pay for additional raises when we have people who we cannot even assess their performance because they don't even show up to give the information. I hope that would be taken to heart and that the people, I think, we work for the public and they are here and they want answers and I think you as a Department Head should be able to offer a bigger hammer than we can in order to have the information answered.

Mr. Fujimoto: As I mentioned before, he is with the boss, my boss and I have no control over certain things and that is one of them.

Mr. Rapozo: Yes, and I understand that Donald. We are not blaming you per say, but I need some assurances that he is going to be here.

Ms. Iseri-Carvalho: I think the concern was that even if he is not here, then there needs to be somebody in that Department that has the information. We cannot rely on one person solely to have all of the information.

Mr. Fujimoto: And, again, in defense of myself, I guess, you know, just the fact that you mentioned that he asked for one month deferral and he does not come with the information... I cannot make any assurances for him. At the level of detail this question is at, the only person that can answer it correctly is him. He was intimately involved with the project and he is the one that has the answers.

Ms. Iseri-Carvalho: Maybe he has it. We don't know because if he had the answers, he could have easily relayed those answers to you to provide to us.

Mr. Fujimoto: My understanding is that he is awaiting a response from the Department of Transportation. In any event, those are the concerns and I think that they are valid concerns especially, like I said, when the date is set to accommodate the person requesting it which was Doug Haigh. He requested this date to provide the answers and if he was not going to get the answers, surely, whatever answer he had, he could have provided it in written form as opposed to you trying to justify why he is not present. And going back to... besides these questions, I guess the other concern that I had was about the purpose of the bikepath and about the visitor destination and about trying to go back to consider whether or not a visitor attraction as was described in *The Garden Island* and this is statements, I believe, that were provided by your consultant. I am confused as to who the consultant is because they refer to Kimura International as being a consultant and I know you referred to Merle Grimes as being a consultant. Do we have two (2) consultants on this project?

Mr. Fujimoto: I am not sure. Just different phases, so I guess I am not really clear on what phase we are talking about, but Kimura is, yes, for Phase III, I think it is Kimura.

Ms. Iseri-Carvalho: Which was the Wailua project, but then I know earlier, there was testimony that you said that Merle Grimes was consulted and he referred to scenic points or destinations.

Mr. Fujimoto: And that was the original... I believe he is involved with Phase II which is what we are doing now. Excuse me, he is with the overall... there was a conceptual bikepath consultant and I think he is involved in Phase IV (Līhu'e to Lydgate, Ahukini to Lydgate).

Ms. Iseri-Carvalho: Ahukini to Lydgate?

Mr. Fujimoto: Yes.

Ms. Iseri-Carvalho: And just to voice my concern with Mr. Grimes, Mr. Grimes was also the person that was involved with the Lydgate who did not comply with the State regulations on ADA compliance which now, our project is in jeopardy and that we need to incur cost that we would not otherwise have... had to incur had we had the consultant be aware of what the State laws were in order to comply with them. So I would have some concerns about his qualifications especially with the ADA requirements in light of what we had learned at our last meeting last week. And then I guess my final comment would be, when we have statements made in the final EA that says that this is something that could emerge as one of Kaua'i's leading visitor...

Mr. Fujimoto: ... it provides several things. It also provides, hopefully, some recreation to the users. It is a coastal path and hopefully the residents will benefit by the use of that path.

Ms. Iseri-Carvalho: Donald, I guess and, you know, the reporter may be wrong, but it is actually in quotes and it says that it is quoted from the environmental... the final environmental assessment report, so I don't think that this is something that came from the reporter, but a line that was contained in the final environmental assessment, but there are multiple purposes, there is no question, but I think the issue is to try to resolve those with the community. I think they are the most important as far as giving input especially when it is going to impact them in a very direct way. I mean, you think you live in a residential area and then all of sudden you have an entire bikepath, 12 foot bikepath going through your homes and your houses and through your park. Thank you.

Mr. Rapozo: Anything else for Donald? If not, thank you Donald. This will be deferred until May 16. We will have, again, additional parties in this... more specifically the State. There has always been a concern regarding the coast, the coastal preservation of this path and although this specific phase that goes up into the Houselots is far from the coast... there are other segments along this path that are quite close to the ocean. It was quite disturbing to see the recent work that was done out in Pono Kai. I am not even going to show the presentation today, but I will do it on the 16th when we have the State people here to talk about it because we have been in discussions with DLNR and with the coastal conservation... Office of Conservation of Coastal Lands. I have to say that I am actually pretty excited that, now, they have started to take interest because I think what we have been saying for so long that has been ignored regarding our coast and that is the precious resource. I mean, our coast... we only got one of that right around the island and when we start messing with it and when you read about this... emerges Kaua'i's leading visitor attractions at the expense of our coastline, I am sorry, I cannot support that period. The Office of Conservation & Coastal Lands, Sam Lemmo... you know, there was a request or an application to extend the CDUA, the Conservation District Use Permit needed to be extended because, obviously, were not going to be completed in time. Although the application was approved, so now it has been extended for two (2) years, there were some concerns that I would like to read and that they will address when they are here on the 16th. It says that the OCCL which is the Office of Conservation and Coastal Lands notes that there are discrepancies regarding what was approved, revised and actually built. They are asking for the as built plans within the conservation district to the OCCL. In addition, an existing possibly historical structure known as the pineapple dump was not defined in the CDUA. Please explain this existing structure including the creation date, former purpose and any improvements and also provide some photos. Furthermore, the OCCL would like to... and this is dated late April of... this is a couple of weeks ago. Furthermore, the OCCL would like to note that should the improvements impact shoreline processes or resources, the improvements shall be removed pursuant to condition number 10 of the CD(inaudible)3160. The reason I bring that up is because there is an ongoing dispute regarding where that shoreline is and we've been informed that the shoreline certification really does not expire. Once you have a shoreline certification and at the time of your SMA permit

application, it is valid for as long as you want. You want to go 10 years and build your structure, go for it. Erosion could be two (2) feet (inaudible), it doesn't matter, you can build your house on stilts over the ocean. That is what we have been told. That is not how I interpret the State law, but that is what we have been told. This shoreline certification issue has been one and we are going to square it off on the 16th because we will have the State here to finally, once and for all... they have reviewed the photos of the Pono Kai and they are asking the same questions. Donald, I don't know if you are in contact with them, but I will tell you what they are saying. How in the world could you guys get the permits without a valid shoreline certification. That is what we were told by the State. It doesn't matter. Let's lay the concrete now, so that it is there, so we can go get a variance if we need to. That is not the way to do business, not at the expense of our precious, precious coastline. If you have been behind Pono Kai, go take a look now. It is disgusting. You know, we used to have a nice little path that would go between the ocean. There is a whole lot of erosion there because of a rock wall or a seawall that is there that should have never been placed there, but it is there causing the erosion. If you go look back there today, it is horrible. I know Mr. Pa, I don't know if you have been down there, it is recently, they just laid the concrete within, I guess, a week or so and it hurts to see that because that shouldn't be there, but it is. So we will address this on the 16th with the State DLNR, with the coastline people, we will have Dr. Chip Fletcher and Dolan Eversol (the geologist at the University of Hawai'i) because this is a serious matter and maybe we haven't... maybe we have been accused as... this Council has been accused of nitpicking and holding up the project, but you know what, once it is done, it is done and we don't get it back. All I am saying is, let's take a breath and let's make sure that we are doing it right. Mr. Taylor, as you said, a hammer that we have is just this, Wednesday mornings through the afternoons, we will spend waste of time of many people, so we can continue to let the public know what is going on. And, hopefully, like today, we will like the public to come forward and say, hey, maybe that is not really what we agreed to five (5) or six (6) or seven (7) years ago. Maybe when we were so anxious about having a path around the island, we didn't think about what it would do to the coast, to the actual beaches and to the actual beaches and the shorelines as we lay all this concrete down, this ugly white concrete. I understand now that it has been tinted with some red coloring, so it looks more like brick now, so it is really starting to look like the mainland bikepaths. The brown dirt and the gravel was fine, but, anyway, we will have them here on the 16th of May to kind of clarify some of the issues that are outstanding. And, again, all I can say Donald and to the Administration is make sure the people that can answer the questions are here. As Shay said, this request for the deferment was set... the date was set at the request of the Administration, so the date was set based on what you guys said you could do and to not even be present, I think is an insult to this body. I think it is just no courtesy and it is just frustrating and I am sure that you can sense that by my tone. I am not going to beat the dead horse, we are going to defer this for the next two (2) weeks. Is there anything else that any other Councilmember are going to comment on? If not, I will entertain a motion to defer.

The meeting was called back to order, and proceeded as follows:

Upon motion duly made by Councilmember Iseri-Carvalho, seconded by Councilmember Yukimura, and unanimously carried, PW 2007-3 was deferred.

CR-PW 2007-15: on PW 2007-5

Communication (4/17/2007) from Mel Rapozo, Public Works Committee Chair, requesting that the Administration be present to give an update on the Vidinha Stadium Shearwater Lighting Retrofit Project.

[Received for the record.]

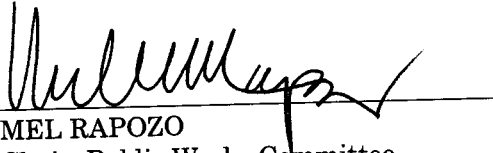
There being no further business, the meeting was adjourned at 2:46 p.m.

Respectfully submitted,



Lisa Ishibashi
Council Services Assistant

APPROVED at the Committee Meeting held on May 30, 2007:



MEL RAPOZO
Chair, Public Works Committee

