

MINUTES

PUBLIC WORKS COMMITTEE

August 15, 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, August 15, 2007, at 11:27 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 11:27 a.m.

The meeting was called back to order at 6:03 p.m., and proceeded as follows:

Minutes of the July 18, 2007 Public Works Committee Meeting.

Minutes of the August 1, 2007 Public Works Committee Meeting.

Upon motion duly made by Councilmember Bynum, seconded by Councilmember Iseri-Carvalho, and unanimously carried, Minutes of the July 18, 2007 and August 1, 2007 Public Works Committee Meetings were approved.

The Committee proceeded on its agenda item as shown out of order in the following Committee Report which is incorporated herein by reference.

CR-PW 2007-20: on PW 2007-8 Communication (6/21/2007) from Mel Rapozo, Public Works Committee Chair, requesting that the Administration be present to discuss the Seawall fronting the Pono Kai Condominium Project.
[Received for the record.]

There being no objections, the Committee recessed at 6:36 p.m.

The meeting was called back to order at 9:51 p.m., and proceeded as follows:

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 until September 12, 2007.]

MEL RAPOZO, PUBLIC WORKS COMMITTEE CHAIR: Let me first of all apologize to Mr. Mickens. I told him that we would have the Administration here. We... I did release Donald because of the time and the fact that we lost a couple of our Committee members, but I will open it up for testimony. Mr. Mickens, and I really appreciate your patience and you can have all the time you want. Start the clock there Lisa.

There being no objections, the rules were suspended.

GLENN MICKENS: Thanks Mel. Well, we have all been here for 11 hours, so I know this is being deferred. I will be in Barcelona Spain in two (2) weeks, so I can't be at that Committee Meeting. It is baseball first and this comes second. So I did... this is important to me and I want to put it in the record, so since I can't be here in two (2) weeks, I will read it for now. I thank you very much for being patient and tolerant. Let me say once again that I am not opposed to bikepaths, but I am opposed to this bikepath. As Mel said, there are some beautiful bikepaths in Southern California, but the big difference in those and the one projected here is that many of them were programmed into the area when it was being developed, whereas, the one on Kaua'i is trying to be retrofitted into an already developed space.

First, I want to, once again, thank Public Works Chair Mel for keeping PW 2007-3 on the agenda. I have repeatedly said that it is deplorable that any agenda item can take over a year and counting to get closure. But weeks, months and now a year has gone by and we are still waiting for this grossly inefficient Administration to give us answers. Let me quote a statement from a regular *Garden Island* columnist Walter Lewis which I believe is very factual and relevant to PW 2007-3. He states, "Our Kaua'i County government has a disconcerting practice of disregarding the important issues we are facing and instead paying its attention to matters of much less significance. A classic illustration is the eastside bikepath that has occupied a vast amount of the time of the County Council for some years now and remains largely unresolved. While its advocates are enthused about it, its completion or discontinuance will not have a major effect on the well being of our island." We aren't asking Public Works how to get to Mars, only questions about a white elephant bikepath that they chose to build. The problems of getting this path through Kapa'a haven't been solved yet. The logistics are like trying to fit a square peg into a round hole. Remember the Mayor's dream or was it a nightmare of building a coastal path to give perpetuity to getting the public to our beaches. Yes, Jay, as usual, ready, fire, aim. For the \$3 million we spent on consultants to plan this path, shouldn't we have expected them to tell us about the

road blocks that would be encountered if we tried to go through Kapa'a, and if we have spent this kind of money so far on a segment of Lydgate Park that isn't a bikepath, it is a walking path if you go down and take a look at it. What kind of time and money can we expect to spend getting from Nāwiliwili to Anahola? Let me once again ask some of the questions I asked last April. They were to be forwarded to the Administration, but no answers were forthcoming just as the 25 questions that Mel and Shaylene have asked with no response:

- 1) What is the actual route of this path from Nāwiliwili to Anahola? We never heard that actual route. We hear rumors of where it has gone, but we haven't heard or seen where the route is going to go.
- 2) What will be the total cost of this project using the figures that should have been given to us from the planners and designers for over \$3 million?
- 3) What do we have documented showing that an EA was done on the total path and that a segmented EA is legal?
- 4) What other projects will be added to this path as the wall in front of the golf course that Kaipo brought up long ago and at what cost?
- 5) What land acquisitions or land condemnation will be needed and at what cost?
- 6) What happened to the project manager that this Council appropriated funds for and what happened to the money?
- 7) How will this path get through the Foodland, Safeway Shopping Center with no bridge over that creek and what about the traffic?
- 8) Since maintenance of the gateway project is almost \$500,000 a year, what will be the maintenance cost of this 16 to 23 mile path? And I keep on hearing the numbers keep on changing from 16 miles to 20 miles to 23 miles.
- 9) What about security on this path that nobody wants to address?
- 10) And as you have heard, real bikers testified and this path at 10 feet wide without a stripe to separate the walkers and the ADA people will be a disaster waiting to happen.

There are so many more questions, plus the 25 that Mel and Shaylene have asked, but when are we going to get answers, real answers. I think these are all very realistic questions. I don't know, I sit here and we have been going on for a year (inaudible) questions being asked. I don't know why they are so hard to find answers to unless they are no answers. I don't know. I don't know. Maybe somebody can tell me, but hopefully within the next couple of weeks or something, something will be done about this. But I see that the problems that are going to be faced with this projected thing and, you know, you heard Ron say it was projected originally to go around the whole island up into Kōke'e, and now here we are just trying to get through Kapa'a and we haven't done it after a year or two (2) years of timing. So as Walter said, the importance of this thing, what is the major importance to have some people being able to walk on the path (inaudible) walking on it now and bicyclists are not going to use that path down there. They are not

going to use it, not real bicyclists, they won't. Anyway, thank you very much and I appreciate your tolerance for hearing me and I appreciate your time. Thank you.

Mr. Rapozo: Hang on Glenn. We have a question. Mr. Bynum?

TIM BYNUM: Hi Glenn.

Mr. Mickens: Hello Tim.

Mr. Bynum: I usually just listen to all of this when you come up here every week because it is giving you an opportunity to talk about this many, many times, but I thought I would say a few things today. You know, your testimony (inaudible) Lydgate Park, it is not a bikepath. You might know that I spent considerable time at Lydgate Park and I have a hard time telling all those kids I see riding their bikes on that path.

Mr. Mickens: That is true. There is a couple, but go walk and look at the (inaudible).

Mr. Bynum: Do I get to talk now?

Mr. Mickens: Okay, go ahead.

Mr. Bynum: It just... I have time... all them kids I see riding their bikes over there. I think when the path gets connected, we will see more bikes. Right now, the path is not open. I have been staying off of it because it is under construction over there in Kapa'a. Word seems to be getting through Kapa'a. I was walking through Kapa'a Beach Park the other day and saw that the railings were going up on the bridges and, you know, some of our citizens are walking on the path and riding their bikes.

Mr. Mickens: How long has that bridge been going on Tim?

Mr. Bynum: I know, I understand that, but it is happening, so, you know, you list these 10 questions and, you know, we've had more than 25 questions. It has been over 100 at least. I mean, this is my bikepath file, one of these big fat files and, you know, a lot of these questions... I am not going to go over each one, but they have been answered a dozen times, you know.

Mr. Mickens: They have?

Mr. Bynum: You know, when I look down your list every week, I think, I know the answer to that, I know the answer to that, I know the answer to that, I've heard the answer to that. So, you know, I just want to say that I don't agree with you about your opposition of the bikepath (inaudible) only few people will use it and I think there is a very large number of people on Kaua'i that are thrilled with

the benefits that this has which are multiple. You know, I always enjoy listening to your comments and I very much appreciate your diligence and often your observations on things here at Council, so thanks. It is late and we are going to go home now.

Mr. Mickens: Thanks Tim.

Mr. Rapozo: Anymore questions for Mr. Mickens? Go ahead.

JOANN A. YUKIMURA: I just want to say that tonight you've earned your title of the 8th Councilperson.

Mr. Mickens: Wait a minute, there was a 4:30 in the morning if you remember JoAnn. Remember that?

Ms. Yukimura: I remember that. That night you earned it too.

Mr. Mickens: Thank you.

Mr. Rapozo: Thank you. Thank you Glenn.

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

Mr. Rapozo: Any discussion before I call for the motion? I am going to be asking for a motion to defer. Unfortunately, I will be out probably for the next four (4) weeks to six (6) weeks due to a surgery that I have to get done. I am going to be asking for a deferral for two (2) weeks and I will not be at the next meeting. I do want to bring up and if the staff would just take note some of the concerns that I want to have addressed although I won't be here and I am hoping that the Committee will take this up at the next meeting... the next segment that is going out for public hearing now for the SMA permit, this is the Lydgate Park to Kapa'a and this is the public hearing or this is the request for an SMA use permit to construct the shared use path approximately two (2) miles long from the southside of Wailua Beach to the Lihi Park. It will be 10 to 14 feet wide and will incorporate a combination of concrete, boardwalk and pavement striping for delineation purposes (a project summary is attached). My concern is as we had the discussion today on Pono Kai, a good portion of this path is, in fact, on Moanakai Road where we are exis... where we are experiencing the erosion and a faulty wall. As we spoke earlier tonight about the path that was laid by Pono Kai and now we are finding out that we are going to pretty much going to have to go in and repair that wall, I don't know why we are moving forward on the segment by Moanakai which is baby beach, Fuji Beach.

Ms. Yukimura: Oh, okay.

Mr. Rapozo: We will have more discussion when the Oceanit people come, but on that site visit, I was informed by the Doctors... there were two (2) Doctors here doing the study that, in fact, the erosion has now undermined itself under the road. What the plan is for the Moanakai segment is to convert Moanakai to a one-way road and utilize 12 feet of that road as a bikepath and the remainder as the vehicle path. The problem with that is that we don't know what the damage underneath is and I don't want see us to do the ready, fire, aim again. I don't want to see that. I want to make sure that before we go out and even start to look at that portion of the path on Moanakai, we need to determine what the problem is under that road. I was kind of surprised to hear that we were going to convert that to a one way road, but that is the plan.

The other big concern that I have and I am hoping staff, if you could make note, and if... I think I know the answer, but as we saw today what the Oceanit study said, you know, they are requiring us or they are asking for us to go do the survey, the shoreline survey. Much of this project will be in the SMA area and we are requesting an SMA permit. Not an amendment, but an original. We are asking for an SMA permit and we all know that part of the SMA permit is a requirement to have a valid shoreline survey done. All I am asking, staff, is to write a letter to the Administration asking them to please adhere to our law that we need to get a shoreline certification done prior to moving forward... prior to applying or part of the application for the SMA permit needs to be a shoreline certification and that is the law. And let me just state publicly that if, in fact, they don't do it this time, I will challenge it because I think it is clear. It is not disputed that when you apply for an SMA permit... this is not an amendment, so they can argue all they want. Well, if it is an amendment, we can go with the original. This is an original SMA permit and it is quite clear in the law that a valid certified shoreline be submitted with the application which means along this path from... all the way from Wailua, all in front Wailua Bay, all the way out to Lihi, that a new shoreline certification be done. Now as you stated earlier Mr. Furfaro and I think others have earlier, that runs into a problem because we have an unpermitted structure along the way which is the seawall. So we got some issues and all I am asking is that, please, Committee, make sure while I am gone, make sure or Mr. Mickens that we adhere to the law to protect our investment in this bikepath, so that we don't lay down thousands and thousands of dollars of concrete that we need to tear up later to repair some undermining that is currently going on. And that is not from Mel Rapozo, that is from the Oceanit experts, so that is my wish.

Ms. Yukimura: Mr. Chair, I am wondering... I think that letter can go out pretty quickly as soon as staff prepares it and I think it is good to put it in writing, but would you prefer that we defer this until you come back? I mean, we could do that too because you have been such a leader.

Mr. Rapozo: Well, but I think that the discussion needs to be had. There is also some issues and I spoke to the Chair earlier today about that, about moving forward with the equestrian path and that is something that we have still

yet to have our next workshop.

Ms. Yukimura: Right.

Mr. Rapozo: So there are many issues out there that I think we need to address. You know, I will leave it up to the Committee. I think it is important enough that it stays on, but if I would be honored if you said wait until I come back, but I am...

Ms. Yukimura: Yes, unless there is a...

Mr. Rapozo: I think some of these issues are quite... I kind of want to tie it in with the Oceanit people as well. I am not sure what their... when their final report is going to be. I don't want to delay Oceanit. If, in fact, we can get Oceanit here in two (2) weeks, I think that is important too and I trust the Committee. I don't think... I trust the Committee. Mr. Bynum?

Mr. Bynum: Two (2) things. I just wanted to concur with you about the Fuji Beach seawall being critical for the (inaudible)... you know, the public process that, you know, happened... one of the really good thing that has come out of that is looking at all of the shoreline issues that were listed here in the Oceanit thing, so I would strongly encourage that that item that you are reconfiguring to include all of those shoreline issues remain on the agenda and we will miss Councilmember Rapozo as these meetings, but I would hope that the seawall one would stay. Perhaps whatever your decision, perhaps this agenda item that we are on right now could be deferred until the first Committee Meeting when you rejoin us and we move forward with the seawall because that is real timely and that will address some of the concerns you just mentioned. We definitely should address the seawall issue before we start designing the bikepath adjacent.

Mr. Rapozo: I agree.

Ms. Yukimura: That sounds reasonable to me.

Mr. Rapozo: I agree. I think the seawall issue needs to be taken up as soon as possible and working with Bernard and, again, going back to... I think it is a Public Works issue and getting Donald and everybody else involved.

Ms. Yukimura: So in that case, staff has pointed out maybe September 12 meeting we defer the bikepath issue.

Mr. Rapozo: That would be a good target for me to aim for recovery.

Upon motion duly made by Councilmember Furfaro, seconded by Councilmember Bynum, and unanimously carried, PW 2007-3 was deferred until the September 12, 2007 Public Works Committee Meeting.

There being no further business, the meeting was adjourned at 10:07 p.m.

Respectfully submitted,



Lisa Ishibashi
Council Services Assistant

APPROVED at the Committee Meeting held on September 12, 2007:



MEL RAPOZO
Chair, Public Works Committee