

MINUTES

PUBLIC WORKS COMMITTEE October 1, 2008

A meeting of the Public Works Committee of the Council of the County of Kaua'i, State of Hawai'i, was called to order by Councilmember Mel Rapozo, Chair, at the Historic County Building, Room 201, Līhu'e, Kaua'i, on Wednesday, October 1, 2008, at 9:07 a.m., after which the following members answered the call of the roll:

Honorable Tim Bynum
Honorable Shaylene Iseri-Carvalho
Honorable Ron Kouchi
Honorable Mel Rapozo (excused at 12:30 p.m.)
Honorable JoAnn A. Yukimura
Honorable Jay Furfaro, Ex-Officio Member
Honorable Daryl W. Kaneshiro, Ex-Officio Member

Minutes of the September 3, 2008 Public Works Committee Meetings.

Upon motion duly made by Councilmember Iseri-Carvalho, seconded by Councilmember Yukimura, and unanimously carried, the Minutes of the September 3, 2008 Public Works Committee Meeting was approved.

The Committee proceeded on its agenda items as follows and as shown in the following Committee reports which are incorporated herein by reference:

PW 2008-2 Communication (4/7/2008) from Committee Chair Rapozo, requesting that the County Engineer provide for discussion purposes an action plan, timeline, and cost proposal for the repair, removal, and/or maintenance of the seawall fronting the Pono Kai Resort in Kapa'a.
[This item was deferred.]

MEL RAPOZO, PUBLIC WORKS COMMITTEE CHAIR: The next item is PW 2008-2, which is a communication from myself requesting that the County Engineer be present to provide information on the Pono Kai Resort seawall in front of Pono Kai. We have a meeting scheduled with Mr. Sam Lemmo next week Thursday. So I will ask if there is no objection and no discussion, I would ask for a motion to defer pending the meeting with Mr. Lemmo.

Councilmember Bynum moved to defer, seconded by Councilmember Iseri-Carvalho.

Ms. Iseri-Carvalho: Ask for public testimony.

Mr. Rapozo: Oh, I'm sorry. Thank you very much. Is there anybody in the public that would like to speak on this matter?

Ms. Iseri-Carvalho: Bruce.

Mr. Rapozo: Okay, I would ask that we withdraw that motion to defer and the second, please?

Councilmember Bynum and Councilmember Iseri-Carvalho withdrew the motion to defer and the second.

Mr. Rapozo:

And I will suspend the rules.

There being no objections, the rules were suspended.

Mr. Rapozo:

Mr. Pleas.

BRUCE PLEAS: Bruce Pleas for the record and I checked on the Internet. They do have a draft erosion study for that area right now that...looking at a previous draft when, for the west side, and what came out at the end, the numbers were...you could almost call them significantly different. But on this...this...the...the shoreline erosion maps, you have to check the dates very carefully as to when they're taking the erosion rate from. Sometimes there are seasonal changes that happen and if they take...if they're comparing January to July, that's like apples to oranges. It's better if they compare July to July. Also, too, I provided you with a sea level...a website, and also I will send it to you again, a website that has sea level heights. When a current rotates clockwise, the sea level rises. When the current rotates counter clockwise, the sea level drops. And it can be as much as 60 centimeters, which is 20 inches, which is basically our tidal heights. That website I will send you has historical...as far back as the satellite was there. It's easy to see. You need to reference that on any figures you have recently because that makes a big difference. Presently, we've had a 3 1/4-inch rise in the sea level around us because of the height of the ocean and we've had significant erosion in areas of this island and I'm constantly documenting them right now on the west side. Also, too, in this meeting I'm sure Jim O'Connell will be at the meeting, I hope you use him to his fullest extent. He is a great asset to the County. He has a contract for two years. He is well worth every penny we have spent for that. Thank you.

Mr. Rapozo:

Thank you.

Ms. Iseri-Carvalho:

I just a...

Mr. Rapozo:

You have a question? Okay, go ahead.

Ms. Iseri-Carvalho: Just a comment. Jim O'Connell has been actually participating actively in our discussions since we brought him on board. It was the Council that actually put in for the Sea Grant position and he's provided, as recognized by our County Engineer, significant expertise that we did not otherwise have. And he comes with...he knows a lot of information and has a resume that is very, very impressive and we're very glad to have him. We anticipate having him on the agenda next week probably to give us...to basically introduce him to the public, that, you know, we took an active role in shoreline preservation and one of the mandates of doing that is to assure that we hire excellent personnel who services the public's interest and works really independently of the Administration and the Council, but works collaboratively too. So, he has his own independent expertise and does his own research and all of that in response to the concerns that are raised by the Administration as well as the Council. So, we're happy to have him and we've had more than several meetings already with him. And, you know, Donald, in our meeting yesterday, really recognized him for in a short amount of time how much expertise he had given to this issue and other issues that are pending before Planning.

Mr. Rapozo:

Thank you. Go ahead, Councilmember Yukimura.

Ms. Yukimura: Thank you. Question about your point about seasonal fluctuations. I could be mistaken, but I thought the erosion rates, which are annual erosion rates, take into...I mean, theoretically they're so long-ranged they don't actually fluctuate by season?

Mr. Pleas: In... I'm not really super familiar with Kapa'a, but I will use an example in the area I am familiar at, which is Major's Bay. They compared November and April.

Ms. Yukimura: Who's they?

Mr. Pleas: The erosion rates and that's where they got the erosion rate from. That would be Dr. Fletcher and them and whoever his staff is.

Ms. Yukimura: Mm-hm.

Mr. Pleas: The difference between those two months, if you go there and use that area, is tremendous. The sand moves approximately 200 yards from summer to winter. So, if you compare the wintertime with summertime, it's completely wrong and you have...at this point they have accretions for an area at Major's where it's...that...only happens during certain seasons. But what I'm saying is for this area you have trade winds. A trade wind time area could have more erosion, coupled with a north swell, then when it's flat in spring, you know, late spring when there's no north swells and no trade winds and that the combination...but that's something that...it's...that's something you just have to look at and you have to talk with the experts on that and you have one in your...

Ms. Yukimura: I think those are taken into account in the determination of shoreline? Is that correct? I'm just wondering how it relates to erosion rates which are annual...annual rates projected after historical data is looked at and so, at least as I understand it.

Mr. Pleas: Unfortunately, this is too small for me to read.

Ms. Yukimura: Yeah, okay, well, Mr. O'Connell...

Mr. Pleas: Just, just check out the dates.

Ms. Yukimura: ...might be able to clarify that when he comes before us too.

Mr. Pleas: Yes.

Ms. Yukimura: Okay, thank you, thank you.

Mr. Rapozo: I mean, I'm hoping Dr. Fletcher didn't use two months worth of data to determine erosion rate and I'll follow up on that.

Mr. Pleas: Yeah.

Mr. Rapozo: That's fine. Mr. Bynum.

Mr. Bynum: Yeah, I just want to say, Bruce, Dr. Fletcher's been here before and discussed this at some length and their calculations, you know, take those seasonal differences into consideration. It's a pretty complex formula of how

they do the data and he was here once before and gave us a pretty detailed explanation of how those calculations are made. So, perhaps we'll have him again because he's involved...and then we have this new asset, as you said, here on island that has similar expertise, so that's really good for us.

Mr. Rapozo: Thank you very much. And, and, Bruce, if you could...the information that you said you were going to forward to us, send it over to Donald as well as the Sea Grant, Mr. O'Connell. I am pleased with Mr. O'Connell's expertise and the best part about him is that he's not a political guy. So, he really doesn't care what anybody thinks. He's a scientist and that's, you know, like he told Donald yesterday and I think Donald you were there, he said, I do the analysis, you make the political decisions. And that's what this island needed for a long time. So, I appreciate that. Thank you very much. Mr. Mickens.

GLENN MICKENS: For the record, Glenn Mickens. Thank you, Mel. I have a short testimony. You have a copy of it. Let me read it for the viewing public and the record. And it may change. I haven't heard Donald. I guess he's coming up later, so I may hear what Donald has to say. In my opinion, this communication has been on the agenda far too long without any resolution. I've heard the Administration give non-answers to questions from Mel and Shaylene and they insist an executive session be held to delve into this issue further. However, Mel and Shaylene answered with a claim that no executive session is necessary. We sat here for almost a year waiting for the Administration to give answers to a series of questions from Mel and Shaylene and the public about the white elephant bike path, but most of the questions were never answered. In fact, Mel in his justified frustration to get answers threatened to recess the Council until Administration came forward to comply with his request. No answers ever came and the issue, like so many others, just died. My point is that something is wrong with the system that this can continue to happen as it is now happening with PW 2008-2. I believe that Mel has brought up the use of Charter Section 3.17 to expedite things and I support this avenue 100%. For me it is inexcusable that any request by this Council to the Administration can't be answered by no more than one excused delay and that some kind of resolution should be reached in one Committee and one Council meeting. And finally, I would offer this solution to this continual bickering back and forth between the Council and the Administration as being to change our system to a managerial type of government which is being used successfully in 60% of the municipalities across the United States and in other parts of the world. Thank you, Mel.

Mr. Rapozo: Thank you, Glenn. Any questions for Glenn? Thank you very much, Mr. Mickens. Anyone else wishing to testify on this matter? Barbara?

BARBARA ELMORE: My name is Barbara Elmore. It relates to this matter, but it's a general complaint that I have about re-arranging the agenda. When people get the agenda by email or come and pick it up, they expect things to be taken in order and sometimes they have to make plans to be here. You know, they always have to guess at the amount of time and you don't know the exact amount of time, but it is very confusing. It makes the people in the public feel like our time is not important that you must be rearranging the schedule for the convenience of certain County officials or certain more important people, and I would just like to see whenever possible, you stick to the agenda, even if you've paid somebody to come over here from Honolulu. Our time is just as valuable as their time, believe it or not, and so it's really hard to follow, especially if you come in late and you have no idea what's going on. Thank you.

Mr. Rapozo: Thank you, Barbara.

Mr. Furfaro: I have some...I have a question for Barbara.

Mr. Rapozo: I'm sorry, Barbara, can you come back? Jay has a question. Go ahead.

Mr. Furfaro: Barbara, would you suggest that perhaps what we do is we schedule a particular time in the morning and take all public testimony for all items on the agenda?

Ms. Elmore: No, that wouldn't make sense.

Mr. Furfaro: Okay.

Ms. Elmore: But I just don't understand the rationale.

Mr. Furfaro: I didn't ask you any more questions. Just...because they do that in other...

Ms. Elmore: Part of my answer is not understanding the rationale for why you do rearrange the schedule. I'm not saying lump all the public testimony.

Mr. Furfaro: I do believe we do have people that come from Honolulu and we do have conflicting meetings at times and I understand your concern. I only wanted to raise that question because other counties allow all public testimony in the beginning of the session on all items.

Ms. Elmore: I don't like that plan.

Mr. Furfaro: I just wanted to ask. Thank you, Barbara.

Mr. Rapozo: Thank you. Thank you, Barbara. Anyone else wishing to testify? If not, I'll call the meeting back to order.

There being no one else wishing to testify, the meeting was called back to order, and proceeded as follows:

Mr. Rapozo: And I just want to say that, you know, there's some issues regarding conservation district issues that we gotta resolve. I will say that I'm very pleased with the progress that has been made by Donald and his crew and appreciate that, Donald. We met yesterday. I was very happy, not just with this issue, but with the next issue as well that's coming up. And I am optimistic that in fact we'll get resolution relatively quickly. So, I just wanted to make that point before I entertain a motion to defer.

Mr. Bynum: Move to defer.

Ms. Iseri-Carvalho: Would we...can we just set the...oh, we'll have the meeting before two weeks.

Mr. Rapozo: Yes.

Ms. Iseri-Carvalho: So a deferral is all right.

Upon motion duly made by Councilmember Bynum, seconded by Councilmember Iseri-Carvalho, and unanimously carried, PW 2008-2 was deferred.

CR-PW 2008-15: on PW 2008-6

Communication (9/25/2008) from Councilmember Shaylene Iseri-Carvalho, requesting that the County Engineer be present to provide an update on the restoration of the Kapaia Swinging Bridge project.

[Received for the record.]

There being no objections, the meeting was recessed at 11:07 a.m. The meeting was reconvened by Vice Chair Iseri-Carvalho at 4:05 p.m. Committee Chair Rapozo was noted to be excused.

PW 2008-7 Communication (9/25/2008) from Councilmember Shaylene Iseri-Carvalho, requesting that the County Engineer and the Environmental Services Management Engineer be present to provide an update on the safety policies and procedures for Solid Waste Collections, including the use of alternative equipment when the regular equipment is not available, and other issues relating to the Solid Waste collection process.

[This item was deferred.]

Vice Chair Iseri-Carvalho: The next item on the agenda is PW 2008-7, which is a communication from myself requesting that the County Engineer and the Environmental Services Management Engineer be present to provide an update on the safety policies and procedure for Solid Waste Collections, including the use of alternative equipment when the regular equipment is not available, and other issues relating to the solid waste collection process. I have in my possession a letter again requesting a deferral. I would note that it is important, that we have already had this item or claims related to this item that had been submitted over a year ago and so it boggles my imagination why it would not be prepared at this time to provide the safety policy and procedures when we've already been, hopefully, implementing them for the past year because the claim that arose from this communication occurred over a year ago. In any event, they have requested a deferral and at this point, I'll defer it for the next meeting. What I'll do now is suspend the rules. Anyone here wishes to testify on this matter?

There being no objections, the rules were suspended.

Vice Chair Iseri-Carvalho: There being no one in the audience, the meeting is now called back to order.

There being no one wishing to testify, the meeting was called back to order, and proceeded as follows:

Vice Chair Iseri-Carvalho: Any discussion? If not, if I could get a motion to defer?

Upon motion duly made by Councilmember Bynum, seconded by Councilmember Yukimura, and unanimously carried, PW 2008-7 was deferred.

CR-PW 2008-16: on PW 2008-8

Communication (9/25/2008) from Councilmember Ronald Kouchi, providing written disclosure on the record of a possible conflict of interest on Communication PW 2008-7, and will recuse himself from any discussion and deliberation on that matter.
[Received for the record.]

There being no further business, the meeting was adjourned at 4:08 p.m.

Respectfully submitted,

Wilma Akiona

Wilma Akiona
Secretary

APPROVED at the Committee Meeting held on October 29, 2008:



MEL RAPOZO
Chair, Public Works Committee

