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M I N U T E S
PUBLIC WORKS AND TRANSPORTATION COMMITTEE
Council of the County of Maui
Council Chamber
August 1, 2001

19 For the record, we have in attendance the
20 Vice Chairperson Dain Kane, Committee Members
Robert
21 Carroll, Riki Hokama, Patrick Kawano, Charmaine
22 Tavares. Excused is Committee Member Alan
Arakawa.
23 Also in attendance we have from the
24 Corporation Counsel Mr. Howard Fukushima; and
the
25 Director of Finance, Mr. West Lo; and Deputy

3

1 Director of Public Works and Waste Management we
2 have Mr. Milton Arakawa.
3 Council staff in attendance: We have Jan
4 Inouye-Ogata, Legislative Analyst; accompanied
by
5 Mr. Gary Saldana, also Legislative Analyst; and
6 Committee Secretary Jo-Ann Sato.
7 At this point if I may ask the secretary,
do
8 we have anyone wishing to testify on any of our
9 items this morning?
10 Okay. There has been no notification
made as
11 far as people wanting to testify on our seven
items
12 today, so, therefore, the Chair will proceed and

is 13 start with our first item on our agenda, which
14 Item No. 43.
15
16 ITEM NO. 43: RE: PROPOSED RESOLUTION AUTHORIZING THE
118) ROADWAY BY POLO BEACH CLUB AOA (C.C. No. 01-
17
18 CHAIR MOLINA: The first item is a proposed resolution
19 entitled "AUTHORIZING THE ABANDONMENT AND SALE
OF A 20 PORTION OF A COUNTY ROADWAY PURSUANT TO SECTIONS
21 3.44.050 AND 3.44.070 MAUI COUNTY CODE SECTIONS
22 264-1(d) AND 264-3, HAWAII REVISED STATUTES."
23 The purpose of this proposed resolution
is to 24 authorize the County to sell a road remnant
25 identified as TMK (2) 2-1-023:009 known as

4

the 1 Keoneoio-Makena Road abutting the property at
2 Polo Beach Club.
3 And as I stated earlier, in attendance we
4 have the Deputy Director of Public Works and
Waste 5 Management, Milton Arakawa; and we have also the

Robert

6 general manager of the Polo Beach Club, Mr.

7 Miskae; and Director of Finance, Wes Lo.

from

8 So, again, this communication in receipt

9 the Mayor transmits a proposed resolution which

10 authorizes the abandonment and sale of a road

11 remnant known as Keoneoio-Makena Road which is

of

12 adjacent to the Polo Beach Club. And the Board

Owners

13 Directors for the Association of Apartment

in

14 for the Polo Beach Club has expressed interest

15 the property.

Works

16 At this point the Chair will yield the

17 microphone to the Deputy Director of Public

on

18 and Waste Management to give us more information

19 this item. Mr. Arakawa.

20 MR. ARAKAWA: Thank you, Mr. Chairman.

21 You have before you the resolution which

22 authorizes the sale of this property. It's

23 approximately 9,900 square feet at the corner of

Public

24 Kaukahi Street and Makena Road. And from a

sale

25 Works standpoint, we have no objection to the

1 of the property. We don't believe it's needed
as 2 part of the roadway system.

3 There are several conditions that we are
4 requesting that be included as part of the
5 resolution. And those are that the utility
6 and other easements be reserved as necessary,
7 but we would also like to have Polo Beach Club be
8 required to consolidate the roadway remnant into their
9 property as well. And that Polo Beach also
10 waives the requirement for an appraisal.

11 So basically that's our brief overview of
12 the proposal.

13 CHAIR MOLINA: Okay. Thank you, Mr. Arakawa.

14 Members, at this point before we proceed
15 with the questioning I would like to ask Mr. Miskae
16 from the Polo Beach Club if he wouldn't mind coming
17 up here, having a seat, and be prepared to answer
18 any questions that our members may have from the
19 Committee.

20 Arakawa Members, any questions first for Mr.

Division?

21 of the Public Works and Waste Management

22 Okay. Mr. Kane.

23 VICE-CHAIR KANE: Thank you, Mr. Chair.

bid

24 Mr. Arakawa, in the resolution under the

excuse

25 result portion or right before that -- or,

6

this

1 me, in the bid result portion under No. 1, that

on

2 would be in the public interest, can you expand

since

3 that and what public interest you see in this

4 the statement is in writing of that?

5 MR. FUKUSHIMA: If I may, Mr. Chairman, respond to

6 Councilmember Kane's query.

7 CHAIR MOLINA: Proceed.

8 MR. FUKUSHIMA: The public interest in this particular

use

9 case would be that there is a portion of the Old

10 Makena Road which the County has little or no

very

11 for that the -- its usefulness to the County is

to

12 limited, that it's more economic for the County

it 13 dispose of it to an adjoining owner who may use
-- 14 in a more approp- -- not appropriate, but a more
consistent 15 How can I say this? -- something that's
- we 16 with the development that's next door, that it -
17 end up with \$99,000 in the County's coffers. We
this 18 believe that is in the public's interests for
19 type of property.
to 20 VICE-CHAIR KANE: Has there been any agreement made as
existing 21 increasing -- Well, let me back up. The
22 parking over there, is there an assignment of a
23 certain amount of stalls for beach access by the
24 public, or is that a public lot or -- just to
25 clarify.

7

1 MR. FUKUSHIMA: It is a County parking lot.
2 VICE-CHAIR KANE: It's a County parking lot?
3 MR. FUKUSHIMA: It is. And the access is not off this
4 particular portion of the roadway. There is an
5 access off of --
6 VICE-CHAIR KANE: Yeah, it goes down farther. Yeah.

7 MR. ARAKAWA: Yeah. Yeah, Kaukahi Street.

8 VICE-CHAIR KANE: Yeah. So this piece of property is
9 adding to the existing Polo Beach Club and the
use
10 is going to be something that we're not
concerned
11 about or we have --

12 MR. FUKUSHIMA: Well, we certainly would be concerned
in
13 that they would be required to use it within the
14 permitted uses consistent with their zoning.

15 VICE-CHAIR KANE: I understand that.

16 MR. FUKUSHIMA: But other than that, yes, they're free
to
17 use it for whatever purpose that is consistent
with
18 the zoning.

19 VICE-CHAIR KANE: Thank you. Just for clarification,
20 thanks.

21 CHAIR MOLINA: Thank you, Mr. Kane.
22 Members, any other questions?
23 Councilmember Tavares.

24 COUNCILMEMBER TAVARES: Yes. I think the obvious
question
25 is: Why wouldn't the County of Maui use this to

1 enlarge the public parking lot?

2 MR. FUKUSHIMA: That's a question I am going to punt
to

3 Public Works.

4 COUNCILMEMBER TAVARES: It wasn't to you, Mr. --

5 MR. ARAKAWA: Well, that's a good question,
Councilmember

6 Tavares. If -- Of course, beach parking is

7 basically going to be under Parks and Rec.

8 Department. I believe there is an existing area
for

9 beach parking there now. As far as the question

of

10 expansion, I guess I would request that we get

some

11 comments from Parks and Recreation to see if

that

12 is, in fact, what they would want to proceed and

do.

13 As far as from the roadway side, from our

14 side, the roadway is not needed as far as the

15 roadway system.

16 COUNCILMEMBER TAVARES: Mr. Chair, I didn't notice any

17 communication from the Parks Department in here.

18 CHAIR MOLINA: There is.

19 COUNCILMEMBER TAVARES: Oh, there is. Wait a minute.

20 CHAIR MOLINA: I believe it's the third page from the
end,

21 Councilmember.

22 VICE-CHAIR KANE: I'm sorry?

23 CHAIR MOLINA: Third page from the end on the back
side,

24 at least in my book.

together

25 COUNCILMEMBER TAVARES: Oh, I see. It's stuck

9

1 with the Department of Planning comments.

2 CHAIR MOLINA: It's from Patrick Matsui.

beach

3 COUNCILMEMBER TAVARES: Yeah, you know, Mr. Chair, we

4 continually hear about the lack of parking for

You

5 access use in South Maui area as other areas.

remnant, I

6 know, when I first read this about a road

7 am thinking about a linear piece that, you know,

8 varies in width from 18 inches to 3 or 4 feet.

when we

9 However, noticing, you know, on the map that

it's

10 look at it, if I'm looking at the right piece,

of

11 where the dotted line is on the map? It's kind

12 that rectangular piece?

13 MR. ARAKAWA: That's correct.

natural

14 COUNCILMEMBER TAVARES: You know, I see that as a

15 extension of an existing parking area. And I

discussion

16 also -- you know, I think we had lots of

Makena 17 earlier when we were talking about parking on
18 Road or Old Makena Road for beach access.
19 I have been to this parking lot a few
times 20 and know that it's very much enjoyed by the
public. 21 There are lots of activities on Polo Beach
itself. 22 So I would be very reluctant to offer this
remnant 23 piece for sale without a more thorough
investigation 24 as to the potential use by the County for
extension 25 of the parking area. You know, it may be that
the

10

parking 1 numbers will show we don't need additional
that 2 in that area, but I would like to at least have
3 investigated.
4 CHAIR MOLINA: So noted. Anything --
5 COUNCILMEMBER TAVARES: Thank you.
6 CHAIR MOLINA: Thank you.
7 Mr. Carroll.
8 COUNCILMEMBER CARROLL: Thank you, Chair.

9 I am also concerned about that because we
10 can't get parking in that area. The land just
isn't
11 available. And if we're going to give that away
12 now, I mean, we're not going to find any other
place
13 to find parking for the public. I would like to
14 know specifically if the parking area over
there,
15 what the capacity is, the existing, and if it is
16 near capacity when they have holidays and
weekends
17 and what.

18 I say holidays and weekends because
that's
19 when you have most people going down there. I
don't
20 want somebody going down and checking on a
Wednesday
21 afternoon.

22 And find out if it's near capacity, well,
23 then I think we should seriously consider what
24 Councilmember Tavares has stated and look into
25 adding that to our parking. But I would suggest

11

1 that we defer this item at this time.

2 CHAIR MOLINA: So noted.

3 Members, any other questions?

4 Mr. Kawano.

5 COUNCILMEMBER KAWANO: Thank you, Mr. Chairman, and
good
6 morning.

7 I would like to hear the Finance, Wes Lo,
any
8 comment from you, sir?

9 CHAIR MOLINA: Mr. Lo.

10 MR. LO: Mr. Chair, Councilmember Kawano, actually my
11 only -- I am not entirely familiar with this
12 transaction other than looking at the values on
the
13 parcel. So I think that's -- I can limit my
14 comments to that, if you would like, on the
15 valuation of that.

16 COUNCILMEMBER KAWANO: Thank you, but --

17 Anyway, Mr. Chairman, I really like -- I,
18 too, am concerned, like Councilmember Tavares
is,
19 and I would sure like to see a site inspection
on
20 this parcel.

21 CHAIR MOLINA: Okay. That is something this Committee
22 will take under consideration.

23 COUNCILMEMBER KAWANO: Thank you.

24 CHAIR MOLINA: Members, any other questions?

25 COUNCILMEMBER HOKAMA: Question.

1 COUNCILMEMBER TAVARES: Chair.

2 CHAIR MOLINA: I'm sorry. Mr. Hokama followed by
3 Councilmember Tavares.

4 COUNCILMEMBER HOKAMA: Thank you, Mr. Chairman.

5 You know, Chairman, you're well aware
that
6 the County did purchase two lots at Palauea,
which
7 is very close proximity to this subject parcel.
We
8 are aware of more intensive use in the area. We
9 know of real property sales in the area. For
one, I
10 am not willing to waive the \$10 figure without
going
11 through a certified appraisal. I don't know
about
12 Mr. Lo, but I don't think a property is that
cheap
13 in that kind of beach front area, even if it's
zoned
14 Ag. So I'm not going to allow the County
letting go
15 the \$10 a foot.

16 And, second, I think the need for public
17 County property for continued public use in
those
18 areas to access beach front activities has a
higher
19 priority. This is already owned by the people
of

20 Maui.
21 So I for one feel that there is enough
22 consensus by the group here this morning that
this
23 is not going to go today. And I think Parks
should
24 be part of a discussion in the future, Mr.
Chairman.
25 CHAIR MOLINA: So noted.

13

1 COUNCILMEMBER HOKAMA: Because I think Parks made it
very
2 clear that the only way they would support the
3 transfer or sale is for it to remain as a
parking
4 lot.
5 CHAIR MOLINA: Thank you, Mr. Hokama.
6 Members, any other comments or questions
at
7 this point?
8 Ms. Tavares.
9 COUNCILMEMBER TAVARES: Yeah, Mr. Chair, just a
comment.
10 I believe that some -- a couple of years back
11 had
someone from the Kailani Hotel in conversation

for 12 talked with me about purchasing County property
the 13 employee parking. And I don't know if this was
some 14 parcel that they were referring to or there was
don't 15 other parcel. But I think that -- you know, I
private 16 know if even -- if we're going to sell to a
17 entity, if we should bring the Kailani into this
18 and, you know, have them give a bid or have an
19 auction of this property rather than just do a
for 20 negotiated sale. Because there is competition
21 space in this area.
22 And I believe with the Palauea
development, 23 that lot of the area that used to be used or is
going 24 being used by Kailani employees for parking is
25 to disappear because they're going to allow no

14

1 parking on that road once that -- the
development is 2 completed. So, you know, there's that, too.
3 So I think, first of all, we should
determine

4 whether or not it should be for public use. And
5 then if it's something that we don't need, which
at
6 this point I can't imagine that we don't need
this,
7 then to actually open it up more publicly so
that
8 other people are aware that this piece is going
to
9 be for sale and there may be other property
owners
10 in the area who would be interested in this
parcel.

11 CHAIR MOLINA: Thank you. Your point is well taken.

12 The Chair does realize there is a premium
for
13 space on this island, especially for access to
our
14 beaches and parking.

15 At this point, if the members don't have
any
16 other questions, I would like to ask Mr. Miskae
to,
17 I guess, give in detail their proposal, just for
the
18 member's information, if there are no
objections.

19 MR. MISKAE: Okay. Thank you very much.

20 CHAIR MOLINA: Mr. Kane.

21 VICE-CHAIR KANE: Not an objection, but I think what
you
22 have heard this morning is pretty much, again, a
23 consensus that there's not going to be any
movement
24 and that the priority seems to be in the
perspective

is 25 that's been presented that the public's interest

15

1 the priority here and that this lot be retained
2 for -- for what was talked about this morning,
3 additional parking or whatever it comes out to
be.

4 And communicating with the Parks Department
before
5 we start moving any further.

6 So I am just making a note before we move
7 forward with Mr. Miskae's comments, it just
seems

8 like --
9 CHAIR MOLINA: Right. It may be a moot point, but if
it's
10 about --

11 VICE-CHAIR KANE: If he came all the way over here.

12 CHAIR MOLINA: That's my point as Chair, I figured
since

13 he was here, just for informational purposes.
And

14 the Chair did have a question for Mr. Miskae,
also,

15 too, so I would like --

16 VICE-CHAIR KANE: Sorry, Mr. Chairman.

17 CHAIR MOLINA: No, no problem.

18 Before I continue allowing Mr. Miskae to
give
19 his testimony on this, I would like to ask Mr.
20 Miskae: I presume this proposed sale that your
21 entity is interested in has been discussed with
the
22 various community associations, which includes
the
23 Makena Burial Council?
24 MR. MISKAE: No. The Burial Council has not been
spoken
25 to on this issue. Basically, in general, this
has

16

1 been brought to the County for the past 12
years, so
2 I thought an awful lot of the issues that have
been
3 brought up today have been answered in prior
4 communications, but I guess the -- all of the
past
5 writings and communication has not made it here
6 today.
7 To answer your question, no, I don't know
if
8 that has been done.
9 CHAIR MOLINA: Okay. Thank you. All right. Thank
you,

10 Mr. Miskae. Would you like to make any other
11 comments?

12
comments

MR. MISKAE: Well, basically there was so many
13 today with regards to this piece of property, I
14 believe at this time the very best direction for
15 Polo Beach Club is to respond in writing so that
we
16 have a fresh start, answer a lot of these
questions.

17
18
guess

We have got so many files, so many
communications with regards to this issue -- I
19 one really important point is that this area is
20 deceiving on this map as far as size and scale.
21 Creating parking in it would be very, very
22 difficult. And you must remember that Polo

Beach

23 Club actually improved, developed, designed this
24 entire area and has exclusive easement to it.

So

25 there's an awful lot of points that have not

been

17

1
respond in

identified here today which I guess we'll

2
questions,

writing and try to eliminate a lot of the

3 if that's helpful.

4 CHAIR MOLINA: Okay. Thank you, Mr. Miskae.

5 Members, any questions for Mr. Miskae?

6 Okay. Hearing none, the Chair's
7 recommendation at this point, seeing there are a

lot

8 of concerns with regard to parking and the use

of

9 this property, the Chair will defer the matter

if

10 there are no objections.

11 COUNCILMEMBER TAVARES: Mr. Chair.

12 CHAIR MOLINA: Councilmember Tavares.

13 COUNCILMEMBER TAVARES: Also, before you defer, could

we

14 have our staff look at the documentation that

has

15 been offered previously that may have been filed

16 under some other communication as -- I don't

recall

17 a whole lot of discussion about this particular

18 parcel, what the timing of it was, and it may

have

19 been before, you know, I was on the Council, but

if

20 we could dig up some of that information, I

think it

21 would be helpful in our deliberation regarding

the

22 property.

23 CHAIR MOLINA: There also could be the possibility

there

24 may be an item in another committee --

25 COUNCILMEMBER TAVARES: Right.

1 CHAIR MOLINA: -- that possibly took that it up.

2 COUNCILMEMBER TAVARES: And, also, I think a
topographical

3 map would certainly be of benefit in this -- you

4 know, because flat and on black and white
doesn't

5 really, truly represent what that looks like,

even

6 that parking lot slopes itself. So, you know,

there

7 may be development challenges, as Mr. Miskae is

8 pointing out. So I think the more information
we

9 have, the better for us.

10 CHAIR MOLINA: Okay. A picture is worth a thousand
words.

11 COUNCILMEMBER TAVARES: Yes. Thank you.

12 CHAIR MOLINA: An accurate one, that is.

13 Okay. So, again, as I have stated
earlier --

14 COUNCILMEMBER HOKAMA: Chairman.

15 CHAIR MOLINA: Yes, Mr. Hokama.

16 COUNCILMEMBER HOKAMA: You know, that's an interesting

17 comment from Mr. Miskae. The way I read Parks'

18 comments, which is a part of our attachment
signed

19 by Pat Matsui, he mentions, "have no objections
20 provided the existing parking lot," so there's
21 something on the property, is there not, Mr.
22 Arakawa?
23 MR. ARAKAWA: Actually, Mr. Miskae can correct me if
I'm
24 wrong, but I believe the existing parking lot
that
25 Parks is referring to is not the road remnant
that's

19

1 being offered for sale.
2 So if I understood Councilmember
Tavares's
3 question correctly, she's asking whether or not
the
4 road remnant could be additional beach parking.
5 COUNCILMEMBER HOKAMA: We need to get this all cleared
up,
6 and maybe that site inspection Mr. Kawano
requested
7 is the best thing, Chairman.
8 Since we have Mr. Arakawa, from your own
9 Department, your people are recommending that we
10 value this property as hotel category. Do you
agree
11 with that?

and
would
on

12 MR. ARAKAWA: Well, it is a comment that our Land Use
13 Codes Division came up with. And, actually, I
14 defer on the valuation to Department of Finance
15 because they have done the actual determination
16 the land value.

17 COUNCILMEMBER HOKAMA: Mr. Lo, what is the current,
18 2001 -- I don't want 1999, 1998.

19 MR. LO: You know, Mr. Chair, Councilmember Hokama,
20 actually the valuation that I got was August
21 2000. And we do our valuations based on the
22 zoning. At the time I believe it was A-2. So I
23 mean, that's how our appraisal staff does the
24 valuations, based on that. So if we were to
25 the zoning on that, the -- potentially come into
a

20

1 different value.
2 And -- But I agree with your comment
earlier
3 made about getting actually an appraisal on this

Apparently

4 site would probably be a proper thing.

an

5 there has been an appraisal. Now, if we do get

highest

6 appraisal, they will use the current -- the

7 and best use allowable under the current zoning

8 community plan.

9 COUNCILMEMBER HOKAMA: Okay. Thank you.

10 CHAIR MOLINA: Thank you, Mr. Hokama.

11 Mr. Kane.

to

12 VICE-CHAIR KANE: Yeah. Is there a copy of the memo

by

13 the Parks Department? I mean, I see a response

it

14 Patrick Matsui, but what was requested? Because

we're

15 seems like this has nothing to do with what

the

16 talking about. This letter is not relevant to

17 discussion and, yet, it's part of this

18 communication, so it would be interesting to see

19 what the original communication was to the Parks

20 Department asking for their comments.

21 CHAIR MOLINA: Staff, do we have that copy available?

do.

22 MS. INOUYE-OGATA: No, I'm sorry, I don't believe we

from

23 VICE-CHAIR KANE: It would be interesting to get that

24 the Administration. It seems like Brian Miskae

the

25 would be the one who sent out a communication to

21

this
about
parcel
that,
it's
Charmaine
by
as
beach
strong

1 Parks Department asking for comment, and then
2 was the response letter. And then as stated
3 earlier, it has nothing to do -- it's talking
4 the existing parking lot and not the subject
5 that we're talking about.
6 CHAIR MOLINA: Okay. So noted. We'll look into
7 Mr. Kane.
8 VICE-CHAIR KANE: So on the bigger picture, I think
9 just gathering all the things that, like
10 has talked about earlier and what was mentioned
11 other members before we proceed.
12 CHAIR MOLINA: Mr. Miskae, would you like to respond?
13 MR. MISKAE: Well, I can't comment on that particular
14 memo. Basically Parks made it very clear that
15 long as any of the existing parking and the
16 access does not get changed or basically no less
17 parking that is in that area -- They're very
18 on that point, which we also agreed.

is 19 The reason that comment was brought about
of 20 the fact that some of that parking is over top
property. 21 storm drain systems that run through our
maintained 22 And in this conversation obviously with Public
23 Works, we have stated that we have always
the 24 the storm drain systems and we wanted to have
very, 25 property over top of them so that it would be

22

problems 1 very easy for us if we had to deal with any
deal 2 in those, that we would be able to not have to
area. 3 with Park access parking, but just our entry
and 4 So we concurred not to remove any stalls
So 5 only look at the purchase of this subject area.
easements 6 there is storm drain areas or storm drain
beach 7 that go under some of the parking areas in the
help 8 access, so I don't know -- hopefully that will

and is

9 to determine why this rectangle is that shape
10 that size, so that it will not be part of the
11 parking area for the access.

12 MR. FUKUSHIMA: Mr. Chairman, if I may.

13 CHAIR MOLINA: Proceed.

matter

14 MR. FUKUSHIMA: It's my recollection that when this

the

15 was first proposed, that the proposal was for a
16 greater area and the request for comments from

an

17 various departments, those comments are based on

I'm

18 earlier map. And Mr. Miskae can correct me if

earlier

19 wrong, but there -- but the proposal -- the

the

20 proposal was for a larger area. Subsequently

21 area that was the subject of this resolution was

22 reduced to 9,900 square feet, but the original

23 proposal and the original investigation is based

24 upon a larger parcel.

25 VICE-CHAIR KANE: Mr. Chair.

23

1 CHAIR MOLINA: Mr. Kane.

any

2 VICE-CHAIR KANE: It just seems like it doesn't do us

3 good as a decision-making body to not have the

4 chronology of this situation before us to make a

5 decision.

6 CHAIR MOLINA: Well, the Chair is not asking for a

7 decision.

like

8 VICE-CHAIR KANE: We're left -- you know, it seems

and

9 we're left with remnants to decide on a remnant

go

10 it just doesn't seem like it's the right way to

we

11 about it. You know, if all that stuff was here,

12 might have had an easier talking and making a

13 decision today, but because we don't, we can't.

decision

14 CHAIR MOLINA: Okay. Well, there was a Chair's

15 stated earlier to defer this because of all the

the

16 questions that have been brought up. So, again,

try

17 intention is not to make a decision today and to

up by

18 to answer the questions that have been brought

19 the Committee members. So if there is no other

20 discussion, the Chair will defer this matter.

21 VICE-CHAIR KANE: No objection.

22 COUNCILMEMBER KAWANO: No objection.

23 CHAIR MOLINA: Okay. Thank you very much.

24 Thank you, Mr. Miskae.

25 ACTION: DEFER pending further discussion

1 ITEM NO. 50: RE: PROPOSED RESOLUTION AUTHORIZING THE
2 SALE OF COUNTY PROPERTY (C.C. No. 01-156)

Item

3 CHAIR MOLINA: Okay. Next on our agenda, members,

4 No. 50, which relates to a proposed resolution
5 entitled "AUTHORIZING THE SALE OF COUNTY REAL
6 PROPERTY LOCATED IN MAKAWAO, MAUI, HAWAII,

PURSUANT

7 TO SECTIONS 3.44.030 AND 3.44.070, MAUI COUNTY
8 AND SECTION 264-3, HAWAII REVISED STATUTES."

CODE,

to

9 The purpose of the proposed resolution is

located

10 authorize the County to sell a road remnant

Olinda

11 at the southwesterly corner of Lot 5 of the

12 House Lots in Makawao.

gallery

13 We have, again, to comment on the issue
14 Deputy Director of Public Works and Waste
15 Management, Mr. Arakawa, and the Director of
16 Finance, Mr. Lo. And also we have in the

17 Mr. John Driscoll, the adjacent property owner
18 interested in the land that is being put up for
19 sale.

overview, 20 And the -- Just giving you one last
from 21 the Committee is in receipt of a communication
resolution 22 the Director of Finance which transmits a
23 authorizing the sale of the road remnant at the
24 corner of Piiholo Road and Olinda Road.
25 And as I stated earlier, Mr. Driscoll has

25

1 expressed an interest in the land.
2 Mr. Arakawa, you have the floor.
3 MR. ARAKAWA: Mr. Chair, if I may, I would just like
to 4 defer to Mr. Lo for that overview.
5 CHAIR MOLINA: Proceed.
6 MR. LO: Mr. Chair, Council members, this matter has
come 7 up actually from nineteen -- if I'm not
mistaken, 8 come up since 1992. This is, I believe, a back
-- I 9 think Mr. Fukushima is mentioning probably back
in 10 the '40s this was some homestead lands that was
11 given over from the State to the County.
12 And it's sort of an odd-shaped lot as you

13 look at the map there and I am not sure -- I was
14 trying to determine if there was any prior
purpose
15 for that type of lot. As you can see, the road
sort
16 of veers off over there, et cetera. And we are
17 unable, since it is such a long time ago, to
find
18 out if there was any reason for that sort of odd
19 remnant parcel.

20 But, in any event, since 1992 Mr.
Driscoll
21 has been -- has approached the County to
purchase
22 this piece of property which is -- abuts his
23 property right now.

24 We have received an appraisal on the
property
25 valuing the property at \$6,783. I learned my
lesson

26

1 I guess in the last sale, I think some of the
Gagon
2 Council members remember, on -- for Mr. Roger
3 that he wanted me to negotiate a little harder
than
4 just the appraised value. So we were able to

5 negotiate a purchase price of \$7,000, just
slightly
6 higher than the appraisal.
7 We have over the years circulated memos
to
8 Public Works, et cetera, in seeing if they had
any
9 objections to this. And recently, I think,
although
10 we haven't circulated any memos, we have been in
11 discussions with the other departments on any
need
12 for land in a variety of areas.
13 This property -- Sorry. One second here
--
14 is zoned Ag. and is a nonconforming use right
now.
15 There is no water on the property, et cetera,
and
16 it's currently being used as pasture land.
17 But, again, we are recommending the sale
of
18 this parcel.
19 CHAIR MOLINA: Okay. Thank you, Mr. Lo. Members, any
20 questions for Mr. Lo or Mr. Arakawa or Mr.
21 Fukushima?
22 Also in your binders, you'll take note,
there
23 are pictures of the proposed property that is
being
24 put up for sale.
25 Would any of the members like to hear

1 comments from the property owner, Mr. Driscoll,
who

2 has expressed interest in making this purchase?

3 COUNCILMEMBER TAVARES: Yes.

4 CHAIR MOLINA: Okay. Mr. Driscoll, can you please
come up

5 to the front. Please have a seat. Mr.

Driscoll,

6 can you state your name for the record.

7 MR. DRISCOLL: My name is John Driscoll.

8 CHAIR MOLINA: Okay. Councilmember Tavares, you had a
9 question.

10 COUNCILMEMBER TAVARES: Yes. What is the acreage of
your

11 parcel?

12 MR. DRISCOLL: The acreage is approximately 2.4 acres.

13 I apologize for the pictures that you
have

14 today because I received this notice in the mail

15 Saturday afternoon and I hastily took these

16 pictures. The originals were quite explicit and

17 whatever happened to them, I do not know, but
they

18 were the pictures that we sent to Mr. Pattee,

and I

19 think they later went to Mr. Thomson.

20 MR. FUKUSHIMA: Excuse me, Mr. Chair.

21 MR. DRISCOLL: I did the best I could under the
22 circumstances Sunday.
23 MR. FUKUSHIMA: Sorry.
24 CHAIR MOLINA: Thank you, Mr. Driscoll.
25 Mr. Fukushima.

28

1 MR. FUKUSHIMA: Chairman, yeah, the origin of this
2 particular remnant parcel, my understanding is
that
3 it had its origin when the State realigned
Olinda
4 Road. At the time of the realignment -- and
this
5 was done with the cooperation, I believe, of Mr.
6 Driscoll's mother.
7 MR. DRISCOLL: Mother and father.
8 MR. FUKUSHIMA: Mother and father. Also at that time
9 there was apparently some understanding between
the
10 State and the Driscolls that this particular
portion
11 would be conveyed over to the Driscolls.
Apparently
12 this was during the war years and something got
lost
13 in the shuffle.
14 The way the County got this parcel is the

based
15 State quitclaimed this parcel to the County
16 upon its earlier agreement that it would be
17 conveying this parcel to the Driscolls rather
18 than -- rather than the State doing it. I don't
19 know the reason, but the parcel was quitclaimed
to
County
20 the County with the understanding that the
my
21 would be conveying it to the Driscolls. That's
22 understanding of the history of this.
23 COUNCILMEMBER TAVARES: All right. Thank you.
24 MR. FUKUSHIMA: Okay.
25 COUNCILMEMBER TAVARES: Mr. Arakawa -- Oh, I'm sorry.

29

1 CHAIR MOLINA: Go ahead. Proceed.
2 COUNCILMEMBER TAVARES: Thank you.
3 Mr. Arakawa, if you look at the map
that's
4 after the pictures in the book which gives the -
- I
5 guess the plat map or whatever you call those
and I
6 see there that the Driscoll property is 2.42
7 acres -- I guess I would have to break out my

that 8 calculator, but by adding this remnant piece to
that's 9 parcel, what are the subdivision potential for
10 this -- for the Driscolls' property? Because
11 Ag. zoning right now, so it would have to be a
12 minimum of 2-acre lots, right, according to our
13 current ordinance?
sold 14 MR. ARAKAWA: Gee, it seems like if the property is
15 to the Driscolls, it's adding about 9,000 square
16 foot to that 2.4 acres. And if it's Ag. zoned,
17 basically it just adds more land area, but it --
18 COUNCILMEMBER TAVARES: Can't subdivide.
19 MR. ARAKAWA: It wouldn't add any more capability to
20 develop more homes on that property.
acre? 21 COUNCILMEMBER TAVARES: How many feet are in a .1
22 MR. ARAKAWA: Pardon?
are in 23 COUNCILMEMBER TAVARES: How many feet, square feet,
24 a .1 acre?
25 MR. FUKUSHIMA: .1 is 4,356.

30

.2, 1 COUNCILMEMBER TAVARES: Okay. So this would be like a

probably.

2 so it would end up being like 2.6 total

3 MR. ARAKAWA: Yes. Roughly, yeah.

4 COUNCILMEMBER TAVARES: Thank you, Mr. Chair.

5 CHAIR MOLINA: Thank you.

Mr.

6 Members, any other questions for either

7 Driscoll, Mr. Fukushima, Mr. Arakawa or Mr. Lo?

8 VICE-CHAIR KANE: Mr. Chair.

9 CHAIR MOLINA: Mr. Kane.

who to

10 VICE-CHAIR KANE: Was there any -- and I don't know

early

11 ask this, but I noticed that in the one of the

the

12 communications by Mr. Driscoll, he did mention

to

13 interest of "if for some reason we were unable

14 purchase the area, would you consider long-term

15 lease." Was that something that was ever

16 considered? And that way the County would never

would do

17 give up the ownership of this property, but

18 a lease like we do with other County properties.

19 CHAIR MOLINA: Mr. Lo.

20 MR. LO: Mr. Chair, Councilmember Kane, I don't recall

discussion.

21 actually entering into that analysis or

22 I think the only thing is we had at one point in

23 time looked at was the -- some possible exchange

24 years ago, but that fell through, so we did not

say,

25 actually look at that. Or at least I should

1 this Administration has not looked at that.

2 VICE-CHAIR KANE: The other question I have is
although we

3 do an appraisal for the property by itself, what

4 kind of value would -- what kind of value

5 enhancement would take place to the Driscolls if

6 they get this additional property? What would
it

7 add or how would it enhance the value of their

8 property? And is that number consistent with
what

9 number we're using to appraise this piece of
land?

10 MR. LO: Mr. Chair, Councilmember Kane, we did not do
that

11 valuation based on that. That would be -- I'm

12 trying to think through the various methods of

13 appraising a property. In theory, they should
be

14 somewhat similar.

15 You could value the property -- an
appraiser

16 has the ability to value an entire parcel such
as

17 this including that and then see what the value

18 would be excluding that. Or they could actually

that's 19 just take the parcel itself, which I believe
20 the method that they did.
21 It is somewhat apples and oranges about,
you 22 know, because we're asking about what it would -
- 23 another parcel would be valued with an addition
as 24 opposed to this remnant parcel.
25 But by looking at it -- and, again, I'm
not a

32

you're 1 certified appraiser, but, you know, basically
2 just adding some acreage there. And they did
take 3 comparable sales on the square footage, et
cetera. 4 And, you know, so I think it basically in theory
is 5 probably adding approximately the same value to
6 the -- that he's paying to his property.
7 However, you know, it's hard to say. I
mean, 8 I -- Would a parcel of 2.6 acres be more than --
9 \$9,000 more than 2.42 acres? You know, we would
10 have to go and actually get that appraised to
get an

11 official --

12 VICE-CHAIR KANE: Well, 7,000 more. Is it 7,000, the
13 dollar amount?

14 MR. LO: Right. Or 7,000, yes.

15 VICE-CHAIR KANE: And I -- And I --

16 CHAIR MOLINA: No. Go ahead.

17 VICE-CHAIR KANE: No. I'm just asking this question -
- It
18 just seems like when we come to a conclusion as
far
19 as what we're going to do, it seems like those
would
20 be likely questions in an analysis of this
21 situation. In looking for the public's best
22 interests since this is County property which --
you
23 know, if we're going to sell it to a property
owner
24 who will benefit from this sale, obviously they
25 wouldn't do it unless they were going to benefit

33

1 from it. And benefit -- I don't mean by -- from
an
2 economics or a sale standpoint, I mean they have
3 increased property size for whatever use that
they

4 intend. But I just think that this would be
some of
5 the things that would be asked throughout the
6 analysis portion of this discussion.

7 MR. LO: Mr. Chair, if I may. Councilmember Kane, I
mean,
8 perhaps you're right, however, the other -- from
the
9 other --

10 VICE-CHAIR KANE: And that's okay if I'm not right,
you
11 know.

12 MR. LO: No. From the other angle, though, is: What
is
13 the value to us as that parcel? I mean, really
--
14 or should we concern ourselves with what, I
mean,
15 the value of our parcel is or the value of the
16 parcel to somebody else? I mean, that's really
the
17 market conditions that do it.

18 And so in a sense you're right, we should
19 look at that. And probably now the appraiser is
20 looking at specifically that parcel, what is the
21 value to us. And really, I mean, in my mind
that is
22 what we should concern ourselves with, is what -
- I
23 mean, just let's say it's worth 10 million to
him,
24 but only a dollar to us. I mean, if I can't do
25 anything with it, you know, I'm going to try to
sell

1 it to him for a lot more money.

2 I don't know. I think that's the whole
3 standpoint of the appraisal. And, in fact, the
4 value is -- you're probably correct, it is more
5 valuable to the abutting neighbor than it is to
6 somebody else, but does that mean that we should
7 sell it at a higher price to the abutting

neighbor?

8 I don't know. I think, you know, frankly, we

should

9 just take what the value of that parcel is on

its

10 own.

11 VICE-CHAIR KANE: And I may -- And this is my final

12 comment. I may disagree with that if we were to

get

13 into a long, drawn-out discussion or a debate

14 because the bottom line is our intent as a

County is

15 to look for the best interests of the public.

And

16 so if we can get as much as we can to benefit

the

17 public, then I think that should be the

overriding

18 intentions that we have. You know, that's me.

And

would be 19 I may be wrong, but it just seems like that
20 an approach. And, again, I'm not here to debate
21 that, I'm just making a closing comment.
22 And, you know, the other question
regarding 23 the long-term lease and considering a request
that 24 the -- that Mr. Driscoll has made in previous
25 communications. You know, it's not a major
concern,

35

would 1 but it's something that I kind of hope that
2 have been looked at because that would have
3 retained -- I mean, you know, like we all said,
land 4 is premium for us and the more we -- you know,
we 5 sell off bits and pieces and pretty soon we have
a 6 lot less than what we had. Is that in the
public's 7 interest to sell our property? You know, that
will 8 go on for decades and eons.
9 But, anyway, thank you.
10 CHAIR MOLINA: Thank you, Mr. Kane.

11 Mr. Kawano.

12 COUNCILMEMBER KAWANO: Thank you, Chairman.

13 I have some question for Wes. Who did
the
14 appraisal? Do the County have their own
appraisal,
15 you guys go out, or what?

16 Because like today I see where we selling
17 already two before us, it's property from the
18 County, and I just wondered maybe when we do
this
19 kind of stuff, we should have the person here
and
20 they tell us how we do it and look at it because
we
21 have so much question. As you mentioned, you're
22 not -- it's not in your field, but maybe you can
23 tell us who do the County appraisal, or do the
24 County have their own people?

25 MR. LO: Mr. Chair, in this case we actually used an

36

1 independent, outside appraiser. And we don't
have
2 anybody in particular. We actually follow
3 procurement laws and go and get bids from a
variety
4 of appraisers.

Hawaii 5 In this case the appraisal was done by
of 6 Appraisal and Consulting, a person by the name
know, 7 Steven Jiran. You know, I mean, the -- you
guess 8 the appraiser does provide some comments and I
9 I -- you know, we do have the appraisal here,
10 talking about how he is going to appraise it, et
11 cetera.

12 You know, we did not actually -- We have
13 appraisers in the Real Property Tax Department,
but 14 they're mass appraisers that appraise values for
tax 15 purposes only and not for valuation, et cetera.

16 So perhaps in these types of instances,
in 17 fact, in other purchases of larger magnitude we
have 18 always asked the appraisers to stand by. For
19 example, Palauea Beach, et cetera. But in this
20 case, because of the size of this, we did not
ask 21 Mr. Jiran to attend.

22 Also, this appraisal was done back in
23 October.

24 COUNCILMEMBER KAWANO: Thank you.

25 Thank you, Chairman.

1 CHAIR MOLINA: Thank you.

2 Members?

3 Councilmember Tavares.

4 COUNCILMEMBER TAVARES: Yes, thank you.

5 Mr. Arakawa, did you folks look at a

6 potential to maybe trade land? You know, I
guess

7 it's hard to go by this plat map, but is the
road,

8 Olinda Road as it borders this property, you
know,

9 satisfactory?

10 As I look at this where, you know, Dory

11 Yonkers is written in, that road, and I don't
know

12 if this is to scale, that portion of the road
looks

13 narrower than other portions. And maybe there
is an

14 opportunity to trade off land in order to make
the

15 road wider in areas where it needs to be widened
and

16 then, you know, possibly have a wash which would

17 give a contiguous piece of property to Mr.
Driscoll,

18 but still make the -- have the opportunity to
make

19 the road a little bit easier to traverse.

20 Has that been considered in this process?

21 MR. LO: Mr. Chair, Councilmember Tavares, if I can
answer
22 the first part of that question, I'll turn it
over
23 to Mr. Arakawa.
24 As I understand it, it actually was
25 considered years ago, probably in the mid '90s,
to

38

1 actually trade for some easements to expand
Olinda
2 Road. And it -- actually, the reason that we
are
3 here in 2001, even though this came to us in
1992,
4 is because after numerous requests through the
then
5 existing Public Works Director about the survey
and
6 nonresponse regarding that, the -- you know, it
7 appeared that that was not something that was
being
8 considered because there needed to be more
survey
9 work, et cetera.
10 But it was considered earlier on and, I
mean,
11 I think just to sort of move the transaction
along,

that 12 you know, because we can always go and condemn
the 13 land at a later point in time. And I think in
sale, 14 prior correspondence and as we formalize the
15 you know, we will provide for right-of-ways, et
16 cetera.

17 But, I think, as far as it relates to the
18 road, I would defer to Mr. Arakawa.

19 MR. ARAKAWA: I just wanted to direct your attention
to 20 the boundary map that's in the item. And,
actually, 21 you'll notice that curved area adjacent to the -
- 22 which forms the property line for the property
that 23 we want to -- that's proposed for sale, but it
does 24 provide for a 48-foot right-of-way, which is --
25 which takes into account what we think will be
all

39

need 1 of the road-widening lot that we would possibly
2 in the foreseeable future for that area.

3 So the portion that's being proposed for
sale
4 would be outside of that proposed right-of-way
that
5 we would need for that portion of roadway.
6 COUNCILMEMBER TAVARES: So, for example, Mr. Arakawa,
if
7 you're looking at that boundary map, that's the
one
8 by Randall Sherman?
9 MR. ARAKAWA: Yes.
10 COUNCILMEMBER TAVARES: Is that the one you're looking
at?
11 Okay. Where you have the ark of the turn
12 that goes into the subject property that we're
13 talking about, the 9,000 -- or the 9,044 square
feet
14 is not including that piece that you're talking
15 about, right, rounding off that turn?
16 MR. ARAKAWA: That's correct.
17 COUNCILMEMBER TAVARES: Okay. Now, at the top part on
the
18 right-hand side, you know, it narrows back. It
goes
19 from 48 feet across to whatever that's going to
be
20 across there. So wouldn't you want to trade out
21 property so that you drew that line all the way
up
22 for the road widening and trade off the property
23 with Mr. Driscoll?
24 Or the other thing is if we find out that
25 this is something we want to do, can we put a
caveat

1 in there that should the County of Maui need
2 road-widening property, that the value of the
square
3 foot purchase price from Mr. Driscoll will be
the
4 same as the square foot price of this parcel?
5 You know, and I see him, you know, Mr.
6 Fukushima like cringing over there, but, you
know,
7 our experience in condemning land for road
widening,
8 particularly if you can recall the hassles we
had on
9 South Kihei Road working with those property
owners
10 there. I mean, we weren't paying a price per
square
11 foot that was what we're looking at here, an
12 appraiser -- appraisal that was fine. We paid,
I
13 think, a higher price than maybe we would have
had
14 conditions been different.
15 But I'm just trying to think into the
future.
16 If we could somehow protect ourselves from
expending

easier 17 funds unnecessarily, it would seem to me the
widening 18 way would be to go ahead and include a road
or 19 and trade off the land and then pay for the --
any, 20 have Mr. Driscoll pay the balance, if there is
21 to continue that 48-foot width up Olinda Road.
but I 22 MR. ARAKAWA: We haven't explored that possibility,
23 think you present an interesting question. It's
24 something we could perhaps take a look at.
25 One -- You mentioned about the
difficulties

41

1 the Council has had in terms of purchasing land
ahead 2 along South Kihei Road, but if we were to go
you're 3 and actually do road widening in this area,
4 correct that we would actually have to enter
into 5 negotiations with the Driscolls to try to
purchase 6 some additional property.
7 But, on the other hand, if he decides to
come

the
in
for
that
a
something
that's
maybe

8 in and -- you know, come in for an approval from
9 County, whether it's a subdivision or a change
10 zoning or what have you, there is an opportunity
11 us to actually require that of the owner for a
12 needed road widening and the County would get
13 as a condition of the approval. So that's also
14 possibility that could occur as well.

15 But in terms of the exchange, it's
16 that, you know, we could certainly explore if
17 what the Committee desires.

18 COUNCILMEMBER TAVARES: Mr. Chair, you know, I think
19 we should at least give them the opportunity to
20 explore.

21 I can certainly understand Mr. Driscoll's
22 desire to acquire this property because the
23 has a real odd shape and it's just this little
24 dangling at the end that, you know, that doesn't
25 have any practical -- practical use as far as
the

1 County is concerned. But, you know, if he would
be
2 open to something like that, I think we could
maybe
3 accomplish positive for both the County and for
Mr.
4 Driscoll and his family.

5 Because right now the Ag. law is he can't
6 subdivide this, but that's not to say the Ag.
law
7 won't change or that he can apply for a variance
and
8 that there are exceptions for family
subdivisions
9 and all of that kind of stuff.

10 So I think when we have the opportunity
11 presented now to be able to accommodate some
things
12 like the road-widening area, that we should look
at
13 that first as a possibility before an outright
sale.

14 That's my comments. Thank you.

15 CHAIR MOLINA: Thank you.

16 Members, any other questions?

17 Okay. Mr. Driscoll, any comments from
you
18 with regard to this proposed suggestion?

19 MR. DRISCOLL: Well, my comment is that because this
piece
20 of property is what you might call a no-mans
land
21 for the last 50, 60 years, that we were almost
in

to 22 agreement to whatever the City came up with just
in 23 acquire this property for the future generations
24 our family. That was the basic reason for us
25 pursuing this whole situation.

43

1 CHAIR MOLINA: Okay. Thank you, Mr. Driscoll.
2 Members, any other comments?
3 Okay. Mr. Fukushima.
4 MR. FUKUSHIMA: Just a small comment. As I was
indicating 5 earlier, there was some agreement with the State
or 6 the Territory back in the 1940s when Olinda Road
was 7 realigned. At that point the proposal was that
8 there would be an exchange of property between
the 9 Driscolls and the then Territory. That exchange
10 never came about.
occurred 11 When we tried to resurrect what had
the 12 back in the 1940s, apparently that portion of
this 13 Driscoll's property that would be exchanged for

rather

14 property, that survey was never done. And

15 than waiting for that survey, as Mr. Lo had

16 indicated, the Driscolls were very anxious to

17 acquire this parcel.

the

18 And so we said, okay, let's forget about

19 exchange and they'll just come in and propose a

20 purchase of this -- of the subject parcel to the

21 Council. And that's why we're here today. But

22 there was an exchange planned originally.

23 CHAIR MOLINA: Okay. Thank you.

24 Members, any other comments or questions?

25 Okay. The --

44

1 COUNCILMEMBER HOKAMA: I have a question, please, Mr.

2 Chair.

3 CHAIR MOLINA: Mr. Hokama.

4 COUNCILMEMBER HOKAMA: I would just like to ask Mr.

5 Driscoll, since he's here and it's part of his -

-

6 one of his many communications to the County of

7 Maui. Are you still interested, Mr. Driscoll,

if

8 the sale is not an option, that you would like

to

for 9 have a long-term lease with the County of Maui
a 10 use of that subject parcel, or would that not be
11 consideration on your part anymore?
me a 12 MR. DRISCOLL: Well, unfortunately, my wife just left
At 13 month and a half ago and that was considered.
14 this point I would say I would like to have it
15 culminated or a specific decision once and for
all.
16 COUNCILMEMBER HOKAMA: Okay. Thank you.
17 CHAIR MOLINA: Thank you, Mr. Hokama, Mr. Driscoll.
18 Any other comments, members?
19 Okay. The Chair's intention today was to
20 have a decision made; however, in light of new
and 21 issues brought up and I would like for myself
22 for the Committee's sake to get a copy of the
23 appraisal that was made and also the prospect of
24 maybe getting a win-win situation for the County
and
25 Mr. Driscoll to explore the possibility of
trading

45

1 off the land and the widening of the road.

2
objections,

3
deferred.

So at this point if there are no

the Chair would like to have this matter

4 COUNCILMEMBER TAVARES: Mr. Chair.

5 CHAIR MOLINA: Okay.

6 COUNCILMEMBER TAVARES: Before we do that, could we
ask

7 Mr. Driscoll for comments regarding the trading
the

8 land off for road widening in the future? What
is

9 your feeling about that?

10 CHAIR MOLINA: Okay. Thank you.

11 Proceed, Mr. Driscoll.

12 MR. DRISCOLL: A while back Mr. John Wilson expressed
that

13 opinion. And at the time we said if it will
move

14 things forward, fine, we'll agree to everything
or

15 anything that you can come up with. And then
for a

16 long time we heard nothing further on it until
he

17 proposed that we have it appraised and go in
that

18 direction. And that was the last we heard about
it.

19 COUNCILMEMBER TAVARES: Thank you. So you didn't have
any

20 objections at that time, either?

21 MR. DRISCOLL: No. At that time, no, because, as I
say,

22 we just wanted to keep this thing moving in any

23 direction that it went.
24 COUNCILMEMBER TAVARES: Okay. Fine. Thank you, Mr.
25 Driscoll.

46

1 CHAIR MOLINA: Okay. Thank you.
2 Any other comments or questions at this
3 point?
4 Hearing none, again, the Chair has stated
his
5 intentions to defer the matter. Are there any
6 objections?
7 COUNCILMEMBER TAVARES: No objections.
8 COUNCILMEMBER KAWANO: No objection.
9 CHAIR MOLINA: Okay. Thank you very much.
10 ACTION: DEFER pending further discussion
11 CHAIR MOLINA: Members, we have five more items on our
12 agenda today, but before we proceed, the Chair
will
13 call for a ten-minute recess. (Gavel.)
14 RECESS: 9:58 a.m.
15 RECONVENE: 10:08 a.m.
16 CHAIR MOLINA: (Gavel.) The Public Works and
17 Transportation meeting for August 1st is now
back in
18 session.

57, 19 Members, we are now addressing Item No.
20 but before we do, for the record, the Chair will
be 21 closing off public testimony at this point.
22 ITEM NO. 57: RE: AMENDING PARKING RESTRICTION ON
MOKUHAU 23 PLACE AND RESTRICT PARKING ON PIIHANA ROAD AND
24 CHAIR MOLINA: Item 57 relates to a proposed bill
entitled 25 "A BILL FOR AN ORDINANCE TO AMEND CHAPTER 10.48
OF

47

1 THE MAUI COUNTY CODE PERTAINING TO STOPPING,
2 STANDING AND PARKING."
3 The purpose of the proposed bill is to
amend 4 the parking restrictions on Mokuhau Place and to
5 restrict parking on Piihana Road and Puukani
Street 6 in Wailuku. And I will now yield the microphone
to 7 the Deputy Director of Public Works, Mr. Milton
8 Arakawa, to provide us with an overview of the
9 proposed amendments.
10 Mr. Arakawa.
11 MR. ARAKAWA: Thank you, Mr. Chairman.

12 The proposal that you have before you --
13 before you pertains to parking restrictions on
three
14 streets. The first one is on Mokuhau Place and
this
15 is from the end of the road near the existing
16 watertank to -- about midway down to Lakee
Place.

17 And the reason for the proposed
restrictions
18 on street parking is because of the narrow
19 right-of-way. And probably if you have traveled
20 along that road, a number of the existing homes
21 along that road have walls that are pretty much
22 right up to the pavement. And so in the past
there
23 has been parking on -- basically within the
travel
24 lane so people -- the vehicles basically have to
25 weave within the parked cars to get where they
want

48

1 to go to. So it's primarily a safety
consideration
2 for the no parking restrictions along Mokuhau.
3 It's pretty much the same thing on the
other

4 side of the road on Piihana. This is -- I'm
sorry,
5 this is -- yeah, Piihana Street from the
Spreckels
6 Ditch down through Kapanui Place. And here you
have
7 also just a paved road with no curbs, gutters or
8 sidewalks, but, here again, the parking that has
9 been taking place on the street obstructs a
portion
10 of the travel lanes. So, again, this is also a
11 safety consideration to ban parking in this
area.
12 The last area is along Puukani Street
which
13 is in Kahului that links -- that provides like a
14 through way, an informal through way from
Puunene
15 Avenue to Hukilike Street, but this is basically
a
16 residential neighborhood. And right now parking
is
17 allowed on both sides of the street and there
have
18 been some complaints here about through traffic
19 weaving between the parked cars, and also, you
know,
20 the parking on both sides kind of causing a lot
of
21 friction to the traffic and the residents, the
22 vehicular traffic for the residents. So what we
are
23 proposing on Puukani is basically to ban parking
on
24 one side of the street.

to

25

Here you have roads that have been built

49

And

going

side

come

still

side

1 County standards. There's an existing 44-foot
2 right-of-way, so there's a 28-foot travel way.
3 if we ban parking on one side, there's still an
4 8-foot parking lane and 10-foot travel lanes
5 in either direction.

6 So there is a loop road on the Puunene
7 of Puukani and the no parking ban is proposed on
8 that side of the street so that way we can also
9 address any sight distance questions that might
10 up as the drivers along that loop road advance
11 towards Puukani. So parking would be allowed
12 on the -- I guess the makai side or the harbor
13 of Puukani Street.

14 CHAIR MOLINA: Okay. Thank you, Mr. Arakawa.

15 Questions?

16 Mr. Carroll.

17 COUNCILMEMBER CARROLL: Thank you, Chair.

18 I wish there was a map in here and I was

mean, 19 going to ask why there isn't a map in here. I
and 20 this is just great, all these metes and bounds
21 everything else, but without a map, it's -- the
envision 22 other Council members might be more able to
need 23 this, but I don't think so. I think we really
a 24 to have, any time something like this comes up,
25 map of the area.

50

1 CHAIR MOLINA: Staff, is there a map that we can get
discussions 2 copies of in the meantime as we continue
3 on this for our members use?
4 I know this is in relation to the -- I
about 5 believe the north street issue that we talked
6 at a recent Public Works meeting.
7 Mr. Carroll, any other comments or
questions 8 at this time?
9 MS. INOUYE-OGATA: Mr. Chair.
10 COUNCILMEMBER CARROLL: Not until I see a map.
11 CHAIR MOLINA: Ms. Ogata.

12 MS. INOUYE-OGATA: There was no map attached to the
13 communication, however, Staff has made a copy.
I
14 don't know if this would serve our purpose, but
if I
15 could consult with the Deputy Director of Public
16 Works.
17 CHAIR MOLINA: Okay. The Chair will call for a short
18 recess. (Gavel.)
19 Recess: 10:12 a.m.
20 Reconvene: 10:19 a.m.
21 CHAIR MOLINA: (Gavel.) Okay. The Public Works and
22 Transportation meeting for August 1st is now
back in
23 session.
24 Members, if there are no objections, we
are
25 awaiting additional information on Item 57, so
what

51

1 the Chair would like to do is put this item back
and
2 address the upcoming items first until we get
this
3 information for Item 57.
4 Are there any objections to that?

5 COUNCILMEMBER TAVARES: No objection.

6 COUNCILMEMBER KAWANO: No objections.

7 COUNCILMEMBER CARROLL: No objections.

8 CHAIR MOLINA: Okay. Thank you.

9 ITEM NO. 48: RE: PROPOSED RESOLUTION ACCEPTING
DEDICATION OF ROAD WIDENING LOT PURSUANT TO
SECTION 10 3.44.015 MAUI COUNTY CODE

11 CHAIR MOLINA: Okay. Let us move to Item No. 48,
which
12 relates to a proposed resolution entitled
"ACCEPTING
13 DEDICATION OF ROAD WIDENING LOT PURSUANT TO
SECTION
14 3.44.015 MAUI COUNTY CODE."
15 And the purpose of the proposed
resolution is
16 to accept the dedication of road widening Lot
29-C
17 in the Puuone Tract Subdivision for road
widening
18 along Leleihoku Road in Wailuku.
19 And, again, the Chair will yield the mike
to
20 Mr. Arakawa to give us a detailed information on
21 this item.
22 Mr. Arakawa.
23 MR. ARAKAWA: Thank you, Mr. Chair.
24 The road widening lot, as you mentioned,
is
25 located on Leleihoku Street in the Puuone area.
And

1 the map on this is in your binder. It's a 7-
foot 2 wide road widening lot. And as you probably
3 noticed, the final subdivision approval on this
was 4 granted way back in 1973, and one of the
conditions 5 of that was to dedicate this lot to the County.
And 6 apparently it's gone all these years without
actual 7 dedication taking place.

8 And recently, when the owner decided to
try 9 to subdivide the property, this outstanding
10 condition was discovered. And the owner is
actually 11 proposing the dedication of this lot in order to
12 fulfill the conditions which were imposed back
in 13 1973. It's a fairly straightforward dedication.

14 I also did want to address I guess our
15 current procedures on that and just to let you
know 16 that for a subdivision request that would take
17 today, what we would normally require is for the
place 18 applicant to submit the warranty deed to us
prior to

the
in a
to

19 final subdivision approval taking place so that
20 dedication procedures would actually take place
21 timely manner. Apparently, back in '73, those
22 procedures were not in place. So I just wanted
23 make the members aware of that.
24 CHAIR MOLINA: Okay. Thank you, Mr. Arakawa.
25 Members, any questions?

53

--

filing

Tavares.

1 COUNCILMEMBER TAVARES: Your recommendation.
2 CHAIR MOLINA: Okay. The Chair's recommendation is to
3 I'll be entertaining a motion to recommend the
4 adoption of the proposed resolution and the
5 of the communication.
6 VICE-CHAIR KANE: So moved.
7 COUNCILMEMBER TAVARES: Second.
8 CHAIR MOLINA: Moved by Mr. Kane, seconded by Ms.
9 Discussion?
10 Hearing none, all those in favor say aye.
11 MEMBERS VOICED AYE (RC, RH, PK, CT, DK, MM)
12 CHAIR MOLINA: All those opposed?

it 13 Thank you very much. The Chair will mark
14 unanimous.
15 VOTE: AYES: Councilmembers Carroll, Hokama,
Kawano and Tavares, Vice-Chair Kane and
Chair Molina
16 NOES: None.
17 ABSTAIN: None.
18 ABSENT: None.
19 EXC.: Councilmember Arakawa
MOTION CARRIED.
20 ACTION: ADOPTION of proposed resolution and
FILING of communication
21 ITEM NO. 62: RE: PROPOSED RESOLUTION ACCEPTING
22 DEDICATION OF ROAD WIDENING LOT (Charles Tavares
23 Tract) (C.C. No. 01-182)
24 CHAIR MOLINA: Okay. Members, moving on, Item No. 62,
25 which relates to a proposed resolution entitled
PURSUANT "ACCEPTING DEDICATION OF ROAD WIDENING LOT

54

1 TO SECTION 3.44.015 MAUI COUNTY CODE."
2 The purpose of the proposed resolution is
to 3 accept the dedication of roadway lot 5-B located
in 4 the Charles Tavares Tract for shoulder widening
5 along Makawao Avenue.
6 Mr. Arakawa, you have the floor.

7 MR. ARAKAWA: Thank you, Mr. Chair.
8 The road widening lot that's being
proposed
9 for dedication is located closer to the corner
of
10 Makani Road and Makawao Avenue. You have the
map in
11 your binder. And the road widening lot is a
little
12 over 11-feet wide.
13 And the purpose of this road widening for
--
14 well, in this area is to correct an existing
sight
15 distance problem. As you are probably well
aware,
16 this is around a curve, an existing curve at the
17 Makawao Avenue area, so it -- if -- once this
lot is
18 dedicated to the County, the County will be able
to
19 improve sight distance parameters at that
Pamakani
20 Place and also the Pakani Place intersections
with
21 Makawao Avenue.
22 CHAIR MOLINA: Okay. Thank you, Mr. Arakawa.
23 Any questions?
24 Ms. Tavares.
25 COUNCILMEMBER TAVARES: Just a comment. I do not
think

is a
I'm
day,

1 this is a relative. But even if it were, this
2 needed improvement in this area, for sure. And
3 sure as you know, you probably pass it every
4 Chair.

5 CHAIR MOLINA: Yes, ma'am.

6 COUNCILMEMBER TAVARES: I have no other comments.

7 CHAIR MOLINA: Thank you for that comment.

is

8 The Chair would like to ask Mr. Carroll,
9 this map sufficient for your needs?

the

10 COUNCILMEMBER CARROLL: If we had this type of map on
11 other item, there would have been no problem.

12 CHAIR MOLINA: So noted, Mr. Carroll. Thank you.

13 COUNCILMEMBER HOKAMA: Chairman.

14 CHAIR MOLINA: Mr. Hokama.

the

15 COUNCILMEMBER HOKAMA: Can we ask Mr. Arakawa, what is
16 square footage of this acquisition?

17 MR. ARAKAWA: It's 1,187 square feet.

18 COUNCILMEMBER TAVARES: It's written sideways.

looking

19 COUNCILMEMBER HOKAMA: Oh, I see. Yeah. I was
20 for that.

21 COUNCILMEMBER TAVARES: Lot 5-B.

22 COUNCILMEMBER HOKAMA: Thank you.

23 CHAIR MOLINA: Okay.

24 COUNCILMEMBER HOKAMA: So for 1,000 feet, we're going
to

25 be paying \$8,000.

56

1 MR. ARAKAWA: That's correct.

2 COUNCILMEMBER HOKAMA: I'm just trying to get
perspective

3 of what your -- what's being requested of us to
4 sell, County property.

5 CHAIR MOLINA: Okay.

6 COUNCILMEMBER TAVARES: Good point.

7 CHAIR MOLINA: Any other comments?

8 Okay. Thank you, members.

9 COUNCILMEMBER TAVARES: (Inaudible) 9,000 for \$7,000.

10 VICE-CHAIR KANE: Yeah. (Inaudible.)

11 CHAIR MOLINA: Okay. Any other side comments? The
Chair

12 will be entertaining --

13 VICE-CHAIR KANE: I'm sorry, Mr. Chairman. My
apologies,

14 sir.

15 CHAIR MOLINA: Okay.

16 ? : No, we have the side commentary down.

17 CHAIR MOLINA: From our bookends.

ABSENT: None.

13 EXC.: Councilmember Arakawa

MOTION CARRIED.

14 ACTION: ADOPTION of resolution and FILING of
15 communication

16 ITEM NO. 64: RE: PROPOSED RESOLUTION AUTHORIZING
17 DISPOSITION OF A DRAINAGE EASEMENT (Honolua
18 Watershed Project, Kahana Basin, Partial
19 Cancellation of Easement 5) (C.C. No. 01-195)

20 CHAIR MOLINA: Moving right along, we are now down to
Item

21 No. 674, which relates to a proposed resolution
22 entitled "AUTHORIZING DISPOSITION OF A DRAINAGE
23 EASEMENT PURSUANT TO CHAPTER 3.44 MAUI COUNTY
24 CODE."

25 The purpose of the proposed resolution is
to

cancel a portion of Easement 5 in the Honolua
Watershed Project, Kahana Basin.

And, again, the Chair will yield the

58

1 microphone to our Deputy Public Works Director,
Mr.

2 Arakawa, for an overview on this matter.

3 MR. ARAKAWA: Mr. Chairman, members of the Committee,
this

4 is a partial cancellation of Easement No. 5
relating

5 to the Kahana Drainage Basin. The original
easement

6
consideration

7
ahead

8
9
of

10
the

11
recommending

12
Maui

13

14

15

16

17

18

19
if

20
and

21
us

22

23
300

24

25
that's

was given to the County for a nominal

a number of years ago. The County then went

and actually built the basin. And this partial

cancellation of the easement refers to a sliver

area which the County actually doesn't need for

drainage basin at this point, so we are

that this sliver of area be conveyed back to

Land and Pine.

CHAIR MOLINA: Okay. Thank you, Mr. Arakawa.

Members, any questions?

Hearing none, the Chair --

COUNCILMEMBER HOKAMA: Chair.

CHAIR MOLINA: Mr. Hokama.

COUNCILMEMBER HOKAMA: Again, it would be -- you know,

we can get in the resolution the square footage

things like that as part of the facts prior to

making a determination, that will be helpful.

So we're looking at, what, Mr. Arakawa?

square feet, is that what we're looking at?

MR. ARAKAWA: It's, let me see, 3,833 square feet

the
8.979
the
Exhibit
being
going
Maui

1 being proposed to be -- proposed to go back to
2 landowner. And the drainage basin still is
3 acres. That's in the exhibits. Exhibit A is
4 area that's proposed to be conveyed back and
5 B is the remainder of the easement which is
6 used as a drainage basin.

7 COUNCILMEMBER HOKAMA: Okay. And what are we -- we
8 to give this back to -- we are giving this to
9 Land and Pine?

10 MR. ARAKAWA: Yes. It was originally given to us I
11 believe it was for a dollar, so basically we are
12 just giving it back.

13 COUNCILMEMBER HOKAMA: Okay.

14 MR. FUKUSHIMA: If I may comment, Mr. Chairman.

15 CHAIR MOLINA: Proceed, Mr. Fukushima.

16 MR. FUKUSHIMA: The recipient of this cancellation is
not
Pine
I
lots.

17 going to be Maui Land and Pine. Maui Land and
18 subsequently -- or there has been a subdivision.
19 think if you look at the map, there are some

of 20 And so we are removing the encumbrance existing
lots 21 the drainage easement over these lots. These
just 22 already have -- have the fee interest. We're
easement 23 removing the encumbrance of the drainage
24 over those portions that the easement is not
25 necessary.

60

1 COUNCILMEMBER HOKAMA: Chairman, if you please. Thank
2 you.
3 That was very helpful, Mr. Fukushima,
what 4 you just shared with us this morning, because
part 5 of the resolution it says that the Council
finds, 6 okay, and I don't know what makes the
determination 7 how we make a finding. There was -- "it's in
the 8 public good to waive public auction and
appraisal."
provided 9 Okay. And unless we're going to be
that 10 certain information as -- and particularly one

ago, 11 was a comment from Mr. Fukushima a few minutes
12 it would be hard for me to find in the public
13 interest the ability to just waive it off. But
14 since he's made it clear that the fee interest
is 15 already in another legally -- I guess held owner
or 16 person, that this drainage easement is more of a
17 formality.

18 Is that a right way to look at it, Mr.
19 Fukushima?

20 MR. FUKUSHIMA: Well, it's not -- If I may, Mr.
Chairman.

21 It's not necessary for the County's operations.
And 22 it is, in fact, in the public interest in that
the 23 County as the easement holder would have
exposure, 24 liability exposure, in the event something
happened.

25 So if something is not necessary for the

61

1 County's operations, for its efficient
operations, 2 we -- you know, I believe the Council could find
3 that it is, in fact, in the public interest to

4 extinguish this easement.

5 COUNCILMEMBER HOKAMA: Fine. That's exactly what we
need

6 to hear, Mr. Chairman. Thank you.

7 CHAIR MOLINA: Thank you.

8 Members, any other questions or comments
at

9 this point?

10 The Chair would like to ask Mr. Fukushima
a

11 question. Either way, because this is a
dedication,

12 we still have to accept it as a Council? I
mean, I

13 think Mr. Hokama has brought up a good point.

14 MR. FUKUSHIMA: No. What you're doing is you are
allowing

15 or --

16 COUNCILMEMBER HOKAMA: Excuse me, Mr. Chair, use your
17 microphone. I -- We can't hear.

18 MR. FUKUSHIMA: I'm sorry. This, in fact, is a
19 disposition, in effect, of County property that
we

20 are extinguishing these easements. Easements do
21 have -- easements are an interest in real
property.

22 Because we are giving up the easement, in effect
we

23 are disposing of County property.

24?: Okay. Thank you for that clarification.

25 CHAIR MOLINA: Members, any other questions?

1 Mr. Hokama.

2 COUNCILMEMBER HOKAMA: Just a simple one. Maybe -- I
3 don't know if it's for Howard or Milton. You
know,
4 at the third resolve clause you say that we
5 authorizing -- the Council would authorize the
Mayor
6 to execute. Wouldn't we be authorizing the
Director
7 of Finance to dispose of property as the Charter
8 indicates?

9 I just was curious. It may be no big
deal.

10 I just find it interesting. Do you have a
comment
11 on that, Mr. Fukushima?

12 MR. FUKUSHIMA: I -- At this time, no.

13 COUNCILMEMBER HOKAMA: I would ask if the Staff can
make a
14 check to see if it's more appropriate that the
15 resolution state that we are authorizing the
16 Director of Finance to dispose of property for
17 easement disposition.

18 MR. FUKUSHIMA: I'm sorry. If I may, Mr. Chairman.

19 CHAIR MOLINA: Proceed.

20 MR. FUKUSHIMA: The Charter requires the Council -- I

on
I
this

21 mean, requires the Mayor to execute conveyances
22 behalf of the County, not the Finance Director.
23 just wanted to make that clear. So it's -- so
24 is -- this conveyance is in its proper form.
25 COUNCILMEMBER HOKAMA: It's in the proper form. Okay.

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depend
to
resolution
Carroll.

1 You're the legal attorney, Mr. Fukushima, we
2 on your counsel.
3 CHAIR MOLINA: Mr. Hokama.
4 COUNCILMEMBER HOKAMA: Thank you, Mr. Chairman.
5 CHAIR MOLINA: Thank you.
6 Any other questions, members?
7 Okay. The Chair will entertain a motion
8 recommend the adoption of the proposed
9 and the filing of the communication.
10 VICE-CHAIR KANE: So moved.
11 COUNCILMEMBER CARROLL: Second.
12 CHAIR MOLINA: Moved by Mr. Kane, seconded by Mr.
13 Any further discussion?
14 Hearing none, all those in favor say aye.

15 MEMBERS VOICED AYE (RC, RH, PK, CT, DK, MM)

16 CHAIR MOLINA: All those opposed?

17 Thank you. The Chair will mark this

18 unanimous.

19
Kawano
Chair

VOTE: AYES: Councilmembers Carroll, Hokama,
and Tavares, Vice-Chair Kane and

Molina

21 NOES: None.

ABSTAIN: None.

22 ABSENT: None.

EXC.: Councilmember Arakawa

23 MOTION CARRIED.

ACTION: ADOPTION of proposed resolution and
FILING of communication

24
25 COUNCILMEMBER TAVARES: Mr. Chair.

64

1 CHAIR MOLINA: Members. Ms. Tavares.

2
item, I

COUNCILMEMBER TAVARES: Before we move on to next

3
the

wanted to ask a question about the resolution on

4 last item.

5 CHAIR MOLINA: Okay.

6
for

COUNCILMEMBER TAVARES: Is it -- is it not advisable

7
resolutions?

us to include the dollar amounts in the

8 CHAIR MOLINA: That's a good point.

9 MR. FUKUSHIMA: Are you talking about the sale?

10 COUNCILMEMBER TAVARES: Yeah.

11 VICE-CHAIR KANE: Excuse me. Can you use the mike?

We

12 can't hear your response.

13 MR. FUKUSHIMA: I'm sorry. I apologize again.

14 My comment to that would be that the
15 conveyance is attached as an exhibit to the
16 resolution, it is made part of the resolution.

17 COUNCILMEMBER TAVARES: Yeah. And I think, Mr. Chair,

the

18 would that -- the last one, I mean, when we read

so

19 resolution, to me it should be in the resolution

want

20 we don't have to go to the attachment unless we

21 some other details.

read

22 And even in that last -- the last one on
23 the -- you know, the nonrelative, if you just

it.

24 the resolution, you don't know that we're buying

usually

25 It's only stated in the warranty deed. And

1 it's the other way around, you know, it's being

2 conveyed to the County from a property owner
because

3 they're subdividing or something like that.

4 But it would just seem to me that, you
know,

5 if it's not -- where we can't do it, then we
should

6 have it in the resolution since that's the first
7 thing that people read. You know, is that --

8 CHAIR MOLINA: Mr. Fukushima, is that something as far
as

9 procedure-wise we could do in the future.

10 MR. FUKUSHIMA: If the Committee is requesting that
this

11 resolution be amended, that could be done to
include

12 a recital relating to the compensation. We
could

13 add that in there at the request of the
Committee.

14 COUNCILMEMBER TAVARES: So I guess the proper
procedure

15 would be to ask for reconsideration of the last
16 action.

17 CHAIR MOLINA: That could be considered.

18 COUNCILMEMBER TAVARES: Mr. Chair, I'll move for the
19 reconsideration of Item No. --

20 CHAIR MOLINA: 64.

21 COUNCILMEMBER TAVARES: 62.

22 CHAIR MOLINA: That's the Tavares Tract.

23 COUNCILMEMBER TAVARES: Yeah, the Tavares Tract.

24 VICE-CHAIR KANE: Second.

25 CHAIR MOLINA: Okay. The reconsideration motion has
been

1 made by Ms. Tavares and seconded by Mr. Kane.
2 Discussion for Item No. 62?
3 COUNCILMEMBER TAVARES: Yeah, Mr. Chair. I would ask
for
4 reconsideration for us to relook at the
resolution
5 to perhaps include another section in it that
would
6 state more clearly what the action was taking
place
7 by the Council.
8 CHAIR MOLINA: Okay. So I would assume the -- to
include
9 in this section the dollar amount and square
10 footage?
11 COUNCILMEMBER TAVARES: We have to do the
reconsideration
12 vote first.
13 CHAIR MOLINA: Oh, okay.
14 Was there any discussion on the motion
made
15 on the floor to reconsider Item No. 62? Any
other
16 discussion, members?
17 Okay. We will now a take vote on the
18 reconsidered motion. All those in favor.

19 MEMBERS VOICED AYE (RC, RH, PK, CT, DK, MM)

20 CHAIR MOLINA: All those opposed.

21 Thank you.

Kawano
Chair

22 VOTE: AYES: Councilmembers Carroll, Hokama,
and Tavares, Vice-Chair Kane and

23 Molina

NOES: None.

24 ABSTAIN: None.

ABSENT: None.

25 EXC.: Councilmember Arakawa

MOTION CARRIED.

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for

1 CHAIR MOLINA: Okay. The item has been reconsidered

proposal to

2 discussion and vote. And there's been a

3 amend the resolution. Discussion, members.

4 COUNCILMEMBER TAVARES: Mr. Chair.

5?: We need a motion.

section

6 COUNCILMEMBER TAVARES: If I may, I'll just make the

7 motion to amend the resolution to include a

8 that reflects the dollar amount and the square

9 footage of the property to be acquired.

10 VICE-CHAIR KANE: Second.

11 COUNCILMEMBER HOKAMA: Second.

made

12 CHAIR MOLINA: Okay. The amended resolution has been

13 by Member Tavares and seconded by Mr. Kane.
14 Discussion?
15 Okay. Hearing none, the Chair will now
take
--
16 a vote on the amended resolution. All those in
17 For the record, the amended resolution will have
a
18 section that indicates square footage and dollar
19 amount, for the record.
20 All those in favor say aye?
21 MEMBERS VOICED AYE (RC, RH, PK, CT, DK, MM)
22 CHAIR MOLINA: All those opposed?
23 Okay. We'll now go back to the main
motion.
24 All those in favor?
25 COUNCILMEMBER TAVARES: Mr. Chair, wait.

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1 CHAIR MOLINA: All those opposed?
2 COUNCILMEMBER TAVARES: Point of order.
3 CHAIR MOLINA: Short recess. (Gavel.)
4 Recess: 10:39 a.m.
5 Reconvene: 10:40 a.m.
6 CHAIR MOLINA: The Public Works and Transportation
meeting

7 for August 1st is now back in session.

8 The Chair will now entertain a motion to

9 adopt the amended resolution and the filing of
the

10 communication.

11 COUNCILMEMBER HOKAMA: So moved.

12 COUNCILMEMBER TAVARES: So moved.

13 CHAIR MOLINA: It's been moved by Hokama, seconded by
Ms.

14 Tavares.

15 Any discussion? Seconded by Ms. Tavares.

16 All right. Hearing none, all those in
favor?

17 MEMBERS VOICED AYE (RC, RH, PK, CT, DK, MM)

18 CHAIR MOLINA: All those opposed?

19 Thank you. The motion has carried and
the

20 Chair will mark it unanimous.

21 VOTE: AYES: Councilmembers Carroll, Hokama,
Kawano
Chair and Tavares, Vice-Chair Kane and

22 Molina

NOES: None.

23 ABSTAIN: None.

ABSENT: None.

24 EXC.: Councilmember Arakawa

MOTION CARRIED.

25 ACTION: ADOPTION of proposed resolution, as
revised, and FILING of communication

are 1 CHAIR MOLINA: Now, let us get back to -- I presume we

2 on Item 65.

3 ? : 65.

4 ITEM NO. 65: RE: PROPOSED RESOLUTION AUTHORIZING
5 GRANTING OF AN EASEMENT ON COUNTY OF MAUI REAL
6 PROPERTY TO MAUI ELECTRIC COMPANY, LIMITED, FOR
7 UTILITY PURPOSES (C.C. No. 01-196)

8 CHAIR MOLINA: Okay. Item 65 relates to a proposed
9 resolution entitled "AUTHORIZING THE GRANTING OF
10 EASEMENT ON COUNTY OF MAUI REAL PROPERTY TO MAUI
11 ELECTRIC COMPANY, LIMITED, FOR UTILITY
12 PURPOSES."

13 The purpose of the proposed resolution is
14 to
15 grant a utility easement to Maui Electric
16 Company,
17 Limited, over, across and under property
18 situated at
19 Wailuku Commons, Kalua, Wailuku.

20 Mr. Arakawa, I will now yield the
21 microphone
22 to you to give your perspective of this item.

23 MR. ARAKAWA: Thank you, Mr. Chairman.
24 The item is a request from Maui Electric
25 Company to grant an easement on County property.
26 And this easement is basically to recognize an
27 existing power line. The easement itself, let's
28 see, pertains to 156 square feet of area. This
29 is
30 in an area that's just on the Wailuku side of
31 Maui
32 Memorial Medical Center. And that's it.

25 CHAIR MOLINA: Thank you, Mr. Arakawa.

70

1 Members, any questions? Would you like
more
2 time to look over the map? The Chair can call
for a
3 short recess if that's the preference of the
body.
4 COUNCILMEMBER TAVARES: It's a little rectangular
piece,
5 right? Mr. Arakawa, it's a little rectangular
6 piece, right?
7 MR. ARAKAWA: Yes. Which is shown in your Exhibit B.
8 COUNCILMEMBER HOKAMA: Mr. Arakawa, so it's only 156
9 square feet, is that the easement, No. 2?
10 MR. ARAKAWA: Yes. That's what's before you.
11 ?: (Inaudible).
12 CHAIR MOLINA: Questions? Any others?
13 COUNCILMEMBER HOKAMA: Recommendation, Mr. Chairman.
14 CHAIR MOLINA: Okay. The Chair's recommendation is to
15 adopt the proposed resolution and the filing of
the
16 communication.
17 COUNCILMEMBER HOKAMA: So moved.
18 COUNCILMEMBER KAWANO: So moved.
19 CHAIR MOLINA: Okay. It's been moved by Mr. Kawano --

20 COUNCILMEMBER HOKAMA: Second.
21 CHAIR MOLINA: -- seconded by Mr. Hokama. Okay.
Hearing
22 no discussion, all those in favor say aye.
23 MEMBERS VOICED AYE (RC, RH, PK, CT, DK, MM)
24 CHAIR MOLINA: All those opposed?
25 Thank you. The Chair will mark it
unanimous.

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Kawano
Chair
1 VOTE: AYES: Councilmembers Carroll, Hokama,
and Tavares, Vice-Chair Kane and
2 Molina
NOES: None.
3 ABSTAIN: None.
4 ABSENT: None.
EXC.: Councilmember Arakawa
MOTION CARRIED.
5 ACTION: ADOPTION of resolution and FILING of
communication.
6
MOKUHAU
7 ITEM NO. 57: RE: AMENDING PARKING RESTRICTION ON
PLACE AND RESTRICT PARKING ON PIIHANA ROAD AND
8 PUUKANI STREET IN WAILUKU (C.C. No. 01 -166)
9 CHAIR MOLINA: And we have one last item to address
today.
10 We will go back to Item No. 57.
11 Staff, do we have that information needed
for
12 the proposed item?

Committee's

13 MS. INOUE-OGATA: Mr. Chair, at this time the

14 secretary is making copies of the Traffic Safety
15 Council's minutes.

16 CHAIR MOLINA: Okay. The Chair will call for a brief
17 recess. (Gavel.)

18 Recess: 10:50 a.m.

19 Reconvene: 10:45 a.m.

for

20 CHAIR MOLINA: Public Works and Transportation meeting
21 August 1st is now back in session.

his

22 Members, the Chair would like to extend

23 appreciation to all of you for your patience and

additional

24 indulgence in this matter as we gather

25 data on this item.

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1 ?: Anything for lunch.

we'll

2 CHAIR MOLINA: No lunch included at this point, but

3 see.

out

4 All right. Members, what has been handed

5 to you are the recommendations from the Traffic

and

6 Advisory Council regarding Piihana Road, Mokuhanu

street 7 Puukani. And, for the record, Puukani is a
8 that is actually in Kahului, but comes under the
9 Wailuku District, which is one of those unusual
10 quirks when it comes to mapping.
11 Any discussions or questions on this
matter?
12 Mr. Kane.
13 VICE-CHAIR KANE: Thank you, Mr. Chair. So I think --
I
14 believe during the recess Mr. Arakawa had an
15 opportunity to find out if speed humps were
16 installed on Puukani Street because that seemed
to
17 be the major stumbling block for support on the
18 street by homeowners because of their feeling
that
19 the parking restriction would take away from
people
20 slowing down on the road by having cars parked
21 there. So if I can ask Mr. Arakawa.
22 CHAIR MOLINA: Proceed, Mr. Arakawa.
23 MR. ARAKAWA: Yes. Our Department has installed the
speed
24 humps, so it is existing.
25 VICE-CHAIR KANE: Okay. Thank you.

I
1 CHAIR MOLINA: Members, any other questions on this?
2 know -- Mr. Hokama.
3 COUNCILMEMBER HOKAMA: Yes, Chairman. I think one
thing
4 we need to be reminded of is that this is a
5 residential subdivision for homeowners and
that's
6 why we have the information on the 36 property
7 owners that were notified of this proposal, of
which
8 20 decided to be against or not support it. And
9 that a lot of users of this particular street
are
10 not using it to get to a residence, they're
trying
11 to get to another business area, commercial
area,
12 which is either Kahului Industrial or
Marketplace
13 and to avoid possibly congestion on Dairy Road.
14 I really believe we need to consider the
15 property owners' interests. And I can
understand
16 their need that they shouldn't be an accessory
venue
17 for business use, although many people,
including
18 myself, has used it to go to a business
location.
19 My only comment is adjacent to this because it's
20 connected to Hukilike, I think that more concern
21 that the Traffic Safety Council should be
addressing

22 is the negative effects of Hukilike Street and
23 parking on that street.

24 And, you know, possibly we may -- you may
25 consider referring that request to the Traffic

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1 Safety Commission or Committee for review and
2 comment. But I at this time am open to your
3 recommendation, Mr. Chairman.

4 But I just share that I know this is a
5 residential, I have walked it, I think most of
us
6 have -- have gone through that subdivision.

While I
7 can understand the request for no parking, those
of

8 us that have gone through that subdivision also
know

9 that many residents have multiple cars and I
don't

10 know where these cars are going to go, Mr.
Chairman.

11 And if they're not on this street, they're going
to

12 find someplace else to park and are we creating
13 another potential unintended problem somewhere
else

14 for those people that need to park?

Department 15 So I don't know if Mr. Arakawa's
16 has had a chance to review what would happen to
all 17 those currently parking on the requested street
and 18 what would happen with that need.
19 CHAIR MOLINA: Mr. Arakawa, would you like to respond?
20 MR. ARAKAWA: Councilmember Hokama, I think you bring
up a 21 good point. The -- I guess our primary interest
in 22 proceeding with this is the traffic situation
23 that -- to handle the traffic on Puukani Street.
24 You are correct in that there are a
number of 25 owners along that street which have multiple

75

on 1 automobile ownership. And if parking is banned
would 2 one side, basically the only option for them
within 3 be to park these cars either in their yard or
4 their driveway itself, or, alternatively, on the
5 other side of the street if parking is banned on
6 their side.

of 1 using this road for that purpose and not so many
2 these people actually live there.

the 3 So at this point, with the concern over
the 4 issues that I have just mentioned, along with
this 5 map concerns, the Chair feels at this point on
these 6 item to defer it. And we will come back and
7 readdress this when we can get as much data on
8 streets as possible.

9 And the Chair would like to address this
10 again in the near future because there are
11 legitimate concerns from both sides of the
issue.

maybe if 12 And I don't know how Public Works feel, but
13 another survey can be done to poll the residents
on 14 the road, if that is something they would
consider.

about 15 MR. ARAKAWA: Actually, I did ask Charlene Shibuya
16 the other streets at Mokuahau and Piihana whether
or 17 not -- as to whether or not we had discussed the
18 matter of no parking with those residents, and
we 19 did not. So, actually, we could go out and do a

we
20 survey to get some input on that similar to what
21 had done on Puukani if that's what the Committee
22 would desire. We would certainly be open to
doing
23 that.
24 CHAIR MOLINA: Yeah. The Chair would feel better if a
25 survey was done on this.

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1 MR. ARAKAWA: We will do that.
2 CHAIR MOLINA: Okay. Thank you, Mr. Arakawa.
3 COUNCILMEMBER TAVARES: Mr. Chair.
4 CHAIR MOLINA: Okay. Member Tavares.
5 COUNCILMEMBER TAVARES: Also, for the next meeting,
can
6 you bring us like what the cross-section of the
road
7 is as far as the travel lanes and parking lanes
and
8 bike lanes, if any? I think that, you know,
that
9 should be like a standard thing that comes with
this
10 when we're looking at no parking or parking
11 restrictions or whatever.
12 Because I -- you know, one of my friends

often, 13 lives on that street, and so I visit quite
traverse 14 and I can't recall now if I could safely
centerline 15 that area without being across the -- the
if 16 because there are cars parked on both sides. So
17 a person, you know, driving, you know, has to go
18 across the middle line, to me that's an unsafe
19 situation. And if restricting parking would
20 accommodate moving the centerline over so that
you 21 could safely traverse without going over the
22 centerline, that we should look at that.
23 And while I am not in favor of these
super 24 wide streets, I think we have to at least have
the 25 minimal width for safe traverse -- traversing of
the

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1 streets. I guess I could have hit somebody if
2 somebody turned out of -- What's that other one?
3 Aliloa? Alaloo. If they were coming out there,
you 4 know, and it entered my -- coming toward me, I
would

5 have probably hit someone coming out. But,
6 fortunately, every time I have gone there,
nobody
7 has been coming out of that street or the other
8 cul-de-sac that's there.
9 So I would be interested in seeing those
10 cross-sections.
11 MR. ARAKAWA: We can certainly prepare that for our
next
12 meeting.
13 COUNCILMEMBER TAVARES: Yeah. Is that what they're
14 called? Okay.
15 CHAIR MOLINA: Mr. Arakawa, the speedlimit through
that
16 area is I presume 20 miles per hour.
17 COUNCILMEMBER TAVARES: It's 20.
18 MR. ARAKAWA: I believe so.
19 CHAIR MOLINA: It's 20. Okay. Has there been any
20 incidents of -- consistent incidents of people
21 speeding through that area?
22 COUNCILMEMBER TAVARES: Now he asks me.
23 CHAIR MOLINA: If you don't have that information at
this
24 time (pause) --
25 MR. ARAKAWA: No, I don't have.

1 CHAIR MOLINA: Okay.

2 COUNCILMEMBER TAVARES: I'm not sure at this point.
It

3 might be. I forget. I go 20.

4 CHAIR MOLINA: Okay. We believe you, Ms. Tavares, but
5 maybe that's something we can consult with the
6 Police Department at a future meeting on this
item.

7 So if there are no objections -- Oops.
I'm

8 sorry. Mr. Kawano.

9 COUNCILMEMBER KAWANO: Thank you, Mr. Chairman.

10 Milton, what is the width between when
they

11 parking on both sides as far as -- I hear you
12 mention 10 feet, the clearance between the two
cars

13 if they're parking on both sides?

14 MR. ARAKAWA: On Puukani, it is a County standard
road, a

15 local road, and that right-of-way width is 44.
So

16 you have 8 feet on both sides. It's based on
grass

17 shoulder on one side and a sidewalk and planter
18 strip on the other side. So that leaves you a
19 28-foot wide travel way. So what we're
proposing

20 with the no parking on one side would be two 10-
foot

21 vehicular travel lanes and an 8-foot parking
lane.

22 COUNCILMEMBER KAWANO: I see. And as far as the fire

23 trucks and safety ambulance, they got no problem
24 traveling that as far as the width?
25 MR. ARAKAWA: With the proposed ban on parking on one

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may 1 side, it would be no problem. But right now it
parking 2 pose a problem in the sense that if you have
3 on both sides, the traffic does have to weave
4 between the parking.
5 COUNCILMEMBER KAWANO: Okay. Thank you, Mr. Chairman.
6 CHAIR MOLINA: Thank you, Mr. Kawano.
7 Mr. Kane.
8 VICE-CHAIR KANE: If we're only going to be looking at
the 9 three streets and then come back and talk about
it, 10 it seems to me that there is some -- How shall I
11 say? I mean, looking through all this list,
here we 12 are at the County Building, we have a major
parking 13 problem for employees. And so it seems like
it's 14 okay for us to go on Kiele Street or Kahookele
15 Street or Kaohu Street or Palua Street and all
of

a 16 these streets are listed here. I mean, Kiele is
17 prime example.
eye 18 And it seems like we're turning a blind
19 to that situation, we're allowing -- County has
20 signs up allowing parking on both sides of that
21 street. We're going across the double line.
And 22 then we're impacting residents down in Happy
Valley 23 or above Happy Valley and on both sides of Happy
24 Valley. And it just seems like -- I don't know
if 25 the word double standard is the word.

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1 CHAIR MOLINA: Good point.
2 VICE-CHAIR KANE: So to me, this is a larger issue
that we 3 need to -- we need to take on. And before we
bring 4 this back, we need to start answering some
questions 5 and be consistent with our actions. And right
now 6 it doesn't seem like we're being consistent.
We're 7 piece-mealing it. We're taking this -- My point
is:

8 Why Mokuahau? Why Piihana? Why not Kiele? Why
9 not -- You know what I mean?

10 So if we're going to start doing this and
11 start restricting parking, I mean, we got -- we
got
12 enforcement issues. How are we going to start
doing
13 that? Is that what this County is going to do?
Are
14 we going to start upping the enforcement on
this?
15 Are we going to give County employees who don't
have
16 a parking stall and got to wait ten years on a
17 waiting list preference over somebody who lives
on
18 Mokuahau Road to have parking to get into their
own
19 house? You know, things like that.

20 So it's -- I'm having kind of a difficult
21 time with this. I'm kind of struggling, Mr.
Chair.

22 So, you know, you made the comment that you want
23 this to come back soon after we poll Mokuahau and
24 Piihana. Well, to me, there's much more to it
than
25 that and I don't -- I don't see us being able to

1 show consistency on the body's part to the
public by
2 taking that type of restricted action.
3 Again, just my two cents, you know. I'm
4 parked down on Market Street because just so
5 happened I couldn't come and there's no limit on
--
6 you know, by the armory. There's no two-hour
7 parking. So, you know, that one is okay and
it's
8 legal parking. But again, you know, we got
people
9 working in this building, so it's hard.
10 CHAIR MOLINA: Well, I think your comments are worth a
lot
11 more than two cents, Mr. Kane. I think you
bring up
12 some --
13 VICE-CHAIR KANE: Sorry for rambling.
14 CHAIR MOLINA: No problem. I think that's a very good
15 concern that you have brought up here.
Sometimes we
16 tend to have a blind eye within -- when it comes
to
17 issues ourselves, things that are occurring in
our
18 own back yard, so I think that's a very good
point
19 that you have brought up.
20 Members? Councilmember Tavares.
21 COUNCILMEMBER TAVARES: I think that's a good point
that
22 Mr. Kane brings up. You know, the movement has
been

23 into -- lately to look at street design and, you
24 know, a rural street design versus an urban
street
25 design or even what is coming out as far as

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widths 1 relooking, revisiting standards for roadway
2 depending on what kind of situation you're in.
3 I'm just wondering if the Department of
4 Public Works is -- because I think I heard Mr.
Goode
5 allude to something earlier and maybe you could
6 share with us some -- what direction you think
the
7 Department is going in regarding street widths
8 throughout the County. And perhaps it would be
a
9 good idea for us to establish our, you know, new
10 County standards before we start imposing
different
11 restrictions on existing roads.
12 CHAIR MOLINA: Go ahead, Mr. Arakawa.
13 MR. ARAKAWA: Mr. Chairman, Councilmember Tavares, we
are
14 in the process of looking at our standard
details

sent 15 for new subdivision construction. And we have
from a 16 out a number of -- well, asking for comments
17 number of community organizations as well as
18 professional organizations. And we have gotten
a 19 number of varied comments back on it and we
still 20 have to sift through those comments and come
forward 21 with a proposal.

22 So at this point we haven't really made a
should 23 decision as far as what the standard detail
24 be, but we will be in the near future.

25 COUNCILMEMBER TAVARES: Thank you.

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until 1 Perhaps, Mr. Chairman, we should wait
2 we get those out of -- It's not a matter of, you
3 know, some dire safety issue that's occurring at
4 these places. To wait until we can look at it
as 5 part of a whole rather than just a piece of a
whole.

6 CHAIR MOLINA: You must have read my mind. I was just

7 about to add that. But, thank you,
Councilmember

8 Tavares. Obviously there doesn't seem to be a
rush

9 to bring this back to Committee, so until all
the

10 research and analysis is done, then we will
11 patiently wait to address these items.

12 Mr. Kawano.

13 COUNCILMEMBER KAWANO: Well, Mr. Chairman, I know Mr.
Kane

14 brings up a good point, but I think what we are
15 addressing is it's on our agenda. I think
that's

16 why we're working on this. But Mr. Kane do
bring up

17 a good point and Ms. Tavares, too. And maybe
just

18 by looking at the County, around the County
Building

19 we see all this happening with the cars parked
on

20 both sides and most of them are County
employees, as

21 Mr. Kane mentioned. However, we just addressing
the

22 thing on the agenda.

23 CHAIR MOLINA: True.

24 COUNCILMEMBER KAWANO: Thank you.

25 CHAIR MOLINA: Thank you. That's a good point of
order on

1 your part, Mr. Kawano.

2 So I guess the whole theme of this matter
is

3 parking, parking, parking. Hopefully our --
some

4 sort of parking structure is on the horizon in
the

5 near future for Wailuku.

6 Members, any other comments or discussion
on

7 this matter?

8 Okay. If not, there are no objections,
the

9 Chair will, as he said earlier, defer this
matter

10 for discussion in the future.

11 ACTION: DEFER pending further discussion

12 CHAIR MOLINA: Okay. If -- hearing no other
discussions

13 on this or any other matter, are there any

14 announcements any of the members would like to
make?

15 I know Councilmember Tavares has something
upcoming

16 and big tomorrow. Would you like to comment on

17 that, Charmaine?

18 COUNCILMEMBER TAVARES: Yes. Just a note that the

19 Planning Committee meeting will start at 10:00
a.m.

20 in the morning and the first portion of the
Planning

21 Committee meeting is going to be hearing from a
22 person who will be speaking about the
neighborhood
23 boards in the City and County of Honolulu. So
that
24 meeting is at 10 o'clock, not at 9:00. And then
at
25 1:30 we will start talking about the planning

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1 process components.
2 CHAIR MOLINA: Okay. Thank you.
3 Members, any other announcements?
4 Hearing none, the Chair would like to
thank
5 you for your desire, dedication and cooperation
for
6 today's meeting. Have a nice day. This meeting
is
7 adjourned. (Gavel.)
8 Adjourn: 11:13 a.m.
9
10
11
12
13
14

12 true and correct transcript of the proceedings
had 13 in the foregoing matter.

14 I further certify that I am not attorney
for 15 any of the parties hereto, nor in any way
concerned 16 with the cause.

17 DATED this 23rd day of August, 2001, in
Maui, 18 Hawaii.

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Sandra J. Gran
Hawaii CSR 424
Notary Public for Hawaii
My Commission Expires: 5/14/04