

**INFRASTRUCTURE MANAGEMENT COMMITTEE**  
Council of the County of Maui

**MINUTES**

**July 2, 2012**

**Council Chamber, 8<sup>th</sup> floor**

**CONVENE:** 9:03 a.m.

**PRESENT:** VOTING MEMBERS:

Councilmember Elle Cochran, Chair  
Councilmember Michael P. Victorino, Vice-Chair  
Councilmember Robert Carroll (in 9:09 a.m.)  
Councilmember Donald G. Couch, Jr.  
Councilmember G. Riki Hokama  
Councilmember Danny A. Mateo (in 9:04 a.m.)  
Councilmember Joseph Pontanilla (out 10:04; in 10:25 a.m.)

**STAFF:** Carla Nakata, Legislative Attorney  
Yvette Bouthillier, Committee Secretary

**ADMIN.:** Kyle Ginoza, Director, Department of Environmental Management (IM-52, IM-53, IM-54)  
David C. Goode, Director, Department of Public Works (IM-28, IM-50, IM-51)  
Michael J. Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel

**PRESS:** Akaku: Maui Community Television, Inc.

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CHAIR COCHRAN: ...*(gavel)*... Good morning. Will the meeting of the Infrastructure Management Committee please come to order. I am Council member Elle Cochran, Chair of the Infrastructure Committee. Today is Monday, July 2, 2012. It is about 9:03 a.m. Members, welcome. Before we begin, please silence or turn off your cell phones or any other noise-making devices, and I shall introduce who is in attendance. I have the Vice-Chair of the Committee, Mr. Victorino, good morning.

VICE-CHAIR VICTORINO: Chair.

CHAIR COCHRAN: And also going down the line I see Vice-Chair of the Council, Joseph Pontanilla.

COUNCILMEMBER PONTANILLA: Morning.

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CHAIR COCHRAN: Morning. And getting into his seat real quickly here, Chair of the Council, Danny Mateo, good morning, Chair.

COUNCILMEMBER MATEO: Morning.

CHAIR COCHRAN: And Don Couch.

COUNCILMEMBER COUCH: Morning.

CHAIR COCHRAN: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chair.

CHAIR COCHRAN: From Administration I have Director of Public Works, David Goode.

MR. GOODE: Morning.

CHAIR COCHRAN: Morning, Mr. Goode. And Deputy Corporation Counsel, Michael Hopper. And last but not least ever is Secretary, Yvette Bouthillier. And filling in for legislative analyst Scott Jensen today is Carla Nakata. Good morning, ladies.

MS. NAKATA: Good morning.

CHAIR COCHRAN: And at this point I shall open up the floor for public testimonies. Let me set the parameters if...oh, I guess I don't because we have no public testimony today. Members, without objection I shall close the floor for testimony.

COUNCIL MEMBERS: No objections.

CHAIR COCHRAN: Thank you. And at this point we shall move into the items. I, this is probably one of my lengthiest agendas ever. We have six items here today. But not to fear, should go fairly quickly. The first relates to parking prohibitions and in particular the elimination of certain parking prohibitions along South Kihei Road near Keawakapu Beach. The next two items relate to the dedication of road widening lots. And the last three items relate to dedication of reclaimed waterline or sewerline easements. And I've mentioned the Directors that are here today.

**ITEM NO. 28: PARKING ON SOUTH KIHEI ROAD NEAR KEAWAKAPU BEACH (KIHEI) (CC 11-197)**

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CHAIR COCHRAN: Members, we'll go first then to IM-28 and this is the, in regards to Parking on South Kihei Road near Keawakapu Beach. And let me give a description of this. So we are in County, receipt of County Communication 11-197 from Councilmember, Don Couch, transmitting a proposed bill pertaining to prohibited parking on South Kihei Road near Keawakapu Beach, Kihei. It's dated June 25, 2012, from the Department of Corporation Counsel, transmitting a revised proposed bill entitled A Bill for an Ordinance Amended Section 10.48.040, Maui County Code, Pertaining to Parking Prohibitions. The purpose of the revised proposed bill is to eliminate the parking prohibition on South Kihei Road near Keawakapu Beach, Kihei, Maui, Hawaii. The bill would also correct an omission in Section 10.48.04 [sic], Maui County Code, which first occurred in Ordinance 413.310 in 2003, by reinserting the language immediately following the section heading. At this point this Committee may consider, recommend passage of the revised proposed bill on first reading with, with or without revisions. Committee may also consider filing of County Communication 11-97 [sic] and other related actions. So, Members, I shall, I'm looking to receive comments first from Mr. Couch, being he is the introducer of this legislation. Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Madam Chair. We introduced this legislation because there was an attempt to fix a parking issue, essentially upgrade the parking area on, at the end of South Kihei by Keawakapu Beach. In doing so, it would eliminate approximately 20--I can't remember the name that they call them, the "not authorized" parking spaces--but 20 parking spaces that are there de facto therefore causing a significant decrease in parking at Keawakapu Beach, which is already, the parking is completely full. Talked to the residents in the area, had a, had a couple of discussions with them and, and the Department, and everybody's in agreement that taking away those parking restrictions will leave things at status quo and allow for approximately 20 extra beach parking locations.

CHAIR COCHRAN: Thank you, Mr. Couch.

COUNCILMEMBER COUCH: Uh-huh.

CHAIR COCHRAN: At this point, I'll turn the floor over to Director Goode for your overview and comments--

MR. GOODE: Okay.

CHAIR COCHRAN: --should you have some. Thank you.

MR. GOODE: Thank you, Madam Chair, and morning, Members. The proposal in front of you is really to eliminate restrictions and make it more, parking more available. As Councilmember Couch mentioned, we had a, actually had a meeting out there

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with the residents about two or three weeks ago, month ago maybe. They were unanimous in basically allowing people to park as they traditionally have done down there. They're not interested in restricting parking, and that includes the parking that's actually in front of their homes. And currently, to envision what the current law says, if you drive down South Kihei Road and instead of making the left going up towards Wailea and you continued down along South Kihei Road towards the beach parking, the makai side in the current ordinance is restricted to 7:00 a.m. to 7:00 p.m. And the residents have no problem making that consistent with the rest of the, getting rid of that restriction, put it that way. On the mauka side, it's divided into two sections. As you head down to the beach parking, you make a little turn around, you come back, so the mauka side is on your right-hand side. It's again 7:00 a.m. to 7:00 p.m. from the beach parking up to the driveway to the condominium complexes at Ekahi, I think. So again, 7:00 a.m. to 7:00 p.m. But then from Ekahi all the way out to South Kihei Road which is a significant amount of real estate, is "no parking", but it's never been signed. So even though the ordinance passed in '03-'04, we haven't put an signage up there and so people continue to park up there so police can't enforce it. And we had looked to do some improvements in that area and that, the residents, nobody wanted either. So we're back to square one and basically scrapping the changes that were made in '03-'04 and allowing parking, as much parking as possible, with some limitations. Obviously we wouldn't want to park too close to any driveways nor too close to the intersection at the Okalani. And so we would sign that appropriately to meet standard engineering convention. And essentially that's, that's, that's where we're at.

CHAIR COCHRAN: Thank you, Director Goode. Members, the floor is now open for discussion, but first let me, let me acknowledge that Councilmember Bob Carroll has arrived. Aloha, good morning. Okay, now floor is open for discussion. Yes, Mr. Pontanilla.

COUNCILMEMBER PONTANILLA: Thank you. Thank you, Mr. Goode, for that quick overview. Sorry, no more maps but, you know, on the makai side at one time there were issues regarding property owners putting up like barriers so that people can't park on the makai side. So I'm assuming that those are removed.

MR. GOODE: Uh-huh. They are, in fact we had started a project over there that got halted, and the first work that we did was put gravel parking in front of those residences and so that meant the barrier removal and, you know, the gravel parking's working. It helps to guide cars to park there and the residents like it.

COUNCILMEMBER PONTANILLA: Okay. So the extension of the mauka side, like say people are already parking there, right?

MR. GOODE: Uh-huh, correct.

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COUNCILMEMBER PONTANILLA: Okay, good. So, yeah, hopefully this does help some of the congestion at Keawakapu Beach. Thank you.

MR. GOODE: Sure.

CHAIR COCHRAN: Thank you, Mr. Pontanilla. Members, yes, Mr. Mateo.

COUNCILMEMBER MATEO: Thank you, Madam Chair. Mr. Goode, could you speak to the Traffic Safety Council's opinion?

MR. GOODE: I'm not sure if we went to Traffic Safety Council on this one. I didn't see any correspondence on that and I don't know if...

COUNCILMEMBER MATEO: Yeah, there's a, there's a correspondence --

MR. GOODE: Is there?

COUNCILMEMBER MATEO: --dated March 7 from Mr. Yamamura. The letter was addressed to Councilmember Couch and the bottom, the bottom line for this indicates, and I'm quoting, "the members anticipate unrestricted parking in the area would create safety issues for pedestrians, bicyclists and motor vehicle traffic. As a result the Traffic Safety Council members do not support the request to repeal or the prohibition on parking on South Kihei Road near Keawakapu Beach". Could you share some comment regarding the council's determination?

MR. GOODE: Sure. And thanks for pointing that out. I didn't have a copy of that with me and I should have. When we went out to the site visit, we also brought along our head design engineer. And also took into account the comments from the residents, you know, that primarily, you know, when a motorist enters this area, it's pretty obvious this is a beach parking area and to expect, you know, people getting in and out of cars, to expect people walking along with boogie boards and, you know, coolers and whatnot. And our engineer felt that, you know, keep, making sure that the parking stayed away from the intersections and the driveway was important. But also, you know, we are interested in doing some minor improvements to the area. You know, currently a lot of that area is basically dirt parking. And the gravel seems to be working pretty well on the makai side. It's, maybe, look at some kind of gravel area that help delineate, you know, the edge of the roadway where people should park. But the residents' experience was, and to their knowledge--and some of them been there 30 plus years--that there hadn't been any accidents, no one been hit and that there might be perceived safety issue there but at least to date, knock on wood, there hasn't been any incident.

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COUNCILMEMBER MATEO: Okay. My only concern with raising that issue was because their determination initially was based from input from both the Department of Public Works and the Police Department. So those two items kinda like are red flags for me. So can you tell me how far along you are in this, in your comprehensive parking plan for the area?

MR. GOODE: Well we had come up with a plan to add a lot more hardscape and convert a lot of the what's de facto diagonal parking or almost perpendicular parking into parallel parking which would have eliminated a lot of stalls. And that, that was the plan that actually got stopped in court. I mean, the residents didn't like it at all. We had an injunction, when we stopped the work. So we've backed off to finding, you know, something that's more palatable that kinda, that keeps the character of the area and eliminates some of the dirt and dust issues. So we've talked about gravel, but we haven't solidified on anything at this point.

COUNCILMEMBER MATEO: Thank you. Thank you, Madam Chair.

CHAIR COCHRAN: Okay, thank you, Mr. Mateo. Members, any more further discussion on the matter?

COUNCILMEMBER PONTANILLA: Chair.

CHAIR COCHRAN: Yes, Mr. Pontanilla.

COUNCILMEMBER PONTANILLA: Thank you. And, you know, thank you, Mr. Mateo, for bringing up the March 7, 2011 letter. I know the County did some design work in regards to the makai side so that it becomes more safety, I guess, oriented for, you know, pedestrians as well as bicyclists. So at that time did the Traffic Safety Committee ever review that plan that was designed? I guess you guys designed that plan.

MR. GOODE: Uh-huh, we did. That was probably the plan that they were looking at. I mean this was, sounds like over a year ago. I don't know if they, I doubt they did a site visit. But, again, that, you know, that plan is basically dead at this point.

COUNCILMEMBER PONTANILLA: Okay.

MR. GOODE: And so we're just trying to meet the...there, there seems to be a big need for parking in that area, especially on the weekends and holidays and again, with lack of incident that we're aware of, and it's unusual to have a neighborhood actually say they want more cars parked on the road.

COUNCILMEMBER PONTANILLA: Okay. And, and I, I guess there's an agreement, like you say, with the Wailea Association regarding that one particular area.

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MR. GOODE: Yeah, originally we were partnering with, if you will, with Wailea Community Association and they received some monies from the Grand Wailea as part of their --

COUNCILMEMBER PONTANILLA: Yeah.

MR. GOODE: --SMA package. They went, there was a, you know, interventions on that project. All those got settled and then the, the final conditions for the Grand Wailea, they're basically directing \$80,000 to, to us, to the Department directly, not through the Wailea Community Association. The Wailea, we, we worked with the Wailea Community Association; they're fine not being essentially being a middleman. And that \$80,000, I think, is enough for us to do some gravelling work, the signage. You know, if there's potential areas where we can improve the pedestrian experience, we'd use that money for that.

COUNCILMEMBER PONTANILLA: Okay, thank you. Thank you, Chair.

CHAIR COCHRAN: You're welcome, Mr. Pontanilla. Members, any further discussion on the...Mr. Hokama.

COUNCILMEMBER HOKAMA: I appreciate the, this matter coming up today, Chair. You know, but every, every, seems like almost every ten years we go through this same thing with this same area.

UNIDENTIFIED SPEAKER: Uh-huh.

COUNCILMEMBER HOKAMA: Ban parking, now allow parking, then ban parking, you know, we go through this kinda regularly, almost like in ten-year cycles. And, and so, to hear we don't have a plan on how we gonna address the greater subject of access parking, beach access parking, whatnot, you know, at this point I would rather not support the request, Chair. Thank, thank you.

CHAIR COCHRAN: Thank you, Mr. Hokama, for your comments. Members, further...yes, Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Madam Chair. And just wanted to acknowledge and thank my colleagues for their comments. The issue with the Traffic Safety Council was that they, they were worried about diagonal parking and the, you know, the, the safety codes and whatnot. But regardless whether or not anything gets done there, the issue before us is the timing from 7:00 to 7:00. This is a public street. This is not a beach park, you know, or any kind of park where we have times, restricted times. This is a regular public street and we're trying to remove the times back to the, the Countywide restriction, no parking

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from, I believe it's 4:00 p.m., 4:00 a.m. to 6:00 a.m. This is to allow people who visit the neighbors, visit the, the condos, to be able to park after 7 o'clock at night which they've been doing for years and years and years and have no issues. It also, again, if we don't, if we keep the restrictions on there then the Department has, and I'll check with Director Goode what their issue is with moving forward with a parking plan that essentially eliminates 21 parking spaces, and we're all about trying to keep beach access parking going. So I'd like to ask Director Goode is if the time restrictions are not removed, what the, what the Department plans to do with the existing plans?

CHAIR COCHRAN: Director Goode.

MR. GOODE: I think as I mentioned earlier, the, this ordinance has passed, like Mr. Hokama said, it's almost like ten-year cycles, in '03-'04, has not been signed. We need to go out and sign that. And I think we had delayed because we did a little in-house project, and one of the main reasons that the, I think this came up in '03-'04 and I was reviewing the committee, some of the committee correspondence back then and also from the neighbors, was that there's a very large home that was being built and all of the subcontractors were parking in that area on the mauka side and basically taking up all the beach parking, and project may have gone on for two years or something like that. And as kind of a response to that, that's why I think, part of why the existing ordinance came into play. Of course the house is finished and it's essentially being used as beach parking on those big beach days. So we need to, if we don't change the law, we need to go out and sign it. And so that will eliminate a fair amount of beach parking along those areas, that mauka side from Ekahi Driveway to South Kihei, excuse me, to Okalani.

CHAIR COCHRAN: Thank you, Director.

COUNCILMEMBER COUCH: Thank you.

VICE-CHAIR VICTORINO: Chair.

CHAIR COCHRAN: Yes, Mr. Victorino.

VICE-CHAIR VICTORINO: Thank you. And, and thank my colleagues and Mr. Couch for bringing this forward. I've heard many complaints about this area, but I've also heard people saying that we don't want additional parking 'cause that brings a lot more problems to the area than it solves. So, you know, I agree with Mr. Hokama, it seems like a cycle, comes back every so many years with this problem or that problem, and they don't want it, they want it. My question is I see in here that you have a signed request to Mr. Couch and it's signed by one, two, three, four, five, six, seven, eight people. You know, it's right after the



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ordinance itself, and it's Dear Don, Dear Councilman Donald Couch, and it basically asking for parking on each side of the roadway, yeah. They're, they're asking for amendments. This is what we're talking about, right?

UNIDENTIFIED SPEAKER: Correct.

VICE-CHAIR VICTORINO: But how many of the neighbors really did participate? You guys said had a meeting. How many were there? Because, again, this is what the problem is, we will do something today and tonight and tomorrow I'll get emails from somebody said, "Well, I didn't know that. And why are they doing that? I don't want that". You know, and you've had the same experience, right, Mr. Goode? I mean, we all have that. So how many were really, 'cause I heard the quote, "oh everybody's in agreement". Whoa, that word "everybody" really gives me a real jeebie, because I can never get everybody to agree on anything even in my household. So how many were there at this meeting to say "yeah, this is a good thing", because I gonna bet you a nickel and a quarter there's a whole bunch that said "I don't think it's a good idea". So where do we go? Because once we start it, then we gotta retract it in five years, ten years, I don't know, you know. So I'm asking that question, Mr. Goode, how many people were at this meeting?

CHAIR COCHRAN: Director.

MR. GOODE: Well, maybe Mr. Couch could give you the exact number but my recollection at least five or six. Now remember there's not that many homes in this stretch.

VICE-CHAIR VICTORINO: I realize that.

MR. GOODE: And so maybe Mr. --

VICE-CHAIR VICTORINO: But it's more than five or six --

MR. GOODE: --and again, Mr. Couch.

VICE-CHAIR VICTORINO: --homes if I'm correct in remembering.

MR. GOODE: Well, yeah, and I agree with you that you can't get anybody to agree on it.

VICE-CHAIR VICTORINO: Yeah.

MR. GOODE: None of us can get anybody to agree on anything, but I'll let you know, based on my years of experience --

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VICE-CHAIR VICTORINO: Yes.

MR. GOODE: --and working with homeowners also, that I had felt a very strong consensus. In fact, I was surprised that they really didn't want any improvements at all.

VICE-CHAIR VICTORINO: Uh-huh.

MR. GOODE: I said, "Are you sure? You get, I mean, you get dust over here? I mean from the dirt road and, "yeah, but"". So, I mean, I was actually, I guess I went over with a set of expectations and came away from the meeting just the other way that "nope, open it up, and et ceteras" but I think Mr. Couch who was there ought to give his --

CHAIR COCHRAN: Thank you, Mr. Goode.

MR. GOODE: --two cents.

CHAIR COCHRAN: Mr. Couch, you had some comments?

COUNCILMEMBER COUCH: Thank you, Madam Chair, yes. There was actually, I believe it was everybody that signed this and all but one home. There's only eight or nine homes on that stretch of road.

VICE-CHAIR VICTORINO: Uh-huh.

COUNCILMEMBER COUCH: And everybody was there except, I believe, one. So we had a lot of folks there, we walked up and down the area. You know, I talked with the Wailea Community Association as well and they're basically gonna keep hands off at this point. You know, they were involved at the beginning and decided to back off and say whatever happens, happens, they're fine with it. This has been a push from, again, I would say, 90 percent of the residents on that street, there aren't that many, plus talking to all the people who park there, to, to eliminate beach parking would be really not to the best interest of the, the people there. And again, it's a public street, why are we keeping the hours from 7 a.m. to 7 p.m.? I mean, it's a public street. Thank you.

CHAIR COCHRAN: Thank you, Mr. Couch. Members, yes, Mr. Pontanilla --

COUNCILMEMBER PONTANILLA: Thank you.

CHAIR COCHRAN: --and then Mr. Victorino.

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VICE-CHAIR VICTORINO: I wasn't, I wasn't done yet ...(*inaudible*)...

CHAIR COCHRAN: Oh, oh, sorry.

COUNCILMEMBER PONTANILLA: Go ahead.

CHAIR COCHRAN: Mr. Victorino. Yes. You wanted to complete.

VICE-CHAIR VICTORINO: Well in response to that statement, there are many streets in my district and other districts that have not only restrictions, you can't park certain times but also the number of hours you can be there, two hour, three hour. Drive around this County building, you cannot find very long-term parking, other than two or three hours. So to say this, we don't restrict our streets right now is not correct. There's all over. Now the thing I wanna make sure is that if the residents are all for it, that in, like Mr. Hokama mentioned, in three or four years they don't come running back and say, "oh, no, no, no, this is not working, and we don't want it", okay. So if they want it and Mr. Couch fairly confident with what, what he's been told, I wasn't at the meeting, so I'm taking his word for it, I can support. I don't want to eliminate or reduce any beach parking, that's the last thing I want to do, but I just don't want the complaints later saying "hey, we weren't a part of the process". So if you're telling me nine out of ten houses, or eight out of nine houses were there, then I can take your word for it and I can, I can stand behind your recommendations. So, thank you, Madam Chair.

CHAIR COCHRAN: Thank you, Mr. Victorino. Mr. Pontanilla.

COUNCILMEMBER PONTANILLA: Thank you. Mr. Goode, at the corner of Kilohana and South Kihei Road there is an existing public parking area. Is there any plans to enlarge the parking area at that one particular corner, because I understand that there is a beach access across the road?

MR. GOODE: Yeah, I think you're talking about Kilohana and South Kihei Road.

COUNCILMEMBER PONTANILLA: Yeah.

MR. GOODE: That would be the north end of Keawakapu Beach. But this is, I think what people call the middle entrance to Keawakapu. I'm not aware of any plans to expand that area. I do know that there's been some complaints recently that there's a lot of tree roots uplifting the parking stalls over there. But I don't know about expansion. I, I think it'd be needed, I mean, I personally used that area in the past and on the weekends, it's, it's full, too.

COUNCILMEMBER PONTANILLA: Yeah, and the other question that I, maybe not a question but I, I think most of the homes are being rented out as probably vacation

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rentals and B&B's. I don't know how many "residents" do live on the makai side of the road. So I, I may be wrong, but I, I think I've heard that before. Thank you.

CHAIR COCHRAN: Thank you, Mr. Pontanilla. Thank you, Director. Mr. Couch, you had some comments?

COUNCILMEMBER COUCH: Yeah, as far as the, the Kilohana and South Kihei Road, that is the middle entrance, and that is, I'd say, almost a half a mile away from the, this beach park that people are parking here for. So it has been brought up before that, you know, why don't we park there and have everybody walk down there. I don't know about you but walking half a mile on beach sand or in the street, which is supposedly what the new parking is supposed to do, is eliminate people walking. But if you look at, there are some pictures and I can pass 'em around. I have 'em on my Pad. There's plenty of space on the makai side where people walk. They always walk there because of the shade and the time of the day, according to the residents there. Most of the residents, as far as I can tell, live there. We've had several come in here on other issues who, who testified on, testify on issues. So as far as that's concerned, this is the area where we have a, a small park entrance, has relatively few parking locations and we have a shower and a restroom there. It's the only shower and the restroom that the County provides for that whole beach. So that's the area where we're looking at. And as far as, I may have been misunderstood or what, I'm not talking about, this is a public road and there are some roads where, yes there's limited amount of parking, but this is saying no parking after 7 o'clock at night until 7 o'clock in the morning. That's kind of unusual for a public street. Yes, if there's a two-hour parking or a three-hour parking limit or something like that, that's, that's another thing and we can, we can look into that. But as far as no parking at all after 7 o'clock, that's my concern. Thank you.

CHAIR COCHRAN: Thank you, Mr. Couch. Yeah, I see that in Lahaina where at certain times it's school zone parking, certain times it's bus parking and other, any other time it's public parking, so. Did you have a comment, Mr. Hokama? You gotta ...*(inaudible)*....

COUNCILMEMBER HOKAMA: I'm just trying to, you know, if my memory serves me right, Chair, I think when we talked about this ten years ago and if we even talked about it, prior to that, I think I recall some of the conversation of the Committees and the Council at that time was one, the issue of drinking at night and access of ulua fishermen late at night, some taking different routes, whether they go through private property or not, but I remember noise, all night parking, drinking, fisherman access issues and there was, that was some of the, I believe, the discussion that my memory, if I recall correctly, was brought up in the earlier discussions. And unless we repealed it, I think there's still a general ordinance

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that says there's no parking at 4:00 a.m. So the police still cites anybody on a County street when they fail to do that duty. But, but that's what I recall, Chair, and, again, you know, it's, it depends who, what squeaky box you want to crank up, when, and bring up which issue, but that's what I recall ten years ago. And it befuddles me that we can pass an ordinance that doesn't get squared away for ten years. That, to me, really irks my butt. Thank you.

CHAIR COCHRAN: Thank you, Mr. Hokama. I feel your frustration. Mr. Couch.

COUNCILMEMBER COUCH: And, and I agree. Just a little history on it. The reason it was brought up ten years ago was it was an SMA condition on the Grand Wailea's expansion. That SMA condition has been rescinded. It's been modified to something different, and that's the only reason it was brought up, and so when it was brought up that, then people were saying "yes, we want it, no we don't want it". And when they saw the plans then everybody was concerned about the lack of beach parking. So in my 20 plus years, and it's not a lot here, that's the only time it was brought up was because of the SMA condition. Right now the Wailuku, I'm sorry, Wailuku, Wailea Community Association patrols that area. Their security comes through and, and as far as I have been able to determine from Mr. Pikrone, there aren't that many complaints at all. The residents, of course, say there are no complaints, but I would rather trust the Wailea Community Association patrols. They patrol that area quite frequently and those things aren't happening at this time. Thank you.

CHAIR COCHRAN: Okay. Thank you. Thank you for that, Mr. Couch. Members, further discussion? I just want to open the floor in case. I don't want to neglect our Deputy Corporation Counsel here if he has any comments or any, anything he wants to shed light on, if at all. I mean, I'm not, just asking.

MR. HOPPER: I mean, not at this time, Madam Chair, it's a --

CHAIR COCHRAN: Okay.

MR. HOPPER: --decision whether to, you know, to keep a, a parking, you know, restriction or repeal it. And I think that's within the Council's jurisdiction. Just as a note, there was language added to the beginning of this bill to make clear that it was inadvertently left out of, I think, a previous ordinance. That's the language at the beginning, that states, "No operator of any motor vehicle shall park the same or permit such vehicle to be parked on the following portions of the public streets and highways of the County". That's important language and, and should be, at least in our opinion, placed in there regardless of the decision on, you know, which way to go with the parking ban. That's at the very beginning of the ordinance and is general language making it clear that that section relates to a parking ban.

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CHAIR COCHRAN: Yes, thank you very much for that clarification and that will be part of my recommendation if this is...are we ready for a recommendation? Okay, I recommend, I mean, I'm, yeah, looking for a motion to recommend passage of the revised proposed bill and the revision was just stated by Mr. Hopper. So recommend passage of the revised proposed bill on first reading and filing of this county communication.

VICE-CHAIR VICTORINO: So moved, Madam Chair.

COUNCILMEMBER COUCH: Second.

CHAIR COCHRAN: It's been moved by Mr. Victorino and seconded by Mr. Couch. Members, any further discussion on the motion? Yeah, Mr. Mateo.

COUNCILMEMBER MATEO: Madam Chair, thank you very much.

CHAIR COCHRAN: Yes.

COUNCILMEMBER MATEO: I, I still have concerns and my concerns primarily involves the Traffic Safety Council's recommendation based on input from both the Department and the Police Department. So, you know, I've, I've listened to my colleague from South Maui and I do have, you know, sympathy for the residents who live along this little roadway, but I still, somehow, am a bit troubled between the need for us to move forward and the need for us to still address the Traffic Safety Council's concerns. So I'm having a difficulty with this particular proposal, Madam Chair. So until you actually call for the vote, I'm still having concerns. Thank you.

CHAIR COCHRAN: Thank you, Mr. Mateo, for your comments. Yes, Mr. Couch.

COUNCILMEMBER COUCH: Thank you. And just to remind Members that regardless, whether it's 7:00 to 7:00 or we go back to the regular hours, until any kind of construction gets done there, which doesn't appear to be imminent, the issues that the Traffic Safety Council have are still going to be there. And what they were looking at was a plan that has it all concreted curb, gutter, sidewalk with parallel, I mean, not parallel, but diagonal parking, and that's what they were concerned about. So as far as the hours are concerned, nothing changes whether the hours are 7:00 to 7:00 or the regular hours until any construction is done and the construction may or may not happen for a while, but if the hours are not changed then the impetus on getting the construction in there will be greater. Thank you.

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CHAIR COCHRAN: Thank you, Mr. Couch. Members, further discussion? Seeing none, all those in favor of the motion, say aye.

COUNCIL MEMBERS: Aye.

CHAIR COCHRAN: Any oppose, say no.

COUNCILMEMBER HOKAMA: No.

COUNCILMEMBER MATEO: No.

CHAIR COCHRAN: Two. Let's take a roll call, please, Yvette. Thank you.

MS. NAKATA: Vice-Chair Victorino.

VICE-CHAIR VICTORINO: Aye.

MS. NAKATA: Member Carroll.

COUNCILMEMBER CARROLL: Aye.

MS. NAKATA: Member Mateo.

COUNCILMEMBER MATEO: No.

MS. NAKATA: Member Couch.

COUNCILMEMBER COUCH: Aye.

MS. NAKATA: Member Hokama.

COUNCILMEMBER HOKAMA: No.

MS. NAKATA: Member Pontanilla.

COUNCILMEMBER PONTANILLA: Aye.

MS. NAKATA: Committee Chair Cochran.

CHAIR COCHRAN: Thank you, oh, and the Chair votes aye.

MS. NAKATA: Madam Chair, that's five ayes and two noes. Motion is carried.

CHAIR COCHRAN: Thank you.

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**VOTE:       AYES:       Chair Cochran, Vice-Chair Victorino, and Councilmembers Carroll, Couch, and Pontanilla.**

**NOES:       Councilmembers Hokama and Mateo.**

**ABSTAIN:     None.**

**ABSENT:      None.**

**EXC.:       None.**

**MOTION CARRIED.**

**ACTION:     FIRST READING of revised bill and FILING of communication by C.R.**

CHAIR COCHRAN: Okay, members, that was our first item for today. Thank you.

**ITEM NO. 50:   DEDICATION OF ROAD WIDENING LOT FOR THE UAOA BRIDGE SUBDIVISION (HAIKU) (CC 12-116)**

CHAIR COCHRAN: And next on the list is IM-50 and this is Dedication of Road Widening Lot for the Uaoa Bridge Subdivision, which is in Haiku. The Committee is in receipt of County Communication 12-116 from the Director of Public Works transmitting a proposed resolution entitled Accepting Dedication of a Road Widening Lot for the Uaoa Bridge Subdivision, Pursuant to Section 3.44.015, Maui County Code. The purpose of the proposed resolution is to accept the dedication from Stephen Burnham Thistle and Carla Jean Thistle of road widening Lot 4-E, consisting of 1,157 square feet, along North Holokai Drive in Haiku, Maui, Hawaii, identified as TMK: number (2) 2-8-04:061, for public purposes. And at this time this Committee may consider adoption of this proposed resolution, with or without revisions, and also the filing of Communication, County Communication 12-116. So with that, Members, I shall now open the floor up to Director Goode for any comments.

MR. GOODE: Okay. Thank you, Madam Chair. These are pretty straight forward, a road widening lot dedication. There's a four-lot subdivision along North Holokai Road and they're dedicating to the County approximately five feet along about 220 feet of, of roadway. And improvements had basically already been completed so everything was in conformance and ready to go.



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CHAIR COCHRAN: Okay, good. Thank you, Director Goode. And, if at this time, I don't know if Corporation Counsel has anything to add also. Just...

MR. HOPPER: Just that Ms. Nakata had brought up that there was, the notary in the deed, which is attached as the exhibit, actually says it's a seven page document but there's two extra pages added as an exhibit. This is essentially within the exhibit attached to the resolution, and so prior to first reading the plan would be to essentially change that seven to nine and essentially have a revised exhibit to the resolution. I, I think that that would be considered a non-substantive change. It's, it's, again a change in the notary page itself and, and that's something that would anticipated to be made prior to first reading on this resolution.

CHAIR COCHRAN: Thank you, Mr. Hopper. So, Members, that would be non-substantive change as Mr. Hopper had pointed out. And so now I shall open the floor up for discussion from the Members, if any. No? Okay, oh, yes, Mr. Pontanilla.

COUNCILMEMBER PONTANILLA: Thank you. Mr. Goode, you said that the road improvements fronting that lot has already been done. What kind road improvement, just clearing off from the new right-of-way to the pavement?

MR. GOODE: Yeah, this, this subdivision is on, in an Ag area. So as an Ag road it's, should be a 40-foot wide road.

COUNCILMEMBER PONTANILLA: Uh-huh.

MR. GOODE: My understanding it was about 30 feet. So they have to give their five feet on their side and then at a future time the other side will give their five feet. And in an Ag road it's 20 feet of pavement, which is already there, and then the ten-foot shoulders on either side would generally be a grass swale. So it appears that there, the swale was already there.

COUNCILMEMBER PONTANILLA: Okay.

MR. GOODE: So they didn't really have to make any improvements at all.

COUNCILMEMBER PONTANILLA: Okay. Thank you.

CHAIR COCHRAN: Thank you, Mr. Pontanilla and Director. Members, any further discussions? Seeing none then, I shall make my recommendation.

COUNCIL MEMBERS: Recommendation.

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CHAIR COCHRAN: I shall entertain a motion to recommend adoption of the proposed resolution and filing of the County Communication.

VICE-CHAIR VICTORINO: So moved, Madam Chair.

CHAIR COCHRAN: Thank you.

COUNCILMEMBER PONTANILLA: Second.

CHAIR COCHRAN: It's been moved by Mr. Victorino and seconded by Mr. Pontanilla. Members, further discussion on the motion? Seeing none, all those in favor, say aye.

COUNCIL MEMBERS: Aye.

CHAIR COCHRAN: Any opposed, say no. Seeing none, motion does carry with seven ayes and zero noes. And should I mention that this also includes the non-substantive changes as mentioned by Mr. Hopper? Okay, thank you, Carla. And thank you, Members.

**VOTE:       AYES:       Chair Cochran, Vice-Chair Victorino, and Councilmembers Carroll, Couch, Hokama, Mateo and Pontanilla.**

**NOES:       None.**

**ABSTAIN:   None.**

**ABSENT:    None.**

**EXC.:       None.**

**MOTION CARRIED.**

**ACTION:    ADOPTION of revised resolution and FILING of communication by C.R.**

**ITEM NO. 51: DEDICATION OF ROAD WIDENING LOT FOR THE PALAUEA SUBDIVISION, LAND COURT APPLICATION 1804 (WAILEA) (CC 12-117)**

CHAIR COCHRAN: Alrighty, moving on to IM-51. IM-51 is Dedication of Road Widening Lot for the Palauea Subdivision, Land Court Application 1804 in

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Wailea. This is County Communication 12-117, from Director Goode, transmitting a proposed resolution entitled Accepting Dedication of Road Widening Lot for Palauea Subdivision, Land Court Application 1804, Pursuant to Section 3.44.015, Maui County Code. And the purpose of this proposed reso is to accept the dedication from Palauea Developers, LLC of road widening Lot 688, consisting of .015 acre, along Kaukahi Street in Wailea, Maui, Hawaii, identified as TMK: (2) 2-1-2--what is that--3:034 (portion) for public purposes...oh, need reading glasses. And the Committee may consider whether to recommend adoption of this proposed reso, with or without revisions, and also filing of this County Communication. At this point I shall turn the floor over to Director Goode once again for any comments on the matter.

MR. GOODE: Okay. Thank you, Madam Chair.

CHAIR COCHRAN: Uh-huh.

MR. GOODE: Again this is a road widening lot. This one's along Kaukahi, basically across from Kea Lani, coming down from, this is Wailea Alanui towards Palauea Beach. And actually the road work had been completed quite a while ago. It was basically deemed complete by us back in April 2005. For one reason or another the developer didn't provide the warranty deed information to us to process so they still had ownership of this area and, and liability, et cetera. It was sent to us a few years ago and, you know, I think maybe it got under some pile of papers or whatever. Anyway, it was found. The deed was reviewed and was fine. So once that was done we sent it up to Council. And that basically explains the, the delay.

CHAIR COCHRAN: Thank you, Director Goode. And, Members, floor is now open for discussion. Any, yes, Mr. Hokama?

COUNCILMEMBER HOKAMA: Director, what does "a portion of the TMK" mean for us in the description? It says "portion". So I'm just curious. 'Cause I don't see any colored area that would mark off a portion on our exhibit.

MR. GOODE: Well, I don't know specifically here but oftentimes, depending on when the tax maps have been updated --

COUNCILMEMBER HOKAMA: Uh-huh.

MR. GOODE: --it was probably formerly all, all of Parcel 34 included this road widening lot and other areas. So if the tax maps had not been updated, it's best to denote this as a portion of 34 rather than any separate TMKs.

COUNCILMEMBER HOKAMA: You know, this is pretty similar to the previous item the Committee just reviewed. What determines for us to get specific square

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footage, like on the previous one, and then to get a point-something acre for this one? It's just the engineer that submits it, that does it this way or we tell them after a certain thing it has to be in square footage or point-something acre? I mean, you know, .015 acre is --

MR. GOODE: It's not a lot of property.

COUNCILMEMBER HOKAMA: --it's not a lot. That's like how it's not a lot for a thousand square feet on the previous one. So, I mean --

MR. GOODE: Yeah, you're right.

COUNCILMEMBER HOKAMA: --we could be anal about it but, you know, we, it's something that kinda stood out for me.

MR. GOODE: It, yeah, 'cause point, is it 015....point 15?

COUNCILMEMBER HOKAMA: Point zero one five.

MR. GOODE: Point zero one five.

COUNCILMEMBER HOKAMA: That's pretty small.

MR. GOODE: That is about 600 square feet, so it's even less. I think what happens is that the, the plats, they pull it right of the plat, the final plat. And maybe different surveyors have different naming conventions.

COUNCILMEMBER HOKAMA: Uh-huh.

MR. GOODE: And so if it's shown on the plat as so many square feet versus shown as acreage, they'll just pull it straight from whatever's shown on the plat.

COUNCILMEMBER HOKAMA: Okay. I appreciate your comments, Director. Thank you.

CHAIR COCHRAN: Thank you, Mr. Hokama. Members, further discussion? Seeing none...

VICE-CHAIR VICTORINO: Recommendation, Chair.

CHAIR COCHRAN: Okay.

COUNCILMEMBER HOKAMA: Wait, wait, one quick --

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CHAIR COCHRAN: Yes.

COUNCILMEMBER HOKAMA: --one please, Chair.

CHAIR COCHRAN: Yes.

COUNCILMEMBER HOKAMA: So the improvement has been done, Director?

MR. GOODE: Yes, it has.

COUNCILMEMBER HOKAMA: That project for that road widening lot?

MR. GOODE: Yeah.

COUNCILMEMBER HOKAMA: And that was our project or that was the private sector's project?

MR. GOODE: That was a private sector's project. It was part of their subdivision. They had to improve the roadway there. I think they put in curb, gutter, sidewalk and some asphalt.

COUNCILMEMBER HOKAMA: Okay. And it still meets our parameter to accept the, the quality and standard of the ...*(inaudible)*... ?

MR. GOODE: Yeah, when they're doing work that would be dedicated to us, we inspect it as it goes.

COUNCILMEMBER HOKAMA: Okay, thank you, Director.

CHAIR COCHRAN: Before I make my recommendation, again I'll turn the floor to Corporation Counsel and see if Mr. Hopper has anything to add at this point.

MR. HOPPER: No comments, Madam Chair.

CHAIR COCHRAN: Okay, thank you, Mr. Hopper. All right, so I shall entertain a motion to recommend adoption of the proposed resolution and filing of the County Communication.

VICE-CHAIR VICTORINO: So moved, Madam Chair.

COUNCILMEMBER PONTANILLA: Second.

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CHAIR COCHRAN: Thank you. It's been moved by Mr. Victorino and seconded by Mr. Pontanilla. Members, floor is open for discussion. Seeing none, all those in favor of the motion, say aye.

COUNCIL MEMBERS: Aye.

CHAIR COCHRAN: Any opposed, say no. Seeing no opposition, motion is carried with seven ayes and zero noes. Thank you, Members. And thank you, Mr. Goode. I believe that's all your items today. Okay, great, thank you.

**VOTE:        AYES:        Chair Cochran, Vice-Chair Victorino, and Councilmembers Carroll, Couch, Hokama, Mateo and Pontanilla.**

**NOES:        None.**

**ABSTAIN:    None.**

**ABSENT:     None.**

**EXC.:        None.**

**MOTION CARRIED.**

**ACTION:     ADOPTION of resolution and FILING of communication by C.R.**

**ITEM NO. 52: DEDICATION OF RECLAIMED WATERLINE EASEMENTS FOR HALEAKALA GREENS SUBDIVISION (KIHEI) (CC 12-129)**

CHAIR COCHRAN: The next item will have to do with Environmental Management so I see Director Ginoza on his way down here to join us. And we shall turn to IM, oh, actually we got, yeah, IM-52. So, good morning, Director Ginoza.

MR. GINOZA: Good morning, thank you.

CHAIR COCHRAN: Thank you for being here. And this particular one is Dedication of Reclaimed Waterline Easements for Haleakala Greens Subdivision, which is in Kihei. And this Committee is in receipt of County Communication 12-129 from the Director of Environmental Management, transmitting a proposed resolution entitled Accepting Dedication of Reclaimed Waterline Easements for Haleakala Greens Subdivision, Pursuant to Section 3.44.015, Maui County Code. And this purpose of proposed reso is to accept the dedication of two perpetual,

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non-inclusive [*sic*], reclaimed waterline easements from Maui R&T Partners, LLC, for a new reclaimed waterline which was installed by the developer to provide R-1 reclaimed water for landscape irrigation purposes for the Hokulani Golf Villas, Nu`u Aina (formerly known as Maui Highlands Estates) and the Maui Research and Technology Park, within property situated at Kihei, Maui, Hawaii, and identified as TMK: (2) 2-2-24-:009 (portion) and (2) 2-2-24:018 (portion). We shall be, this Committee may consider the recommendation, adoption of this proposed reso, with our without revisions and also filing of this County Communication. So at this time, we have Director Ginoza with us and I'll open up the floor to you, Mr. Ginoza, for any comments.

MR. GINOZA: Thank you.

CHAIR COCHRAN: Thank you.

MR. GINOZA: This, this easements that, these easements that we are currently trying to secure would extend our, our reclaimed waterline which goes from our Kihei Wastewater Reclamation Facility, northbound, in back of the Research and Technology Park and it currently terminates at the top of Lipoa Parkway. And so what we're, what we're asking for today is from the top of Lipoa Parkway to go down to where it serves Hokulani, the three properties that Ms. Cochran had just mentioned: Hokulani Golf Villas, the Nu`u Aina, which was formerly Maui Highlands Estates and the Maui Research and Technology Park. So there are two easements that basically would extend the line from the top of Lipoa Parkway down to where we can connect to those properties. It wasn't, it was previously installed I think a few years ago and they're currently receiving service. So it's just to kind of button up the easements. Thank you.

CHAIR COCHRAN: Thank you, Mr. Ginoza. Members, the floor is now open for discussion. Any questions if you have for Director Ginoza.

COUNCILMEMBER HOKAMA: Chair.

CHAIR COCHRAN: Yes, Mr. Hokama.

COUNCILMEMBER HOKAMA: Just so we're clear, the easement is on the, R&T Park's property? Is that correct?

MR. GINOZA: Yes, it's Lipoa, I, I believe it's still private, that's why.

COUNCILMEMBER HOKAMA: Right, it's on private property right?

MR. GINOZA: Yeah.

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COUNCILMEMBER HOKAMA: Okay. The line that it's, that is in the easement is the County's line?

MR. GINOZA: It will be the County's line. So we're asking for the easement and the ability to either install, replace, or repair this line.

COUNCILMEMBER HOKAMA: Okay. And we charging the users for the R-1 water?

MR. GINOZA: Yes. So I, I believe they're at the, the \$1.28 per thousand gallons rate, which is, you know, not the agricultural users. And so currently they, like the R&T Park gets in the order of about 2½ million gallons per month and Hokulani is about 82,000 gallons per month roughly, and, and they get charged based on the current rate as --

COUNCILMEMBER HOKAMA: Right, okay.

MR. GINOZA: --in the budget.

COUNCILMEMBER HOKAMA: My understanding, may be wrong, Director, was that part of the new Regional Park for South Maui would be using also available R-1 water from our plant?

MR. GINOZA: That's correct. It's being served from a different line though.

COUNCILMEMBER HOKAMA: Okay --

MR. GINOZA: 'Cause this one is...

COUNCILMEMBER HOKAMA: --but, but the plan is itself is at, at what levels?

MR. GINOZA: The what?

COUNCILMEMBER HOKAMA: There's no way that our agreements with the private sector will be impacted as we fully develop the Regional Park?

MR. GINOZA: Are, are you asking if we have enough capacity? Yes. So we, we...

COUNCILMEMBER HOKAMA: So, so so then there's no issue about running out of R-1 water for irrigation needs then?

MR. GINOZA: Not at this point.

COUNCILMEMBER HOKAMA: Okay, okay. Is there any place in the agreement that allows them to renegotiate independently of the rate setting of the Council?



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MR. GINOZA: No.

COUNCILMEMBER HOKAMA: Okay. And this is a perpetual easement?

MR. GINOZA: Yes.

COUNCILMEMBER HOKAMA: Okay.

MR. GINOZA: So this is one of those where we work with them as far as they install the line, and then we get the line and the easement after we inspect then.

COUNCILMEMBER HOKAMA: Uh-huh. What happened to the old line, Director?

MR. GINOZA: There's no old line. This is the line.

COUNCILMEMBER HOKAMA: There is no old line?

MR. GINOZA: This is the line that connects from...if you look at the last page of the correspondence...

COUNCILMEMBER HOKAMA: Yeah, the one way on the right, the little jagged double line, R-1 Reclaimed...

MR. GINOZA: On the, on the right side of the, the page, going --

COUNCILMEMBER HOKAMA: Right.

MR. GINOZA: --going along the right side of the page. I mean basically that's where it ends currently, at the top of Lipoa.

COUNCILMEMBER HOKAMA: Okay.

MR. GINOZA: And then so we are asking, you know, I don't know how many years ago...a few years ago, they installed that line connecting down Lipoa Parkway.

COUNCILMEMBER HOKAMA: Uh-huh.

MR. GINOZA: So we never, we never got that dedication. So we're finally here before you to accept that dedication. So it's not a replacement line of something that was, was previously done and then they replaced it. This is the original line.

COUNCILMEMBER HOKAMA: Okay. Okay. So that's on the right side of Page 13 of 13, Director?

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MR. GINOZA: I'm sorry. No, that --

COUNCILMEMBER HOKAMA: . . . *(inaudible)* . . .

MR. GINOZA: --that is what we...

COUNCILMEMBER HOKAMA: . . . waterline easement.

MR. GINOZA: That's what we, we, we have existing.

COUNCILMEMBER HOKAMA: Okay.

MR. GINOZA: And so what we're asking for is where it terminates where it says, you know, the parkway of Lipoa Parkway --

COUNCILMEMBER HOKAMA: Right.

MR. GINOZA: --in that figure.

COUNCILMEMBER HOKAMA: Right.

MR. GINOZA: From there going down past Holopono is where the, the easement we're requesting. So the 13 of 13 is what we currently have an easement for --

COUNCILMEMBER HOKAMA: Uh-huh.

MR. GINOZA: --and the two previous exhibits basically show where, from that termination point at the top of Lipoa Parkway --

COUNCILMEMBER HOKAMA: Uh-huh.

MR. GINOZA: --it would go down toward where we would service them.

COUNCILMEMBER HOKAMA: Okay. Okay, thank you, Director.

CHAIR COCHRAN: Thank you, Director and Mr. Hokama. Members, any further questions? Yes, Mr. Pontanilla.

COUNCILMEMBER PONTANILLA: Thank you, Chairman. You know, when I look at Exhibit "B" and Exhibit "C", seems like the reclaimed water, waterline easement for, on page, Exhibit "C", you know, it kinda jogs around Lot number 3, yeah. And then on Exhibit "B", I don't know if I'm reading this thing right, but

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seems like that easement goes into Lot number 3 and then hook up at Lipoa Parkway.

MR. GINOZA: Yeah, so you see where it terminates in that final exhibit, Exhibit "C" --

COUNCILMEMBER PONTANILLA: Uh-huh.

MR. GINOZA: --if you kind of turn the page, you know, basically where it ends here, this is the easement we're looking for going down Lipoa Parkway. So Exhibit "C" which is 13 of 13 shows the extent of our current easement, which ends at the top of Lipoa Parkway. So why we're here before you today is to secure an easement --

COUNCILMEMBER PONTANILLA: Coming down --

MR. GINOZA: --or two easements --

COUNCILMEMBER PONTANILLA: --Lipoa Parkway.

MR. GINOZA: --coming down that Lipoa Parkway. So that's what Exhibit "B" is. It's from the termination point of the existing easement --

COUNCILMEMBER PONTANILLA: Uh-huh.

MR. GINOZA: --coming down Lipoa Parkway and then Exhibit...

COUNCILMEMBER PONTANILLA: All I'm saying is that there is some differences in crossing Lot number 3. So it seems like Exhibit "B" is a more proper one rather than the drawing on Exhibit "C" at the top of Lipoa Parkway crossing Lot number 3.

MR. GINOZA: I, I guess I don't understand which, I mean basically it just continues up and then would, would have the jog above. So you can kinda see the, the dashed, the hash line where the existing easement for the R-1 goes. But basically what we're asking for is it coming down.

COUNCILMEMBER PONTANILLA: Yeah, coming down.

MR. GINOZA: Yeah.

COUNCILMEMBER PONTANILLA: Yeah. But, you know, I just wanted to point out --

MR. GINOZA: Oh, okay.

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COUNCILMEMBER PONTANILLA: --the drawing.

CHAIR COCHRAN: Okay, thank you, Mr. Pontanilla. Yes, Mr. Hokama.

COUNCILMEMBER HOKAMA: I understand Mr. Pontanilla's question because there's multiple easements, right?

MR. GINOZA: Yes.

COUNCILMEMBER HOKAMA: You have electrical and other utility easements adjacent to your reclaimed water easement. Is that correct?

MR. GINOZA: Yes, it's not, I mean...

COUNCILMEMBER HOKAMA: We looking at one electrical telephone easement that goes through Lot 3 currently, right?

MR. GINOZA: Yeah, there's a bunch of easements that go...I mean, and ours is the one that kind of goes up and...

COUNCILMEMBER HOKAMA: You're looking for the waterline only purpose easement, right? But we also being shown lines for other type of utility easements and I think that's part of our...

MR. GINOZA: Well, it's a little bit confusing 'cause when they do the survey, they, they recognize all the other, other utility easements and so forth.

COUNCILMEMBER HOKAMA: Okay.

COUNCILMEMBER PONTANILLA: The words are so huge, you know. Okay, thank you.

CHAIR COCHRAN: Yeah, it's a little busy but anyway. Maybe we can highlight what we need to pay attention to next time. Members...yes, Mr. Hokama.

COUNCILMEMBER HOKAMA: So, so, so I can, so I can ...(inaudible)...

CHAIR COCHRAN: Okay.

COUNCILMEMBER HOKAMA: So what makes the County have to pay the \$1 to, for this transaction?

MR. GINOZA: That's a Corporation Counsel question.

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CHAIR COCHRAN: Oh, yay.

MR. HOPPER: I, I don't have that answer offhand but, I mean, this is, that's traditionally the form we've, we've used. They're dedicating the easement to the County. So I think typically that's some type of consideration, you know, that's required for that, and there's, I suppose, not necessarily much of a value associated with dedicating an access easement to that property.

COUNCILMEMBER HOKAMA: No, I'm just trying to understand. So we actually, even if it's a nominal number, we actually buying the easement?

MR. GINOZA: Well, it's, I would say it's being dedicated, you know, pursuant to the, the resolution. You know, that's, that's what the resolutions for. But, I mean, I think typically they consider some type of consideration and, you know, in case the transaction would be, you know, questioned to be, you know, in the form of \$1, I think that's traditional which, what we've had with dedications like this. I mean, I can do more detailed research and, and, and, you know, look into that and get back to you on that but, you know, at this time, yes this is typically the form that we've had for, for the easements that are dedicated to the County.

COUNCILMEMBER HOKAMA: Uh-huh. Okay. I was just going say this is a good deal if we own the land, too.

MR. GINOZA: We don't own the land. We just have the easement, the non-exclusive easement.

MR. HOPPER: It's, it's an interest in the property that's being dedicated to the County.

COUNCILMEMBER HOKAMA: Okay, thank you.

CHAIR COCHRAN: Thank you, Mr. Hokama. That would be a good deal for a dollar for sure. But, anyway, okay, any further discussion, Members? Seeing none...also, Mr. Hopper, in regards to, there's some non-substantive changes once again, I believe, in this particular matter in regards to the first page of Exhibit "1" should identify Maui R&T Partners, LLC, the "LLC" alphabets are, are missing. So, and also the number of changes reflected on Page 1 of Exhibit "1" should be revised from 12 to the 13 actual pages, I believe.

MR. HOPPER: Yes, that would make sense. The reference to "LLC" should be after R&T Partners so that the signature is consistent with the name in the document; otherwise, there may be an issue with recording. And then it says total number of pages 12, it's actually 13. The notary in this case was not required to, to actually note the number of pages, because I believe it was a California notary and that

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requirement is not in their laws apparently. But yes, those are two changes that would need to be made and would, would advise that being made prior to first reading on this resolution. So that's something that I think the Department can handle with the developer to have a revised Exhibit "1".

CHAIR COCHRAN: Okay, thank you, Mr. Hopper. So, Members, those are, I believe, considered non-substantive changes, I would think, yes --

VICE-CHAIR VICTORINO: Yeah, yeah.

CHAIR COCHRAN: --Carla and Michael? Okay good. So, with that I'll at this point entertain a motion then to recommend adoption of this proposed resolution and filing of the County Communication.

VICE-CHAIR VICTORINO: Madam Chair, so moved.

CHAIR COCHRAN: Thank you.

COUNCILMEMBER COUCH: Second.

CHAIR COCHRAN: Thank you. It's been moved by Mr. Victorino and seconded by Mr. Couch. And floor is now open again for discussion. Members, any further discussion? Seeing none, all those in favor of the motion, say aye.

COUNCIL MEMBERS: Aye.

CHAIR COCHRAN: Any opposed, say no. Seeing no opposition, motion does pass with, let's see, six ayes and zero noes, one excused, Mr. Pontanilla.

**VOTE:       AYES:       Chair Cochran, Vice-Chair Victorino, and Councilmembers Carroll, Couch, Hokama, and Mateo.**

**NOES:       None.**

**ABSTAIN:   None.**

**ABSENT:    None.**

**EXC.:       Councilmember Pontanilla.**

**MOTION CARRIED.**

**ACTION:     ADOPTION of revised resolution and FILING of communication by C.R.**

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**ITEM NO. 53: DEDICATION OF SEWERLINE EASEMENTS FOR THE EPA  
CONSENT DECREE SEWER REHABILITATION PROJECT  
(KAHULUI) (CC 12-130)**

CHAIR COCHRAN: Alright, so next item on our list this morning is IM-54 and this is a dedication of...

UNIDENTIFIED SPEAKER: Fifty-three, Madam Chair.

CHAIR COCHRAN: Oh, sorry, sorry, sorry, oop, jumping ahead, IM-53 --

UNIDENTIFIED SPEAKER: Thank you, Madam Chair.

CHAIR COCHRAN: --yes, IM-53. And this is Dedication of Sewerline Easements for the EPA Consent Decree Sewer Rehabilitation Project, which is in Kahului. And this Committee is in receipt of County Communication 12-130 from Director of Environmental Management, transmitting a proposed resolution entitled Accepting Dedication of Sewerline Easements for the EPA Consent Decree Sewer Rehabilitation Projects, Pursuant to Section 3.44.015, Maui County Code. The purpose of this proposed resolution is to accept the dedication of perpetual, non-exclusive, sewerline easements from A&B Properties, Inc., within property situated in Kahului, Maui, Hawaii and identified as TMK: (2) 3-7-09:004, (2) 3-7-09:030 and (2) 3-7-12:032. This Committee may consider whether to recommend adoption of this proposed resolution, with or without revisions and filing of this County Communication. So IM-53, I shall open up the floor for Director Ginoza to give comments.

MR. GINOZA: This EP...

CHAIR COCHRAN: Mr. Ginoza.

MR. GINOZA: Thank you. This EPA Consent Decree Sewer Rehabilitation Project is one of our CIP projects that was completed, I think two or three years ago, which is to continue to replace our gravity line system. And so this particular project is one that, that is between Alamaha Pump Station, which is on Wakea and Alamaha and, you know, it's a force main and then it goes to a gravity system which then goes to the Kahului Pump Station, which is located right by, off of Hana Highway, right, right by Maui Mall. And so when we re-did this line, we replaced it with another line, with the alignment we had to go outside that existing easement. So what we're requesting today are three easements: one that's part of a drainage ditch crossing and then two others that are, that are located closer to

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where our pump station is. But it's basically, when we did a replacement of the line, it necessitated three easements for, for that line alignment. Thank you.

CHAIR COCHRAN: Thank you, Director. Members...yes, Mr. Victorino.

VICE-CHAIR VICTORINO: So this, this, this is all part of that, that, that rehabilitation we had talked about years ago? This is a ongoing project, right?

MR. GINOZA: And so every year in our budget we ask for certain gravity line replacements.

VICE-CHAIR VICTORINO: Right.

MR. GINOZA: And so a couple years, two or three years ago, this was one of them. And so it was just kind of a standard, we replace, we replace that pipeline so that it doesn't risk failure, you know, structural failure in the future. And so this one we replaced it and with the current alignment we had to go outside of the existing easement.

VICE-CHAIR VICTORINO: Oh, okay, okay. And so this is all part of that rehabilitation --

MR. GINOZA: Yes.

VICE-CHAIR VICTORINO: --of that, that, those lines in Kahului --

MR. GINOZA: Yes.

VICE-CHAIR VICTORINO: --that run along Alamaha and that whole industrial park area, right, going down to the plant itself?

MR. GINOZA: Yes.

VICE-CHAIR VICTORINO: Yeah, okay. I just, I know, it comes back all the time, you know, but it just, it comes back in a little different form. So this is just the easements to rectify that situation.

MR. GINOZA: Yes. And because there are three separate parcels, that's why there's three different easements, but it's for that same project.

VICE-CHAIR VICTORINO: Okay. Thank you, Madam Chair. Thank you for that clarification.



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CHAIR COCHRAN: Thank you, Mr. Victorino and Director. Members, any further discussion, comments, clarifications? Seeing none at this --

VICE-CHAIR VICTORINO: Recommendation, Madam Chair.

CHAIR COCHRAN: --point. Okay, let me, again, wake up Mr. Hopper here. Just, Mr. Hopper, you got a lot of speaking parts today. Thank you. I guess there is another perhaps unsubstantive change in this particular item also if I'm correct in regards to, in the, the grant document attached as Exhibit "1", it reflects, to reflect "easements" plural rather than "easement" singular, and I believe at this point we can consider this an unsubstantive change also, being that it's actually, I guess a typo, so to speak, in an exhibit.

UNIDENTIFIED SPEAKER: Right.

MR. HOPPER: Again, Madam Chair, that would be a revision to the easement agreement which is attached to the resolution as an exhibit. So, yes, I believe that could be made as a non-substantive change, essentially changing grants to, or "easement" to "easements".

CHAIR COCHRAN: Yes. Okay, good. So at this point I shall entertain a motion then to recommend adoption of this proposed resolution and filing of County Communication and, of course, with the, the unsubstantive changes, yes.

VICE-CHAIR VICTORINO: So moved, Madam Chair.

CHAIR COCHRAN: Thank you, Mr. Victorino. Is there a second?

COUNCILMEMBER COUCH: Second.

CHAIR COCHRAN: Thank you, Mr. Couch. So it's been moved by Mr. Victorino and seconded by Mr. Couch, and the, any, the floor is now open for discussion on the motion. And seeing none, I shall call for the vote. All those in favor of the motion, say aye.

COUNCIL MEMBERS: Aye.

CHAIR COCHRAN: Any opposed, say no. Seeing no noes, the motion carries with six ayes and zero noes and one Member excused, Mr. Pontanilla.

**VOTE:       AYES:       Chair Cochran, Vice-Chair Victorino, and Councilmembers Carroll, Couch, Hokama, and Mateo.**

**NOES:       None.**

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**ABSTAIN:**       None.

**ABSENT:**       None.

**EXC.:**         **Councilmember Pontanilla.**

**MOTION CARRIED.**

**ACTION:   ADOPTION of revised resolution and FILING of  
communication by C.R.**

**ITEM NO. 54:   DEDICATION OF SEWERLINE EASEMENTS FOR THE  
WAILUKU FORCE MAIN PROJECT (KAHULUI) (CC 12-131)**

CHAIR COCHRAN: Okay, moving on. Last but not least we are at IM-54, and IM-54 is Dedication of Sewerline Easement for the Wailuku Force Main Project in Kahului though. So the Committee is in receipt of County Communication 12-131 from the Director of Environmental Management, transmitting a proposed resolution entitled Accepting Dedication of Sewerline Easements for the Wailuku Force Main Project, Pursuant to Section 3.44.015, Maui County Code. The purpose of this proposed resolution is to accept the dedication of a perpetual, non-exclusive, sewerline easement from Elleair Hawaii, Incorporated, within property situated in Kahului, Maui, Hawaii, and identified as TMK: (2) 3-7-03:026 and (2) 3-7-03:028. This Committee may consider passage of, of, of this, adoption of proposed resolution, with, with or without revisions and filing of this communication. With that I shall now open the floor up again for Director Ginoza to give us some comments. Mr. Ginoza.

MR. GINOZA: This easements, these easements are for the Wailuku Force Main Project which Wailuku Force Main is from our Wailuku Pump Station by Y. Hata that goes along Kahului Beach Road to Kaahumanu Avenue toward our plant. That's why we call it Wailuku Force Main because it originates from Wailuku Pump Station. And for this particular section that was in front of Elleair, The Maui Beach Hotel, it required us to go outside our existing easement so we're asking for that, for this easement. But it's a project that was completed a few years ago so it's all acceptable.

CHAIR COCHRAN: Thank you, Mr. Ginoza. Yes, Mr. Victorino.

VICE-CHAIR VICTORINO: I know it's after the fact 'cause it's all done already. But this was all due to that rehabilitation that we did from Wailuku to the station, right?

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MR. GINOZA: We, we have, you know, a 20-year CIP plan and we just tackle various force mains and gravity lines, so this is one that was up for replacement a few years ago so we replaced it, you know, to reduce the risk of spillage.

VICE-CHAIR VICTORINO: Okay. Okay, thank you. Thank you, Madam Chair, for the clarification.

CHAIR COCHRAN: Okay. Members, any need for further discussion? Seeing none, I...yes, Mr. Hopper.

MR. HOPPER: Just for clarification, there's multiple easements, in fact there's S-7 and S-8, as the easements or...Page 13 and 14. Okay. So I, I would want to see if the, that would mean the, the resolution states and the agreement states "easement". The, the, the title says "easements" but it does refer to a non-exclusive sewerline easement.

CHAIR COCHRAN: Right.

MR. HOPPER: So I'm not sure if the appropriate, if there's more than one easement if the resolution should be changed to read "easements" throughout or if, or if, you know, we're looking at that as one easement or, I mean, what the appropriate course would be.

CHAIR COCHRAN: Right. Thank you, Mr. Hopper, for pointing that out. And I had discussion with Ms. Nakata and I, after my main motion, I shall entertain also an amendment to the main motion to that effect, because it should be plural, right? I believe we are, the main title in this reso should say "sewerline easements".

MR. HOPPER: Correct.

CHAIR COCHRAN: 'Cause we are talking about multiple.

MR. HOPPER: Yes.

CHAIR COCHRAN: So that was my idea for this particular motion. Do you believe, is that going to work?

MR. HOPPER: I, I believe that's accurate.

CHAIR COCHRAN: Okay. And, and it's probably most appropriate to do it as a amendment to the motion at this point rather than...the others, the previous amendments we've done were non-substantive so it wasn't really done, you know, with amendments and motions and what have you. So I feel this is

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probably a cleaner way of addressing this particular typo that's occurred in the main title. Yeah, is that...

MR. HOPPER: Yes, Madam Chair, I believe that's within your discretion certainly.

CHAIR COCHRAN: Ms., Ms. Nakata, you have comments?

MS. NAKATA: Madam Chair, Staff was under the impression it was a single easement but if there're multiple easements then the title would be correct and the body of the resolution and attachment should be revised accordingly.

MR. HOPPER: Yes, that's, that's what I wanted to clarify. It looks like there's an Exhibit "A" but it includes easement S-7 and S-8. So just to clarify with the Director, there are actually two easement descriptions it appears. There's two easements, correct?

MR. GINOZA: Well, it's, I believe it's because it spans two parcels, but, but I don't know what the nomenclature is for, you know, if it's, it's one line that, that span, you know, the easement spans two parcels. So is that considered two easements or one easement spanning two parcels?

MR. HOPPER: Well, they're a part of the same exhibit, you know, so they, they, I mean, if...

MR. GINOZA: So it could be just an "easement" versus "easements" because it's one exhibit, that's what I...

MR. HOPPER: I mean if it's an easement with multiple descriptions than you could still have that as one --

MR. GINOZA: Oh, okay.

MR. HOPPER: --easement. That's, that was the clarification I was seeking. There's, there's two documents in the exhibit. If it's one constant easement --

MR. GINOZA: Yes.

MR. HOPPER: --then that's okay. Normally you'd have two separate exhibits. So the clarification is --

MR. GINOZA: Okay.

MR. HOPPER: --that this is one easement just with a description that, that spans two separate parcels?

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MR. GINOZA: I'm not sure how it's typically, you know, because like the last one was one line with separate easements.

MR. HOPPER: Madam Chair, could we perhaps have a brief recess?

CHAIR COCHRAN: Sure. This, yes, this Committee is now in recess.

RECESS:           10:20 a.m.  
RECONVENE:       10:25 a.m.

CHAIR COCHRAN: . . . (*gavel*) . . . Infrastructure Management Committee meeting will now reconvene. And thank you for the brief recess, Members. So at this point I shall again entertain a motion to recommend--oh, sorry, wait, back up--yeah entertain a motion to recommend adoption of this proposed resolution and filing of the County Communication, and I'll just...

VICE-CHAIR VICTORINO: So moved, Madam Chair.

COUNCILMEMBER COUCH: Second.

CHAIR COCHRAN: Thank you. Been moved by Mr. Victorino and seconded by Mr. Couch. Now the floor shall be open for discussion.

VICE-CHAIR VICTORINO: No discussion.

CHAIR COCHRAN: Okay, so my discussion or comments are that during the recess we had to discuss about making this reso consistent in the language per se. Nothing's been changed but it's in regards to the word "easement" being singular or plural in the title and body of this resolution. So I am going to authorize Staff to work with Corporation Counsel in order to make the proper changes that references that particular word and just to make it clearer and consistent throughout. So with that, Members, I shall...oh, any discussion from yourselves?

VICE-CHAIR VICTORINO: No, none.

CHAIR COCHRAN: Seeing none, okay then I shall call for the question. All those in favor of the motion, please say aye.

COUNCIL MEMBERS: Aye.

CHAIR COCHRAN: And all, any opposed, say no. Seeing no noes, then the motion carries with seven ayes and zero noes.

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**VOTE:**      **AYES:**      **Chair Cochran, Vice-Chair Victorino, and Councilmembers Carroll, Couch, Hokama, Mateo and Pontanilla.**

**NOES:**      **None.**

**ABSTAIN:**      **None.**

**ABSENT:**      **None.**

**EXC.:**      **None.**

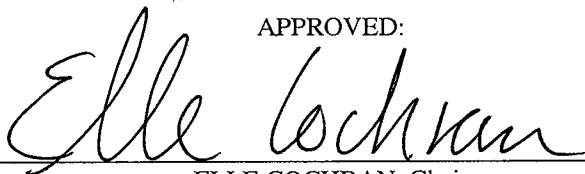
**MOTION CARRIED.**

**ACTION:      ADOPTION of revised resolution and FILING of communication by C.R.**

**CHAIR COCHRAN:** So at this point, Members, I believe there's no further business at hand and I wanna thank you all. And I shall adjourn the meeting. This meeting is adjourned. . . . (*gavel*) . . .

**ADJOURN:** 10:27 a.m.

APPROVED:



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ELLE COCHRAN, Chair  
Infrastructure Management Committee

im:min:120702:ah

Transcribed by: Annette L. Hoopii

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CERTIFICATE

I, Annette L. Hoopii, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 23<sup>rd</sup> day of July, 2012, in Haiku, Hawaii.

  
\_\_\_\_\_  
Annette L. Hoopii