

# MINUTES

## PUBLIC WORKS AND FACILITIES COMMITTEE

Council of the County of Maui

Council Chamber

July 25, 2007

**CONVENE:** 9:06 a.m.

**PRESENT:** Councilmember Bill Kauakea Medeiros, Co-Chair  
Councilmember Michael P. Victorino, Co-Chair  
Councilmember G. Riki Hokama, Member  
Councilmember Danny A. Mateo, Member  
Councilmember Joseph Pontanilla, Member (excused from 10:18 to 10:23 a.m.)

**STAFF:** Carla Nakata, Legislative Attorney  
Pauline Martins, Committee Secretary

Lei Kihm, Executive Assistant to Councilmember Medeiros  
Stephanie Ohigashi, Executive Assistant to Councilmember Victorino  
Jock Yamaguchi, Executive Assistant to Councilmember Anderson  
B.J. Medeiros, Executive Assistant to Councilmember Medeiros

**ADMIN.:** Cindy Young, Deputy Corporation Counsel, Department of the  
Corporation Counsel  
Milton Arakawa, Director, Department of Public Works (Item Nos. 46 & 47)  
Patrick Matsui, Planning and Development Chief, Department of Parks  
and Recreation (Item No. 34)  
Tamara Horeajo, Director, Department of Parks and Recreation  
(Item Nos. 34 & 38)  
David Galazin, Deputy Corporation Counsel, Department of the  
Corporation Counsel

**OTHERS:** Scott Nunokawa, Managing Member, Waikapu 28 Investment, LLC  
Haunani Lemn, Member, Waikapu 28 Investment, LLC  
Neal Shinyama, Engineering Manager, Maui Electric Company, Limited  
Greg Kauhi, Engineering Supervisor, Maui Electric Company, Limited  
Plus (3) other people

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

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CO-CHAIR MEDEIROS: . . . (*gavel*) . . . Aloha kakou. Good morning to everyone in our Chambers and everyone watching on Akaku television. We have a quorum present this morning in our Committee, so I will call the Public Works and Facilities Committee meeting to order on July 25<sup>th</sup>, and it's approximately 9:06 a.m. I am one of the Co-Chairs of this Committee. I am Bill Kauakea Medeiros, and I'll be presiding over the first half of the meeting. At this time, I'd like to introduce the Members of our Committee. Starting from my left, the other Co-Chair of this Committee, Member Mike Victorino.

CO-CHAIR VICTORINO: Good morning, Mr. Chair.

CO-CHAIR MEDEIROS: Next is Member Danny Mateo.

COUNCILMEMBER MATEO: Good morning.

CO-CHAIR MEDEIROS: Next is Member Joseph Pontanilla.

COUNCILMEMBER PONTANILLA: Good morning.

CO-CHAIR MEDEIROS: And our Council Chair Riki Hokama.

COUNCILMEMBER HOKAMA: Chairman.

CO-CHAIR MEDEIROS: Good morning, Members, and thank you for being here this morning.

COUNCILMEMBER HOKAMA: Good morning.

CO-CHAIR MEDEIROS: Our Staff assisting us this morning will be Pauline Martins our Committee Secretary, and sitting in for us will be Carla Nakata, which is our Legislative Attorney. From the Administration, we have Director Milton Arakawa from the Department of Public Works who will assist us with PWF-46 and 47. Later on we'll have Director Horcajo from the Parks Department. And from our Corp. Counsel we have, representing that office will be Cindy Young.

At this time, Members, we, today we have four items on the agenda. I will be presiding over the first half of the meeting, which will consist of PWF Items 46 and 47. Committee Co-Chair Victorino will preside over the second half of the meeting, which will include PWF-34 and 38. Public testimony will be accepted for each item on the agenda. Any member of the public not able to stay until their item is heard may provide testimony at this time. Those wishing to testify should sign-up at the secretary's desk, which is to my immediate left. Testifiers are requested to state their name for the record and to indicate who they're representing. Testimony shall be limited to three minutes. The yellow light will indicate that you have 30 seconds remaining and should begin to conclude. An additional minute to conclude testimony

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will be granted at the discretion of the Chair. If testimony is not completed and more time is needed, an additional three minutes will be given after all others have been heard and testified.

The first item on our, excuse me. Secretary, do we have anybody testifying?

MS. MARTINS: No.

CO-CHAIR MEDEIROS: None?

MS. MARTINS: None.

CO-CHAIR MEDEIROS: Okay. We have no one testifying at this time, but the Chair without objections, would like to leave public testimony open if anyone should come to the Chambers wishing to testify; if that's all right with the Committee.

CO-CHAIR VICTORINO: No objection.

CO-CHAIR MEDEIROS: Thank you. But at this time are there anybody in the Chambers, in the gallery that have not signed up that wish to testify at this time? Okay. If not, thank you.

**PWF-46 AMENDING CHAPTER 12.16, MAUI COUNTY CODE, PERTAINING TO ELECTRIC AND TELEPHONE POLES (C.C. No. 07-206)**

CO-CHAIR MEDEIROS: The first item on our agenda this morning is PWF-46, amending Chapter 12.16, Maui County Code, pertaining to the electric and telephone poles. The Committee is in receipt of County Communication No. 07-206, from the Director of Public Works and Environmental Management, and I'd like to say now that Department is now called just the Department of Public Works, transmitting a proposed bill authorizing the Director of Public Works to approve the installation of up to six utility poles upon a public highway. Correspondence dated July 18, 2007, from the Department of Corporation Counsel, transmitting a revised proposed bill entitled, "A BILL FOR AN ORDINANCE AMENDING CHAPTER 12.16, MAUI COUNTY CODE, PERTAINING TO ELECTRIC AND TELEPHONE POLES." The purposes of the revised proposed bill are to: (1) approve the installation of up to six utility poles upon a public highway as long as their height does not exceed the height of existing poles on the highway by more than five feet; and (2) change references to electric, telephone, and/or power poles to utility poles. At this time, since we are on public, PWF-46, I will close testimony on that particular item without objections.

COUNCIL MEMBERS VOICED NO OBJECTIONS.

CO-CHAIR MEDEIROS: Okay. At this time, public testimony is closed for PWF-46. Now, I'd like to ask the Director of Public Works, Milton Arakawa, to provide an overview of this matter.

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MR. ARAKAWA: Thank you, Mr. Chair. This item pertains to a proposed bill for an ordinance which amends portions of Chapter 12.16 to allow the Director of Public Works to permit the installation of utility poles upon a public highway in the County when the height of the new utility poles does not exceed the height of existing poles on the highway by more than five feet and the number of poles does not exceed six. The proposed bill would also require the submission of an annual report to the Council on new utility poles approved for installation on public highways.

By way of background, the Council approved Resolution No. 00-100, which took effect on August 4<sup>th</sup> in the year 2000. This resolution, excuse me, this resolution authorized the Director of Public Works and Waste Management to grant approval of utility poles within the County rights-of-way when the height of such poles does not exceed the height of existing poles and the number of poles does not exceed six. The resolution noted that the County shall review the authorization in two years.

The Council then approved Resolution No. 03-23, which took effect on February 7<sup>th</sup>, 2003. This resolution authorized the Director of Public Works and Environmental Management as the authorized representative to approve the location of utility poles within the County rights-of-way when the height of such utility poles does not exceed the height of existing utility poles and the number of poles does not exceed six. This resolution expired two years after the date of adoption.

The proposed bill which you have before you provides for a permanent authorization for the Department to permit the installation of utility poles when the height of a new utility pole does not exceed the height of existing poles on the highway by more than five feet and the number of new poles does not exceed six. The permanent authorization would be very similar to the previous two resolutions, which granted temporary authorization to the Department except that we are requesting to extend the authorization proposed which do not exceed the height of existing poles by more than five feet.

The basic reason for this is to provide proper clearances between cable, telephone, and electric lines. MECO has informed us that they have many older 40-foot high standard poles with proper clearances that's needed today. These need to be 45 feet in height. We do want to emphasize that requests that involve poles more than five feet higher than the existing poles and more than six poles would still come before the Council for individual approval. The other important point is that this regulation of utility poles only pertains to poles within County rights-of-way. This bill does not regulate what happens on State highways nor does it regulate when utility poles traverse private property.

As far as approvals within the County's jurisdiction, we note that when a subdivision is proposed we generally require undergrounding for streets within the subdivision. If you look at the local roads within a subdivision, generally, we would require undergrounding for those streets that are within the Urban District. In the Agricultural District undergrounding is generally not required

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although some subdividers choose to underground their utilities. As you know, undergrounding of electrical lines are more costly than provision of overhead lines. So, basically, the subdivider, ultimately the purchasers of the lots, pay for the additional cost of undergrounding.

In the case of the subject bill for an ordinance that you have before you we are primarily talking about developments or subdivisions, which abut or are adjacent to County streets which already have existing overhead lines. If the development is in the Urban District what we generally require is that the subdivider underground the utilities along the frontage of their development. However, since the area would basically be served by overhead lines additional poles are sometimes needed in order to provide a transition from overhead provision of power to underground. And let me just go over this just, just for illustrative purposes.

If you have, for instance, two utility poles that are spaced say 200 feet apart and there is a request from a property with a 100 foot long frontage located between those two existing poles, one possible option would be to basically erect two new poles at the end of the property frontage basically to provide a transition from overhead provisional power to underground, or it may be decided to simply keep utilities overhead by simply adding one new pole in front of the property and connecting the property with an overhead line. I mean that's just a simplification, but in that case the actual undergrounding may result in more poles than if you simply kept the provisional power overhead. So that's why even though we may require undergrounding along the frontage additional poles may still be needed.

We have also contemplated a requirement as to whether neighboring parcels should be notified of a request for additional overhead power lines. And if the neighborhood is, neighborhood is generally served by overhead lines, we believe that it would be an unfair burden on the development to notify neighboring parcels of additional utility poles especially since overhead poles would already conform to the prevailing neighborhood character. In the case of some developments in the Urban District, we feel this would also be especially unfair if the development itself would be required to underground electrical power along its frontage and the only reason for additional poles is to transition from overhead to underground power.

So, anyway, a bill for an ordinance amending Chapter 12.16, Maui County Code, pertaining to electric and power, electric and telephone poles is in your binders and your review and favorable consideration of the bill is requested.

CO-CHAIR MEDEIROS: Thank you, Director Arakawa. At this time, the floor is open for discussion and questions for the Administration. Member Hokama.

COUNCILMEMBER HOKAMA: Chairman, no, not, not for the Department.

CO-CHAIR MEDEIROS: Okay.

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COUNCILMEMBER HOKAMA: I would say, Mr. Chairman, that the Director was quite accurate in his recap of the summary of what had occurred in the past. I think it was in 1999, one of the drivers of this requirement was the unpleasant experience the Council had to get into to deal with a Sprint Tower erection in Paia I believe it was, or Haiku.

UNIDENTIFIED COUNCILMEMBER: Haiku.

COUNCILMEMBER HOKAMA: And that was what started the requirement of coming before Council for anything that is higher than the current pole height. And it was also because of an exemption granted to the Director of Public Works, it wasn't Mr. Arakawa, but an exemption was granted and it created a lot of problems for the community and for the County. So I share that because I am still not satisfied that the addition of language which would be "exceeding the existing pole height by five feet" satisfies my, my, my concern of what had occurred in the past. Because we still have a lot of communities that as long as this stays where it is that's fine with most people, but once you go higher, I'm going to tell you, Mr. Chairman, you'd be surprised how many people don't like the change for whatever reason.

So, I'm not convinced that we need to add this new language at this time. I would prefer the old language. And I think community notification of adjacent property owners is a smart thing to include, Chairman. Because one of the issues of that Sprint Tower issue was non-notification to the neighbors until they saw this big thing being erected next door. So that's my best that I can recall of one of the drivers that we went through with this situation, Mr. Chairman. Thank you.

CO-CHAIR MEDEIROS: Thank you, Member Hokama. Before I call on Member Pontanilla, maybe for you, Member Hokama, and also for the Director, are cell phone towers included in utility poles as utility poles?

COUNCILMEMBER HOKAMA: If you asking me, Chairman, I would say yes, because that was one of the reasons. It was the communications tower that was driving this one.

CO-CHAIR MEDEIROS: Do you have any, a different perspective, Director Arakawa?

MR. ARAKAWA: Mr. Chair, the bill that you have before you basically regulates utility poles within County rights-of-way. Now, if, if someone wants to put in a cell tower within the County right-of-way, then this bill would regulate that. However, if the cell tower is located on private property or somewhere else besides the County right-of-way, then this bill would not apply.

In the case of a cell tower that would be located on private property, then probably the most likely portion of the Code that would apply would be under the Zoning Code for, which would regulate heights of structures within a particular lot.

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CO-CHAIR MEDEIROS: So Member Hokama, would, would that satisfy you that if it's not on the County right-of-way that this bill would not apply?

COUNCILMEMBER HOKAMA: Chairman, I think the height on, on most residential, and we have Corp. Counsel, if you look at R-1 residential area I think there's a 30 feet maximum.

CO-CHAIR MEDEIROS: For a building height?

COUNCILMEMBER HOKAMA: For structure height.

CO-CHAIR MEDEIROS: Structure height. Corp. Counsel?

COUNCILMEMBER HOKAMA: If it's on private property, if it's on private property, I believe the maximum structure height is 30 feet, maybe 35 at the max, but I recall 30 feet, Chairman.

CO-CHAIR MEDEIROS: And, and do you recall, Member Hokama, on that Sprint Tower what height that tower was?

COUNCILMEMBER HOKAMA: I think we were looking at, what, a 1-, I- to 200 foot tower.

CO-CHAIR MEDEIROS: Oh. Okay, Corp. Counsel is researching that right now. And, Member Hokama, maybe if I can ask you just on the history of that tower was that tower eventually constructed and installed?

COUNCILMEMBER HOKAMA: My recollection it did.

CO-CHAIR MEDEIROS: Okay.

COUNCILMEMBER HOKAMA: And, and part, and part of the frustration of the Council was then the development and adoption of the, the first resolution that required them then to, to return back to Council for approval.

CO-CHAIR MEDEIROS: I see. Okay. Corp. Counsel, are you prepared to respond?

MS. YOUNG: Yes. Under Chapter 19.08, Maui County Code that, that pertains to Residential Districts it's not listed. These types of cell towers are not listed as a permitted --

COUNCILMEMBER HOKAMA: Use.

MS. YOUNG: --use. I would note that there's things like buildings or premises used by the Federal, State or County governments for public purposes, accessory buildings and things of that nature listed in, in the permitted uses section of that, of that chapter. Under special uses there is a listing for public utilities substations, which are not and will not be hazardous or a nuisance to

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the surrounding areas. And as a special use, of course, the appropriate Planning Commission would have to approve it. And, and also it would still have to meet all of the area regulations and height regulations and that's under 19.08.050 which requires that buildings not exceed two stories or 30 feet in height.

CO-CHAIR MEDEIROS: Thank you, Corp. Counsel. Member Hokama, you have any further questions or discussions?

COUNCILMEMBER HOKAMA: You know, Chairman, it's been years since we went through that --

CO-CHAIR MEDEIROS: Right.

COUNCILMEMBER HOKAMA: --experience and maybe one of the issues was then the, the, the zoning, too. I don't know if it was under interim zoning so it was, it had to do with different parts of the, the existing Code at that time. But the, the Code was clear that the Public Works Director could grant an exemption I believe that was the right term. And that granting of that approval was what started this whole chain of events, Mr. Chairman --

CO-CHAIR MEDEIROS: I see.

COUNCILMEMBER HOKAMA: --as I recall. And, you know, for those that need, how to, how to place it in perspective I believe it was under Director Jencks that gave that approval.

CO-CHAIR MEDEIROS: Thank you, Member Hokama. Member Pontanilla, coming from our experience utility company work.

COUNCILMEMBER PONTANILLA: Thank you, Chair. While I was on the Planning Commission, we took action on a AT&T tower in Kula and that didn't go to the Council. So we, as Planning Commissioners, approved the installation of that particular tower. Coming from the phone company, you know, we've erected towers throughout the County, yeah, Maui, Molokai and Lanai, and it was all through special use.

The other thing that I'd like to add is that the, the old policy stated higher, the word "higher" than the existing, and I see that it's five feet. And I think the reason why for five feet is because of the, the size of the poles. They're incrementally longer by five feet. From 25 you go to 30, 30 to 35, you know, up to whatever height it is. So I think five feet is the reason why it's here. And maybe I can ask the Director that question. Director?

CO-CHAIR MEDEIROS: Director Arakawa.

MR. ARAKAWA: Councilmember Pontanilla, I'm told by Maui Electric that basically they're wanting to have this additional five feet, because basically it's, if they're going to replace one pole for maintenance or whatever reasons, they just feel that they need additional clearance,

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and the, the clearance requirements between the cable, telephone, and electric lines mandate that it become a little higher. Now, maybe I can ask the Maui Electric folks to come up to the podium, and they can explain a little bit more about what their requirements are if . . .

COUNCILMEMBER PONTANILLA: Yeah, don't, don't have to, because I understand that there need to be a separation between the communication lines from the power lines and depending on the, the voltage of those lines, you know, it increases as far as the separation. So thank you for that remark. Thank you, Chair.

CO-CHAIR MEDEIROS: Thank you, Member Pontanilla. Any other questions or discussions at this time? Member Mateo.

COUNCILMEMBER MATEO: Chairman, thank you very much. Mr. Arakawa, good morning. Just commenting on your, your comments to us this morning. I think I, I agree with Member Hokama in terms of providing that communication with the neighbors for overhead poles, et cetera. I, I just think in smaller subdivision areas especially I think, you know, to avoid misunderstandings or give, give the individuals opportunity to comment on what could or could not obstruct their views I think is an important part that needs to be addressed.

And also, to share my own concern in regards to undergrounding, because in dealing with affordable housing needs for our County, undergrounding costs more money. So, the cost unfortunately is distributed with the subdivision owners as well. So, I am very concerned that as we try to address the affordable housing needs for our, our County that we could be continuously impacted by additional costs that add to the cost of one's home. So I just wanted to share that concern, because it is very real and one that could be prohibitive in terms of an individual qualifying for a home. Thank you, Chairman.

CO-CHAIR MEDEIROS: Thank you, Member Mateo. Director Arakawa, did you want to respond to Member Mateo's concerns?

MR. ARAKAWA: As far as the matter of cost is concerned, basically, if there is going to be a notification requirement imposed on the subdivider, basically, that notification requirement would be done by the subdivider. And as you know that would also add cost, too.

So, our thought in bringing forward this bill for you to consider is that basically these, what we're asking for is basically administrative approvals for what we believe to be fairly minor types of replacements and minor types of upgrades that may be needed. And so, that was our feeling for the reason why we did not feel notification requirements are warranted in this case. And this should be tempered with the fact that basically when the subdivision is proposed within the Urban District, generally, we, we try to already require undergrounding within the subdivision as well as along the frontage of the subdivision itself. And if, if there are special cases, for instance like affordable housing projects, there are ways to address that whether it's through your 201-H type approvals where specific exemptions are granted by the Council if

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there's a request that comes before it. And, you know, infrastructure types of issues can be addressed in that, that fashion.

CO-CHAIR MEDEIROS: Thank you, Director Arakawa. Member Mateo, did you want to address your concerns with a change in the language of the bill?

COUNCILMEMBER MATEO: Well, Chairman, I hadn't had the opportunity to fully take a look at how this issue would be impacted by the bill, because I guess as the Director spoke I just thought about, you know, those things. But obviously, Chairman, a bill is a bill and it can be amended at any given time as long as there is an impact that needs to be addressed then we could amend. But at this point, Chairman, I haven't, I haven't given it that kind of time. Thank you.

CO-CHAIR MEDEIROS: Okay. Thank you, Member Mateo. Member Victorino followed by Member Pontanilla.

CO-CHAIR VICTORINO: Thank you, Mr. Chair. Mr. Arakawa, I guess the question I have for you, what would be the ramifications if we did not take this bill and adopt this bill at this time? What would be your course of action in the future until we bring something forward? I understand we relate back or we revert back or we don't have a resolution, or hasn't the resolution expired also? So can you explain to myself and the public what the ramifications of not accepting this at this time?

MR. ARAKAWA: There, there were two previous resolutions which granted the Department the administrative approval, or administrative authority to grant approval for applications where poles did not number more than six, or they weren't higher than the existing poles. So we did that administratively previously. Those resolutions have expired. So, any pole, any new pole that is being proposed within the County right-of-way now has to come before the Council for approval. So that's basically it. Any, Chapter 12.16 basically says any new pole comes before the Council for approval.

CO-CHAIR VICTORINO: So what you're saying to the, to us is that if we don't accept this or something of this nature with this, either we have to make another resolution for another six months, a year, or whatever we've done as far as timeframe is concerned and/or every time a pole wants to be put in there you'd have to come see us and have our approval. And so we'd have the same scenario that we've had in the past, you come back with six, eight, ten poles that, that may have been put in in a matter of a month or two, or something that needs to be done right away. Like, like, for example, when that pole collapsed on Waihee, was it Waihee Valley Road, or wherever that pole fell down, that that replacement would have to come to us if you're talking just one pole?

MR. ARAKAWA: For County rights-of way, yes. Any new pole would have to come before the Council if this bill is not passed. Yes.

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CO-CHAIR VICTORINO: Okay. Thank you, Mr. Arakawa. I appreciate that.

COUNCILMEMBER PONTANILLA: Chair?

CO-CHAIR MEDEIROS: Thank you, Member Victorino. Member Pontanilla?

COUNCILMEMBER PONTANILLA: Yeah, just a comment in regards to what Member Mateo had mentioned regarding affordable housing. When you look at Waie..., Waiehu Kou, all three (I, II, and III), you look at the utilities that's placed in there, the communication as well as the primary lines for the... *(end of tape, start 1B at 9:37 a.m.)*... hid and the service lines are underground. That reduced the cost of that subdivision by thousands and thousands of dollars. So just a comment.

CO-CHAIR MEDEIROS: Okay. Thank you for that comment, Member Pontanilla. Any other discussion or questions on this matter? The, the Chair is gonna call a short recess to consult with the Administration at this time. We'll take a three-minute recess and reconvene at 20 minutes to ten. The Committee is in recess. ... *(gavel)* ...

**RECESS:            9:38 a.m.**

**RECONVENE:      9:41 a.m.**

CO-CHAIR MEDEIROS: ... *(gavel)* ... The Public Works and Facilities Committee meeting of July 25<sup>th</sup> is now reconvened after the recess, and thank you, Members, for that short recess for consultation. At this time, the Committee Co-Chair would, would like to give my recommendation without objections.

COUNCIL MEMBERS VOICED NO OBJECTIONS.

CO-CHAIR MEDEIROS: Okay.

COUNCILMEMBER HOKAMA: Chairman?

CO-CHAIR MEDEIROS: Member Hokama?

COUNCILMEMBER HOKAMA: I would request if the Committee would allow someone from the utility to respond to some questions, please.

CO-CHAIR MEDEIROS: Certainly. Without objections from the Committee, we'll call down the representatives from the utility company.

COUNCIL MEMBERS VOICED NO OBJECTIONS.

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CO-CHAIR MEDEIROS: No objections. Thank you, Members. Neal?

MR. SHINYAMA: Good morning.

CO-CHAIR MEDEIROS: Good morning. State your name and who you're representing, please.

MR. SHINYAMA: Good morning, Chair, Council members. Neal Shinyama, Manager of Engineering, Maui Electric Company.

CO-CHAIR MEDEIROS: Okay. Members, the floor is open for questions for Mr. Shinyama.

COUNCILMEMBER HOKAMA: Chairman?

CO-CHAIR MEDEIROS: Member Hokama.

COUNCILMEMBER HOKAMA: Thank you. Mr. Shinyama, couple things because of this additional language which, which would grant five feet higher than existing poles --

MR. SHINYAMA: Uh-huh.

COUNCILMEMBER HOKAMA: --and one of the comments was for spacing requirements.

MR. SHINYAMA: That's correct.

COUNCILMEMBER HOKAMA: So . . .

MR. SHINYAMA: Just to clarify that, what it is that, like, Milton noted if a subdivision is required to go underground, so then what we'd have to do is we'd put what we call risers; the cable has to come up to the pole. So if the current pole now has the, the lines at a certain height . . .

COUNCILMEMBER HOKAMA: Right.

MR. SHINYAMA: By doing the risers, and where the risers terminate, we need extra clearances between the lines. So we need a higher, we need the five feet extra to provide that clearance, and that's the reasons why we need that, the five feet factor comes into play. And a lot of times, even if it's not a subdivision requirement, what may happen is that we may go out and see a situation where over time we may have a shorter pole, but because of the congestion with different type of circuits or different type of other utilities being placed on the pole there might be some clearance issues that we have to address and that's the reason why the five foot comes into play.

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What Mr. Pontanilla said about the five feet and the pole lengths, that's correct that they do come in those lengths. However, when we're placing in the pole, we do have a gauge into the depth that the pole goes into the ground. So the five feet is really more from the clearance factor not necessarily the, the length of the pole, but more from the clearances that we need by putting in the riser or whatever other facility that we have to put in when we, we do something like underground subdivision.

COUNCILMEMBER HOKAMA: Okay. So that's for the transition from overhead to underground, but, in general, your, your existing poles now within the current subdivisions, are, are you telling us this morning that currently they all do not make your spacing requirements?

MR. SHINYAMA: No, that's not correct. All I'm saying is that when we need a requirement, like say for an underground coming in where we have to add a riser on, that's where we need the extra five feet. Or in some situations maybe over time, like in rural areas or some other areas where we go out and we notice a situation where there might have been some attachments or some other things like that, we look at the clearances, and maybe from a safety factor or from a standard factor we see that, you know, it might be more appropriate to have a greater clearance on the pole and that's the kind of issues that we would like to address at that time, and it might be a one pole situation.

I'm not saying that the poles now are not on standard. They're all on standard. But in certain situations over time, you know, there might be a pole been out there 20 years, and then we go out there and maybe it's a rotten pole or something like that, and we look at it. You know, oh, okay, with, with cable being attached and other things being attached now, you know, it might be better if we have more clearance on this, on this pole. But in order to do that we may have to increase it and maybe not even five feet. It might be three feet or four feet to get the necessary clearance.

But if the resolution calls for no height change, we would have to come and submit an application to change that pole out because of the fact that we're changing it. Even if it's one foot, we would have to come in and file an application, because, because of the, the way that it's written currently, or the previous resolution it says any change in height.

COUNCILMEMBER HOKAMA: Well, you know, Mr. Shinyama, you know, we, we, we are very familiar with you --

MR. SHINYAMA: Uh-huh.

COUNCILMEMBER HOKAMA: --but could this scenario happen, we got one 30 foot pole, the utility comes in, puts in 35. So there's no notification. They just do an administrative application to the Director because it's five feet more than the existing pole. Something happens, you didn't temper the ground, hurricane; pole falls down. So then the next pole you

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could put in is a 40-foot pole because you're going just five feet over the last pole which is now 35 feet.

MR. SHINYAMA: . . . Um . . .

COUNCILMEMBER HOKAMA: Now, you're ten feet higher than what was two poles ago.

MR. SHINYAMA: Under normal sense, mostly, in all situations, we should be putting in the same height poles that, that's there now. That's, that's the policy that we follow. I'm not sure whether, you know, if there might be a one pole in a hurricane situation where they go out there and maybe based on the type of pole we have, say we only have a 60-footer or something, I don't know what it is, but again we do have the ability to cut poles from the bottom which we do--

COUNCILMEMBER HOKAMA: Right.

MR. SHINYAMA: --and we do have some ability to adjust the depth at which the poles are set. So technically we should be putting in the same height pole that's, that's been failed or damaged, or whatever it is.

COUNCILMEMBER HOKAMA: Okay. The other scenario that I had, I was thinking about that would be, could be impacted, Mr. Shinyama, is these two poles you need to replace termite, dry rot. Let's say you put the five feet higher pole, what makes you not then decide, well, the, the pole that it's connected to is still, is five feet lower so we should replace that pole to 35 feet then. So where does it stop this change from 30 to 35 feet?

MR. SHINYAMA: Well, again we wouldn't necessarily make those things arbitrarily. It would have to be a specific reason that causes that to be, and again most of the, most of the time they do change it for, for a greater height, like the five feet, would be more than likely with a scenario like the underground subdivision have to be attached where the reason being is we have to add another connection or what, you know, like I said the transition for the underground. In the general purposes, if there's nothing like that and just a matter of a termite pole like I said before, more than likely or should be we go in and put the same, same height pole in, unless there's some safety issue that we look at that, you know, wasn't being addressed before, then we might consider something like that. And the five-foot would give us the ability to have some flexibility if we needed, say, a foot clearance or two feet clearance for, for that particular issue.

COUNCILMEMBER HOKAMA: Is this something you decide as a utility, Maui Electric utility itself or is this spacing standards something that is part of a national standards that you folks follow? Or is it that cable TV will say, you know, I want three feet between your line and telephone line, so, you know, we want this type of space. Who is determining the appropriate spacing?

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MR. SHINYAMA: It's based on the general orders of the utility that we follow and also in addition to that we have our own utility guidelines in terms of clearance spacings between, you know, different type of voltages, like Councilmember Pontanilla kind of mentioned earlier. Higher voltages needs more clearances between conductors or other, or clearances from the road, or clearances from the telephone company or cable company. So a lot of it is, I guess, site specific in terms of what's on the pole; what voltage is on the pole, single phase, three phase, whatever it might be. So, but it is based on the general order of the utility and based on our construction standards.

COUNCILMEMBER HOKAMA: Okay. Does it make a difference whether it's on a major thoroughfare or just a residential in-street?

MR. SHINYAMA: Not really. We follow mainly the same construction standards.

COUNCILMEMBER HOKAMA: So, we could see a pole just as big on Kaahumanu inside of a residential subdivision?

MR. SHINYAMA: You mean like a steel pole?

COUNCILMEMBER HOKAMA: Right.

MR. SHINYAMA: If the, you know, the, the reason we go steel poles is, is because of the design requirement matching, for the ones on Kaahumanu, those were 100 mile an hour criteria on transmission lines, and that's the reason why we did that. So if, if a pole required a certain type of criteria that's what we will look at, but, but more than likely steel poles will not be in that scenario.

COUNCILMEMBER HOKAMA: Okay. And with this additional height, of course, from our responsibility from a Civil Defense standpoint, is it more than likely to, to be susceptible to damages from high winds and what not versus the lower poles?

MR. SHINYAMA: No, because the poles are designed, like I said, to meet the certain criteria. On these certain voltages, we have certain wind requirements that we have to meet, and we, we do that regardless of what the pole heights. A lot of it is based on, again, what is on the pole, how much loading it is from the, how much conductors; not only MECO's conductors but Hawaiian Tel conductors and the cable conductors. So those are all factored in, in terms of the minimum what we call wind loading requirement, and that's, at distribution levels we have a certain criteria. Transmission level we have a higher criteria.

COUNCILMEMBER HOKAMA: Mr. Shinyama, thank you for sharing that. Is there anybody else that has access to be, to have placement on the pole besides cable, telephone, and, and of course the power? Is there anyone else that has access to have placement for our information, please?

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MR. SHINYAMA: I'll have Greg Kauhi, who is our supervisor for Distribution Engineering come up. He'll be able to address that specifically.

MR. KAUHI: I'm Greg Kauhi, the engineering supervisor for Maui Electric. In regards to joint ownerships on the pole, actually, we only have a contract between us and Hawaiian Tel. Cable TV usually goes on the position where Hawaiian Tel is and there's a separate contract between Hawaiian Tel and cable TV. There's no one else. In Honolulu, they do have joint ownerships with County and State, but we don't on Maui. So usually State and County requirements, which usually they ask for running signals through the lines, they go through Hawaiian Tel. . . . *(Inaudible)* . . .

COUNCILMEMBER HOKAMA: So the pole is Maui Electric's, just so we're clear, the pole is owned by Maui Electric on County property?

MR. KAUHI: No. The pole is installed by Maui Electric.

COUNCILMEMBER HOKAMA: Okay.

MR. KAUHI: Okay. The ownership of the pole or the liability on the pole is by, is owned by two companies; us and Hawaiian Tel.

COUNCILMEMBER HOKAMA: Okay.

MR. KAUHI: If the pole only has Maui Electric, then only Maui Electric owns it or in some cases Hawaiian Tel might own their own poles. It just depends. Like on Makawao Avenue, you'll have one side of the street is all short poles, if you drive along Makawao Avenue, and that will be all Hawaiian Tel. You won't see Maui Electric on it. And then you have the taller poles on the opposite side, which is us. So, the drive is for us to combine so you have only one set of poles on one side of the road. So that's why we went into the joint ownership. So we own the, we both own the poles. We used to have three ownerships on the Lahaina side, which we owned poles with Pioneer Mill, but because Pioneer Mill is defunct it's now just us and Hawaiian Tel.

COUNCILMEMBER HOKAMA: Okay. Any, any, any difference with HC&S since they do provide power to, to the utility? Do they have ownership of poles or joint ownership with, with you folks?

MR. SHINYAMA: Not with our poles. They have their own distribution system, you know, that they use for their pumps in the field.

COUNCILMEMBER HOKAMA: Right.

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MR. SHINYAMA: That is no joint ownership with Maui Electric. That's their own pole lines. So sometimes even on Mokulele Highway you'll see some pole lines more in the canefield side. Some of those facilities are strictly HC&S facilities and nothing to do with Maui Electric.

COUNCILMEMBER HOKAMA: Can anyone else get onto your joint ownership poles for, for, for use?

MR. KAUHI: Yes, it's like any other contract. What happens is they would approach us, and we would go through a legal contract making agreements on terms, conditions, liabilities. They can --

COUNCILMEMBER HOKAMA: Okay.

MR. KAUHI: --but we haven't been approached by anyone else.

COUNCILMEMBER HOKAMA: Besides your company's agreement is there any other approval or review process, whether it be with the Public Utilities Commission or Planning Commission? Is there any review of who gets to go on the poles besides agreement by your company?

MR. KAUHI: No. In most cases what drives the agreement would be your liabilities. If the County goes on then, of course, you share, you would share ownership, which then means there's a percentage to the pole. If there's damages to the pole or the pole causes damage, you would then have to --

COUNCILMEMBER HOKAMA: Prorate it. Right.

MR. KAUHI: --prorate it --

COUNCILMEMBER HOKAMA: Right.

MR. KAUHI: --with whoever owns the pole. If, of course, if, to the agreement, if you decide that you don't want that liability, which really drives ownerships because people don't like the liability. You're liable forever. That, that's why we don't have agreements with too many parties because not everybody wants the liabilities. They might want to get on the pole, but they don't want to share in the cost if something should happen. And the agreement is strong on that . . . *(inaudible)* . . . be sure that the ownership between us and Hawaiian Tel, and they know what their share is.

COUNCILMEMBER HOKAMA: Okay. Okay. So, if someone wanted to put a booster power for, for cell phone, improve cell phone reception and what not, that would have to come to you folks; right?

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MR. KAUHI: That's true, we have been approached. In most cases, as you know, on our distribution poles we don't have any antennas.

COUNCILMEMBER HOKAMA: Right.

MR. KAUHI: And the reason why we don't have antennas is because it doesn't meet what Neal brought up first. It doesn't meet the clearance issues.

COUNCILMEMBER HOKAMA: Okay. Okay.

MR. KAUHI: So on the pole basically what works out is the top part of the pole is the higher voltage to the lower voltage closer to the ground. And the reason for that is public safety. If you can grab something that is only five watts you can probably live through that, but you might not be able to handle 69,000 volts. So the design is based that way. So if you put an antenna on the top of the pole, we have issues with the antenna or the interference of the, to the antenna from our lines. So there's a lot of issues about that, so it hasn't actually transpired yet.

COUNCILMEMBER HOKAMA: Right. Right. Thank you very much for your comments. Thank you, Chairman.

CO-CHAIR MEDEIROS: Thank you, Member Hokama. Any other Members?

CO-CHAIR VICTORINO: Mr. Chair?

CO-CHAIR MEDEIROS: Would you, yeah, remain there? Member Victorino.

CO-CHAIR VICTORINO: Yeah, a couple of points I'd like to make clear or at least in my mind, when you have this share cost you said Hawaiian Tel. Is it Hawaiian Telcom? Because I know that's been changed --

MR. KAUHI: Yeah.

CO-CHAIR VICTORINO: --so many times from Verizon. And so, just so the public knows that who we --

MR. KAUHI: Hawaiian . . .

CO-CHAIR VICTORINO: --what entity.

MR. KAUHI: You're correct, Hawaiian Telcom. Yes.

CO-CHAIR VICTORINO: Hawaiian Telcom is the, is the entity that now exists as far as share, cost sharing --

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MR. KAUHI: Right.

CO-CHAIR VICTORINO: --with you folks. And secondly, how many incidents, you know, so that the public understands, these differentiations that you're talking about height for whatever safety, whatever other reasons that may come forth. How many times do these occur in a normal year? I mean . . . *(inaudible)* . . . so that the public understands that this is not something you're going to do every time but when they occur, you know, in the business world time is money, money is time, and so, you need to get this done, and you have to make what I call a good business decision. You're not doing it just because you want to raise poles, because every time you put a new pole in it costs a lot of money. So, how many times, just off the top of your head, how many times a year would this occur more or less?

MR. SHINYAMA: I don't think I can give you a number, Councilmember Victorino. However, you know, it's, it's not a lot. Like I said it's only in circum..., circumstances where, you know, we might have a system that, you know, has been there for a while without too much changes or maybe, you know, we've had certain attachments from other utilities that we might see safety issues. But then again most of those are addressed in the process and terms of inspections, and those kinds of things. So, those are very minimal.

I go back to the fact the majority of it will be requirements in terms of a subdivision process or something where you actually have to physically add another connection or a point where you need the necessary clearance. So, I cannot give you a number, however, it's really not a large number.

CO-CHAIR VICTORINO: Very insignificant in other words.

MR. SHINYAMA: I would, I would think so, yes.

CO-CHAIR VICTORINO: Okay. Thank you, Mr. Chair.

CO-CHAIR MEDEIROS: Thank you, Member Victorino. The Chair has a question. On any of your poles, are there any Civil Defense system units on your poles?

MR. SHINYAMA: I think it's more separate. The Civil Defense poles are separate, however, they, they do have the, get the power from our system, but I think the, the actual pole itself is separate. It's not on a utility-owned pole.

CO-CHAIR MEDEIROS: Okay. Okay. Thank you for that. Any other questions for the Chair at this time or for the utility company? No?

MR. SHINYAMA: Thank you.

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CO-CHAIR MEDEIROS: Thank you, Mr. Shinyama. Okay. The Chair notes all the concerns that have been raised and, but in the interest of trying to move this forward so that we can conduct our business with the utility poles questions, at this time if there's no further discussions or questions I think we can address some of the concerns that have been raised in future amendments and so forth. So at this time, without objection, the Chair would like to give his recommendation.

CO-CHAIR VICTORINO: Recommendation.

CO-CHAIR MEDEIROS: Thank you. At this time the Chair would recommend passage of the revised proposed bill on the first reading and the filing of this item and would entertain a motion at this time.

CO-CHAIR VICTORINO: So moved, Mr. Chair.

COUNCILMEMBER PONTANILLA: Second.

CO-CHAIR MEDEIROS: It's been moved by Member Victorino and seconded by Member Pontanilla. Any further discussion?

COUNCILMEMBER HOKAMA: Mr. Chairman?

CO-CHAIR MEDEIROS: Member Hokama?

COUNCILMEMBER HOKAMA: Thank you. I still believe that we need to have some language of notifi..., minimum notification particularly those, those poles in the Residential Districts, R-1, R-2, R-3. I know, I think we can take care of it today in this Committee instead of sending it out to Council and then doing a Council amendment. So, I would ask, I would make a motion to amend that we add a notification requirement.

CO-CHAIR VICTORINO: Second.

CO-CHAIR MEDEIROS: Okay. It's been moved by Member Hokama. Seconded by Member Victorino.

COUNCILMEMBER HOKAMA: Chairman, if, if I may?

CO-CHAIR MEDEIROS: Yeah.

COUNCILMEMBER HOKAMA: I would, I would not think it would be necessary to be the same type of radius or diameter that we have for zoning applications. I think that was 500 feet. I would say, I think something more reasonable, 150 feet or so, or, or at least the abutting properties just be given notice that there will be a higher height in the replacement poles, and

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that they have enough time to give comment to the Director prior to his decision so that at least he can take that into consideration, Chairman. That would be my, my suggestion. I have no magic with the 150 feet. I just think it's reasonable at this time for abutting properties. Thank you, Chairman.

CO-CHAIR MEDEIROS: Thank you, Member Hokama. Any other discussion? So, Member Hokama, what would be at this time, with your motion, our parliamentary procedure to proceed?

COUNCILMEMBER HOKAMA: I would say, Chairman, either we can have this do two things. We can take a short recess so that Staff and Corp. Counsel can draft language for us to consider for approval or put this to the end of calendar so that the Committee may continue with the rest of the agenda and then return back for the consideration of the amendment, Chairman.

CO-CHAIR MEDEIROS: Thank you for that recommendation.

COUNCILMEMBER PONTANILLA: Chair, just one question.

CO-CHAIR MEDEIROS: Member Pontanilla.

COUNCILMEMBER PONTANILLA: Thank you, just a question. I know part of the ordinance in regards to temporary emergency use. This provision shall not apply in regards to...those replacements.

CO-CHAIR MEDEIROS: Correct. You, you make the important distinction there that is part of the ordinance. Right.

COUNCILMEMBER PONTANILLA: Okay. Fine. Thank you.

CO-CHAIR MEDEIROS: Thank you, Member Pontanilla. So at this time, we will, if there's no further discussion, we will take a morning recess and, and reconvene at 15 minutes after ten. Okay. The Committee meeting is now in recess. . . . *(gavel)* . . .

**RECESS:            10:04 a.m.**

**RECONVENE:    10:18 a.m. . . .(end of tape, start 2A). . .**

CO-CHAIR MEDEIROS: . . . *(gavel)* . . . Okay. The Committee on Public Works and Facilities Committee meeting of July 25<sup>th</sup> is reconvened after the recess. Thank you, Members, for that morning recess. At this time, the Chair would like to recognize Member Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you very much. I appreciate the efforts from Corporation Counsel and your Committee Staff to see if we were able to come to some

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agreement on amendment language. At this time, Chairman, to work with this Committee to . . .  
(inaudible). . . this proposed legislation, I withdraw my amendment at this time so that we may  
continue the business of this item. Thank you.

CO-CHAIR MEDEIROS: Thank you, Member Hokama. We recognize the withdrawal of your  
amendment.

CO-CHAIR VICTORINO: I withdraw my second, too, Mr. Chair.

CO-CHAIR MEDEIROS: Okay. Second is withdrawn. And so we are now back on the main motion.  
Any discussions on the main motion before we call for the vote? Okay. Hearing none. At this  
time, Members, the recommendation is to recommend passage of the revised proposed bill on  
first reading and the filing of this item. So at this time we're going to vote on that. All in favor  
of the motion say aye.

COUNCIL MEMBERS VOICED AYE.

CO-CHAIR MEDEIROS: All opposed?

**VOTE: AYES: Councilmembers Hokama and Mateo; and  
Co-Chairs Medeiros and Victorino.**

**NOES: None.**

**ABSTAIN: None.**

**ABSENT: None.**

**EXC.: Councilmembers Pontanilla.**

**MOTION CARRIED.**

**ACTION: FIRST READING OF REVISED BILL AND FILING OF  
COMMUNICATION.**

CO-CHAIR MEDEIROS: So we have four ayes and . . . uh . . . one excused.

**PWF-47 AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL  
UTILITY POLES (C.C. No. 07-207)**

CO-CHAIR MEDEIROS: So, at this time, we will move to the next agenda item on our agenda, which  
is PWF-47. And PWF-47 is authorizing Maui Electric Company, Limited, to install utility poles.

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And I will read through the description and this is more so for the viewing public and also for people that are in the Chambers this morning.

The Committee is in receipt of County Communication No. 07-207, from the Director of Public Works and Environmental Management, transmitting the follow..., following proposed resolutions: 1. "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL ONE UTILITY POLE ON PEAHI ROAD, HAIKU, MAUI, HAWAII"; 2. "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL THREE UTILITY POLES ON SOUTH KIHEI ROAD, KIHEI, MAUI, HAWAII"; 3. "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL ONE UTILITY POLE ON NORTH LANIKAI ROAD, HAIKU, MAUI, HAWAII"; 4. "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL ONE UTILITY POLE ON MAUNA PLACE, KULA, MAUI, HAWAII"; 5. "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL ONE UTILITY POLE ON SOUTH KIHEI ROAD, KIHEI, MAUI, HAWAII"; 6. "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL TWO UTILITY POLES ON MARKET STREET, WAILUKU, MAUI, HAWAII"; 7. "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL FOUR UTILITY POLES ON CALASA ROAD, KULA, MAUI, HAWAII"; 8. "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL ONE UTILITY POLE ON KAHEKILI HIGHWAY, MALUHIA, MAUI, HAWAII"; 9. "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL ONE UTILITY POLE ON WAIAKOA ROAD, KULA, MAUI, HAWAII"; 10. "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL THREE UTILITY POLES ON BALDWIN AVENUE, MAKAWAO, MAUI, HAWAII." The purpose of the proposed resolutions is to provide after-the-fact approvals for utility poles authorized by the Director of Public Works and Environmental Management prior to the adoption of Resolution No. 06-140. At this time, I'd like to ask if there's any public testimony to be given. None. Anyone in the gallery that did not sign up to give public testimony that would like to give at this time on PWF-47? Seeing no one approaching the podium. At this time, without objections the Chair would like to close public testimony on PWF-47.

COUNCIL MEMBERS VOICED NO OBJECTIONS.

CO-CHAIR MEDEIROS: Thank you, Members. And at this time, we'd like to have the Director of Public Works, Milton Arakawa, give an overview on this item.

MR. ARAKAWA: Thank you, Mr. Chair. This item pertains to the transmittal of ten resolutions relating to after-the-fact approvals for utility poles within County rights-of-way. Resolution No. 03-23 authorized the Director of Public Works and Environmental Management to approve the location of utility poles within County rights-of-way when the height of such utility poles does not exceed the height of existing utility poles and the number of poles does not exceed six. This resolution expired on February 7, 2005. After the resolution expired, our Department inadvertently issued administrative approvals for ten applications. So, what you have before you today are proposed after-the-fact approvals for these ten applications.

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And the first resolution is entitled, "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL ONE UTILITY POLE ON PEAHI ROAD, HAIKU, MAUI, HAWAII." And this is to provide power to Tax Map Key 2-7-13 parcel 14, and this is located close to the intersection of Peahi Road and Hana Highway.

The second resolution is entitled, "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL THREE UTILITY POLES ON SOUTH KIHEI ROAD, KIHEI, MAUI, HAWAII." These entail three new 45-foot high wood poles in the area of the Hale Kanani development along South Kihei Road and Kanani Road. And this project also involved the removal of seven wood poles. And basically the new poles are required to provide a transition from overhead electrical power to underground provision of electrical power along the project's frontage.

The third resolution is entitled, "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL ONE UTILITY POLE ON NORTH LANIKAI ROAD, HAIKU, MAUI, HAWAII." And this resolution is being withdrawn since Chapter 12.16 of the Code only pertains to County roads and North Lanikai Road located in Maui Ranch Estates is a private road. And we have submitted a written request to withdraw the resolution, and this has been transmitted to the Committee.

The fourth resolution is entitled, "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL ONE UTILITY POLE ON MAUNA PLACE, KULA, MAUI, HAWAII." This is adjacent to TMK: 2-2-11, parcel 51 near the Mauna Place and Copp Road intersection. And the existing pole here is being replaced, uh, removed by Verizon. Yesterday, I did receive information from Maui Electric that the request has been cancelled by the owner. And so, actually since this project is not going forward we would like to withdraw the resolution. And I apologize I did not have a chance to have a written confirmation on that fact transmitted to the Committee.

The fifth resolution is entitled, "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL ONE UTILITY POLE ON SOUTH KIHEI ROAD, KIHEI, MAUI, HAWAII." This is adjacent to TMK: 3-9-1, parcel 15I, which is located close to the intersection of South Kihei Road and Kulanihako'i Road. And the new pole here is a 45-foot high wood pole.

The sixth resolution is entitled, "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL TWO UTILITY POLES ON MARKET STREET, WAILUKU, MAUI, HAWAII." These are two new steel poles, which are located on Market Street between Mill and, Mill Street and Liko Place. And this would replace two wood poles.

The seventh resolution is entitled, "AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL FOUR UTILITY POLES ON CALASA ROAD, KULA, MAUI,

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HAWAII.” And the four wood poles would extend on Calasa Road from Inu Place to TMK: 2-2-14, parcel 5.

The eighth resolution is entitled, “AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL ONE UTILITY POLE ON KAHEKILI HIGHWAY, MALUHIA, MAUI, HAWAII.” This is located near TMK: 3-1-1, parcel 43, which is close to the entrance to Camp Maluhia.

The ninth resolution is entitled, “AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL ONE UTILITY POLE ON WAIAKOA ROAD, KULA, MAUI, HAWAII.” This is located adjacent to TMK: 2-2-9, parcel 90, close to the intersection with Kekaulike Highway.

And the last resolution is entitled, “AUTHORIZING MAUI ELECTRIC COMPANY, LIMITED, TO INSTALL THREE UTILITY POLES ON BALDWIN AVENUE, MAKAWAO, MAUI, HAWAII.” The wood utility poles would be located near TMK: 2-4-1, parcel 4, which is on Baldwin Avenue near its intersection with Kaluanui Road. One existing pole is being removed in conjunction with this application. And we have also, also transmitted a revised Exhibit 1, which labels Baldwin Avenue and Kaluanui Road, and this revised transmittal is in your binder. Your review and approval of the eight resolutions, which would exclude the North Lanikai Road and the Mauna Place resolutions is respectfully requested.

CO-CHAIR MEDEIROS: Thank you, Director. Before I open the floor, Director, did you confirm withdrawing two; number three and number four?

MR. ARAKAWA: The resolution on North Lanikai Road --

CO-CHAIR MEDEIROS: Right.

MR. ARAKAWA: --the third resolution, and the other resolution on Mauna Place, the fourth resolution --

CO-CHAIR MEDEIROS: Uh-huh.

MR. ARAKAWA: --are being requested to be withdrawn.

CO-CHAIR MEDEIROS: Okay, and number ten is revised?

MR. ARAKAWA: Yes, that was a just a revised map.

CO-CHAIR MEDEIROS: So, and the correspondence on these are in the binders of the Members?

MR. ARAKAWA: Yes, they are.

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CO-CHAIR MEDEIROS: Okay. Thank you, Director. So actually are we reviewing to propose to adopt seven proposed resolutions; two withdrawn and one revised to make the ten?

MS. NAKATA: Mr. Chair.

CO-CHAIR MEDEIROS: Oh, yes.

MS. NAKATA: Mr. Chair, I believe there'd be eight resolutions total, one of which has been revised, that's the tenth resolution. The Members have that under correspondence dated July 23<sup>rd</sup>.

CO-CHAIR MEDEIROS: And then one withdrawn or two?

MS. NAKATA: Two resolutions have been withdrawn. The third and fourth on the Member's list.

CO-CHAIR MEDEIROS: Okay. Members, the floor is open for discussions and questions.

COUNCILMEMBER HOKAMA: Recommendation?

CO-CHAIR MEDEIROS: Thank you. At this time, the Chair will entertain a motion to recommend adoption of the eight proposed resolutions and, and one revised proposed resolution, and the filing of this item.

CO-CHAIR VICTORINO: So moved.

COUNCILMEMBER MATEO: Second.

CO-CHAIR MEDEIROS: Okay. It's been moved by Member Victorino and seconded by Member Mateo. Any further discussion? At this time, the Chair will call for the vote. All in favor of the motion say aye.

COUNCIL MEMBERS VOICED AYE.

CO-CHAIR MEDEIROS: All opposed say no. Okay. Motion carries with five votes.

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**VOTE: AYES: Councilmembers Hokama, Mateo, and Pontanilla;  
and Co-Chairs Medeiros and Victorino.**

**NOES: None.**

**ABSTAIN: None.**

**ABSENT: None.**

**EXC.: None.**

**MOTION CARRIED.**

**ACTION: ADOPTION OF ALL RESOLUTIONS FOR PEAHI ROAD (HAIKU), SOUTH KIHEI ROAD (KIHEI), MARKET STREET (WAILUKU), CALASA ROAD (KULA), KAHEKILI HIGHWAY (MALUHIA), WAIAKOA ROAD (KULA); AND A REVISED RESOLUTION FOR BALDWIN AVENUE (MAKAWAO); AND FILING OF COMMUNICATION.**

CO-CHAIR MEDEIROS: Thank you, Members. At this time, the Chair will take a short recess as we transition from one Chair to the other Chair. Co-Chair Victorino will now preside over the next two items of the meeting. And so, at this time the Chair would call a short recess . . . *(gavel)* . . .

**RECESS: 10:30 a.m.**

**RECONVENE: 10:35 a.m.**

CO-CHAIR VICTORINO: . . . *(gavel)* . . . I'd like to reconvene the meeting of the Public Works and Facilities Committee. At this time, we will be, I am now the Co-Chair Victorino who will be conducting the meeting from this point forward. I'd like to thank Co-Chair Medeiros for all his efforts in resolving those issues.

**PWF-34 ACCEPTING LAND DEDICATED FOR PARK AND PLAYGROUND PURPOSES AND WAIVING CERTAIN PARK DEDICATION REQUIREMENTS FOR THE WAIOLANI MAUKA SUBDIVISION (WAIKAPU) (C.C. No. 07-168)**

CO-CHAIR VICTORINO: At this time, we would like to take up PWF-34, accepting land dedicated for park and playground purposes and waiving certain park dedication requirements for the Waiolani Mauka Subdivision in Waikapu.

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The Committee is in receipt of the following: (1) Committee Communication 07-168, from the Director of Parks and Recreation, transmitting the proposed resolution to accept the dedication of a park located in the Waiolani Mauka Subdivision, Waikapu, Maui, comprised of two-acres; and to approve and waive certain park dedication requirements; (2) Correspondence dated July 18, 2007, from the Department of Corporation Counsel [*sic*], transmitting the revised proposed resolution entitled "ACCEPTING LAND DEDICATION FOR PARK AND PLAYGROUND PURPOSES, AND WAIVER OF COMFORT STATION AND PARKING AREA REQUIREMENT, IN THE WAIOLANI MAUKA SUBDIVISION, WAIKAPU, WAILUKU, HAWAII, PURSUANT TO SECTION 18.16.320, MAUI COUNTY CODE". The purposes of the revised proposed resolutions are to: (1) accept the dedication of the referred park for the Waiolani Mauka Subdivision; and (2) to approve the waiver of requirements for comfort station and parking areas in the referred park. At this time, we do have Haunani Nunokawa here to give us a presentation. So before we go on to public testimony, if it's okay with the Committee, would we allow the, the presentation of the, by Ms. Nunokawa? No objections?

COUNCIL MEMBERS VOICED NO OBJECTIONS.

CO-CHAIR VICTORINO: Okay. Haunani, would you like to go ahead and do the presentation, and then after that if there's questions I'll entertain them. If any Member in the Committee has a question as we go through the slides or through the presentation, please just ask the Chair, and I will recognize you, and you can ask the questions to Ms. Haunani. Okay. Ms. Nunokawa, go ahead.

**... BEGIN PRESENTATION ...**

MS. LEMN: Okay. Good morning, Chairperson Victorino and Committee Members of the Council. Haunani Lemn here on behalf of Waiolani Mauka as well as Scott Nunokawa who is the managing member for the project. He is running the projector in back of you and will also be available for questions. As you know, we're here for Waiolani Mauka's park dedication, and we were asked to do a brief presentation to summarize where we're at on the project. Scott. I want to give you a brief history of how we arrived at this point.

In 2001, Scott and I were involved in a project called Waiolani Elua. We were going through a rezoning process and at that period in time residents from Waikapu came and expressed the concern that there was no park mauka of Honoapiilani Highway for the children to play at. And as you are aware, there is a park in Waikapu, but it's on the other side of Honoapiilani Highway. It's the Waikapu Community Center park there. Based on what was heard during our processes, the Parks and Recreation Committee of that time took this matter up in 2002 and came up with a Committee Report No. 02-200, which recommended that the Council pursue acquisition of land for a new park near the Waiolani Subdivision.

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In 2005, Scott and I were back with another project and that's the one before you now, the Waiolani Mauka project. At that time, land for a two-acre park site in the Waiolani area was offered to the County as part of the rezoning request for the Waiolani Mauka project, which is 105 lot R-2 project. Based on this, the Council attached a condition to our rezoning ordinance that stated pending approval and acceptance by the County of Maui a two-acre park will be dedicated to the County of Maui concurrently with the final subdivision approval. Based on that condition we worked with the Parks Department to analyze what options were available. And looking at Chapter 18.16.320 of the Maui County Code, it would require 51,000 square feet of land for a park assessment as well as improvements for grading, grassing, irrigation, ten paved parking stalls, a comfort station, and the park would need to be adequately drained, or the in-lieu park fees would have been \$1,213,800, or it would equate out for our purposes when we're analyzing costs per lot for the project \$11,560 per lot.

In looking at what other alternatives might be available, we came up with a unilateral agreement with the Parks Department, and in it we offered to provide more land, which would be in keeping with our zoning ordinance. The land area would be 87,120 square feet, which would give the County an additional 36,120 square feet, bringing it to a total of two-acres. The improvements would include grading, grassing, and irrigation. At the same time, the County would waive the paved parking stalls and the comfort station, and this is what the Parks Department is recommending to you today. At the same time, it was evaluated to make sure that the park would drain adequately. On our side, we would also be waiving parks credits for the additional land area, which would equate to some 72 units of park credits.

We know that some of you weren't here when we went through rezoning so we thought we'd give you some background as well with regards to the site. If you look at the regional location map before you, you can see that the Waiolani Mauka project is in Waikapu, which is about a mile outside of Wailuku town, and it is adjacent to the single family residences of the Waiolani, original Waiolani Subdivision, the Waiolani Elua Subdivision, and what is a new project called Waiolani Pikake as well. This aerial photo also gives you an idea of the location of the park. You can see it outlined in yellow called site, and you can see it relative to Kahului area. And Wailuku Heights on the right side you can see the existing single-family residences as well as the previous Vida property, properties that were already there as residences before all of these other Waiolani projects came up. If you look to the left side, you'll also see an area that's 20 acres of community planned single-family residences that are, is not developed, and not rezoned at this time.

Scott is now showing to you, let's see, the site location map. And the reason why I wanted to, to--before that, Scott--the reason why I wanted to really show you this is it gives you a good idea of some of the traditional patterns, recreational patterns of the residences that were happening even before Waiolani Elua came in, but which, since we do live in Waiolani Elua we're pretty well aware of at this point as well. So, Scott, if you can start at the north corner of old Waikapu Road.

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The residences tend to do a circular pattern along this old Waikapu Road. They come down Waiko Road, and there is a little bulb-out area and a walking path that enters into the Waiolani Subdivision. They usually walk through all of the roads there. They come across here near the Waihee ditch, and continue on until they get to an old cane haul road, which is at the northern most point of our subdivision, and they finish the pattern there. So, it's, it's a pretty well used walking pattern.

If you look at the subdivision map, this is pretty consistent with the map that we showed you during our rezoning process, and you can see the location of the site. Scott, can you do the entrance along Waihee ditch from Waiolani? As you notice there is an area here that allows for easy access for the Waiolani side to enter into the park and that pathway actually continues on, okay, he's going the traditional walkway up the different roads of the subdivision, and we have a pedestrian walkway that also connects up on the top side to the old Waikapu Road. This pathway also connects up to the neighboring property on the northern end. That little stretch there is not part of the park, but it is an easement that we have in the subdivision because we wanted to continue that connectivity.

This next map is the grading map, and this gives you an idea of the slope in the property. As you can see, the park site is very flat. The park site is very flat and on the top section of it there is slope that recaptures the natural slope that Maui as the Valley Isle has everywhere. So that's where we, we captured the slope in order to provide a very flat park area.

These pictures were taken yesterday, so this gives you a very up-to-date perspective of where the development is at. And as you can see there's a rock wall and an aluminum fencing in the foreground, and that rock wall and aluminum fencing is to provide protection from the ditch area. This was a requirement by the State Land Use Commission that we provide this portion in. And as you look to the backside you'll see where the slope picks up and separates the park from the residences that will be going in on the top side. You can also see on the Vida, Pinto, and Yamaoka side the fencing that was put in based on suggestions that were made to us during our rezoning process. So that side of the park is completely fenced in. This shows you as you look towards the Vida and the Waiolani section, this shows you how the pathway enters into the park. It also gives you an idea of the fencing. And this is another picture showing you the fencing and the pathway into the park.

Okay. To summarize some of the benefits that, that we see the County receives as part of this unilateral agreement is there will be a park located within the Waiolani area as recommended by the Park and Recreation Committee Report No. 02-200. It will be a park site larger by 70 percent than required by the Park's ordinance without park's credits being owed to the developer. It is a park site targeted to be expeditiously developed and operational in the near future and by that I mean that we would be putting in the grass, grading, irrigation, and we foresee that happening almost immediately upon getting your approval. It does take a while for the grass to grow so we think that within about six months kids would be able to be playing on the park.

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It is a safe park site that is accessible to the children without crossing Honoapiilani Highway per the request of Waikapu residents. It is also a park site that is readily accessible by all of the area residents in Waikapu. And when we were designing the park, we paid particular attention to trying to make it welcoming for everybody there as versus a feeling that it was restricted to just the Waiolani Mauka residents. It is also a park site that preserves the traditional walking path with Waihee ditch as the visual water feature as requested by Waikapu residents. If you're familiar with the Waiolani, original Waiolani Subdivision, the Waihee ditch there was covered over and landscaped. And so, you can't see where the Waihee ditch is on that area. As a consequence, there was feedback to us from area residents that they found that that was a real loss that they couldn't walk, and hear, and see the water. They found that very calming. So we tried to put that as part of, one of the intricate parts of the park as well.

That's basically the summary of our presentation, and we're happy to answer any questions that the Council members may have.

**... END OF PRESENTATION ...**

CO-CHAIR VICTORINO: Thank you, Haunani.

MS. LEMN: You're very welcome.

CO-CHAIR VICTORINO: At this time, the Chair would like to ask if you want to ask questions specifically to the presentation before we take it down? I'll open it up at this time. If not, then we will take a quick recess, and then reconvene the meeting. So, I leave it to the Committee. What would you prefer?

COUNCILMEMBER PONTANILLA: ... *(Inaudible)* ...

CO-CHAIR VICTORINO: Go ahead, Member Pontanilla.

COUNCILMEMBER PONTANILLA: Thank you. You mentioned about the ditch being covered. I guess that was the first subdivision that went into that area. Is there any piping that goes from where your project start going towards the, that particular ditch, the Waikapu Ditch?

MR. NUNOKAWA: Scott Nunokawa here. The piping, there is a section of, of Waihee ditch that had to be covered within the Waiolani Mauka Subdivision, because the road needs to get, you know, to the mauka side of the ditch. But aside from that there is an inlet where it goes underground. The, the pipe is, the, the water is carried in a 66-inch concrete pipe when they bury it, both in our subdivision and the Waiolani Subdivision. So when it gets there, there's obviously a head wall, and grading, and that sort of thing there. In addition to that, you know, obviously that's one of the reasons for the fencing is to make, it fences both sides of the ditch.

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COUNCILMEMBER PONTANILLA: Okay. Thank you.

MR. NUNOKAWA: Yeah.

CO-CHAIR VICTORINO: Member Mateo.

COUNCILMEMBER MATEO: Chairman, thank you. Good morning.

MR. NUNOKAWA: Good morning.

COUNCILMEMBER MATEO: The two-acres that's been designated for park, can you tell me what the market value of the two-acres comes out to?

MR. NUNOKAWA: In ballpark, off the top of my head figures, we actually, when we were going through the zoning process we actually looked at what would happen if Council had determined, or others had determined they did not want a park on site. And so, we did have some engineering done on that, and it would have, we would have netted out basically six lots with the land that's there. Because to me shapes and sizes of, I mean size alone of, of, of a parcel isn't as important as how many, how many lots are you going to end up with. So with six lots in this market probably the net, I mean retail basis, you know, not necessarily what we sold them for, because we were somewhat below market but on a retail basis, they probably were, the residual value was probably 200 to 250 per lot. So multiply it by, you know, by the, the, the six lots and that would give what a million two, million five, somewhere in that range.

COUNCILMEMBER MATEO: Thank you very much.

MR. NUNOKAWA: Yeah.

CO-CHAIR VICTORINO: Thank you, Mr. Mateo. Any other questions before I take a quick recess to reestablish? Okay. We'll stand in recess subject to the Chair's call. . . . (*gavel*) . . .

**RECESS:            10:52 a.m.**

**RECONVENE:      10:54 a.m.**

CO-CHAIR VICTORINO: The Committee meeting of Public Works and Facilities is reconvened. We are on discussion of PWF-34, the accepting of the dedicated park and playground purposes, and waiving certain park dedication requirements. . . . (*end of tape, start 2B at 10:54 a.m.*) . . . At this time, I would ask is there anyone signed up for public testimony?

MS. MARTINS: No.

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CO-CHAIR VICTORINO: None?

MS. MARTINS: None.

CO-CHAIR VICTORINO: I will give anyone in the gallery an opportunity to come forward for public testimony. Seeing none, with the Committee's permission, I would like to close public testimony.

COUNCIL MEMBERS VOICED NO OBJECTIONS.

CO-CHAIR VICTORINO: No objections. Thank you very much. We'll close public testimony. At this time, I'd also like to introduce the Department representatives for Parks and Recreation. First of all, our esteemed Director, Tamara Horcajo, and our, from our Planning Division, Mr. Matsui. Thank you for being here. And then of course, our esteemed Corp. Counsel's Cindy Young. Thank you for remaining and taking Mike's place today. We appreciate that. At this time, I would like to allow the Director of Parks and Recreation to provide an overview on this matter. Ms. Horcajo, would you like to give us an overview?

MS. HORCAJO: Thank you, Chairman Victorino, and Members of the Council. This project, Waiolani Mauka Subdivision is a 28.7-acre project. And I believe you got a very good overview from Haunani and Scott.

CO-CHAIR VICTORINO: Ms., Ms. Horcajo? One correction; 28-point or 2.8? You said 28.

MS. HORCAJO: The total project.

CO-CHAIR MEDEIROS: Project.

CO-CHAIR VICTORINO: Oh, the total project. Okay. I, I stand corrected. Thank you. I thought you were referring to the park. Okay, go ahead.

MS. HORCAJO: That would be a nice park. . . . *(chuckled)* . . .

CO-CHAIR VICTORINO: Oh! Thank you.

MS. HORCAJO: The total project --

CO-CHAIR VICTORINO: Thank you.

MS. HORCAJO: --area. As a condition of zoning, the project has developed or is in the process of developing a two-acre park that will be dedicated for public, for public use, and also it's, the unilateral agreement included the condition that it will be turned over for the County to maintain. The project was, previous the agreements, the unilateral agreements were made in the previous

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Administration. If you have any additional questions or comments on the project, Pat Matsui is here and was working with this project during that, that time. So if there's specific comments that you have he can address those more specifically. Thank you.

CO-CHAIR VICTORINO: Thank you, Ms. Horcajo. Mr. Matsui, is there anything you want to add before I open it up for questions from the Committee?

MR. MATSUI: No, I, I think all of the points were covered.

CO-CHAIR VICTORINO: Okay. Thank you. Committee Members, I open up the floor for discussion and questions. Vice-Chair Mateo.

COUNCILMEMBER MATEO: Chairman, thank you very much. And, Mr. Matsui, because I don't know any better this process where, this is kind of like the tail end of the process and the developer now comes, provides the presentation to the Committee, and at this point we're going to say, yes, it's acceptable to us, and we will accept the park. Why is it that the process occurs at the end of the process? Because if, take this project if they come forward, they do the presentation, they've initiated work on the park, they're investing money in the park, they're even giving us a larger piece than what's actually required, and they've made an investment. And if we say no at this point it seems like a loss to that investment. So why are we reviewing for consideration at the tail end instead of early in, early in the development process of this project?

MR. MATSUI: You know, as you know, we're dealing with two ordinances. Okay. One is the subdivision ordinance, which is 18-point whatever 32, which requires park dedication and based on a formula. The second is the change in zoning ordinance, which required a two-acre park. Okay. So, and that two-acre park along with the approval for the change in zoning was approved by the County Council as an ordinance. And, and there was, you know, the parcel was identified. And, and that's what's happening now.

They are in the process of nearing construction so you can see what, what was actually built. It was graded, grassed with a irrigation system, they put in fencing, and now in accordance with the ordinance of the subdivision ordinance it requires a waiver by the County Council for the restroom and parking. So that's where we are now. You know, we, we are following the ordinance.

COUNCILMEMBER MATEO: So what is their option if we sat here and said, no, it's not acceptable? We're not going to give them the waiver. They're going to have to provide the comfort station. They're going to have to provide the ten parking stalls. What is their, what, what options do they have?

MR. MATSUI: They would have to put it in, yes.

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COUNCILMEMBER MATEO: Okay. Thank you. Thank you, Chairman.

CO-CHAIR VICTORINO: Thank you, Mr. Mateo. Other questions from the Committee Members? Okay.

COUNCILMEMBER HOKAMA: Chairman?

CO-CHAIR VICTORINO: Yes.

COUNCILMEMBER HOKAMA: Hearing the response to Mr. Mateo, I would ask the Department to once more reference why their recommendation is for waiver, please.

CO-CHAIR VICTORINO: Department, Ms. Horcajo, or Mr. Matsui; whoever wants to respond to that question.

MR. MATSUI: You know, initially, when the change in zoning ordinance was going around, you know, it was silent on whether it was a fully developed park or just raw land. When the developers came to us we saw it as fully developed with restroom and parking. They saw it as raw land. And, and we went through a number of scenarios and, and this is what we had ended up agreeing on. But, you know, mindful of that the waiver is not a Department's decision. It's a Department; it's a decision by the County Council. So we agreed that, you know, this, we'd bring, bring it this far to the County Council as far as the waiver. You know, we did agree on the other aspects of grading and grassing. So here we are today.

CO-CHAIR VICTORINO: I, I think, if I'm correct, what is the Department's recommendation? You give us the historical perspective, but what would you recommend today? With everything put on the table what is your recommendation today?

MR. MATSUI: Well, our recommendation is that it be waived *[sic]*. Okay, you know, going back to other projects it's kind of a borderline situation. It, it is a neighborhood park, but, but yet you're going to have use by people outside of the area. It is in walking distance of pretty much the community that's going to be using it. So, you know, but there, it is a two-acre park. It is a nice size park that can be used for, you know, active, limited active like for T-ball, for, for the smaller kids, younger kids for soccer. So, you know, there's going to be some of that kind of use. But, you know, again we had agreed that we would bring it to the County Council and recommend a waiver for the parking and the restroom.

CO-CHAIR VICTORINO: Ms. Horcajo, you would like to add something?

MS. HORCAJO: If I may just comment that I believe that the times are changing and that there is a need to upgrade the ordinance. Once again I want to bring that to the table, and a need to let the developer know up-front before the project is begun what the requirements are rather than at the end and that will change, need some amendment in our ordinance. And we are looking at getting

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some help in changing that so that everyone knows from day one what the requirements are. So that's where we are now with patience and assistance from the community as well as the Council.

CO-CHAIR VICTORINO: Mr. Pont..., oh, hang on. Mr. Hokama, would you like to add anything else?

COUNCILMEMBER HOKAMA: Just, just a few more quick questions, Chairman.

CO-CHAIR VICTORINO: Sure. Go ahead.

COUNCILMEMBER HOKAMA: The existing Waikapu Community Center park area which is off Waiko, lower Waiko, how big would you say that park is in your estimation? Two-acres?

MR. MATSUI: I, I think it's more than that. I think it's, you have a Little League field --

COUNCILMEMBER HOKAMA: Right.

MR. MATSUI: --a basketball court --

COUNCILMEMBER HOKAMA: Right.

MR. MATSUI: --and the community center with a small parking lot. So I, I would say it's, you know, a little more than two-acres.

COUNCILMEMBER HOKAMA: Okay. I know it didn't belong to us, but those Brewer, Brewer fields, the old, the old C. Brewer fields how big would you say those ball fields were that the community had access to for ball activities, recreational activities?

MR. MATSUI: I would guess four-acres, because you're talking about one Little League field and a Pony League field.

COUNCILMEMBER HOKAMA: Right. So approximately four-acres?

MR. MATSUI: Three to four-acres, yeah.

COUNCILMEMBER HOKAMA: Okay. Which is no longer available to the community. Okay. Chairman, thank you.

CO-CHAIR VICTORINO: Okay. Well, just to dovetail Hokama's comments I have a question. He just mentioned not used, being able to be used by the community. When was that changed? When did C. Brewer, when they sold the property? Because I know it was used 'til recently, and then in the last year or so I've noticed not, the upper field is not being used and maintained.

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The lower field, the pony field seems to be maintained. Am I incorrect in my statement, Mr. Matsui, to your best knowledge?

MS. HORCAJO: No, I'm not familiar with that.

MR. MATSUI: I'm not really up to date on the status of that.

CO-CHAIR VICTORINO: Uh-huh.

MR. MATSUI: But my earlier understanding was that when the development on the makai side of the road came about they had taken over those two parks, and they were going to turn it over to the County. But, you know, my recent understanding is they're not doing it. I, I don't know what their intentions are right now.

CO-CHAIR VICTORINO: Thank you. Mr. Pontanilla.

COUNCILMEMBER PONTANILLA: Thank you. As I recall, we had an opportunity to purchase a lot of park land, and we just never did. And one of 'em, well, two of 'em were actually the ball fields that, you know, we presently discuss. But, anyway, I just wanted to ask the Parks Department in regards to the Maui Lani Park. That's the one that's located in the back of Maui Waena. There's no parking, there's no restroom. Have we had any complaints in regards to that particular park?

MR. MATSUI: That's the small neighborhood park. We haven't had any complaints, no.

COUNCILMEMBER PONTANILLA: Thank you. Because I, I compare that Maui Lani Park with the one that's located I think it's Aiai and Kuula Street where we have our restroom as well as some lighting. And because of the congregation near the bathroom, you know, we've had a lot of calls in regards to undesirables, you know, dealing drugs and that nature. I don't know if you folks have had any complaints in regards to that?

MS. HORCAJO: That's Kamalii Park?

COUNCILMEMBER PONTANILLA: Yeah.

MS. HORCAJO: Is that the one? Okay.

COUNCILMEMBER PONTANILLA: And it seems like the bathroom is like a congregation area. So I just wanted to bring that up. Coming back to Brewer fields what, what is the requirements by Spencer's project in regards to park?

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MR. MATSUI: Spencer is meeting his requirement by a linear park that runs through the subdivision. I think it's like about 50 or 60 feet wide, and it just, it's a grassed area that runs through the middle of the subdivision.

COUNCILMEMBER PONTANILLA: So as far as the ball fields, the old ball fields there's no condition in regards to . . . looking at the ball fields today you got to redo 'em. There's no talk about the possibility of redoing that?

MR. MATSUI: As far as with the Spencers?

COUNCILMEMBER PONTANILLA: Yeah.

MR. MATSUI: I'm not aware of anything, no.

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

CO-CHAIR VICTORINO: Thank you. Mr. Mateo.

COUNCILMEMBER MATEO: Chairman, thank you. In prior reviews of park dedications the developer normally came forward and say we're putting in one bench, providing one water faucet. What's going to go into this raw land, the existing one that we're reviewing today?

MR. MATSUI: Benches and water faucets, you know, are not required by the ordinance.

COUNCILMEMBER MATEO: Picnic tables? Anything's going to go into this?

MR. MATSUI: No, that would, the Parks Department would provide that later on. The ordinance just requires them to grade it, grass it, irrigation system.

COUNCILMEMBER MATEO: Uh-huh. So the, in your, in your discussion with the developer there was no discussion of consideration of putting these, these things in? Because my, my interest in asking is we go through the dedication, we take it; it becomes our responsibility, not only assuming liability, but assuming everything else that goes with this park. So as we're waiving a cost factor it just seems fair that your discussion with them would be what would go into the park like benches, like picnic tables, et cetera. Because why, why are we going to assume these costs?

MR. MATSUI: We were focusing on the requirements of the ordinance, and we didn't get any further than that. You know, traditionally when we accept park lands through park dedication, you know, if the developer wants to put in those picnic tables, you know, we, we would accept it, but it's not something we can require --

COUNCILMEMBER MATEO: Right.

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MR. MATSUI: --by ordinance.

COUNCILMEMBER MATEO: Right. So . . .

MR. MATSUI: So we're bound by the ordinance.

COUNCILMEMBER MATEO: Yeah, I understand. It would just, it just seems feasible that as the Department now in prior discussions, Mr. Matsui, you mentioned that the Department will be taking a look at, at several changes that, that's needed. One, Ms. Horeajo just mentioned the need to readdress the ordinance. I believe in prior discussions you had mentioned the need for us to really take a look at how we're defining parks. I believe that in those discussions, you know, I, I think we should also be taking a look at, you know, what could be required as part of identifying what a park is. And perhaps part of that identification would be what goes into the parks.

And I'm sure the Nunokawas are very concerned individuals that will look at providing for their park, because it will be recognized initially they're the developer. So we're going to look at what they're going to give the County. So I just wanted to share that as we go through the prior stages of readdressing the County's perception in what we look at as a park, and how we perceived its use to be, and what could be included in a park. Thank you. Thank you, Chairman.

CO-CHAIR VICTORINO: Thank you. Co-Chair Medeiros.

CO-CHAIR MEDEIROS: Mahalo, Chair. Mr. Matsui, you mentioned that the park is large enough for a T-ball field, soccer field. So the County would have to develop these fields for use?

MR. MATSUI: That's correct.

CO-CHAIR MEDEIROS: Okay, and so would that become part of your CIP projects?

MR. MATSUI: Probably, yes.

CO-CHAIR MEDEIROS: Okay. The other matter is in the current Waikapu Community Center park isn't there additional land on the other side of the ditch, makai the ditch that was dedicated to the County for parks? I, I understood there was some land below that, but that's never developed.

MR. MATSUI: Yes, you're correct. We do own some property on the side, but with the ditch --

CO-CHAIR MEDEIROS: Uh-huh.

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MR. MATSUI: --and the terrain it's, it's pretty much not useable for active space. If anything maybe some picnic tables. We had looked at adding parking, but then access to it is, is difficult.

CO-CHAIR MEDEIROS: What, what area, what size area would that be about?

MR. MATSUI: Yeah, I'm, I'm not sure but, you know, it's on the other, other side of the ditch --

CO-CHAIR MEDEIROS: Correct.

MR. MATSUI: --and, and that's, that's a big hurdle. You know, we would have to cover the ditch, and then, and then it slopes downwards. It's like, I don't know, divert.

CO-CHAIR MEDEIROS: Is, is that where all those goats are?

MR. MATSUI: The goats are not on our property.

CO-CHAIR MEDEIROS: Oh, anymore. Oh, okay. Okay. Thank you, Chair. Thank you, Mr. Matsui.

CO-CHAIR VICTORINO: Thank you, Mr. Medeiros. Any other further discussion or questions for the Department? And I want to also make it known that Mr. Nunokawa is still available if you any specific questions you'd like to ask him. He's available at this time also. So I open the floor for any further questions or discussion.

COUNCILMEMBER HOKAMA: Question, please?

CO-CHAIR VICTORINO: Mr. Hokama?

COUNCILMEMBER HOKAMA: Thank you. Can, can you tell the Committee this morning is there; are there any plans to further develop the park beyond its natural grass state, or the way it's being prepared for acceptance by the County?

MR. MATSUI: We, we looked at the land, and, and the potential amenities we could add, and, and there's room we could put a small basketball court, even a top lot and, in addition to the, you know, T-ball and soccer field. So, you know, there's potential for further development. You know, the ordinance, you know, just requires the developer to make the basic graded grassed land, and then we come in later on with further improvements.

COUNCILMEMBER HOKAMA: Okay. So it can be developed, but there are no current plans to develop the park; is that, is that, would that be accurate?

MR. MATSUI: I think some day in the future we will, but we haven't identified exactly when; whether it's next year. You know, it kind of depends on our budget.

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COUNCILMEMBER HOKAMA: Is, is it the Department's understanding that the community in this general subdivision area wants an active park out of this, or they just want an open space park out of this to do their walks and exercises? I mean, did the Department have a sense of what is expected to come from this park?

MR. MATSUI: From my understanding they did not want like a full on Little League field where you'd have games and where, league play where, you know, people outside of the community would be coming in and, and using the park. I think they were looking at just that Waiolani community, not just the mauka, but all of the previous development that that would be their neighborhood park. So, you know, like anything there's a balance between what you provide for the community, and, and who comes from outside of the community to use. But, you know, we're looking at a kind of neighborhood park and developing it as such.

COUNCILMEMBER HOKAMA: Okay. Thank you. Thank you very much.

CO-CHAIR VICTORINO: Thank you, Mr. Hokama. Any other questions? Mr. Medeiros.

CO-CHAIR MEDEIROS: Thank you, Chair. I wanted to know, because the improvements on the unilateral agreement includes irrigation. And, you know, a lot of times I know in other County projects that I was involved in the irrigation was temporary to grow the grass, and then it was, you know, discontinued. So after the park was accepted by the County it died after that, because there was no permanent irrigation. Is the irrigation that's being part of the improvements permanent where the County is going to use it to keep the park green, the grass growing, and so forth?

MR. MATSUI: Yes.

CO-CHAIR MEDEIROS: Okay.

MR. MATSUI: And, and we did work with the developer on the design of the irrigation system.

CO-CHAIR MEDEIROS: Okay. Very good. I, I think a lot of times we don't put enough concentration or focus on that. Thank you, Chair.

CO-CHAIR VICTORINO: Thank you, Mr. Medeiros. The Chair would like to point out that also the developer took great pains to grade and level off this field, this park, in comparison to some other parks that we've been given to in the past, and I, I want that noted that that's why some of these opportunities will become available. If the natural topography had been left and the small slope had been left there, like in other parks in certain neighborhoods a.k.a. Wailuku Heights and all that, the topography does not allow for such functions other than just kids running around in a playground and all that.

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So I, I want that noted that they made that improvement, leveled off the field so that, the park area so that we can maybe now include soccer, and T-ball, and other small amenities more for the practice of the neighborhood teams than really having what I call league play. I think that's going to be real difficult because you don't have parking. But, you know, for the practice of the neighborhood teams instead of going down to Keopuolani or using some of the other parks which are direly needed by, by other communities that don't have these parks available, like Maui Lani, because they use that for a practice field for soccer and T-ball. So I want that noted that we want to thank the developer for at least putting that effort forward. Other questions or, or discussion on this matter?

COUNCILMEMBER PONTANILLA: Recommendation.

CO-CHAIR MEDEIROS: Recommendation.

CO-CHAIR VICTORINO: Recommendation. But before I put forth the recommendation, Ms. Horcajo, you wanted to add something?

MS. HORCAJO: My comment is in regard to your statement that you just made, thanking the developer for leveling the, the ground, but also to Councilmember Mateo's and Chairman Hokama's comments regarding discussions with the, the developer and, which we have had. Again, it was after the fact and very brief informal discussions regarding the slope in the park. We do need to, as a Department; look at what kind of slopes we're able to accept. We're very concerned about the Worker's Comp. case, cases that we have had with our park caretakers taking care of slopes. So we are encouraging the developer to plant a ground cover material that will not need the maintenance on those slopes since this will be a publicly maintained area. We are very concerned with our workers, and we need to get better in our development criteria.

CO-CHAIR VICTORINO: Thank you for bringing that point up, and I think we've discussed that, Ms. Horcajo. And I totally agree that we should look at these topographies and make it more feasible so that maintenance would be very minimum, at best, and reducing the chance of Worker's Comp. or any injury, even to the public themselves. You know, so, like KCC and some of the other parks that are, that topography does exist it is very difficult and the grass really doesn't grow that well on those, those slopey hills. If you look at KCC, for example, there's a lot of sand and the kids use that to come down with their little cardboard boxes and boogie boards and that's basically what those hills are used for. So I think ground cover might be a real positive solution to eliminate that, that liability and as well as maintaining the park. So thank you, Ms. Horcajo.

At this time, oh, you have any other question? Go ahead.

CO-CHAIR MEDEIROS: Just a comment, Chair.

CO-CHAIR VICTORINO: Sure.

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CO-CHAIR MEDEIROS: Thank you. Because I just want to follow-up with what Member Mateo mentioned that it seems counter productive for the Council to receive this at the tail end without any, you know, discussion or input into it. And you mentioned maybe a change in the ordinance. Because I know the developer went through high and hell water through two administrations to go back and forth and try to comply with what the Administration wanted, but kept, but the Administration kept changing what they wanted. So somehow we need to have a better process so that we're more involved in it before we get it and all we do is vote on it. So I just wanted to make that comments. Thank you, Chair.

CO-CHAIR VICTORINO: Thank you, Mr. Medeiros, and I concur that there's some revisions that need to be addressed in our whole system, and I think we've come to the point where developers have to understand when a park is given to us we want to a park that's useable. We do not want drainage systems. We don't want parks that are, the topography makes the ball go one direction and only that one direction, because how useable is that park. So I think developers have to be put on notice that we're going to make changes, but they're going to have to understand once we make these changes we may not waiver anymore. We want these changes to be a part of that park. So, anyhow, if there's no other further discussions I'll make my recommendation.

COUNCILMEMBER PONTANILLA: Recommendation.

CO-CHAIR VICTORINO: Thank you.

CO-CHAIR MEDEIROS: Recommendation.

CO-CHAIR VICTORINO: The Chair will entertain a motion to recommend the adoption of the revised proposed resolution and the filing of this item.

CO-CHAIR MEDEIROS: So moved.

COUNCILMEMBER PONTANILLA: Second.

CO-CHAIR VICTORINO: It's been moved by Medeiros, seconded by Member Pontanilla. Any other discussion? Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I am happy to support your recommendation this morning. I support this for a few main reasons, Chairman. One, it fulfills a condition of zoning that the Council placed on this project. The Council is the one that requires this two-acre park. And, and that is one of the early points of the process the Council participated and made a requirement. The Nunokawas are fulfilling that requirement, and I can appreciate for the Members that were not part of the zoning process having a concern about doing this in this

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portion of, of build-out of the, of the project itself. But it's of no fault to the developer's side. It is how we've traditionally processed conditional zoning requirements.

If there is to be changes, Chairman, then it might have to be in the zoning process where it's upfront that the plan needs to be presented for consideration and possible acceptance during preliminary subdivision. So before they're expending all of this construction money that they're borrowing and paying interest on they know fully well what is pretty much Council's envisionment of what they expect out of this park dedication.

We have relied on the Department to implement our intentions, Chairman. Maybe that's an area we need to work with the Department to be much clearer and narrow the parameter so they are very clear of what is expected, and that discussions of waivers and other considerations should not be part of that discussion, but it's no fault of the Parks Department either. It is just part of how we progressed in our . . . *(end of tape, start 3A at 11:25 a.m.)* . . . 40-plus years of Title 19 in Zoning that we arrive at where we are today with this specific project. So I would say it's no fault of anyone, it is just the way we have done business, and it's accomplished many good things in the past, but I would say there's room for improvement. This should not hinder this Committee moving forward what has been a condition of Council and they are now in complying with that condition, Chairman. Thank you.

CO-CHAIR VICTORINO: Thank you, Mr. Chair, and I, I whole-heartedly agree with you. And we have progressed, and now we need to, whether it's through zoning with the Parks Department and all other, all the other entities make the substantial changes so that our developers and people in our community know exactly what's coming and what is necessitated, so we don't have all these last minute questions and last minute changes. We shouldn't have to go through this process. But I want to recognize the Nunokawas for their effort. They have been more than accommodating in many areas that we've discussed and, you know, we want to thank them for that. And if there's no other discussion, I'll call for the question.

COUNCILMEMBER PONTANILLA: Yeah, I got one.

CO-CHAIR VICTORINO: Oh, yes, Mr. Pontanilla. I apologize.

COUNCILMEMBER PONTANILLA: Thank you. I, I think the Nunokawas did a lot of homework. You know, they went to the community, got inputs, and, and, you know, that's the result of this particular park. And, you know, it brings an added addition to Waikapu town. You know, we only got Waikapu Community Center that has a ball field that's below the highway, and then this brings a welcome park on mauka side of the highway. So with that I want to thank the Nunokawas for providing this park in their subdivision. Thank you.

CO-CHAIR VICTORINO: Thank you, Mr. Pontanilla. And I think we echo all of that same sentiment. And, again, these are what I call responsible developers who do their homework and get out there and talk with the community. And it's encumbersome on us to make sure we have

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guidelines so they do not have to, like in this stage, come back and say can we get it done now? Are, are you okay with it? We should have it all set. So I think that's our responsibility. Anyhow, if nothing else I'll call for the motion. All those in favor say aye.

COUNCIL MEMBERS VOICED AYE.

CO-CHAIR VICTORINO: All those opposed?

**VOTE: AYES: Councilmembers Hokama, Mateo, and Pontanilla;  
and Co-Chairs Medeiros and Victorino.**

**NOES: None.**

**ABSTAIN: None.**

**ABSENT: None.**

**EXC.: None.**

**MOTION CARRIED.**

**ACTION: ADOPTION OF REVISED RESOLUTION AND FILING OF  
COMMUNICATION.**

CO-CHAIR VICTORINO: Let the record show five ayes, no nays. Thank you, gentlemen. Thank you, Mr. and Mrs. Nunokawa, very much for your efforts today.

MS. LEMN: Thank you.

**PWF-38 CLOSURE OF VELMA MCWAYNE SANTOS COMMUNITY CENTER**  
**(C.C. No. 07-179)**

CO-CHAIR VICTORINO: Okay. Moving right along. We'll move on to PW-38 [*sic*], and that PW-38 [*sic*] is the closure of Velma McWayne Santos Community Center. The County is in receipt of County Communication 07-179, from the Director of Parks and Recreation, in accordance to Section 13.04.060, Maui County Code, informing of the closure of the Velma McWayne Santos Community Center, for some people out there it's the Wailuku Community Center, the old Wailuku Community Center, from November 19, 2007 through March 9, 2008 to install a grease interceptor and conduct renovations. Do we have any public testimony at this time?

MS. MARTINS: No.

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CO-CHAIR VICTORINO: I will give one more opportunity. Anyone in the gallery would like to give public testimony on this matter? Seeing none, I would ask the Committee for recommendation to close public testimony at this time.

COUNCIL MEMBERS VOICED NO OBJECTIONS.

CO-CHAIR VICTORINO: No objections. Thank you, gentlemen. At this time, I would like to ask for the overview. I would like to ask the Director of Parks and Recreation to provide an overview on this matter. Ms. Horcajo.

MS. HORCAJO: Thank you. I believe that this item was discussed previously and with our correspondence we did make an error in indicating that the grease interceptor was included in this particular closure item. But that had been done previously. So this renovation includes the renovation for this very popular Central Maui center does includes incoustic [*sic*], acoustic improvements, that's in the, the ceiling tiles, the upper jalousie replacement, main hall will be renovated as well as all of the flooring, and the fire detection system will be upgraded.

We did prepare this closure well in advance meaning that last October we put out a press release to the community and stopped taking reservations at that time rather than trying to squeeze in this CIP project and move existing reservations around. So we believe that we've done this in a timely manner and far enough out to let the community know that the, this Velma McWayne Santos Center will not be available for those four months for this major up haul and renovation. We also feel it's going to be a benefit to the community in the long run so that this short term closure will definitely be of benefit.

CO-CHAIR VICTORINO: Thank you. I'll open the floor to questions or discussion. Seeing none. I have just one quick question, Ms. Horcajo. Has all, and I understand the public notification and, and, but have all the regular users, the kupunas, the dance classes, the regular users, have they been at least also mailed a notice of this closure? And these are, again, the regular users and there's quite a group that use that, that community center on a regular basis.

MS. HORCAJO: There is quite a group. We did send you a correspondence dated July 16<sup>th</sup>, indicating that the Kaunoa Nutrition Program, Wailuku Filipino Group, the Ukulele Plunkers, Wailuku Imua, Valley Isle Ballroom Dancing, Aloha Clubs, and all other reservations and users on our books have been successfully relocated to other centers. And that has been confirmed with Kaunoa, and it's, they've been very cooperative and look forward to a renovated center upon their return.

CO-CHAIR VICTORINO: And were we able to find alternative sites for these various groups during this period of time or did they have to eliminate their schedule during this period of time?

MS. HORCAJO: I believe only one group has decided to do field trips during that time --



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CO-CHAIR VICTORINO: Let the record show five ayes, no opposed. Thank you very much. We appreciate it and acknowledge a motion has been passed and, and will be filed. At this time, if there are any other matters or any other announcements that would like to be made by the Members? Seeing none, this meeting of the Public Works and Facilities Committee for July 25<sup>th</sup>, 2007 will be adjourned. . . . (*gavel*) . . .

**ADJOURN: 11:35 a.m.**

APPROVED BY:



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BILL KAUAKEA MEDEIROS, Co-Chair  
Public Works and Facilities Committee

APPROVED BY:



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MICHAEL P. VICTORINO, Co-Chair  
Public Works and Facilities Committee

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Transcribed by: Jessica Cahill

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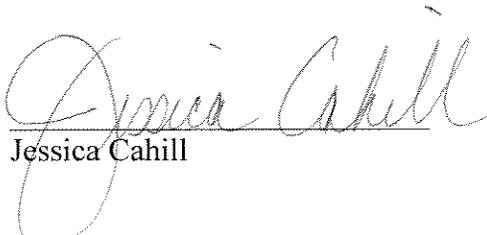
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CERTIFICATE

I, Jessica Cahill, 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 5th day of August, 2007, in Wailuku, Hawaii

  
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Jessica Cahill