

# MINUTES

## PUBLIC WORKS AND TRAFFIC COMMITTEE

Council of the County of Maui

Council Chamber

January 23, 2003

**CONVENE:** 9:02 a.m.

**PRESENT:** Councilmember Michael J. Molina, Chair  
Councilmember Charmaine Tavares, Vice-Chair (In at 9:15 a.m.)  
Councilmember G. Riki Hokama, Member  
Councilmember Dain P. Kane, Member  
Councilmember Joseph Pontanilla, Member

**EXCUSED:** NONE

**STAFF:** Gary Saldana, Legislative Analyst  
Jo-Ann C. Sato, Committee Secretary  
Kelly B. McGinnis, Executive Assistant to Councilmember Joseph Pontanilla

**ADMIN.:** Gilbert Coloma-Agaran, Director, Department of Public Works and Environmental Management  
Blaine J. Kobayashi, Deputy Corporation Counsel, Department of the Corporation Counsel

**OTHERS:** NONE

**PRESS:** NONE

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**CHAIR MOLINA:** . . . (*gavel*) . . . Public Works and Traffic Committee meeting for January 23<sup>rd</sup> is now in session. Good morning, Members. For the record, we have in attendance Committee Members Kane and Pontanilla and Hokama. Committee staff, we have first, our Legislative Analyst, Mr. Gary Saldana, and Committee Secretaries, Jo-Ann Sato and Clarita Balala. And from the Public Works Department we have the Director, Gilbert Coloma-Agaran, and from the Corporation Counsel's office, Mr. Blaine Kobayashi. Committee Secretary, do we have anyone signed up for public testimony this morning?

MS. SATO: No.

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CHAIR MOLINA: Okay. Seeing that there's no one signed up for public testimony, the Chair will close testimony for today's items on our agenda. So, Members, let's just jump right in to our first item which is Item 15 which is entitled Authority in Granting Approval for Utility Poles.

**ITEM NO. 15: RE: AUTHORITY IN GRANTING APPROVAL FOR UTILITY POLES (C.C. 02-211)**

CHAIR MOLINA: Just a brief background on the item. The Chair would like to ask for the committee's consideration for the proposed resolution that would re-issue authority to the Director of Public Works and Environmental Management for granting approval to install utility poles. The Council did grant similar authority two years ago and the Council's previous approval consisted of granting authority for two years and requested that reports be submitted outlining the number of pole installations authorized and limited approval author. . . authorization to poles that are the same height as existing poles and that do not exceed six. The proposed resolution continues the authority for an additional two years and sets forth the same limitations on the Director's approval authority. The Chair would like to begin first with opening remarks from the Director of Public Works and Environmental Management, Mr. Coloma-Agaran, if you will?

MR. COLOMA-AGARAN: Thank you, Mr. Chair. As you described, this is really just granting our department the same authority that was granted a number of years ago. I would note in your packet that the department has not been making the reports on a quarterly basis as the resolution required. I think a total of three reports have been made and the most recent one was made when we were reminded about that. . .that requirement. But if you'll notice on the three reports that are included with your packet, that actually the very few of these requests actually come in to be processed. My understanding is that a number of poles that exceeded the height were brought directly to the Council as required by the resolution. And those, I believe, were to move existing poles. My under. . .we have not received any complaints in the last. . .we haven't received any complaints in the two years that the resolution has been in effect.

CHAIR MOLINA: Okay. Thank you, Mr. Coloma-Agaran. Committee Members, any questions for the Director at this time? Okay, and Mr. . . .seeing none so far, the Chair would like to ask just one quick clarification. This resolution authorizes you to have the utility poles placed only on public property and does not involve other poles such as those gray monstrosities that we see around the community?

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MR. COLOMA-AGARAN: Yeah, my understanding is that those types of poles would have to come to the Council. And this only, this would include antennae and the like.

CHAIR MOLINA: Okay, thank you. Okay, Member Kane?

COUNCILMEMBER KANE: Thank you, Mr. Chair. I would ask for the consideration of this body because of the BE IT RESOLVED number one with the limitation that is granted to the Director with the . . .with the height limitation, as well as the number, anything that would go outside of those parameters would come before this body. That we look at having instead of having quarterly reports, that this body consider having semi-annual reports and not create an overburden on, I think, I won't say minuscule, but I'll say that the limits in the first BE IT RESOLVED, I think, doesn't provide too much broad authority to the . . .the Director without any type of review to this body and being that really the request is a minimal one that we could look at semi-annual reports instead of quarterly as being, I think, a reasonable for us to consider. And that would lessen the requirement of the Director even with this limited scope that he has as far as authority. So that is at your time, Mr. Chairman, when you make your recommendation, I would ask that you would consider in that recommendation amending the original resolution.

CHAIR MOLINA: Okay. Chair will take that into consideration. Also, it's all a way of maybe reducing the amount of paper produced, as well. Any other comments or questions from the committee? Suggestions with regard to the resolution? Member Hokama?

COUNCILMEMBER HOKAMA: Chairman, thank you. I thank you, Mr. Agaran. I would say Chairman, one thing that I would hope you can ask the Director to . . .let's see follow-up on is whenever possible, whether it be through the subdivision's standard or not, to request undergrounding of utility wires and to minimize the need for vertical utility poles in rights of ways. In the old days there wasn't so many poles. There was wood and it was kinda like blend in with the trees. Now we have those very outstanding poles. . .extremely tall. Again because of the community plans, concerns of view plains, concerns of what the cellular communication towers have brought attention to this body, I would say, as much as possible, the Director can maybe advocate for, you know, as much as what the minimizing of utility poles. We understand the cost involved, but again, I would say with new technology we should be able to move ahead and try and implement a better policy for the future. And, I would support Mr. Kane's semi-annual report request.

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CHAIR MOLINA: Okay. Thank you, Mr. Hokama. I can share with your sentiments about keeping the, I guess, issues of view plain and character of the community to minimize vertical poles in affecting view plains and such. Okay, any other comments? Member, Pontanilla?

COUNCILMEMBER PONTANILLA: Thank you, Chair. I would go along what Dain had mentioned earlier about having semi-annual reports in regards from the Public Works regarding utility poles. Just a comment on what Riki had said. I understand that Councilmember Bob Carroll has come up with a resolution that's going to be presented to the legislature in regards to undergrounding utility poles . . . utility lines. My only concern is that the cost to place any utility underground would be a heavy burden on the consumers. As you know, anything that we do, somebody gotta pay for it and I'm afraid of. . . that the consumer will be the ones that will burden this cost. But I would like to suggest though that we take a look at all of the major intersections. . . undergrounding those intersections, especially the ones that. . . that intersection that feeds the police station, the hospital, consider that, you know, going underground. We need to look at all of the essential services that, you know, utilities provide. . . making sure that, you know, people don't go. . . emergencies don't go out with power as well as telephone facilities and cable.

CHAIR MOLINA: Thank you, Member Pontanilla, for your comments. And of course, you have an extensive background in the utility industry so those comments are appreciated. Any final questions or comments for the Director, Mr. Coloma-Agaran? The committee has suggested semi-annual reports and when possible, underground utilities to minimize vertical poles that might impact view plains and to keep, I guess, the character and flavor of communities, not to be impacted with util. . . vertical utility poles and also comments from Member Pontanilla with regard to the possibility of using underground utilities as it impacts emergency services. Any comments from you?

MR. COLOMA-AGARAN: No, I think those are. . . as far as the reporting goes, obviously we haven't been able to. . . we haven't complied with the quarterly so I certainly will try to assure that we comply with the semi-annual. I think we're completely in agreement with the need to take a look closely at our policy on poles and undergrounding. And, it's not going to be easy answers. Obviously, as Member Pontanilla pointed out, it's going to be costly.

CHAIR MOLINA: Okay. Thank you, Mr. Coloma-Agaran.

COUNCILMEMBER HOKAMA: Chairman?

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CHAIR MOLINA: Member Hokama?

COUNCILMEMBER HOKAMA: Yeah, I'm glad we have someone like Mr. Pontanilla with us. It gives us, you know, realistic perspectives and maybe for certain existing things, Gil, make, you know, that makes a lot of sense. We understand the cost factor. However, when we do certain types of improvements, particularly when we are gonna dig up the road because we're gonna improve or replace sewer lines, there's a water transmission line where the Department of Water Supply is going to go in. . .that may be the times we need to see if doing conduits. . .putting the conduits anyway where they can put a line later makes good sense. And of course, utility poles also serve as a safety. . .I'm not so much concerned of the pole, but the overhead wiring, the overhead lines, you know. And so again, if there's ways in the review of permits that it makes sense to have a conduit placed inside of the trenches we're gonna dig anyway, then that may be the appropriate time for us to implement these improvements. And again, we understand the cost factor involved, Chairman. Thank you.

CHAIR MOLINA: Thank you, Member Hokama. Okay. Any final last thoughts or questions before the Chair makes his recommendation? Okay. Prior to the recommendation of. . .the Chair will concur with the committee's suggestions that was mentioned earlier. Staff in the. . .prior to making the recommendation the Chair will ask you to, I guess, re-word the resolution with the appropriate suggestions made by the committee. Okay. Okay, at this point the Chair will accept a motion to adopt the proposed resolution and file the communication.

COUNCILMEMBER KANE: So moved.

CHAIR MOLINA: Okay. It's been moved by Member Kane. Is there a second?

COUNCILMEMBER HOKAMA: Second.

CHAIR MOLINA: Seconded by Member Hokama. Discussion, Member Kane?

COUNCILMEMBER KANE: Thank you, Mr. Chair. So just for clarity on the first point of bracketing out quarterly and then underlining, I guess, semi-annual is the first consideration for the proposal. I guess I'm looking for clarity on. . .on the language that perhaps Member Hokama and/or Member Pontanilla wish to insert into this resolution so that we have clear legislative intent on what we're doing. So I would ask that we can get some clarity from the. . .from my colleagues.

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CHAIR MOLINA: Okay. Thank you, Member Kane, and for your suggestion. Member Hokama first. Any particular way you'd feel this a. . .how the language should be worded in the resolution for the staff's consideration?

COUNCILMEMBER HOKAMA: Chairman, I would. . .yeah, the way it was basically states what's in the Code, okay, Chapter 12. Then we have. . .we also list the enabling resolution of two years ago. I would believe that for Mr. Kane it needs to be in the resolve clause, either amended or in a draft form for Council's consideration. I think in the Committee Report it can be very clear and speci. . .of the committee's intent in what we are requesting. And again, let's say we are requesting the Director of Public Works to see if he can move that unofficial policy forward and again, it's a good test for us to see whether or not we need to make it into a specific codified policy in the future. Mr. Agaran will be reviewing a lot of requests for approvals and you know, there may be certain situations that it can be implemented and works so I would make it clear in the Committee Report the intent of the committee.

CHAIR MOLINA: Thank you, Member Hokama. Member Pontanilla, any comments? We can also make your recommendations, if there are no objections from the other members, your suggestions. Member Kane?

COUNCILMEMBER KANE: Thank you for that clarification. I appreciate that and I think that's the best course of action that we consider during this motion that the language be clearly defined in the Committee Report and that the only technical change to the resolution would be bracketing out. . .yeah, just chan. . . replacing quarterly with semi-annual and I think that's what Member Hokama was stating. So thank you for the clarification and I'll be supporting the motion.

CHAIR MOLINA: Okay. Thank you. Any other questions before we vote on the motion or discussion? Seeing none. All those in favor of the proposed resolution, filing of the communication, signify by saying aye.

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed? Thank you. Chair marks it unanimous.

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**VOTE: AYES: Councilmembers Hokama, Kane, Pontanilla, Vice-Chair Tavares and Chair Molina.**

**NOES: None.**

**ABSTAIN: None.**

**ABSENT: None.**

**EXC.: None.**

**MOTION CARRIED.**

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

COUNCILMEMBER KANE: Hey, Charmaine.

CHAIR MOLINA: And the Chair welcomes the Vice-Chair of the committee, Councilmember Tavares. Good morning.

COUNCILMEMBER TAVARES: I apologize for being late.

CHAIR MOLINA: No apologies necessary. Okay, Members, let's go to Item 12, which deals with the dedication of roadways/road widening lots for the Maluhia Country Ranches. This matter was reviewed and recommended for approval by the former Public Works and Transportation Committee. However, the . . . subsequent to the committee's action, it was determined that the TMK on the resolution was not consistent with the TMK on the warranty deed. The documents were then sent back to the department previously known as Public Works and Waste Management for correction, but was not received prior to the end of the term so therefore, the matter was referred. Comments from the Director, Mr. Coloma-Agaran?

**ITEM NO. 12: RE: DEDICATION OF ROADWAY/ROAD WIDENING LOT FOR THE MALUHIA COUNTRY RANCHES (C.C. 02-175)**

MR. COLOMA-AGARAN: Yes, I believe in your packet you'll have a copy of the transmittal dated November 30<sup>th</sup> which should have given you the corrected deed and resolution.

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CHAIR MOLINA: Okay, thank you. Members, you all have that in your binders. . .the corrected version?

COUNCILMEMBER TAVARES: Yes.

COUNCILMEMBER KANE: The final document in the packet.

CHAIR MOLINA: Any questions for the Director at this time?

COUNCILMEMBER KANE: Okay. Recommendation, Mr. Chair?

CHAIR MOLINA: Chair recommends the adoption of the proposed resolution and filing of the communication.

COUNCILMEMBER TAVARES: So moved.

COUNCILMEMBER KANE: Second.

CHAIR MOLINA: Okay. It's been moved by Member Tavares and seconded by Member Kane. Discussion? Seeing none. All those in favor say aye?

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed? Thank you.

**VOTE:       AYES:       Councilmembers Hokama, Kane, Pontanilla, Vice-Chair  
                              Tavares and Chair Molina.**

**NOES:       None.**

**ABSTAIN:   None.**

**ABSENT:    None.**

**EXC.:       None.**

**MOTION CARRIED.**

**ACTION:     ADOPTION of proposed resolution, as revised, relating to  
              Lot 51; ADOPTION of proposed resolution; and FILING of  
              communication**



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CHAIR MOLINA: Next item is Item 3. Deals with the road widening lot for E.C.B. Perreira Subdivision, Kapakalua Road, Haiku. Mr. Coloma-Agaran you have the floor.

**ITEM NO. 3: RE: ROAD WIDENING LOT FOR E.C.B. PERREIRA SUBDIVISION, KAUPAKALUA ROAD, HAIKU (C.C. 02-242)**

MR. COLOMA-AGARAN: Thank you. This is like the other. It's to ask the Council to accept dedication of a road widening lot. This area is between East Kuiaha Road and Upper Ulumalu and it would add basically five feet to the existing 40 feet that the County has.

CHAIR MOLINA: Okay. Thank you, Mr. Coloma-Agaran. Any questions for the Director? Seeing none. Chair's recommendation is to adopt the proposed resolution and file the communication.

COUNCILMEMBER TAVARES: So moved.

COUNCILMEMBER KANE: Second.

CHAIR MOLINA: Okay. Moved by Tavares, seconded by Kane. Discussion? Seeing none. All those in favor say aye?

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed? Okay, thank you. Chair marks it unanimous.

**VOTE: AYES: Councilmembers Hokama, Kane, Pontanilla, Vice-Chair Tavares and Chair Molina.**

**NOES: None.**

**ABSTAIN: None.**

**ABSENT: None.**

**EXC.: None.**

**MOTION CARRIED.**

**ACTION: ADOPTION of proposed resolution and FILING of communication**

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CHAIR MOLINA: The next item is Item No. 4 which is a road widening lot for Kula Meadows Subdivision, Pulehu Road in Haiku. Mr. Agaran, your comments?

**ITEM NO. 4: RE: ROAD WIDENING LOT FOR THE KULA MEADOWS SUBDIVISION, PULEHU ROAD, HAIKU (C.C. 02-243)**

MR. COLOMA-AGARAN: Again, this like the others is to have the Council accept the dedication of this area.

CHAIR MOLINA: Okay. Committee members, questions for the Director? Seeing none.  
The Chair recommends adoption of the resolution and filing of the communication.

COUNCILMEMBER TAVARES: Sec. . .so moved.

COUNCILMEMBER KANE: Second.

CHAIR MOLINA: Okay, moved by Tavares, seconded by Kane. Discussion? Seeing no discussion. All those in favor say aye.

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed? Thank you. The Chair marks it unanimous.

**VOTE:       AYES:       Councilmembers Hokama, Kane, Pontanilla, Vice-Chair Tavares and Chair Molina.**

**NOES:       None.**

**ABSTAIN:   None.**

**ABSENT:    None.**

**EXC.:       None.**

**MOTION CARRIED.**

**ACTION:     ADOPTION of proposed resolution and FILING of communication**

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CHAIR MOLINA: And our last item for today is Item 5, the road widening lot for the Hunter Subdivision, Kokoma Road, Kula. Mr. Agaran, you have the floor.

**ITEM NO. 5: RE: ROAD WIDENING LOT FOR THE HUNTER SUBDIVISION, KOKOMO ROAD, KULA (C.C. 02-244)**

MR. COLOMA-AGARAN: Again this is to accept an additional five feet for the County's existing 40 foot roadway.

CHAIR MOLINA: Okay. Committee Members, questions? Seeing none. The Chair recommends adoption of the resolution and filing of the communication.

COUNCILMEMBER TAVARES: So moved.

COUNCILMEMBER KANE: Second.

CHAIR MOLINA: Okay. Moved by Tavares, seconded by Kane. Discussion? Seeing no discussion. All those in favor say aye?

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed? Okay, thank. The Chair marks it unanimous.

**VOTE:       AYES:       Councilmembers Hokama, Kane, Pontanilla, Vice-Chair Tavares and Chair Molina.**

**NOES:       None.**

**ABSTAIN:   None.**

**ABSENT:    None.**

**EXC.:       None.**

**MOTION CARRIED.**

**ACTION:    ADOPTION of proposed resolution and FILING of communication**

CHAIR MOLINA: And that concludes our agenda items for today. Any announcements?

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COUNCILMEMBER HOKAMA: Comment.

CHAIR MOLINA: Okay. Member Hokama?

COUNCILMEMBER HOKAMA: I find it intriguing you make such a heavy load for us this first meeting of the year, Chairman.

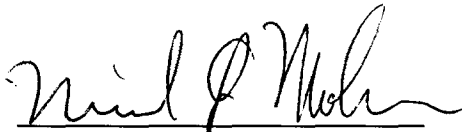
CHAIR MOLINA: Thank you. (laughter)

COUNCILMEMBER HOKAMA: And we welc. . .I extend a welcome to the new Director, Mr. Coloma-Agaran, in joining the County.

CHAIR MOLINA: Okay. Thank you. The Chair also concurs and welcomes also Mr. Kobayashi as well as Mr. Coloma-Agaran to the committee. Any final announcements or comments for the Chair? Seeing none. This meeting is adjourned. . . .(gavel). . .

**ADJOURN: 9:20 a.m.**

APPROVED BY:



MICHAEL J. MOLINA, Chair  
Public Works and Traffic Committee

Transcribed by: Clarita Balala

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