

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

April 20, 2018

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, ON FRIDAY, APRIL 20, 2018, BEGINNING AT 9:02 A.M., WITH CHAIR MICHAEL B. WHITE PRESIDING.

CHAIR WHITE: This meeting of the Council of the County of Maui will please come to order.

Mr. Clerk, please call the roll.

ROLL CALL

PRESENT: COUNCILMEMBERS ALIKA ATAY, ELEANORA COCHRAN, S. STACY CRIVELLO, DONALD S. GUZMAN, G. RIKI HOKAMA, KELLY T. KING, YUKI LEI K. SUGIMURA, VICE-CHAIR ROBERT CARROLL, AND CHAIR MICHAEL B. WHITE.

DEPUTY COUNTY CLERK JOSIAH K. NISHITA: Mr. Chair, there are nine Members present.
A quorum is present to conduct the business of the Council.

CHAIR WHITE: Thank you, Mr. Clerk.

For opening remarks this morning, we have Member King.

OPENING REMARKS

The opening remarks were offered by Councilmember Kelly T. King.

CHAIR WHITE: Thank you for those remarks, Ms. King.

Members and the audience will you please rise and join me in the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

The Members of the Council, and others in attendance, rose and recited the Pledge of Allegiance.

CHAIR WHITE: Thank you. And before we proceed, would you please make sure that your phones and other noisemaking devices are put on silent mode.

And, with that, we'll get started with our agenda. Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with ceremonial resolutions.

CEREMONIAL RESOLUTIONS

RESOLUTION
NO. 18-71

CONGRATULATING THE BALDWIN HIGH SCHOOL BOYS SOCCER
TEAM FOR BEING NAMED CO-STATE DIVISION I CHAMPIONS
AT THE 2018 QUEEN'S MEDICAL CENTER/HAWAII HIGH SCHOOL
ATHLETIC ASSOCIATION BOYS STATE SOCCER CHAMPIONSHIP

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair.

I MOVE TO ADOPT THE RESOLUTION AS READ BY THE
CLERK.

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR WHITE: We have a motion from Mr. Guzman, and a second from Mr. Hokama.

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. May I request the Clerk to read the resolution in its entirety?

CHAIR WHITE: Certainly.

Mr. Clerk.

(The resolution was read in its entirety.)

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. Go Bears. It's with great honor and pride that we welcome to the Council chambers the Baldwin High School Boys Soccer Team, as they've reached the pinnacle of their career in winning the State Championship. It took a lot of hard work and dedication. It's not too long ago, Chair, that we didn't have very many soccer fields in that County. And now, we are State Champions.

The reso narrates and dramatic, the dramatic story of the championship match. But, this is not entirely about who won and who didn't win and the struggles that happened during that day. Instead, it comes down to whatever parent and coach hopes as a child will learn from participating in sports; how to contribute individual talent to benefit the team, and how to exhibit sportsmanship after giving it everything you've got, and something as random as weather intervenes and changes the outcome.

Giving up individual glory and conceding graciously can be difficult lesson to learn. That's why it is so proud and so amazing of this young group of men that they worked so hard throughout this season, earned a tournament berth, played brilliantly, and got to get to the championship match level. And, then when lightning struck, literally when lightning struck, came together with their coaches and the tournament officials to make a tough decision, which ultimately was the right thing and the fair thing to do, and conceded to be Co-Champions for the State. And, that's what makes these individual men champions.

We're so very proud of this history making team, and I ask the Members for their full support of this reso. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Guzman.

Any further discussion on this item?

Mr. Atay.

COUNCILMEMBER ATAY: Thank you, Chair. I further want to extend my congratulations to the Baldwin High School team, but most especially want to recognize the efforts of the coaching team, and also want to recognize the accomplishments of the Head Coach Kane Palazzotto for his continuous involvement in the world of soccer here in Maui. Congratulations.

CHAIR WHITE: Thank you, Mr. Atay.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. I also want to extend my congratulations, and support this resolution. As you all know, I'm a graduate of Baldwin High School, so whenever I see any of these accomplishments, I feel like it's part of me. And, I am so proud of them. And I wanted to say that I think when I went to high school, I don't think there was a, there was much of soccer. I think we had the, kind of basic sports. So, all of these boys, truly congratulations, and go Bears.

CHAIR WHITE: Thank you, Ms. Sugimura.

Any further discussion, Members?

Well, I'll just add that I think it's absolutely phenomenal that we had two neighbor-island teams competing for the championship. So, I don't know if, I don't know if that's ever happened before. So, congratulations to all of you young men that played on the team, and congratulations to the coaches, and obviously to all the parents as well. It's quite a, quite a feat and we're honored that you were able to join us here today.

With that, Members, all those in favor of the resolution please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, HOKAMA, KING,
SUGIMURA, VICE-CHAIR CARROLL, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. May I request the team to come down to the floor and receive the accolades from our Council.

CHAIR WHITE: Certainly.

Go ahead.

COUNCILMEMBER GUZMAN: Oh, thank you. Thank you, Chair. At this time, I'd like to present the certification, or the resolution for the, for the Baldwin Team for winning the State Championship to Coach Palazzotto. And, I'll have him say a few words, but prior to that, I'd like to also recognize the coach for being nominated and winning the MIL Coach of the Year. So, we have a plaque here for you. As well, as I'd like to recognize the all-star team, which is, we have certificates for Christopher Barry; if you could come forward. Thank you, congratulations. Angelo Flocco, Angelo. Hayden Hawes. Daniel Souza. And, Elliot Tom. He's not here? Okay.

So, without any further ado, I'd like to present our coach.

COACH KANE PALAZZOTTO: Wow. It's a, it's amazing, amazing feat to obviously speak in front of all of you. On behalf of the Baldwin High School Boys' Soccer Team and Baldwin High School, we'd like to thank the, thank Councilmember Guzman for proposing the resolution, and also for the rest of the Councilmembers for accepting the resolution.

For these young men behind me, it was a special year, you know. I've been doing this for 15 years and to finally get, obviously, to your goal of accomplishing a State title, you know. I've been blessed by God to, to kind of have a really good program and a really good team, and I have to give it up to him for, for allowing me to continue to do this. And, to teach these young men just, you know, what we believe in is putting out good community members, not just about soccer, you know, but just about life, life lessons that you can learn from sports, and that's the most important thing to me.

A bunch of these kids behind me made mistakes, you know. Throughout the season we had a tough beginning of the season with some situations, but these boys stuck together, they grew together as a team. And, by the time the State tournament came around, I don't think nothing could stop us besides lightning. But, yea, but, you know, thank you. Thank you very much. It's a, it's a honor. So, again, I think we were kind of waiting for 4/20 to come, because this would be kind of the closing of, of all the accomplishments that we've got. But, it's very special and I thank all of you, and the parents. Thank you.

CHAIR WHITE: Thank you very much for joining us here today.

Mr. Clerk.

RESOLUTION
NO. 18-72

CONGRATULATING SHALIA KAPUAU'IONALANI
KIKUYO KAMAKAOKALANI FOR WINNING THE
MISS ALOHA HULA COMPETITION AT THE
2018 MERRIE MONARCH FESTIVAL

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you.

I MOVE THAT THE RESOLUTION READ BY THE, TITLED BY
THE CLERK, BE ADOPTED.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR WHITE: We have a motion from Mr. Hokama, and a second from Ms. Sugimura.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you very much. This morning, we have a resolution here to honor someone who has won a very prestigious title in our Hawaiian culture; it's Miss Aloha Hula. She represents now the State regarding the dance and art of Hawaiian hula.

And so, I take great pride this morning, cause not only is she a very special Maui girl, as her, one of her middle name's states, her great-grandmother is my father's sister. So, she is Hokama blood also. So, we take pride in our family, in our ohana, that Shalia, who we have seen grown from very little to now where she is now an accomplished young woman. And, we take great pride in her achievements.

And also, Mr. Chairman, I would like to state that nobody reaches their top goals without love and support from many components. And so, today, we have her grandmother, we have her great grand-aunt, we have her aunties, her mother, her sisters, people who have made a difference in her life; and that is within a strong family unit. And I, I stress that because I've seen her grow and overcome challenges because of that special relationship, especially with her grandparents. She has a unique strong bond with her grandfather Joe and her grandmother Doris, my cousins. So, I appreciate that. I witnessed that, and I can say family makes a difference.

But not only family, obviously, her friends that she surrounds herself with; she has a Kumu Hula who has definitely enhanced and placed within her traits and discipline that we find to be very advantageous in a multi-cultural society like ours. She is of all kinds of bloods within her. So we appreciate the woman she has become, because she has shown to be now a modern woman, young woman of Maui. And she dances with a lot of other gracious and wonderful young women that come also under the tutelage of Kumu Hula Napua Greig.

And so, this morning, Mr. Chairman and Members, I take a little extra pride, cause you know, our roots come from Keawe Camp Lahaina, Piihana Camp Happy Valley, Haliimaile, Lanai. So, she represents a part of a lot of different components of Maui County. And so, Maui County should take great pride in this young woman's achievement, whether it's in her Olelo Hawaii speech, her efforts at home, her achievements in her dancing. All I can say is that I take extremely pride that we have young people like her that we are happy to relinquish our roles to a better generation of hopefully great leaders in the future. Thank you very much.

CHAIR WHITE: Thank you, Mr. Hokama.

Mr. Clerk, could you read the resolution in its entirety please?

(The resolution was read in its entirety.)

CHAIR WHITE: Thank you, Mr. Clerk.

Members, any further discussion on this item?

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: I also would like to support this resolution and send my congratulations. I will tell you that I was back in the lunch room the day after, and we had a proud, is it cousin, Mr. Hokama, who was talking about Shayla [sic], and he was like a proud dad. So, I can feel his, his warmth and his, his words of sincerity regarding their family. They're all here today, you know, that we've seen them overtime. But, I want to wish everybody a warm congratulations. And, of course, Napua Greig, for being such an awesome leader and mentor. Thank you.

CHAIR WHITE: Thank you.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: I too join my colleagues and all of, I would say, all of Hawaii nei for her spectacular hula performance; just left me with chicken-skin. You know, I mean, she danced the hula with soul, with deep soul of Hawaii. And, I want to thank her Kumu. I want to thank her family for giving us the opportunity to witness an everlasting imprint that will stay with us, because our culture is deepened whenever hula is performed in that way. And her hula sisters, wow, what can you say? But, mahalo, mahalo, mahalo.

CHAIR WHITE: Thank you, Ms. Crivello.

Any further discussion?

Ms. King.

COUNCILMEMBER KING: Chair, for some reason I have a very different resolution on Granicus, so I guess it was changed out or something before. But, the one I have actually congratulates Kumu Hula Napua Greig as well as, so.

COUNCILMEMBER COCHRAN: That's the next one.

CHAIR WHITE: That's the, that's the next one.

COUNCILMEMBER KING: Oh. Okay, I guess I didn't, I only have these two on mine. But, I do want to congratulate the entire troupe. And, and I want to say that having just met Napua Greig a few years ago, that you feel like when you, when you meet this person, you feel like you've known her your entire life. And, and I think all of the troupe is lucky to be under her tutelage.

I congratulate our star from Maui for winning the Merrie Monarch Miss Hula. And, just want to add my pride and appreciation for the beauty that you're bringing to Maui. So, thank you.

CHAIR WHITE: Thank you, Ms. King.

Any further discussion, Members?

CHAIR WHITE: I'd just like to add my kudos to Napua Greig and to Shalia for such a wonderful accomplishment. And, the dedication and time and energy that it takes to learn the hula, the discipline that comes along with it is something that all of you young ladies will carry with you for the rest of your lives. And, it makes our community a much more respectful and engaging, and thankfully a much more graceful community. And so, with all of our aloha, we congratulate you both.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And, I just want to ditto everything and beyond what everyone else has shared so far. But, I love the, the hula that was done, the "Lei No Kapi`olani", which was commemorating Queen Kapi`olani's journey around our island. And, it just shares that moment with us. And, to bring us back in time when our ali`i, you know, walked our lands, and we are all still here walking in those footsteps and hopefully learning from what they've left behind for us to carry on. And so, and that's hula. And, that's what everyone, you know, this hula competition does, so and of course, Kumu Napua Greig.

And I love the other song for "Ka`iulani", which was celebrating Ka`iulani's wisdom, poise, and courage, which I think all of us ought to take to heart and live throughout all of our thoughts, actions, and words, as we move forward, especially at this job, but just in life in general as people, and to carry on our culture.

So, thank everybody and the hard work. And, I take it, Mr. Hokama, Shalia is also an Uchinanchu so that's very, brings deep pride to me too. So, thank you very much for sharing your family story here today. And, thank you to the hula. Mahalo.

CHAIR WHITE: Thank you, Ms. Cochran.

Any further discussion? Seeing none, all those in favor, please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, HOKAMA, KING,
SUGIMURA, VICE-CHAIR CARROLL, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure carries with nine "ayes".

Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chairman. I would ask if Shalia would come forward, and as well as her mother Karen, and of course we would love to have Kumu Hula Napua Greig join her at this time, and meet the Members for congratulations at the podium. Thank you.

CHAIR WHITE: Certainly.

Please join us.

COUNCILMEMBER HOKAMA: Mr. Chairman.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you. Members, it is with my great family pride, I get to introduce to you to a very special young lady. For those of you that didn't watch her on TV as she danced, too bad. I can tell you that for those of us that witnessed the performance, what can we say; chicken-skin. She has communicated to everyone that watched her that was able to be a part of it, knows that it comes from your na`ao, yea, the koko. So, I thank her. I thank her Kumu. But, I especially thank her mother for allowing her this opportunity to excel and represent all of us. So, at this time, it is with our pride we introduce our Shalia to Maui County.

MS. SHALIA KAMAOKALANI: I just wanted to mahalo you folks, especially you, for bringing me and also my Halau and Kumu here today to recognize us as hula

practitioners. Mahalo to my ohana and my hula titas and my Kumu and my whole Halau for the endless support; couldn't have done it without you folks. Also, wanted to mahalo the Merrie Monarch Festival. They've put in so much hard work to make all of this happen. So, very, very grateful. Mahalo nui.

COUNCILMEMBER HOKAMA: And, Chairman, I'm going to take a privilege of the Member. I'd like to introduce her great grand-aunt, my mother Kiwae Hokama, her grandmother Doris, her grandfather Joe, out there. And, I'm sure we're going to hear from Kumu Hula Greig after the next resolution.

CHAIR WHITE: Thank you, Mr. Hokama. And, thank you, Shalia, for joining us here today.

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 18-72.

RESOLUTION
NO. 18-73

CONGRATULATING KUMU HULA NAPUA GREIG
AND HALAU NA LEI KAUMAKA O UKA FOR
WINNING THE OVERALL TITLE AT THE 2018
MERRIE MONARCH FESTIVAL

CHAIR WHITE: Mr. Atay.

COUNCILMEMBER ATAY:

CHAIR, I MOVE TO HAVE THE RESO ADOPTED AS READ.

COUNCILMEMBER CRIVELLO:

SECOND.

CHAIR WHITE: We have a motion from Mr. Atay, and a second from Ms. Sugimura, or Ms. Crivello. Ms. Crivello. Thank you.

Mr. Atay.

COUNCILMEMBER ATAY: Chair, could I get the Clerk to read the reso?

CHAIR WHITE: Certainly.

Mr. Clerk.

(The resolution was read in its entirety.)

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Atay.

COUNCILMEMBER ATAY: Thank you, Chair. You know, this morning, we continue the accolades and the beaming proudness of Maui nui with the accomplishments of the winning of overall title at the 2018 Merrie Monarch Festival.

The chamber floor this year has hosted many, many young Maui individuals in their accomplishments from, from football champions, water polo, cross country, track, even robotics, and, and paddling. And so, with this, you know, we recognize the accomplishments of our young people in athletics and now we also recognize them in their accomplishments of culture.

In the sport of hula, it's, it is athletics and it is culture. I follow the accomp, the training of this Halau through Kumu Hula Napua's posting on Facebook. And, I think the girls and the hula Halau sisters can reminisce about the hard training, duck walks in the sand, and all those things. And, we followed along in their preparation towards getting to the Merrie Monarch. And to, to achieve that accomplishment of getting second in kahiko, getting first in `auana, and thus winning overall champions. We recognize this equal to being like the Super Bowl or Olympic level; definitely worthy of becoming and call, being called the "World Champions of Hula" of 2018.

With great pride, great pleasure, I want to extend my congratulations to Kumu Hula Napua Greig and the women of Halau Na Lei Kaumaka O Uka as the champions we honor today.

CHAIR WHITE: Thank you very much, Mr. Atay.

Members, any further discussion on this item?

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you. I really want to say mahalo. Mahalo to the, our Kumu Napua Greig and her, her hula dancers. Because when you do this, and like Mr. Atay said, it's hard work, and the training and the, your coaching has brought us to

this high level. But, most of all, you perpetuate daily what our ancestors have handed over to us. And, your, your presence and, and the hula that you performed just embodies the beauty and the spirituality of our culture.

So, with that, I want to join my colleagues and your haumana on behalf of your Molokai haumana and your hula sisters on Molokai, cause Napua has also extended her gift to women on my island. So, I want to mahalo constantly and continue to just be awed with the gifts that you bring forth for all of us, and again, not only for Maui County, but for the world. Thank you.

CHAIR WHITE: Thank you, Ms. Crivello.

Any further discussion, Members?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I'd like to quickly add my congratulations to the Halau. You know, when I look at the Kumu, Ms. Napua Greig, I talked about family in the previous resolution. I see a lot of her family traits in her. I knew her father, late father well, her mother, her uncles. You can see within her the strength that that generation of her family gave her. And, you can see her now sharing that and placing that within her own students, or as Ms. Crivello said, haumana.

And so, I thank her for sharing those traditions, those traits that I'm happy to say is alive and well in Maui County. So, to the Halau, my congratulations. And to the Kumu, my great mahalo for the sharing and willingness to teach through her love of the art of hula. Mahalo.

CHAIR WHITE: Thank you, Mr. Hokama.

Any further discussion?

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. I would like to also extend my congratulations to Kumu Napua Greig. And, I also am, as I'm listening to all of this, I also want to recognize her mom, because as Chair, as Mr. Hokama has said, it is really, you could see their family as it carried through their traditions and their culture from one generation to the next. So, I, this moment can't be, cannot go without also mentioning her.

I saw her once at Pukalani Superette and she was buying things to make chili. And she was cooking food for the Halau. And it's with that spirit, I don't know if she still, you know, cooks for them, but I bet you she does in her very busy life. So, I also want to recognize her for what she does and support. And, big congratulations to the Halau, to the family, cause it takes a lot to get to this place. And I too want to express my great congratulations to their accomplishments. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Sugimura.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And, yea, I just wanted to say a lot of thanks to Kumu and everyone involved, the Halau and all their families, cause it does take a lot of time, dedication, and effort, and sacrifice on a lot of levels to get to this status. And, I know, I think I heard on the TV that Napua will be retiring. We'll see what that actually means. Maybe that means cooking more chili for people. But, I think she's going out with a bang and ending on a super high note.

And all her dedication and, you know, just her commitment to this art of hula has paid off in the end, and I think all the best to her. And, I know whatever she does in this supposed retirement, you know, will be exceptional. And, I know that her love for this culture and hula will carry on just as strong and her alakai's and that will carry on the tradition; will be, will go above and beyond also. So, this is a wonderful time for all of us, because they've brought so much pride as we state every day and honor to this island. And, we've always been no kai oi, so, it doesn't really surprise me much in that respect. But, I just want to say thanks for all of us, keeping us at that level of being no kai oi. Mahalo to the Halau.

CHAIR WHITE: Thank you, Ms. Cochran.

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. I'd also like to join my colleagues in congratulations. I also would like to thank our Heavenly Father for all the contributions and blessings that Kumu Napua has provided for our community, especially in the lives of these young women. Hula is not only a, what you would call a skill, but a cultural lifestyle. And for Napua to guide them through, to guide them through that journey in life is really a blessing, not only to these women, but to the community as a whole. So, I thank them, and I thank their families for providing us this gift, this joy, and this special honor to recognize them. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Guzman.

Ms. King.

COUNCILMEMBER KING: Thank you, Chair. I don't know if there's anything new left to say other than the fact that I do want to recognize that when we talk about tradition, it's a good thing that some traditions evolved. Because there was a time when women were not allowed to participate in hula. So, in this day and age it's hard to, it's hard to believe that there was a time, because there's so much beauty in it. But, thank goodness that we have, we have women participating today.

And also, I want to again thank Napua Greig for not retiring a hundred percent, because she did promise me she's going to do another concert. A three, the three divas of Maui; she was basically dubbed one of the three divas of Maui in this last concert at the MACC. So, I look forward to being able to catch that. So, thank you and congratulations to the Hula Halau, and thank you so much for all the beauty you bring to our island.

CHAIR WHITE: Thank you, Ms. King.

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. I was one of the ones, me and my wife, fortunate enough to watch through the magic of television. And, it brought to mind that they're preserving what has gone before. We're old enough to know people that actually danced that were born in the 1800's. And, it brought back the memories of these people that are no longer with us; that what they brought forward and the foundation that they supplied, that they brought and preserved that allowed us to have what we have today.

And what they are doing now, this Halau and others, is what people in the future in another 100 years will look back on, and they will build on that. It's so important to preserve the culture and to make sure it stays strong, and the values are honored. And, we're very proud of them. Mahalo.

CHAIR WHITE: Thank you, Mr. Carroll. I think everybody's spoken. I would just like to add my congratulations and sincere thanks for all the efforts that you've done towards keeping the culture alive and sharing it with others. And to Mr. Atay's point earlier about the, the number of youth groups that have come before us in various different sports and so forth, I'll mention that in order to be honored in the chambers, it has to be a statewide achievement. So, when Mr. Atay mentions how many different groups

we've had, the three groups that we've had this morning join many, many others from Maui that have attained statewide and even higher recognition.

So, I think we've got a lot of reasons to be very, very proud of what the parents and the coaches do to raise wonderful kids that have a great competitive spirit. So, we're very honored to have the three groups here today. And, we take our hats off to you for all the commitment that you've had to make to get to the point of your performances. So, mahalo, mahalo, mahalo on behalf of Maui County.

With that, all those in favor, please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, HOKAMA, KING,
SUGIMURA, VICE-CHAIR CARROLL, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Atay.

COUNCILMEMBER ATAY: Could we allow the Kumu Hula Napua Greig and the women of the Halau to join us on the floor so that they can receive their accolades, as well as a copy of the resolution.

CHAIR WHITE: Certainly.

Please join us.

Mr. Atay.

COUNCILMEMBER ATAY: I'd like to once again extend and say hulo hulo to the halau, and turn the floor over to Kumu Napua.

KUMU HULA NAPUA GREIG: Aloha kakahiaka i`a kakou.

CHAIR WHITE: Aloha.

KUMU HULA GREIG: We stand before you so full of gratitude and humility. Mahalo for your kind words for bringing, for not just acknowledging us, but acknowledging who we come from. Because, as we know, we are just, we are shadows of the great, great people we come from.

I started Halau Na Lei Kaumaka O Uka 22 years ago when I was 22 years old, and we've, we've grown a bunch, we've downsized a bunch. In this retirement season of my life, I've come to embrace the knowledge of less is more. And, it's not so much about how many students we can have, but about the time that I'm able to spend with these students.

The wahine behind me are magnificent. They love this place, and they love who they come from also. And, I'm very honored that they continue to allow me to be a part of their lives and be a part of our goals, and the things that we dream up together. I will say that there is a few differences between the groups that come here. So, ho`omaikai to you boys from Baldwin High School also.

But, as you guys know, when I come here my humble plea always is we need a home for hula. Currently Na Lei Kaumaka O Uka means "The beloved children of the uplands". And, for 22 years we've been committed to teaching people of the uplands. We have no place. We've been practicing at Kamehameha Schools and with current change of leadership, I now pay over \$1,000 a month for six hours a week, okay.

We don't have industrial areas Upcountry. We don't have lots of commercial spaces. When I drive up here to Wailuku, I see all the "for lease" signs in Wailuku and how fortunate that down here you folks have those options. We don't have those options.

And for the first time in 22 years, I've had to consider if Na Lei Kaumaka O Uka has to move downtown, okay. We'd rather be stay up there in Upcountry, cause that's where we're all from. So, you know, imagine if these boys had to figure out where they were practicing every week from week to week. Or if they had, if coach had to pay \$1,000 out of pocket every time he wanted to practice. You know, we have a challenge. And, it's true; hula in our culture is so important to our identity as we move forward.

And, I ask you as you folks in this budget time and you're looking at all these projects to fund, and all worthwhile projects, to also please always keep that in, not just the back of your mind, but I ask you keep it in the front of your mind. Because, this island is changing fast, and we really, really got to start to invest in what is unique to Hawaii.

This girl, Shalia Kamakaokalani, she will be more valuable to Maui County in the Japan market than MVB dollars. That's because of the work that she has put in to knowing

this culture, and doing it from a very true place. So, I, we mahalo you. We are grateful for this acknowledgement. And, we ask you to please, please support culture in a very real way with these dollars. Mahalo.

CHAIR WHITE: Thank you, Mr. Atay. And, thank you, Napua and the Halau for joining us this morning.

And, Members, we're going to take a five-minute recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 9:59 A.M., AND WAS RECONVENED AT 10:14 A.M., WITH ALL MEMBERS PRESENT, EXCEPT FOR MEMBER ATAY, EXCUSED.)

CHAIR WHITE: This meeting of the Council of the County of Maui will please come back to order.

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 18-73.

Mr. Chair, proceeding with the presentation of testimony on agenda items. We have established limited interactive communication that enables individuals from Hana, Lanai, and Molokai, to provide testimony from our District Offices.

(Councilmember Atay returned to the meeting at 10:14 a.m.)

DEPUTY COUNTY CLERK: Individuals who wish to offer testimony from Hana, Lanai, and Molokai, should now sign up with District Office staff. Individuals who wish to offer testimony in the chamber, please sign up at the desk located in the eighth-floor lobby just outside the chamber door. Testimony at all locations is limited to the items listed on today's agenda.

When testifying, please state your name and the name of any organization you represent.

Molokai Office, please identify yourself and introduce your first testifier. Molokai Office, please identify yourself and introduce your first testifier.

MS. ELLA ALCON: My first testifier is Mahina Poepoe, and she will be testifying on CC 18-142 and CC 18-143.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MS. MAHINA POEPOE (testifying on County Communication Nos. 18-142 and 18-143):

Hello. This is in regards to the recent resignations of Molokai Planning Commission members. In November and I believe December 2017, I testified in opposition of appointing Carl Adolpho to the commission, citing history of bad attendance as a CPAC member. He was appointed anyway, and is now resigning with the record of zero percent attendance, and having attended zero meetings.

I spoke of how attendance was and still is plaguing the ability to get quorum to hold meetings. Two of seven, 28 percent of meetings this year were cancelled because of no quorum. One was cancelled the morning of, Maui staff had already flown over and people were already gathered.

I oppose with good reason and I was called a naysayer, and it was kind of dismissed as, oh, it must be a personal issue. It was never personal. I don't know if it's just hard to believe that someone could be so passionate about this level of government, but I am. They make some super important decisions at the commission level. And, I understand wanting to give someone a chance or benefit of the doubt, but considering how critical attendance is, and that we've been operating with a bare minimum, one person's absence has been causing complete cancellation.

I just would like to ask that you make it a priority when choosing people to appoint, that you got a commitment out of them to being there on Wednesdays at 11:00 a.m. You know, get details about their schedule. Ask them about the realistic, you know, how realistic it's going to be for them to be able to attend. I ask that you just make sure to get a clear commitment, because saying I'll come when I can is not enough.

That being said, I want to support a couple people who I know has applied. I know Aunty Bridget Mowat has applied to the commission. She is a very involved community member. She's retired. She works with kupunas. She is enthusiastic about the commission. She understands the importance of the attendance issue. She has experience as serving on the Cultural Resource Commission. She's been on the list for a long time, and she's been wanting to serve for a long time. So, that would be, I would support her. And I would also support Jay Duquette. I know he's put in an application also. That's all. Thank you.

CHAIR WHITE: Thank you very much for your testimony, Ms. Poepoe. Members, any need for clarification? Seeing none, thank you.

Mr. Clerk.

DEPUTY COUNTY CLERK: Molokai Office, please introduce your next testifier.

MS. ALCON: Our next testifier is Keani Rawlins-Fernandez, and she will be testifying on CC 18-142, CC 18-143, and CC 18-146.

MS. KEANI RAWLINS-FERNANDEZ (testifying on County Communication Nos. 18-142, 18-143, and 18-146):

Aloha. Good morning, Councilmembers. I wanted to, oh, my name is Keani Rawlins-Fernandez. Mahalo for this opportunity to testify. I wanted to first extend my congratulations to the Baldwin Boys Soccer Team, and to our 2018 Miss Aloha Hula Shalia Kamakaokalani, and to Kumu Napua Greig and Halau Na Lei Kaumaka O Uka for winning overall title of this year's Merrie Monarch. It was a well-earned honor and I, I'd also like to echo the support for a space that she mentioned where our Hawaiian culture can be practiced and valued.

Moving onto the first two items, CC 18-142 and CC 18-143. With the, the resignation of these two MOPC commissioners, I came this morning to testify to ask that in the coming appointment that you sincerely listen to our community when we caution about the appointment of a commissioner, or when we encourage you to confirm the appointment of a community member. Many of us are on the ground here and know, you know, what, what it is that we're talking about.

While I recognize that you are in budget session, our MOPC already cancelled its meeting the last week due to lack of quorum. And, the meeting next week looks likely that it might be cancelled due to lack of quorum as well. So, I'd just like to ask that you please expedite the process of filling these vacancies as soon as possible. And, Mahina testified before me mentioned two qualified applicants, I believe they applied, you know, at the beginning of last year.

The next item, CC 18-146, this is regarding the Front Street Apartment appraisal. I wanted to mahalo Councilmember Cochran for putting this important resolution forward. The residents of Front Street Apartments need a leader, need our leaders to take action to help them. So, mahalo and I hope, you know, you can come to some kind of, or you support this resolution. Mahalo for the opportunity to testify.

CHAIR WHITE: Thank you, Ms. Rawlins-Fernandez.

Members, any need for clarification?

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Thanks for being here, Ms. Rawlins-Fernandez. We, so I didn't get this--

MS. RAWLINS-FERNANDEZ: Aloha.

COUNCILMEMBER KING: Aloha. This is Councilmember Kelly King. I didn't get the name of the second person that was recommended that was in Mahina's testimony and that you supported.

MS. RAWLINS-FERNANDEZ: Okay. So, you're asking what were the names of the two community members who applied to the MOPC last year?

COUNCILMEMBER KING: The, the ones--

CHAIR WHITE: What was the name of the second one?

COUNCILMEMBER KING: I got Bridget Mowat.

MS. RAWLINS-FERNANDEZ: Oh, the second one. His name is Jay Duquette.

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

CHAIR WHITE: Okay, thank you.

Members, anyone else need clarification? Seeing none, thank you for your testimony this morning.

Mr. Clerk.

MS. RAWLINS-FERNANDEZ: Okay. Mahalo. Have a great day.

DEPUTY COUNTY CLERK: Mr. Chair, we have 16 individuals who have signed up to testify in the Council chamber. First person to testify in the chamber is Joseph Blackburn, testifying on County Communication 18-150. To be followed by Chris Gantala.

CHAIR WHITE: Mr. Blackburn.

MR. JOSEPH BLACKBURN (testifying on County Communication No. 18-150):

Good morning. I'm Joe Blackburn. I'm president of Maui Land Broker Property Management. I'm also homeowner in Wailuku Country Estates. In 2004, we bought our home. The developer promised our roads would be dedicated to the County of Maui and did nothing. In 2008, the homeowner's association hired our company, and we started the process. Through this process, we've worked with all the County departments and we've gotten to the point now where we have a resolution before the Council to accept the roads and Waihee easement.

It's just been very difficult. Over \$250,000 in homeowner's monies has been spent on this. We bought a retention basin to improve drainage. We've done multiple inspections and improvements. We've done a tremendous amount of legal work on the deeds, and at this point, we're excited that it's before the County Council.

The developer's bond was released and given back without the TMK on the road being transferred. And, that's what started the whole problem. The developer's LLC is now defunct. He got his money. He's off-island. Thank you very much. The homeowners are now stuck with trying to get this done, which was originally supposed to have been done in 2004.

We also have a unilateral road agreement in place. We've secured \$3 million in insurance that indemnifies the County of Maui for any incidents that could occur on Kahekili. And, we're willing to do almost anything to get this accomplished.

Mr. Kane was supposed to testify, he had to go back to work. I had many, many of our homeowners call me, they have work today. So, I'm pretty much the person here representing not only the homeowner's association, but myself as a homeowner. Thank you.

CHAIR WHITE: Thank you, Mr. Blackburn.

Members any need for clarification? Seeing none, thank you for being here this morning.

MR. BLACKBURN: I appreciate your time. Thank you.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Chris Gantala, testifying on Bill 42. To be followed by Mike Moran.

CHAIR WHITE: Good morning.

SERGEANT CHRISTOPHER GANTALA, MAUI POLICE DEPARTMENT [testifying on Bill No. 42 (2018)]:

Good morning, Council Chair. I'm here on a, my name is Christopher Gantala. I'm a Sergeant with the Maui Police Department's SRT Team. I'm here on behalf of the Maui Police Department to again ask you guys support for Bill No. 42 for their interisland agreement with the Hawaii Interisland Bomb Squad.

I know, previously, meetings with Lieutenant Maeda expressed the need for the County to have this bomb squad. And, I'm here to answer any questions if you guys have any.

CHAIR WHITE: Thank you very much.

Members, any questions for the officer? Seeing none, thank you for being here this morning.

MR. GANTALA: Thank you.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Mike Moran, testifying on County Communications 18-149 and 18-151. To be followed by Jim Sheppard.

MR. MIKE MORAN, KIHEI COMMUNITY ASSOCIATION (testifying on County Communication Nos. 18-149 and 18-151):

Aloha, Chair White, Councilmembers.

CHAIR WHITE: Aloha.

MR. MORAN: Mike Moran for the Kihei Community Association. If I could ask your indulgence, quick preface; somebody get some money for Napua. That's outrageous. I don't know whether it's the Council, whether it's the school, but that touched my heart personally when she said she's spending that money. And, bless her for speaking publicly on that.

On item 18-149, very, very briefly, because honestly, we couldn't delve into it for KCA. But, when we see crosswalks potentially on South Kihei Road, our community is desperate for safe walkability. So, anymore crosswalks, whatever we can do for safety of our community, we ask you to support that in 18-149. And, as I said, I don't have details, so I ask your indulgence to please look into them.

Moving on, we're into, in support of 18-151. I'm not getting a reset. Can I get a reset? First, we wish to express our mahalo to Member Cochran for all her assistance on this matter, and bringing up this resolution. Also, we want to state we are appreciative of Director Goode's Public Works Department, as we believe we have achieved a positive working relationship with him and his team over the past several years.

But on this specific item, we seem to have an impasse. As you see outlined in the reso, we have had continuous communication for years. But, we are unable to determine why a plan that we see is more expensive, less efficient, natural environment unfriendly, challenging culturally to the regional moku, and flood-enhancing continues to move forward. Mostly it seems because it's the original plan. At what point do we reasonably look at an alternative, and if unwilling to accept it, minimally explain why not. Is there a need to build a temporary road and a temporary bridge mauka of South Kihei Road into an area that the . . . moku advises is culturally sensitive? To be clear, we do not speak for the Hawaiian people, but we do communicate and listen to them.

Is the Administration doing this? We are aware that there are Federal funds allocated with the local match in the current plan. We ask, will the feds be willing to later allocate more funds to replace a ground level box culvert with a needed raised bridge that they have previously funded? If not, who will pay for the new bridge? Sometimes, when the community challenges a project, government officials advise they are too late. They should have become involved when it began.

As you see documented here, and it is on our KCA website, KCA has been involved from the first mention. But, the original plan is not significantly modified. We seem to hear that our proposal is not going to solve the major problem. We don't think any single project can undo poor past decisions to fill in the muliwai, construct buildings, and clear-cutting Upcountry forests. But, we can stop making decisions which will be regretted later.

We ask the Council to call a timeout here and examine this. You are now diligently going through the budget process to ensure the community gets the very most value for their money. This is what we are asking for as well. Mahalo.

CHAIR WHITE: Thank you, Mr. Moran.

Members, any need for clarification?

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Just, thank you for being here. And, you're always a very strong voice for what's good for your community.

MR. MORAN: Thank you.

COUNCILMEMBER SUGIMURA: So, I'm just wondering, I think when we were at the budget meetings in Kihei, you also spoke about this bridge, and we did hear feedback. And, I wondered if, I think you had an alternative bridge that your community was proposing. Is that correct? And was it, is it been included in the EA, or is it approved, or how far has that gone?

MR. MORAN: Well, we, we submitted testimony to the proper State agency on it. But, the, the Administration continues to say, "no, that's our project; our way of doing it is better." So, we have offered it. We have, have numerous discussions with the department. I believe you have or will have pictures of all the, what we proposed. And, it just seems to be that lock in. It's like, well no we started this three years ago with the firm on Oahu who is proposing a project, and they seem to be entrenched. And, this is what we know, this is what we're going to do. So, we've tried. We've presented pictures, we've proposed, I'm probably going over, as much as we possibly think we can, but it just seems to be not accepted for what we don't understand a reason why.

COUNCILMEMBER SUGIMURA: Thank you.

MR. MORAN: You're welcome.

CHAIR WHITE: Anyone else need clarification?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: And, thank you, Mr. Moran for being here, and your community efforts.

MR. MORAN: Thank you.

COUNCILMEMBER COCHRAN: The, your proposal, your group's proposal, do you know if that was in the original EA that that was like one of the options?

MR. MORAN: I think we have kind of team testimony. And, honestly, most of you know me and they say what's your skill level. If I had a skill level, I wouldn't still be the president. I can't even get rid of that. So, I don't have many skills. My skill is bringing people here that have the skills. So, I think in the more testimony that we can have from KCA with more skilled people who have been heavily involved will better address that than I can.

COUNCILMEMBER COCHRAN: Okay. Well, yes. And, and thank you for your honesty there. And, I shall listen for more testimony.

MR. MORAN: Thank you.

CHAIR WHITE: Thank you, Mr. Moran.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Jim Sheppard, testifying on County Communication 18-151. To be followed by Charlene Schulenburg.

MR. JIM SHEPPARD, KIHEI COMMUNITY ASSOCIATION (testifying on County Communication No. 18-151):

Aloha. My name is Jim Sheppard, and I'm also with the Kihei Community Association. My comments will be very brief, and I won't be addressing any technical issues, but others will later, as Mike mentioned.

I support building a pre-fabricated bridge as opposed to a replacement culvert for a couple of reasons. First, according to what I have read, irrespective of cost, we will get a better outcome with a prefab bridge. It will be less disruptive to the travelling public, provide more effective flood control, and preserve existing historic properties.

Second, with respect to cost, I've seen numbers that indicate that the prefab bridge could cost as much as 70 percent less than what the County has budgeted for the replacement culvert; even allowing for some wiggle room since we are after all dealing with estimates. It is reasonable to assume that it will cost less than half, excuse me. Assuming that we can't redirect any Federal dollars, we would still have substantial

County savings using the same percentages for County and Federal funding as used by the DPW, which would pay for a lot of sidewalks in North Kihei.

For all of the above reasons, I support the single prefab solution and would like to see the savings spent on sidewalks in Kihei. Aloha and thank you for your time.

CHAIR WHITE: Thank you, Mr. Sheppard.

Members, any need for clarification? Thank you for being here this morning.

MR. SHEPPARD: Thank you.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Charlene Schulenburg, testifying on County Communication No. 18-151. To be followed by Rob Weltman.

MS. CHARLENE SCHULENBURG, KIHEI COMMUNITY ASSOCIATION (testifying on County Communication No. 18-151):

Aloha everyone.

CHAIR WHITE: Good morning.

MS. SCHULENBURG: Charlene Schulenburg for 18-151. I ditto everything that Mr. Moran and Mr. Jim Sheppard just said. I guess I come before you to basically ask those who aren't necessarily in favor of looking at an alternative or considering the alternative that KCA has researched and brought up recently. I don't believe it was part of the, excuse me, I don't believe it was part of the original EA. The research has been ongoing. And as everything in our lives; technology improves, ideas become apparent in research. And so we've done the best that we can in terms of bringing it up when we found out about what some nice alternatives could be, and some cheaper alternatives could be.

This is just one suggestion. I guess what I'm really asking and proposing to those not, not necessarily in favor of this is what do, what does Kihei, what do, what does Kihei Community Association, what do I as, as a member of, of the Kihei community have to do to be heard on this? I really, really ask you to please look at alternatives. I mean, there are cheaper ways. There are more efficient ways. There are ways to not affect the environment as much. There's ways to definitely not affect the traffic as much, after what we've just gone through with the North Kihei bridge. I think we all, we all had enough of that.

So, there are just a lot of, a lot of worthwhile things to consider in the alternatives. I do not know the specifics about the Federal monies and the matching monies and how that comes in. So, I, I appreciate those concerns. But, perhaps there really is a better way, and a less expensive way to do this.

And, despite this process having already been started, it's actually been more than five years. And, yes, KCA's been part of it during the entire time. We have responded in letters, in good faith. We try to communicate in the best ways that we can. We don't know what else we can do. We show up here again in good faith as volunteers taking our time away from our jobs, etc., etc. So, we just really would like to be heard.

Please consider alternatives, even if it isn't this particular alternative. Although, this particular alternative is definitely worthy of looking at from a cost perspective, a time-saving perspective, an environmental safety perspective, all kinds of really great things. Thank you very much.

CHAIR WHITE: Thank you, Ms. Schulenburg. Members, any need for clarification?

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Thank you. Thank you for being here, Char. I just wanted to clarify that when you say being heard, that you're talking about the Administration, the Council. I mean, we've been working on this issue, so I hope you feel heard by at least one here.

MS. SCHULENBURG: Correct, I don't, I said specifically to those who aren't necessarily in favor of this, or that haven't considered before. I thought, I was trying to clarify. And, I do thank you for those who have spent significant and considerable time reviewing this, and those who have met with us; absolutely. I didn't mean to, to discount that at all.

COUNCILMEMBER KING: Thank you.

MS. SCHULENBURG: Yea, thank you.

CHAIR WHITE: Anyone else? Seeing none, thank you for being here this morning.

MS. SCHULENBURG: Thank you.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Rob Weltman, testifying on County Communication 18-151. To be followed by Tom Mellin.

MR. ROB WELTMAN, KIHEI COMMUNITY ASSOCIATION (testifying on County Communication No. 18-151):

Aloha mai kakou. Ko`u inoa Rob Weltman.

(Spoke in Hawaiian).

I wanted to, I'm with Kihei Community Association, and I wanted to just talk about one little item that I'm sure will come up as you discuss this. And that is, in yesterday's paper, the statement by Director Goode that if the project is stopped at this point, there is a chance that the Federal funding could be lost.

And, I'd like to either consider two things here. One is, if, as you have heard, and I'm sure you will hear more of today, this is a, or the decisions in this project as has been defined so far are detrimental to the ocean, to the shoreline, disruptive to traffic to people living in the area, and that there are much more cost-efficient way to do this, then it's not a good idea. You should not feel pressured to do something under those circumstances.

And, the second one is that, yes, there's a lot more money in Federal grants than what we can come up with in the County. But, I still think that we should not be wasteful even when it comes to Federal money, because in the end, it is our own taxpayer money, and also because it sets a very bad precedent. If there was a good, if there was a more efficient, more cost-effective, better alternative, we should not be going down the route that's been proposed so far. Thank you.

CHAIR WHITE: Thank you, Mr. Weltman.

Members, any need for clarification? Seeing none, thank you for being here this morning.

MR. WELTMAN: Thank you.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Tom Mellin, testifying on County Communication 18-151. To be followed by Linda Berry.

MR. TOM MELLIN, KIHEI COMMUNITY ASSOCIATION (testifying on County Communication No. 18-151):

Hello. I'm Tom Mellin. I'm a member of the KCA. And, I'm also co-president of the board of the Villas at Kenolio. And, I gave somebody a bunch of pictures, one of which is one of the most recent flood in, earlier this month. And you can see my condo development there surrounded by the brown water. So, the gulch is, is pretty important to me and the people that I represent there.

My other co-president asked me to read something that he wrote, because he couldn't make it here because he's working. He said, "I would ask that any solution being considered regarding replacing the current bridge be part of the unified solution that addresses not only the bridge but the indigenous Hawaiian concerns, the floodplain, and the gulch that runs from the villas up to and beyond the Piilani Highway. Any solution that fails to encompass all these issues will need to be revisited as the bridge is only a small part of the bigger issue facing the area."

In that picture, my condo, I'm fortunate enough, I live right on the gulch. I look out and I see it. And, and I love the gulch, I mean, it's beautiful. And, sometimes it gets a little scary because sometimes it isn't a gulch, it's really a river, and, and that water can get pretty high. That picture there, the water, that wasn't a very big flood on that one. I, I've seen substantially more water come down the gulch than is in that picture. And, in fact, once, it got right up to the edge of where, you know, they built up to build the condos on top of the, of a, of some rocks; it got right up to the edge, didn't come over.

A culvert, I just don't feel safe with a culvert. You get a little more water than they have, and we're flooded. A bridge is, will just handle more water coming through. And, if the bridge costs more, I would be up here saying the bridge is better, it's worth more. The fact that it costs less is just an incredible win, that we can have something better, I can feel safer, we can pay less. So, anyway, I urge you to support this resolution. Thank you very much.

CHAIR WHITE: Thank you very much, Mr. Mellin.

Members, any need for clarification?

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Thanks for being here, Tom. So, the picture that you sent in, it's, for other Members it's got your name on the back; that, that, where that gulch is flooded, is that the area that there, there's a proposal in the community, hasn't reached the Council yet, but to, to make that into a parkway?

MR. MELLIN: That, that part and the trees, I'm not sure of the exact plan. I've seen, I've seen one plan that came out of Chris Hart, where, where the trees are there would be park and there would be a cultural area where the water is now.

COUNCILMEMBER KING: Okay. So, you're talking about the tree, the whole waterway right now.

MR. MELLIN: Right.

COUNCILMEMBER KING: That's part of that property.

MR. MELLIN: Right.

COUNCILMEMBER KING: Okay. That's what I thought.

MR. MELLIN: Right. Our condo has an easement, and so we keep it mowed, and that's why you see the brown water, that's why that's not covered with trees.

COUNCILMEMBER KING: Oh, that whole area where the brown water is the easement?

MR. MELLIN: Right.

COUNCILMEMBER KING: Oh, okay. I didn't notice that.

MR. MELLIN: There's water flowing under the trees as well.

COUNCILMEMBER KING: Okay. Thank you. Thanks for the picture.

CHAIR WHITE: Okay. Any other need for clarification? Seeing none, thank you for being here this morning.

MR. MELLIN: Thank you.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Linda Berry, testifying on County Communication 18-151. To be followed by Vernon Kalanikau.

MS. LINDA BERRY, KIHEI COMMUNITY ASSOCIATION (testifying on County Communication No. 18-151):

Good morning, Chair and Councilmembers. I believe you have a packet in front of you with a lot of images in it. And, the first one, first page is the existing culvert, and the ocean is right at the bottom of the page. And, you can see at the top of the page, the land is scoured where the water has gone outside the bed of the river. So, a year ago, I was here in this building meeting with a County engineer and some of my Native Hawaiian friends about the second page in this packet. And, this is the County's plan to build a bypass road around the bridge, and then take the bridge out and replace, or the culvert, and replace it with another culvert.

And at that meeting, the Hawaiians pointed out that the road for the bypass road will destroy a sacred Hawaiian spring. So, at that point, the County engineers suggested that the County could build an alter after the spring was destroyed. And, I was shocked that she thought that that would be an appropriate substitution. And, then I felt a flash of anger. And, right after that, I felt a flash of inspiration, and I thought there's a way around this that the County has not presented.

If you take a look on the next page, it's a sample of a prefab steel bridge. And, you can see that the supports for the bridge are outside of the bridge. And, I thought, they could come in and put these supports in while the road is still open, and then put in the prefab bridge on top of that and they wouldn't have to close things down and build a bypass road, and that might solve a lot of problems. And, it would give us the bridge that we want in lieu of a culvert.

So, I went home and I thought, holy cow, I'm an architect, I'm not a bridge designer. I better see if this is feasible. So, what I did is I drew up the drawings that you find on the next page for a bridge in three sections, so it's flat and the flat top part is ten feet above the existing roadway, so there's a lot more room for water to flow. And, it's 180-feet wide, as opposed to the 60-feet of the culvert, so it's three times wider. So, I didn't do any numbers. I'm not an engineer, but it obviously would let a lot more water go through it.

So then, I contacted a bunch of companies and contractors and said, "is this going to work, and if so, how much would it cost?" So, on the next page, this shows the first step in the construction process. What they would do is drop in the eight piers while things are still running. The next page shows the girders in place. That cost for that is

on the next page. And, this is from Precast in Oahu; 52,000 for the piers and girders and Healy Tibbetts to install it; 500,000. If it, worst, if there's a lot of water and the bedrock is really far down, it may be as little as 100,000.

And then on the next page, you can see that they would have taken out the old road bed and widened the river channel. And, I don't have a cost for that. The next step, thank you, Chair. Is it possible I could just finish?

CHAIR WHITE: I'm sure you'll get a question or two.

MS. BERRY: Okay.

CHAIR WHITE: Thank you for your testimony.

Members, any need for clarification?

Ms. King.

COUNCILMEMBER KING: Yea, I have a couple questions. One is, could you, could you explain like the final costs on the last page.

MS. BERRY: Yea. The, the bridge gets dropped in next. So, I figure this could be done with less than one-month road closure; probably just a couple of weeks. The steel bridge, I got quotes from two different companies. One was 720,000. The other company was 700,000. And, because they're so close, that seems to me that it's a good quote.

And then, there would be a cost for trucking that bridge from Kahului to Kihei, and then to drop that in and replace it. And, I don't have those figures. But, of the figures that I do, it comes to \$1,300,000. So, even if you add in another half a million, it's still not even half of what the County proposes to spend for a culvert replacement that we don't want.

COUNCILMEMBER KING: Chair, can I just follow up with another question? Thank you. So, is it, Linda, is it your understanding that the culvert is still temporary? Cause, I thought I saw something in the plans about in, in our community plan about eventually still needing to replace the bridge; the culvert was a temporary fix.

MS. BERRY: Yea, the County has plans to replace the culvert, eventually, with a bridge that would withstand a 100-year flood for \$53 million. We think, in the time since this was first conceived of and now, that in a 100-year flood, Kihei is going to look like North Shore of Kauai looks right now. That South Kihei Road will be under water, and so

that bridge would be useless. So, we'd like to see a smaller bridge like the one I've proposed.

And, I want to say, I don't care if the County builds my specific bridge, but I'd like them to look at this as a challenge and say, look, she's just an architect. What can we do that's better than this that meets the County's, the community's needs?

COUNCILMEMBER KING: Okay. Thank you. Thank you so much.

MS. BERRY: Thank you.

CHAIR WHITE: Any other need for clarification, Members? Seeing none, thank you for being here this morning, Ms. Berry.

MS. BERRY: Thank you.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Vernon Kalanikau, testifying on County Communication 18-151. To be followed by Alohalani Smith.

MR. VERNON KALANIKAU, AHA MOKU O KULA MAKAI COUNCIL (testifying on County Communication No. 18-151):

Good morning and aloha, Councilmembers--

CHAIR WHITE: Good morning.

MR. KALANIKAU: --and Mr. Chair. Good morning. I'm going to wear two hats at one time, because get so much that you only can do it in three minutes. So, I'm going to represent myself as an individual and resident of that area in South Maui, which I live right off, on Kenolio Road near Kulanihakoi River and the bridge that we're talking about. And also the representative for the Aha Moku Council for Kula Makai.

Any of you, any of you guys got this pamphlet? So, this the layout I going try work with you guys today. So, if we can start with this first page, "Exhibit A", I just demonstrating what we found a month ago in Kulanihakoi River and in the area where the construction going take place, the impact area of the rerouting of the, the temporary detour road as they do construction to replace the culverts. So, that page, the "Exhibit A", just so you guys know, I just wanted to share, this is what we found there a month ago.

And, the next page, "Exhibit B", you can see what the County's proposing in that diagram. In there, I circled the, the yellow spot indicating where cultural practices was done in the past, and continue today. And right below, I circled that area. And, that's the area where the rerouting of the temporary road flow for traffic as the project is being worked on, the replacement culvert boxes.

On the next page, "Exhibit C", that's a photo; the top photo is from last year's flood. I indicating with the arrow that the water is flowing into the culvert boxes. This is the beginning of the flood, of last year's flood.

On the bottom photo is recent of this year, April. And, hard to see because it's dark. There is the four culvert boxes in there, but it's filled already. Just wanted to share that with you.

And, the next page, "Exhibit D", the photo on top, you can see South Kihei Road. The culvert boxes are working right there. On the bottom is the mauka side of the road. Those culvert boxes are filled, and the water is actually going over the South Kihei Road, underneath this temporary metal bridge that we have there in that photo.

"Exhibit A" [*sic*], the yellow line represents the old Kihei Road, South Kihei Road. And the water is going over that part right now under the temporary bridge. And, below is the six culvert boxes. Thank you.

CHAIR WHITE: Thank you very much.

Members, any need for clarification?

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And, thank you, Mr. Kalanikau for being here, and your handout. So, in the photos where the water is going over existing culverts, which the project is to change out, I guess, and put bigger ones.

MR. KALANIKAU: "Exhibit E".

COUNCILMEMBER COCHRAN: Yea. The, and that bridge is temporary?

MR. KALANIKAU: Correct.

COUNCILMEMBER COCHRAN: Okay. So, is the thought then to replace, besides the whole, you know, alternate bridge route over the, the muliwai, is the thought that they're going to beef up the culverts and there will be no, this metal kind of bridge structure will not be there? Just the flat road, and then the culverts are under it?

(Councilmember Guzman was excused from the meeting at 10:53 a.m.)

MR. KALANIKAU: Yea. As it was explained to us in, in previous meetings with, with the engineer, this, this is my version as it was explained to us. They're going to replace the four old boxes and add six. We had opposed to that at the beginning, later over a year ago and asked for two, only because it makes sense that it won't, you know, prevent from debris building up. Oppose to having six where debris is all going to stack up against that, those boxes, and the water is going to go over the road anyway. Debris or not, the water is going to go over. So, I put that as a, that's approximate. That's not exactly what they're, I haven't seen their final plans in this, this view.

But, just to show you folks that by putting six culvert boxes, replacing four, that yellow line indicates the South Kihei Road. So, when they put the boxes in, they're going to pave over those boxes, and it's going to go back to the original grade, the elevation of the old South Kihei Road, which on the mauka side of that bridge, the river is the same height of that, the old road already. It's seven, six, seven feet of silt that has buildout through the years. So, physically, not going work. You know, it's not going to function, so you know, maybe we gotta figure out one other way or buy some more time how we can come up with something better than the--

(Councilmember Guzman returned to the meeting at 10:55 a.m.)

COUNCILMEMBER COCHRAN: Okay.

MR. KALANIKAU: --that, that helps.

CHAIR WHITE: Any further questions?

COUNCILMEMBER COCHRAN: Yea, thank you for your comments. And then lastly, you have a set of questions in your, your written testimony. Have they been answered, cause there's no response? That's my--

MR. KALANIKAU: Wendy Kobashigawa, she keeps in touch with me. She needed some more time to fulfill those questions. And, and I when answer couple on my own. So, like, like the part with the Federal Highway Agency. I didn't know what that was. I was asking her about that and SHPD. I knew what SHPD was but I wanted information

from Wendy because I don't have that email from Wendy. I ran out of ink in my printer this morning. I was trying to print stuff out, but yea, so what a morning.

So, why I was asking the question is I wanted confirmation. I wanted, who in SHPD had concur with the Section 106 that the Federal Highway Agency was the main ones that made the decision and there, their own findings, and SHPD concurred with that. So, I just wanted to find out that. She, she needed more time to get back to me on that.

The other part was I did ask Wendy in one of our meetings that if this project goes through, if the County or the, the contractor would pay for a monitor provided by us to monitor as they go and do the project. And, she, she's looking into that. Probably checking her back comments and emails right now.

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

CHAIR WHITE: Thank you. Anyone else need clarification?

Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Thanks for being here, Vernon. So, my question is, when they were going through the EA, and there are letters attached of testimony back in, from 2013 from KCA members, but was there any discussion with our, our Moku Council folks? I think it, I think it was Basil back then.

MR. KALANIKAU: Oh yea, okay.

COUNCILMEMBER KING: Was there any, did they bring in any of our, you know, Kula Makai Moku Council or any other Native Hawaiians to ask them about the cultural significance.

MR. KALANIKAU: Yea, so according to Basil and the emails that I, I read from Basil, he was the Po`o, the rep for Kula Makai Council. So, this, this began in Basil's time, the, in 2016 and more, more actively with this particular project, the ending of 20, yea, no sorry, 2016. I came aboard January, February, of last year, 2017. I was invited by Basil Oshiro to come and participate. And, that's when I gave my testimony to the cultural practices and some of the, the Hawaiian kind of stuff at that time.

Since we're talking about that, the, you know, I have an argument that, you know, we, I gave good testimony about this area. But, you know, thank you for coming and providing one testimony.

COUNCILMEMBER KING: Okay. Well, I just, no, what I was asking about was in 2013, because that's when they decided there was no significant impacts, so.

MR. KALANIKAU: Oh no, this was last year.

COUNCILMEMBER KING: So, was there any, back in 2013 when they were--

MR. KALANIKAU: That, that I not, I not sure.

COUNCILMEMBER KING: Don't know.

MR. KALANIKAU: Yea. I, we got involved last year, 2017, around this time.

COUNCILMEMBER KING: Okay.

MR. KALANIKAU: Yea. So about one year we've been part of this process.

COUNCILMEMBER KING: Okay.

MR. KALANIKAU: Yea.

COUNCILMEMBER KING: Thank you.

CHAIR WHITE: Anybody else. Seeing none, thank you for being here this morning, Mr. Kalanikau.

MR. KALANIKAU: Yea, thank you. Thank you.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Alohalani Smith, testifying on County Communication 18-151. To be followed by Cody Tuivaiti.

MS. ALOHALANI SMITH, AHA MOKU MAUI ISLAND COUNCILMEMBER (testifying on County Communication No. 18-151):

Aloha, Councilmembers and Chair. I'm Alohalani, as you guys know. I'm from the Kaupo Moku, but I am here as the Aha Moku Maui Island Council. And, I am supporting the, the resolution 18-151 for an alternative plan. This all goes into our water committee, our shoreline committee, our land and ocean.

Now, I was also a former resident out in Kihei. I continued my hula out there. I paddled canoe back when Kalanikau started it up back in the 70's. I began my entrepreneurship selling golf balls at Maui Lu, right in that area. I would go on, find the balls in the farm and run across and scrub them with the, you know, the cleaner and then go out and just talk to the people that's golfing. So, it means a lot to me to that I can share on behalf of the Kula Makai.

Now, Kauai. Current, historical, cause and effect event of 2018. Kauai's flood effects of the homes that was lost already, lives devastated, and financial hardships for the islanders; that's hard. You guys know I'm in Red Cross, it hits hard. Now, it doesn't hit the mainlanders who has those homes. They weren't even there, okay, and they're affected too.

So, to me, when I see that the community, their frustration, the negligence of DLNR and the County of Kauai not listening to their community on the warnings that were given. Now, look what we have. We have ten times a mess. And, please, for government funds to help. This is tax dollars unnecessarily spent for what could have been prevented. So, we are here talking about something we can prevent, and make it better for the greater good of our communities.

So, Kula Makai, growing up there, it was a swamp area. Then I saw development come in. Same thing; filled up, raised, homes being built on the lava. Underneath, the lava tubes are collapsing. Homes are getting structurally damaged, okay. This is so sensitive to our land. And, that the part of our water raising and rising, coming inland. So, this touches me very much for Kihei. I have a heart there. And, so it's not if it happens, it's when it happens. So, please give us the opportunity to find that alternative plan. Thank you for your time.

CHAIR WHITE: Thank you, Ms. Smith.

Members, any need for clarification? Seeing none, thank you for being here this morning.

MS. SMITH: Thank you.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Cody Tuivaiti, testifying on County Communication 18-151. To be followed by John Massa.

MR. CODY TUIVAITI, AHA MOKU COUNCIL (testifying on County Communication No. 18-151):

Mahalo, Council, for having us; bringing us to the table. Mahalo everybody else for, and the KCA for everything you guys doing. You guys doing a lot of work out there, so mahalo.

As a representative of the Aha Moku Council, it is important that we share the cultural, environmental, and historical aspects of our Moku to see clearly the path we need to take for the benefit of the aina. To us, it is the aina that sustains life, and it is the aina that must remain chief. When dealing with the muliwai, you're dealing with spring, rain, and ocean water. The spring water will always be present, which means the rainwater from mauka will push over, finding its way to the ocean. Along with that is silt runoff, which raises our water levels and destroys our reefs.

The short-term plan should be a bridge that actually works for the community, and not a culvert system that will raise more issues. The long-term solution is a long-term plan that only works when all parties are at the table. It involves careful engineering, restoration of flow, native habitation and generational knowledge. Each aspect has a different angle to address a problem that colonialism has created. The first step is finding a solution, identifying the problem, knowing our Moku, and our resources and the way they work.

The next thing I will read you is out of the AIS done in 2002, by Theresa Donham. Earl Neller's field inspection report in 1982 implies that much of the archaeological resources in coastal Kula have not been detected because they are buried under alluvium that eroded from the upland slopes. McDermott, in 2001, examined this hypothesis in its in-depth study of soil deposition along Lower Kulanihako'i Stream in coastal Ka'ono'ulu. McDermott documents the dated sequence of rather massive and rapid alluvial deposition in the first half of the 19th century in the immediate area of Malo's Church, three miles inland of Ko'ie'ie Fishpond.

McDermott's analysis of alluvial deposits along Kulanihako'i indicates the rapid runoff from the slopes of Haleakala did not occur until after western contact. McDermott found little or no variation of sedimentation during the period of prehistoric Native Hawaiian land use. However, sediment in coastal Ka'ono'ulu accumulated 12 to 15 times faster between 1800 and 1850 than during the preceding prehistoric period.

Following historic sources, McDermott attributes the increased erosion to upland forest clearing, our potato farmers and ranchers, increased Kona storm activity, and increased rainfall between 1830 and 1860, contributed to the runoff problem in the Kula

district. A single episode of extensive alluvial deposition in coastal Kihei occurred in 1871, when a major tropical storm hit South Maui and swept all the native houses into the sea.

CHAIR WHITE: Thank you for your testimony this morning.

MR. TUIVAITI: All within six hours.

CHAIR WHITE: Thank you very much for your testimony, Mr. Tuivaiti.

MR. TUIVAITI: So, mahalo again. Thank you.

CHAIR WHITE: Members, any need for clarification? Seeing none, appreciate your being here this morning.

MR. TUIVAITI: Mahalo.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is John Massa, testifying on County Communication 18-146. To be followed by Carmie Spellman.

MR. JOHN MASSA, (testifying on County Communication No. 18-146):

Aloha. I'm here to represent myself, John Massa, in resolution of 18-146. There seems to be a little confusion between what's right, and what's wrong, and what's legal. Well, that's why I'm here.

Years ago, I have a little analogy for you, this lady's parents were selling a car. This guy comes by and says, you know, it looks good but let me take it for a drive. I'll give you \$100. And, the guy never came back. So, they called the cops. The cops chuckled. He says, you know, a transaction took place. He gave you a hundred bucks, you gave him the keys, there's nothing we can do; this is legal.

Well, we have a 3900 Corporation who made an agreement with all of you to have an affordable housing for 50 years. He got millions of dollars in, in credits, and subsidized zoning requirements. After 15 years, he's out of the deal. He's driving away with your money on your land. What's going on here? I mean, come on, these people with their car, they were played for fools. Don't let this corporation make fools of us all and drive away on your land with your money. Something needs to be done. We need to get

angry. We need to take care of this resolution and put it through. Quit dragging our feet. Let's do something about this. Please. Thank you.

CHAIR WHITE: Thank you, Mr. Massa.

Members, any need for clarification? Seeing none, thank you for being here this morning.

MR. MASSA: Thank you.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Carmie Spellman, testifying on County Communication 18-146. To be followed by Joseph DeLoache.

MS. CARMIE SPELLMAN, (testifying on County Communication No. 18-146):

Good morning, Chair and Council.

CHAIR WHITE: Good morning.

MS. SPELLMAN: It's nice to see you. My name is Carmie Spellman, and I'm a tenant of the Front Street Apartments. I've lived there now approximately eight years. I'm here today to ask you to support the resolution that Councilmember Cochran has put forth. Because if you don't, we're probably going to be homeless.

I want to give you a little bit of a historical background, I'm, I won't take much of your time. I just want to remind people of some basic issues here. Hawaii taxpayers stand to lose millions of public investment already spent in developing and retaining the 142-unit Front Street Apartments. The amount totals more than 40 million in public investment in the past 17 years, up to 15.6 million in State and Federal tax credits, and estimated of five million in Maui County benefits, including more than two million in property tax exemptions, more than 20 million paid by us the tenants, and personal rent and government rental subsidiaries. What exactly has been paid by the building owner as an investment during this time, that's questionable.

According to the financial plan filed in early 2000's, the partners with the State, the building owners, were taking out a \$17 million loan to develop the property. So, that's less than 18 million. And, they were, they did this to develop the property versus a public investment of 40 million. The building owners of the Front Street Affordable Housing Partners would have County Council and the State of Hawaii, or the State

Legislators, think that this contract is a contract, and the terms are immutable. And, that the only contract one has to look at is the contract between the partners and the Hawaii Housing Finance and Development Corporation.

An agreement was signed in 2002, but history shows that in 1999, the initial, the initial developer SunAmerica Affordable Housing Partners, they are the same owners as the 3900 Corporation. It's just that the father died, and now the son has taken it over, so they changed the name of the corporation; same people.

Anyway, they approached the Maui County Council, and asked for a number of benefits amounting to about \$5 million in return for developing the low-income housing project Front Street Apartments. The benefits include rezoning parcels, and waivers on a requirement to contribute 1.5 acres for public park and underground utilities. Maui County Council passed a resolution in 1999, in the view of the partners shortening the timespan, blah, blah, blah, it goes on, and on, and on; my testimony is too long.

The bottom line is, is that these people basically got out from under this contract because they, they said that they were financially stressed. How can you be financially stressed if you make 50 million, or \$40 million in 17 years? And, they only invested 17 plus, little less than \$18 million. I don't get it, but I, what I do understand is that I'm going to be homeless. And, I can't work. So, I beg you, please do something for us.

CHAIR WHITE: Thank you for your testimony. Do you have your testimony in writing that you could provide us?

MS. SPELLMAN: I didn't write any of this, but I can send it to you.

CHAIR WHITE: That would be fine.

MS. SPELLMAN: Okay. I, I, can I change a little bit of it, add a little more in my testimony so I can be more than three minutes?

CHAIR WHITE: Yes, you'll have much more room.

MS. SPELLMAN: I'm a little bit wordy. Okay. Thank you. Any other questions?

CHAIR WHITE: Thank you. Any need for clarification, Members?

Ms. King.

(Councilmember Hokama was excused from the meeting at 11:12 a.m.)

COUNCILMEMBER KING: Chair, I was actually going to ask that same question. So, that will come to the entire Council?

CHAIR WHITE: Yes, you can, if you could send it to each individual, that will get to them more rapidly.

MS. SPELLMAN: Okay. I'll do that.

COUNCILMEMBER KING: Yea, that would be great, because you had a lot of facts and figures in there.

MS. SPELLMAN: I love writing to you all anyway. So, it will be my pleasure, because this might be the last time I get to do that. Aloha.

COUNCILMEMBER KING: Thank you, Carmie.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Joseph DeLoache, testifying on County Communication 18-146. To be followed by Autumn Ness.

MR. JOSEPH DELOACHE, (testifying on County Communication No. 18-146):

Good morning, Chair and Council. I'm going to just go over a few things. I'm testifying for myself. Most of, most everybody here has seen me and talked to me about this issue at one point or another.

What I do understand is I was told at the last second, when this thing first arose, that, oh, we're going to have some big changes come up. And so, that was I believe about a year and a half, two years ago. And, I spoke about it, you guys put some bills in order, and it went to Oahu, and they said the explanation in the newspaper I believe was we were working on the light rail, and come back next time and we'll try harder.

And so, I've been asked to come to many meetings, many hearings, many things, and I'm disabled. I can barely walk. I can, my body's really going bad. I hope it changes soon, but there's a lot of people even worse than I am that are on hospice, that I have no idea where these people are going to go live. I have no idea how they're going to be cared for.

We live in a perfect location with, with the hospital, Kaiser around the corner, the supermarket. We're close, it's a perfect location for old folks to have a safe community,

and that's why this Front Street Apartment was perfectly located, and perfectly designed for certain individuals. There's also a good working class. Majority of them are working, and majority of the people are putting in.

The problem also, we know about the traffic, and this is just going to impact the whole island, okay, in some degree or another.

And so, again, I thought that we were going on this direction, and then I get a knock on my door today at the last second, oh, you know, we're going this way. All I can ask is, first of all, I want to thank you personally from the bottom of my heart for all of you individuals that have taken it upon yourself to try to get this problem resolved one way or another. I don't have the answers. All I can do is testify on my own behalf how important this community needs the Front Street Apartments.

And, if we let that go, I, I just, it's, it's not going to be well for Lahaina, specifically. But, it sets a bad precedent for the islands of Hawaii that we can let our people just fall between the cracks and let somebody get rich off the Council and off the people who in the community that signed up for a different program than what their agenda is today.

And so, I, like I, like I don't have all the answers and I'm only speaking of my behalf. But I just want to thank you, and hopefully you guys will put your heads together and come up with the unique special plan, and maybe set some precedence to show the aloha spirit, you know, that we can work together, we can make projects come together. Thank you.

CHAIR WHITE: Thank you for your testimony, Mr. DeLoache.

Members, any need for clarification? Seeing none, appreciate your taking the time and making the effort to come down today.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Autumn Ness, testifying on County Communication 18-146. To be followed by Tiare Lawrence.

MS. AUTUMN NESS, (testifying on County Communication No. 18-146):

Aloha, Council. My name is Autumn Ness. I'm testifying on County Communication 18-146. I'm here to talk about Front Street legislation at the State and why it's really important to have this discussion today about approving funding for an appraisal of these buildings.

Right now, SB 2293 is the only remaining solution on the table for Front Street, and there are two versions that are about to be scheduled for conference in the next few days. The Senate version is a watered-down version of what we've been supporting this whole time, which is appropriate, appropriations to negotiate keeping these apartments affordable. The House version is something that has a humongous price tag for this County. It requires this County to pay rent subsidies to the current Front Street Apartment owners, and to fast-track the permitting process for Villages of Lei`ali`i.

I find it highly inappropriate the State should be considering a bill that would require the County to do either of these things. And also that it would tie the solution for Front Street residents to the entirely separate project that has had no review here, and is still completely up in the air. The status of these two versions, currently, conferees have been appointed and we are awaiting a conference agenda to post at any minute. That means in the next week or so the State Legislature will meet and produce a bill that is a hybrid of those two versions with no input from this body.

And no one still has any idea how much these buildings are worth. The State is making policy decisions for this County without being able to do a cost comparison on their options at all. I really think that everyone would benefit from an independent appraisal like ASAP so we can decide how best to proceed.

If the Council were to approve moving forward on just the appraisal, just today, the State Leg knows, going into conference, that Maui is taking independent action and looking at solutions that serve the residents and our taxpayers. If we pass this today, we are telling the State that we are not comfortable putting the financial fate of this County in the State's hands with this plan.

(Councilmember Hokama returned to the meeting at 11:17 a.m.)

MS. NESS: Also, if we move forward today on just the appraisal, you would be putting the wheels in motion to receive some pretty important information on this matter that would benefit everyone. You would also be putting the wheels in motion for Plan B, in case nothing passes at the State, should this County want in the future to consider acquiring these apartments through eminent domain. Whether that's the road this body wants to go down or not, no one can or should decide anything without an appraisal. And approving that today helps the County out as the State Legislature prepares to make decisions on this whole thing in the next few days.

As an end note, I'd like to just put out there, even if the appraisal comes out to something like 15 million, which was the huge inflated price the buyer, the seller put

out originally, that's only \$110,000 per unit. That's a steal. Where else can we build 140,000, 140-units for that price? Anyway, and that's probably less what Senate Bill 2293 would cost the County in the long run, actually. So, thanks very much.

CHAIR WHITE: Thank you, Ms. Ness.

Members, any need for clarification?

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Thank you. And, thank you for your involvement in this, Autumn. So, my question is, I have two questions; one is, do you know if we have any Maui Representatives or Senators in that conference committee?

MS. NESS: I, I can go back and check the House conferees and let you know. I looked at them, but I can't remember the names right now.

COUNCILMEMBER KING: Okay. And then, the other question I have is, what input are we getting from our current Administration or our Housing Department on this? Have they been, have they been actively lobbying for this, or have they been silent?

MS. NESS: How do I answer this question? The bill that Councilmember Cochran will distribute, the House version of 2293 later today, the bill says on the top that it is supported by the Mayor. And, which I also find highly inappropriate. And, I have been wondering, the Housing Department has been mentioning these Plan B's for Front Street should we not be able to save them for years now. I mean, we've always asked questions about what does that mean, what land is this on, are they entitled, you know.

And, I was looking through my notes, and two years ago, the Housing Department said, oh, it'll be fine. We'll just build out this project called Villages of Lei`ali`i. And, now it's in a State bill as they're, you know, mandating the County move forward on this as an alternative for Front Street, while we're paying the rents to these owners. So, I don't, that's the position of the Administration.

COUNCILMEMBER KING: Thank you. Thank you, Chair.

CHAIR WHITE: Thank you. Anybody else?

MS. NESS: Thank you.

CHAIR WHITE: Thank you for being here this morning.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Tiare Lawrence, testifying on County Communication 18-146. To be followed by Albert Perez.

MS. TIARE LAWRENCE, HAWAII ALLIANCE FOR PROGRESSIVE ACTION (testifying on County Communication No. 18-146):

Aloha, Councilmembers. My name is Tiare Lawrence. I'm also the community organizer for the Hawaii Alliance for Progressive Action. As a community organizer, I was tasked with working on affordable housing solutions and, and issues at the State level.

And so, I did attend most of the hearings in regards to Front Street Apartments. Sadly, I did miss the last committee hearing in the Finance Committee, but I was caught off guard when some of these amendments were made to the bill. Basically, the fourth amendment would appropriate HHFDC revenues for the expedited completion of the Lei`ali`i Affordable Housing Project in Lahaina, provided that the County of Maui expedite the planning and permitting process for the project.

As Autumn had mentioned earlier, I am very troubled with this type of language being inserted in; especially with all of the opposition that came from the community to the Kaanapali Revitalization Plan, which was a huge issue to the community because we have some serious infrastructure concerns that we need to address before we start expediting permits and development on the west side. So, I'm very troubled with this, and I just kind of wanted to bring attention to that, but also state that I am in full support of Elle Cochran's, Councilmember Elle Cochran's resolution today. I know at the State level, I feel like HHFDC failed us when they had that opportunity to buy out Front Street. And, here we are today dealing with these issues.

I do know a lot of the people that live in Front Street Apartments, and they're, they're very scared that they're going to lose their homes and be homeless. There's, there's a long waitlist on, for the neighboring property, Lahaina Surf, as well as the other affordable housing behind the Aquatic Center. So, there is no place for them to go. And, the waitlist is, you know, some people have been on waitlist for two years and still haven't gotten a home. This is a very serious concern to West Maui residents, so I'd just urge you support that resolution today. But also to take concern to what's happening at the State level, and to please reach out to the Representatives that are

sitting on that conference committee, because this is some really bad language that's been implemented into that bill. Thank you.

CHAIR WHITE: Thank you.

Members, any need for clarification? Seeing none, thank you for being here this morning.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Albert Perez, testifying on County Communication 18-146. To be followed by Uilani Kapu.

MR. ALBERT PEREZ, MAUI TOMORROW FOUNDATION (testifying on County Communication No. 18 146):

Good morning, Chair--

CHAIR WHITE: Good morning.

MR. PEREZ: --Councilmembers. Albert Perez, Maui Tomorrow Foundation, testifying in support of County Communication 18-146.

I think it's critical that we get an appraisal of the Front Street Apartment's as soon as possible. Preservation of our existing housing stock is critical, and its low-hanging fruit, much like enforcement against illegal vacation rentals. Loss of these 141 affordable rental units will worsen the affordable housing crisis, particularly on the west side. And, it will personally affect the residents there. So, this is not an abstract issue, this is a personal. And, many of them, they don't have resources, that's why they're living there. They'll have to move off island or become homeless.

So, an appraisal of these apartments will be a signal to the State Legislature that this County is serious about addressing the situation. And, it'll also make it clear that we won't tolerate greed and abuse of affordable housing incentives. So, I urge you to expedite this matter. Thank you.

CHAIR WHITE: Thank you, Mr. Perez.

Members, any need for clarification? Seeing none, thank you for being here.

Just for everyone's information the House conferees are Brower, Johanson, Luke, Nakamura, and McDermott. And the Senate conferees are Espero, Riviere, and Ruderman. So, nobody from Maui.

Please proceed, Ms. Kapu.

DEPUTY COUNTY CLERK: Next testifier is Uilani Kapu, testifying on County Communication 18-146. To be followed by Ke`eaumoku Kapu.

MS. UILANI KAPU, AHA MOKU (testifying on County Communication No. 18-146):

Aloha mai, Council. Mahalo, Elle, for bringing this forward. This is a much needed project that needs to be heard.

Our community struggles every day. I have four friends that are single parents, that have children going to school that live there. These parents work. You know, they make a living for their families. They're not on welfare. They're low-income. If you don't allow this appraisal to happen, they've tried to put in a, they've put in applications for other places. But, like our testifiers before said, there's a long waiting list. There's a long waiting list for everyone. We need affordable housing.

HFDC, HFFDC is not our solution. That is a big, huge problem for the West Maui. Traffic, water, we're dealing with it all. Affordable housing is our first priority. These people are living there already. If you're going to displace them, these, you gotta remember, put this in your brain, these people have families. They have kids that go to school. If you don't do anything now, what's going to happen later? Where will they be?

Two of my friends that are single families, they don't have other families here in Maui to help them. So, they'll have to move off island. So, that's going to displace them not only from a home, it's going to displace them from a job. It's going to displace them from a school that they love, a community that works together with everyone. The kids are in Boys and Girls after school, because the parents work. They don't want them in the house by themselves, so that's where they go. Boys and Girls Club has been there for our community. They help protect our kids while the parents are working, to sustain a place for them.

So, I urge you to continue this resolution, have it heard. At least do something for our community. Because, the State, I can go off on that one, because when they came off, came to us in the community, we told them that project is too humongous for us. It's not going to help us. But, here they are trying to sneak around again. It's not right

for us to continue to have other people to dictate what we think is right for our community. So, mahalo.

CHAIR WHITE: Thank you, Ms. Kapu.

Members, any need for clarification?

Seeing none, Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Ke`eaumoku Kapu, testifying on County Communications 18-146, 18-151. To be followed by Tasha Kama.

MR. KE`EAUMOKU KAPU, AHA MOKU O MAUI INC. (testifying on County Communication Nos. 18-146 and 18-151):

Aloha mai kakou, everybody.

CHAIR WHITE: Aloha.

MR. KAPU: Ke`eaumoku Kapu from Lahaina. I always remind everybody that I the guy wear the pants, but that's the one get the belt. So, every time my pants fall down, I get her for blame.

I'm here to speak on two items. The first item is 18-46, the Front Street Apartments. You know, now is the time for the County to start being a part of the solution to the affordable housing by purchasing this parcel. By at least going into seeing whether or not there is a possibility to do so. And, keeping it for the public good. I don't know how that works, but I'm sure you guys can figure that out.

And you know, the . . . that everybody talks about, the HHFDC web, I going kind of lead off where my wife left off, is, yea, we met with them many times. In fact, we met with HHFDC, Hawaii Housing Financial Development Corp many times to basically discuss, you know, if the possibility was 4,800 homes going be built mauka of this area. That we looked at the plan, and they said, and we said that, gee, what about even considering half of the development of 2,800 homes.

So, in our discussion we had with all the Aha Moku representatives, yea, trying to minimize this impact that going hit our town at the same time we get the bypass Keawe Street. They had to realign that because they was going hit . . . properties. We've been involved in this project pretty long time, and I, and I can almost, in fact, with one

finger, I can count the Council representatives that's been involved in this same topic; Bob Carroll is one of them, Riki Hokama is another.

So, you guys understand that, you know, when it came to affordable homes and when it came to the true validity of what the State is trying to do, you always seen us in front of this podium every time. And, we never sway away. We never sway away from the idea that everything boils down to you making the right fiduciary responsibility to protect the interest of the general community. Sometimes we've been kind of hard-head at it, but I think, you know, now I've been able to kind of calm down and look at things in a more serious manner on how we can actually get the message out that, don't cut ourselves too cheap to think that the State is going to do anything for us, because they are not. They are not going to do anything for us.

And, we're depending on our County Council to make sure that they do the right things to make sure it benefits our general community because we're suffering out there. We are suffering on the west side, and this isn't going to help our problem with our roadways too. So, mahalo. Mahalo. Thank you.

My other talk about, the most serious talk is about the, what is that, 18-51, 151, the Kulanihakoi. And, I've been one of them that was in a discussions with long time before. But, I think the key component to answer Ms. King's question about whether or not Native Hawaiians were involved in the original discussion from the beginning. And, this thing was during like, 2013, when the project first came out. It didn't trigger anything for Native Hawaiians to be involved, so it went to the general community.

See, and that's the whole problem with government, yea. They should go to the hiapo of the place, because they understand the dynamics of the muliwai and why that place is important, and why we get problems, and to listen to the people that know how to fix those problems but they don't. The only time that we came involved is when it triggered a Corps of Engineer permit. Now, the Corps of Engineer permit in 2016, then all of a sudden the Planning Department says, okay, now we got to get Native Hawaiians involved because it triggered a Section 106 consultation.

Now, in that 106 consultation was me, Basil, Vernon came in on the latter part of it to give recommendations, what is the rules of the 106, yea, how do we be complacent within this to address those issues of historic properties and the adverse impacts to properties of the area which basically, you know, the bridge is like over 50 years old so it triggers historic preservation review. But, it also triggered Native Hawaiian consultation on whether Native Hawaiians still practice traditionally in those areas, and identify the area as a sacred place or a sacred monument.

None of that ever came to the front. None of that ever came to the forefront. And, we, we spinning our wheels to say that, okay, you know what, the County did their fiduciary duties on opening up for a 106, but where is it? Where was the information that I implemented in that process? Where is Vernon's? Where is Basil's? Where is that? It's not for the County to say okay, we, we follow through with the 106, we listened to everybody, we did what we needed to do, and boom, rubberstamp this thing; it's going to happen anyway.

You guys need to look at this, because there's another thing that was mentioned, anyways, the 1892 Highways Act. 1892 Highways Act; those laws of the past still apply today. Now, if this body isn't looking into those things, how it's going to adversely impact an area of importance, especially along the Alanui, especially the impact to the muliwai and the impact to the neighbors. Like . . . the last testifier said that in the, in sometime there was a . . . The tidal wave came from the land and when wipe out all the houses; how Kauai getting impacted now today.

So, I encourage this body, please look into it because we have solutions for you to consider. We're not here just blowing smoke. Mahalo. Thank you.

CHAIR WHITE: Thank you, Mr. Kapu.

Members, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And, thank you, Mr. Kapu. Mr. Kapu, on your first item, you spoke about, in reference to Lei`ali`i Villages. If I recall the first stirrings of that project, was there not ceded land issues involved?

MR. KAPU: Yes, there was. Huge ceded land issues, actually, and stemming over 20 somewhat years. And, the lawsuit was filed between Keoki Kiili and Charles Kaaiai originally in that lawsuit. And, it was based upon 500 something acres that the State was trying to acquire on these ceded lands, where the lands was already designated for other purposes like DHHL, Hawaiian Homes. So, they went into one scuffle 20 something years. Then, you know, the product we get, Native Hawaiians get today to look forward to, that OHA got Kaka`ako. OHA got Kaka`ako.

The initial argument started with the Native Hawaiian community about that whole sector up there was Maui. Maui instigated the gripe to say that, eh, our 20 percent revenues, where is that going? And when they do the build-up up over here on the Lei`ali`i, HHFDC, is that 20 percent still applicable? After the lawsuit, no, it isn't. We're not getting a dime of that.

So, oh yea, this very area has major, major problems. And, it has a history that somebody can write one book and sell millions of copies of how all of a sudden government had failed the general constituents and the public, especially the Native Hawaiians. We the ones getting the shaft, mainly. So, did I answer your question?

COUNCILMEMBER COCHRAN: Yea. Thank you very much, Mr. Paku *[sic]*, I, Kapu, I, thanks for re jogging my memory on that one. Thank you.

MR. KAPU: Okay. Mahalo. Mahalo. Thank you.

CHAIR WHITE: Thank you for being here this morning.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Tasha Kama, testifying on County Communication 18-146. To be followed by David Goode.

MS. TASHA KAMA (testifying on County Communication No. 18-146):

Good morning, Chair--

CHAIR WHITE: Good morning.

MS. KAMA: --and Councilmembers. My name is Tasha Kama. And, I'm angry. I am so ticked off. And, the people who are testifying today are so nice. But, I just wanted to express how angry I am because we're in this situation today that I almost see happening 30 years ago. So, I'm testifying about the Front Street Affordable Housing Apartments. Oh my gosh, to me, this is a no-brainer.

Council Chair, do something great before you leave us. Sign off on this contract so we can make sure that these houses stay affordable forever, and ever, and ever, and ever.

Thank you, Councilman Carroll, for the hard work and your commitment to our people. And for the rest of you who are here, congratulations for sticking it out with all of us. I know it's difficult to listen, but I think that, that's your job. And, so I want to say thank you very much, because now, you're going to hear how angry and upset I am that this should be a no-brainer, that we should be helping our people to be able to stay.

I mean, \$81 million for a parking lot in Wailuku? I want to take care of our people, because without people, we do not even have Wailuku. Without our people, we have

nothing. Without our people, all we have is just this wonderful piece of land, but without the heart and the soul that goes into this land.

So, I am going to authorize you, Chair White, to go ahead and sign this contract. And, I will pray, and I will pray to God that he will give everyone the wisdom not to turn over the power that we have in Maui County to the State of Hawaii. Never, ever, ever turn your power over to them. Thank you.

CHAIR WHITE: Thank you very much, Ms. Kama.

Members, any need for clarification? Seeing none, thank you for being here this morning.

DEPUTY COUNTY CLERK: Next testifier is David Goode, testifying on County Communication 18-151. Mr. Goode is the last individual who has signed up to testify in the District Offices or the chamber.

CHAIR WHITE: Mr. Goode.

MR. DAVID GOODE, DIRECTOR OF PUBLIC WORKS (testifying on County Communication No. 18-151):

Morning. Good morning, Chair, Members of the Committee. First, I'm going to say I hope I never follow Tasha Kama again. That was very inspirational.

I'm here to testify on 18-151, regarding the Kulanihako'i Bridge. We've had a lot of testimony about that today. I normally don't testify on a county communication item, Chair, but I understand that there's going to be motions to waive the rules, perhaps today, and to take up the item. Therefore, I think it's, it's absolutely responsible the Department to chime in a bit should that be the case.

By way of background, the Council appropriated funds for this project in FY11. So, in the last six years plus, we have completed an environmental assessment that included six different options, including the basic concept that folks are testifying about today. We did an SMA, and a shoreline setback variance with the Planning Commission, that was approved by the Planning Commission. We've got the permits from the Army Corps of Engineers, which were discussed briefly. We did the Section 7, which is a Federal requirement for biology. We did the Section 106, Historical Properties has been completed. These are all completed, Chair and Members.

So, we've gone through a process, a long process. We've tried to work really closely with the community on this. So, we came in last year for Budget, cause we're right with the project. We've gone through all these processes, gone through all the options, gone through the design, came to you folks for construction funds. And, this is Federally funded, so we have a \$3.4 million appropriation, or placeholder, in the STIP, in this year's STIP for the Federal monies. And, we had appropriated \$1.25 million County funds for construction.

So, the direction from the Council has been, here's the design funds, the project was far enough along that we asked for construction funds. Now we've been working with the KCA since 2013. I think back then they even submitted the concept to the bridge, which I support. I liked that idea of being a freestanding bridge. That's why it was included in the EA. And, it's a good idea, but it's been determined multiple times not be feasible.

We'd love to do it if it made sense. We've, in writing, expressed the reasons why it's not feasible a number of times. And, for whatever reason, we're not communicating much further than that. We agree to disagree perhaps.

We addressed the cultural issues in the EA. We did the Section 106 process. There was a few things that came up in the 106 process I think are worthy of having discussion in Committee where this belongs.

And, Chair, I'd like to note that it is in Committee. This item is IEM-43. That's the Kulanihako'i Bridge design contract. It was pulled out by Member King last summer. It's been in IEM since July 7; that's nine months ago. So, talking about it today on the Council floor, this should be in Committee, and it is in Committee. So, I'd be happy to look at any new plans the KCA has or have a fuller discussion where I can bring my staff in Committee. Thank you.

CHAIR WHITE: Members, any need for clarification?

Ms. King.

COUNCILMEMBER KING: Thank you. Thanks for being here, Mr. Goode. So, if, if this does go, get brought up in Committee, is the, because it's in Committee, is the Department of Public Works, like, kind of standing down on the project until it gets that discussion?

DIRECTOR OF PUBLIC WORKS: Chair, Ms. King, we have deadlines under the Federal process to go out to bid. You know, we stand the risk of losing the funds. So, we're moving ahead. The item's been in Committee for nine months and not been heard. So, from our side, we don't see any impetus to have the discussion until now.

So, we'll, we'll continue to march on, and hopefully this could be heard, you know, rather soon, perhaps right after Budget. And, I would be happy to have a detailed discussion about some of the design considerations and cultural considerations, etc.

COUNCILMEMBER KING: Okay. But, I think the concern is that you might march along too quickly to, to come to a stopping point and reset. So, is your statement today that you, that you are willing to look at the, have that discussion before you get too fully committed?

DIRECTOR OF PUBLIC WORKS: I think fully committed would be having a signed contract. We're a ways from that.

COUNCILMEMBER KING: Okay.

DIRECTOR OF PUBLIC WORKS: Yea. So, we have plenty of time to have the discussion. We have a few things that we're tightening up. And, we're at probably 99 percent complete. So, there's still one percent. We've been at it for six plus years.

COUNCILMEMBER KING: Okay.

DIRECTOR OF PUBLIC WORKS: Thanks.

CHAIR WHITE: Did you say that the project has gone out to bid?

DIRECTOR OF PUBLIC WORKS: No. We're not out to bid yet.

CHAIR WHITE: Okay. So, there's still a fair amount of time left.

DIRECTOR OF PUBLIC WORKS: Yea.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Yea, thank you. So, you're not, I thought there was going to be bids as early as next month. So, I know you're not right, today as we speak, out to bid, but that's like in two weeks perhaps. So, that's like fairly soon. And, we would, you know.

DIRECTOR OF PUBLIC WORKS: I don't think we're ready to go out in two weeks. I've talked to staff, we spent a number of hours on this with staff yesterday. And, they think maybe by the end of May. Certain things, last items come in, we go out to bid. And then it

takes, you know, 60, 90 days to get a bid, and another 60, 90 days to get the contracts. So, we're a long ways from getting the contract.

COUNCILMEMBER COCHRAN: And, my main question, I think then, is, is there a way to get a commitment that that would not have, the bids won't go out and all that until, you know, a thorough, extremely thorough discussion is done in Committee, and you know, all the concerns and issues that have been brought up today are truly heard and addressed and not just dismissed? Because, that is the thought and feeling of the people in this community. They were heard. It was talked about and all that stuff, but they feel very dismissed in the end. So, that is my main reason for wanting to go this route, and to try and put a halt to this at this time until it is truly vetted.

And, you heard all the, from top to bottom, the reasons, and I feel they're very justified. And, they are, should be given the opportunity. So, I'm asking right now, in front of God and everybody, if there's a way to get a commitment that we, we talk about this extremely thoroughly, as I stated, in Committee, and then come to some sort of, you know, end product that we can then put forward into the RFP process?

DIRECTOR OF PUBLIC WORKS: We, we have deadlines as it relates to the Federal monies. So, we need to meet those deadlines. That's been the direction of this Council since 2011. I need to continue that. Your Committee has had the opportunity for nine months to hear this item, and now you're putting the pressure on us at the last second to commit to a meeting that has yet to be scheduled. So, no, I can't say we're going to stop, but I want to have the discussion. So, I'd say schedule your item as soon as possible, and let's have discussion to see where, see what we do.

If the body wants to stop the project then that's your folks decision. I have no problem with that. And, I also want the body to understand what you've spent to date, and where the monies, that Federal money is going to go.

COUNCILMEMBER COCHRAN: Right. And, so what is that deadline exactly? What is that deadline?

DIRECTOR OF PUBLIC WORKS: Usually it's around May 15, that they want the completed plan specs and estimates. We'd usually can get some extensions for a month or two; that's a could. So, we, you know we'd likely have to go out to bid in June, maybe early July, if they were to approve an extension, which, again, they have been sympathetic to that in the past.

We don't ask for a lot of extensions, because we normally meet our deadlines. But, again, I have no problem discussing it. Clearly, today in this forum, having new

material that's handed out that I haven't even seen, we're not in a position to discuss this today.

COUNCILMEMBER COCHRAN: Okay. There's no new material as far as I can see, it's just things that have been discussed but just again, like I said, dismissed. So, if there's a way to not, basically, it's a pause, Director Goode. It's not a stop, get rid of it, throw it away at this point. But, it's a pause so that further, deeper discussion and hearing, and being heard on all sides, can happen. So, if there's a way to, I'm more than happy, because the end goal and result will, is that.

So, if somehow there can be a, a thought from you that we can, as soon as I'm able, schedule this item, we all get together and then, like you said, if, should there need be a, a extension on the Federal level, then we go there. And, I think we have a lot of justification for it, you know. And, I'm thinking the Federal government would be open to that, and I'm sure you could, you know, waive your, your charm with them.

DIRECTOR OF PUBLIC WORKS: Yea, we'll get the exten, I don't think the extension will be a problem.

COUNCILMEMBER COCHRAN: So, that's kind of what I'd like to hear today, I guess, from Department if that's possible. And, just to be open and fair, cause I think the community has not felt that at this point.

DIRECTOR OF PUBLIC WORKS: Okay. Well, I don't know how to change what I've said. But, we're just going to move forward. We don't, we're waiting for some things, so we're actually not active. We're waiting for other agencies to respond on a couple of items. So, we'll, we'll just keep going if, sounds like you would have time in May. You know, once Budget's over, we'll have a meeting, so it's right at the same time.

COUNCILMEMBER CRIVELLO: Chair.

CHAIR WHITE: Are you done, Ms. Cochran.

COUNCILMEMBER COCHRAN: Yea.

CHAIR WHITE: Okay. Thank you.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you. I, Mr. Goode, I just want to ask. So, this has gone through Committee, and, and it's before us today. So, you're willing to have it go back into Committee?

CHAIR WHITE: No.

DIRECTOR OF PUBLIC WORKS: No, it's never been in Committee.

COUNCILMEMBER CRIVELLO: Oh, it's never been in Committee?

DIRECTOR OF PUBLIC WORKS: There's an item in Committee. This, this transmittal is a communication. I don't know if it, I assume it was going to go to Committee, but I understand there was going to be a waiver requested today; waive the rules and take it up today. That's the only reason I'm testifying. Normally I don't testify on communication items.

COUNCILMEMBER CRIVELLO: Oh okay, okay. So, you have not done a presentation in the, in Committee?

DIRECTOR OF PUBLIC WORKS: No.

COUNCILMEMBER CRIVELLO: Okay, thank you.

CHAIR WHITE: Well, not in, not in IEM, but it's been in Budget.

DIRECTOR OF PUBLIC WORKS: Budget, yea.

CHAIR WHITE: But, it's, we've had, what, two, we've had the design money approved and we've had the construction money approved through Budget Committee.

COUNCILMEMBER CRIVELLO: Thank you.

CHAIR WHITE: Any further need for clarification?

COUNCILMEMBER ATAY: Chair.

CHAIR WHITE: Mr. Atay.

COUNCILMEMBER ATAY: Yea, I just need some clarification here. Listening to the testimonies today, I counted ten individuals, at least ten individuals coming forward against having this project moved forward. And, and in that testimonies of ten people, there were different bodies represented, such as the KCA, such as the Aha Moku. So, looking at that representation, that's about over 1500 individuals that reside in that community. And, they're all saying, you know, look for alternative plans. But, what I'm

hearing you saying is no matter what, I'm still moving forward. No matter what, you're not, you're choosing not to listen to the people of that community.

And, I think some of the presentations that they've given us, I think merits future consideration or alternative considerations aside from just putting in box culverts. We can see what happened this past week on Kauai, and probably follow-up and see if, if any of the community floodings came as results of other culverts and debris blocking the culverts and then spilling over.

So, are we going to just be tunnel-vision because we got this thing that we're saying we got to move forward, Federal deadline, basically you're saying we got one month? You're saying no matter what, we're going to move in one month to get this project going, and then you're going to put it out to bid in June; disregarding all of the input from the people that live in that community. They're telling you they don't want that. So, can we come back to the table and provide us alternatives? That's all I'm; I'm puzzled about the tunnel-vision approach.

CHAIR WHITE: Thank you, Mr. Atay.

COUNCILMEMBER ATAY: I'm trying to get clear on this. Is, is, is it too late to come up with alternatives?

DIRECTOR OF PUBLIC WORKS: Chair, if I could respond please?

CHAIR WHITE: Yea, I think it, you had mentioned that part of the process was looking at different alternatives. And maybe you could share with us what alternatives were looked at and, and why the one was selected that you are focusing on now. It sounded like that wasn't really your decision. It sounded like it was Army Corps or somebody else. But, maybe you can share that with us.

DIRECTOR OF PUBLIC WORKS: Chair, one of the first things we do in any project is gather baseline data. So, we do surveys, biological surveys, cultural surveys, actual survey of the land, understanding the flooding potentials. And all those documents go under an environmental assessment. It's the very first thing you really do. You can't proceed with design until you really kind of flush out the alternatives. So, that's what we did. That took a number of years. It's a complicated area. There's a lot going on. We certainly understand that.

And, in that process, we're dialoging constantly with the other organizations, including the KCA, at length. So, these alternatives were explored in the EA. It has been done. So, to say that we're not listening is not correct. We are listening. We're up for any good ideas that are feasible. What we've determined is that it's infeasible in the project

constraints that we have. That's been documented in EA. It's been documented in numerous letters back to the KCA, which we'd be happy to share with you folks.

So, we're not, we don't take huge, you know, prize of ownership our way or the highway. We're always up for good ideas. And, we can save money, believe me, we'll try to save some money. It's a tough area, really tough area to work in. No bridge over there is going to meet the hundred-year flow. A hundred-year flow is going to wipe out over there. It's not going to be pretty.

So, the design that was chosen will help those intermittent flows. But the bigger flows will now flow over the road. But, hopefully, you know, flow over the road, the road will be designed in such a way that it could handle that.

In fact, if you look at the new bridge by Suda Store, if you drive over and you look, it kind of dips. Why? Because it doesn't make the hundred-year flow. There's no chance that we can make a hundred-year flow. So, we designed it in such a way that the water can go over it, you know, and not destroy the bridge. So, all these were explored in the EA.

Chair, and we'd be happy to go over all of that in Committee where this discussion belongs. And, I'll be happy to bring my staff who are way more knowledgeable about the details than I am.

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Yea, thank you. I think one of the issues is that when this was brought up earlier and approved, that alternatives were not discussed at that time. I don't remember hearing of any alternatives when we approved this, funding for this. So, you know, my, I thought my understanding is that the prefab bridge idea was post-2013. That was a newer idea that came up. And, is that your, I mean, were you discussing back in 2013 the idea of a prefab bridge?

DIRECTOR OF PUBLIC WORKS: If I recall correctly, again, without all the stuff in front of me and in front of us, it's just my memory. But, the idea of having these larger spans with some type of columns was discussed in 2013. I remember it, because I remember thinking that sounds like a good idea. And, trying to visualize that, oh, that seems to make sense; given all the water in the area, the muliwai on the makai side. It seems to make sense. Okay, let's take a look at it. That's one of the alternatives, so.

COUNCILMEMBER KING: Okay, cause I, I guess I was understanding from working with the community that that was a more recent idea that came, that was researched and brought forward. But, I guess my point is that it's dis-concerning to the community to be moving ahead without having this discussion.

And so, you know, maybe when we get to the resolution, maybe we look at changing the language to pausing the work until something happens. But, that, that discussion, you know, I don't think we can solve it right here during testimony. I think we need to, to have a deeper discussion when we get into the resolution. And, I'm just wondering, Chair, if we could have, if Mr. Goode, would you be available to, you know, be there if we need you as a resource if we get into this?

CHAIR WHITE: If, if he's available.

DIRECTOR OF PUBLIC WORKS: For this afternoon or today? Yea, I'm definitely be available.

COUNCILMEMBER KING: Who knows when. I mean, we thought we'd be done with testimony by now. But, no, I mean, cause I do appreciate your willingness to listen. But, I think one of the things that happens is that things come up and new technology arises.

And, I had this same discussion with Ford Fuchigami about the Mile Marker 14 issue and the seawall. And, he had the same response as you did. You know, we had, we did EA hearings, we put the information out to the community. We didn't get any pushback, and now why are they pushing back?

But, when he had the discussion with the community, they came to a mutual understanding. Because he's an engineer, he didn't understand the environmental aspects of it, and the environmentalists, you know, didn't hear all of the engineering concerns. So, once they got together, it took them one day to decide to build the road around it, restripe it, you know, and start working towards the realignment.

So, I think that's what this community is looking for; is let's have a full discussion on these alternatives, you know, and on the, and the things that maybe didn't come up. It doesn't mean that they're not valid just because you're hearing them now. But, you know, these from, you know, the cultural significance of that area was discussed, and it wasn't put in any of this paperwork. So, and that's what we're hearing today.

So, you know, regardless of what was done and where we're at today, this, we, the community needs to have a pause on this and have that discussion before we see it going forward. And, I'd be happy to work with you on, you know, if you need support

for the extension for Federal funding. You know, that's, and you know, maybe if we don't, end up not needing it, we put it back into the STIP and put it towards the North-South Collector Road or something.

But, I just, I just want to make that point that, you know, we, we are at a point where the community is demanding a pause. And, a lot of it has, I didn't realize back when I approved it that there was that cultural significance. But, it doesn't mean I'm going to say, because you didn't tell me then, I'm going to--

CHAIR WHITE: Okay, I think we're getting, we're getting a little bit into the weeds. This is, just a reminder, this is testimony, so I think if Mr. Goode can be available later, I'm happy to have him join us as a resource person.

COUNCILMEMBER KING: Okay.

CHAIR WHITE: Any further--

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: --questions?

COUNCILMEMBER COCHRAN: Yea, no questions. I just, since we're having Director Goode as a resource. Is there a way to get Vernon Kalanikau of the Aha Moku, and Linda of--

COUNCILMEMBER KING: Linda Berry.

COUNCILMEMBER KING: --Kihei Community Association also?

CHAIR WHITE: Yea, I--

COUNCILMEMBER COCHRAN: Because--

CHAIR WHITE: This is, this is really kind of pointing out to the fact that this needs to go to Committee. And, if it's already, I wasn't aware that it was already in Committee. But, this is a Committee discussion. And, you know, I'm not crazy about having a full on debate over what's right and what's wrong without having the time in Committee to have Mr. Goode's staff who's been involved in the decision making, and have the time for his staff to share with us whether the information is in the, you know, the cultural information is in the EA, it's just not being, not being brought up or what it is. So, I'm going to, I'm going to cut it off here, Ms. Cochran--

COUNCILMEMBER COCHRAN: Sorry.

CHAIR WHITE: --because we've had--

COUNCILMEMBER COCHRAN: But real quickly, it's a reso. And, a reso doesn't need to go to Committee; is that correct? This is a reso. This isn't a--

CHAIR WHITE: Correct.

COUNCILMEMBER COCHRAN: --force and effect of law.

CHAIR WHITE: But I think there's enough, there's enough, we'll discuss this when the, when the item comes up.

COUNCILMEMBER COCHRAN: Right.

CHAIR WHITE: Thank you for being here, Mr. Goode.

MR. GOODE: Okay. Thank you.

CHAIR WHITE: Mr. Clerk, anymore testifiers?

DEPUTY COUNTY CLERK: Mr. Chair, there's no further testimony in the District Offices nor the chamber.

CHAIR WHITE: Thank you very much.

Members, without objection, we will receive all of the written testimony into the record.

MEMBERS VOICED NO OBJECTION.

THERE BEING NO OBJECTION, WRITTEN TESTIMONY RECEIVED FROM THE FOLLOWING WERE MADE A PART OF THE RECORD OF THIS MEETING:

1. Charlene Schulenburg;
2. Tom Mellin;
3. Linda Berry;
4. Vernon Kalanikau.
5. Sylvia Cabral;
6. Christina Chang;
7. Laura Civitello;

8. Scott Dixon;
9. Chi Piliialoha Guyer;
10. Roxann Kehus;
11. Tamara Paltin;
12. Jami Power;
13. Brooks Tamaye;
14. Jon (soseasick@yahoo.com);
15. John Gelert;
16. Mary Trotto;
17. Mary Lou Mellinger;
18. William Greenleaf;
19. Sarah Reichert;
20. Thelma Akita-Kealoha and Stephen Kealoha, Catholic Charities Hawaii;
21. Joey Schumacher; and
22. Eduardo and Lanie Ballano.

CHAIR WHITE: And without objection, we'll close public testimony for today.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: And with that, Members, we will recess until 1:30.

(THE MEETING WAS RECESSED BY THE CHAIR AT 12:02 P.M., AND WAS RECONVENED AT 1:33 P.M., WITH ALL MEMBERS PRESENT, EXCEPT COUNCILMEMBERS CRIVELLO, GUZMAN, AND KING, EXCUSED.)

CHAIR WHITE: This Council meeting will please come back to order. Members, we'll proceed with the agenda.

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with county communications.

COUNTY COMMUNICATIONS

NO. 18-137 - MARK R. WALKER, DIRECTOR OF FINANCE,
(dated April 9, 2018)

Transmitting 63 contracts/grants for March 2018.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I would also request the Clerk to bring up Communication 138.

CHAIR WHITE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So ordered.

COUNCILMEMBER COCHRAN: Chair. Hang on, sorry.

Mr. Hokama, if I have a contract to, that I'd like consideration on pulling out of the contract, should we do this separately, though?

CHAIR WHITE: Yea, let, let him--

COUNCILMEMBER COCHRAN: Oh sorry.

CHAIR WHITE: Let him just make the motion, and then we'll, we can still pull it out.

COUNCILMEMBER COCHRAN: Okay.

CHAIR WHITE: Thank you.

Mr. Clerk.

NO. 18-138 - TEENA M. RASMUSSEN, ECONOMIC DEVELOPMENT DIRECTOR,
(dated April 9, 2018)

Transmitting the notice of grant award from the Hawaii State Energy Office for the 2018 Maui Energy Conference in the amount of \$10,000.

CHAIR WHITE: Thank you.

Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT THE COUNTY
COMMUNICATIONS, AS READ BY THE CLERK, BE FILED.

I am open at this time to allow any Members to request considerations regarding
18-137.

CHAIR WHITE: Do we have a second?

COUNCILMEMBER SUGIMURA:

SECOND. SECOND.

CHAIR WHITE: Thank you. We have a motion from Mr. Hokama, and a second from
Ms. Sugimura.

Mr. Hokama, or Elle Cochran.

COUNCILMEMBER COCHRAN: Yea, thank you. Yea, thank you, Mr. Hokama.

YEA, CHAIR, I'D LIKE CONSIDERATION ON PULLING
CONTRACT NUMBER 6, SORRY, C6477; AND THAT IS THE
SSFM INTERNATIONAL \$25,000 STUDY SAND MINING
UPDATE, STUDY UPDATE.

CHAIR WHITE: Thank you. And, that would go to?

COUNCILMEMBER COCHRAN: Could I refer it to IEM for further discussion?

(Councilmember King returned to the meeting at 1:36 p.m.)

COUNCILMEMBER HOKAMA: The study itself? Yea, I have no objections, Chair.

COUNCILMEMBER COCHRAN: Yes.

COUNCILMEMBER HOKAMA: If it's a financial review, then it would stay within B&F
Committee. But, if it's about the subject--

CHAIR WHITE: So, without objections, Members, we'll, we'll refer the study to the IEM
Committee.

MEMBERS VOICED NO OBJECTION.

COUNCILMEMBER COCHRAN: Thank you.

CHAIR WHITE: Any other requests of contracts to be referred to Committee? Seeing none, any further discussion on these two items? All those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN, HOKAMA, KING, SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS CRIVELLO AND GUZMAN.

CHAIR WHITE: Measure passes with seven "ayes", and two "excused"; Ms. Crivello and Mr. Guzman.

Mr. Clerk.

NO. 18-139 - MARK R. WALKER, DIRECTOR OF FINANCE,
(dated April 6, 2018)

Informing of the acceptance of a Warranty Deed for Roadway Lot 18 (Lo`i Pohaku Place), Lokahi Pacific Mokuahau Subdivision, Wailuku, TMK: (2) 3-4-033:098.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

CHAIR, I MOVE TO FILE COUNTY COMMUNICATION 18-139.

(Councilmember Crivello returned to the meeting at 1:37 p.m.)

COUNCILMEMBER HOKAMA:

SECOND.

(Councilmember Guzman returned to the meeting at 1:37 p.m.)

CHAIR WHITE: We have a motion from Ms. Cochran, and a second from Mr. Hokama.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. So, this matter is a housekeeping type item. In accordance with Section 3.44.015H of our Maui County Code, the Director of Finance is required to notify this Council in writing of any acquisition or conveyance made to the County pursuant to the Section.

And for this item, no County funds were used to acquire property.

The roadway lot was constructed to County standards, and provides the necessary right of way width. So, with that, I recommend, I'm asking for support on filing of the communication.

CHAIR WHITE: Thank you very much.

Members, any discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, HOKAMA, KING,
SUGIMURA, VICE-CHAIR CARROLL, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

NO. 18-140 - ALAN M. ARAKAWA, MAYOR,
(dated April 2, 2018)

Informing of a vacancy on the Committee on the Status of Women due to the removal of Ellie Marshman Castillo.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. Can I also ask the Clerk to bring up 18-41 [sic], 18-142, and 18-143?

CHAIR WHITE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

Mr. Clerk.

NO. 18-141 - ALAN M. ARAKAWA, MAYOR,
(dated April 3, 2018)

Informing of the appointment of Jessica Crouse to the Committee on the Status of Women.

NO. 18-142 - ALAN M. ARAKAWA, MAYOR,
(dated April 3, 2018)

Informing of a vacancy on the Molokai Planning Commission due to the resignation of Carl Adolpho on March 29, 2018.

NO. 18-143 - ALAN M. ARAKAWA, MAYOR,
(dated April 6, 2018)

Informing of a vacancy on the Molokai Planning Commission due to the resignation of Xavier-Kaniaala Bicoy, on April 6, 2018.

CHAIR WHITE: Thank you, Mr. Clerk.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. The first two items is just for our Council information. Oh, a motion.

I MOVE, I'M SORRY, I MOVE TO FILE COUNTY
COMMUNICATIONS 140, 141, 142, AND 143.

COUNCILMEMBER CRIVELLO:

SECOND.

CHAIR WHITE: We have a motion from Ms. Sugimura, and a second from Ms. Crivello.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. The first two items are just for our information, cause no Council action is required.

And, the last two items are notice of resignations for the Molokai Planning Commission, with those members, which were mentioned in the title. And, I ask my Members to please support this.

CHAIR WHITE: Thank you, Ms. Sugimura.

Any further discussion on these items? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, HOKAMA, KING,
SUGIMURA, VICE-CHAIR CARROLL, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

NO. 18-144 - GLADYS C. BAISA, DEPUTY DIRECTOR OF WATER SUPPLY,
(dated April 5, 2018)

Transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending March 2018.

CHAIR WHITE: Mr. Atay.

COUNCILMEMBER ATAY:

CHAIR, I MOVE TO FILE.

COUNCILMEMBER COCHRAN:

SECOND.

CHAIR WHITE: We have a motion from Mr. Atay, and a second from Ms. Cochran.

Mr. Atay.

COUNCILMEMBER ATAY: No discussion.

CHAIR WHITE: Thank you.

Any discussion on this item, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, HOKAMA, KING,
SUGIMURA, VICE-CHAIR CARROLL, AND CHAIR
WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with county communications for referral. The following county communications are recommended for referral to the following Committees as noted:

NO. 18-145 - DAVID J. UNDERWOOD, DIRECTOR OF PERSONNEL SERVICES, (dated March 29, 2018)

Transmitting a report of the reclassification of positions that were transferred from one compensation plan to another for the calendar year 2017.

The recommended action is that County Communication No. 18-145 be referred to the Budget and Finance Committee.

NO. 18-146 - ELLE COCHRAN, COUNCILMEMBER,
(dated April 3, 2018)

Transmitting a proposed resolution entitled "AUTHORIZING THE COUNCIL CHAIR TO CONTRACT FOR AN APPRAISAL OF FRONT STREET APARTMENTS' SIX BUILDINGS AT 1056 FRONT STREET, LAHAINA, MAUI, HAWAII".

The recommended action is that County Communication No. 18-146 be referred to the Budget and Finance Committee.

(THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION NO. 18-146 WAS ADOPTED LATER IN THE MEETING AND ASSIGNED RESOLUTION NO. 18-75. COUNTY COMMUNICATION NO. 18-146 WAS THEN FILED. See pages 81 through 96 for discussion and action.)

NO. 18-147 - SANANDA K. BAZ, BUDGET DIRECTOR,
(dated April 10, 2018)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF PARKS AND RECREATION, WAIIEHU GOLF COURSE PROGRAM – GOLF FUND; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)", along with the "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2018".

The recommended action is that County Communication No. 18-147 be referred to the Budget and Finance Committee.

NO. 18-148 - MARK R. WALKER, DIRECTOR OF FINANCE,
(dated April 12, 2018)

Transmitting a report of short-term investments for the quarter ended March 31, 2018.

The recommended action is that County Communication No. 18-148 be referred to the Budget and Finance Committee.

NO. 18-149 - DAVID C. GOODE, DIRECTOR OF PUBLIC WORKS,
(dated April 2, 2018)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 10.60.042, MAUI COUNTY CODE, RELATING TO CROSSWALKS ESTABLISHED".

The recommended action is that County Communication No. 18-149 be referred to the Infrastructure and Environmental Management Committee.

NO. 18-150 - DAVID C. GOODE, DIRECTOR OF PUBLIC WORKS,
(dated April 5, 2018)

Transmitting the following proposed resolutions entitled:

1. "ACCEPTING DEDICATION OF ROADWAY LOTS FOR THE WAILUKU COUNTRY ESTATES SUBDIVISION SITUATED IN WAILUKU, MAUI, HAWAII PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE"; and
2. "ACCEPTING THE GRANT OF NON-EXCLUSIVE EASEMENTS SITUATED IN WAILUKU, MAUI, HAWAII, OVER WAIHEE DITCH, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".

The recommended action is that County Communication No. 18-150 be referred to the Infrastructure and Environmental Management Committee.

NO. 18-151 - ELLE COCHRAN, COUNCILMEMBER,
(dated April 12, 2018)

Transmitting a proposed resolution entitled "URGING THE DEPARTMENT OF PUBLIC WORKS TO DISCONTINUE WORK ON THE KULANIHAKOI

CULVERT/BYPASS PROJECT AS CURRENTLY CONFIGURED AND PRESENT TO THE SOUTH MAUI COMMUNITY AN ALTERNATIVE PLAN FOR A PREFABRICATED BRIDGE".

The recommended action is that County Communication No. 18-151 be referred to the Infrastructure and Environmental Management Committee.

(THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION NO. 18-151 WAS ADOPTED LATER IN THE MEETING AND ASSIGNED RESOLUTION NO. 18-76. COUNTY COMMUNICATION NO. 18-151 WAS THEN FILED. See pages 97 through 106 for discussion and action.)

NO. 18-152 - MIKE WHITE, COUNCIL CHAIR,
(dated April 9, 2018)

Transmitting a proposed resolution entitled "APPROVING THE HAWAII STATE ASSOCIATION OF COUNTIES REPRESENTATIVE AND ALTERNATE FOR FISCAL YEAR 2019".

The recommended action is that County Communication No. 18-152 be referred to the Policy, Economic Development and Agriculture Committee.

(THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION NO. 18-152 WAS ADOPTED LATER IN THE MEETING AND ASSIGNED RESOLUTION NO. 18-74. COUNTY COMMUNICATION NO. 18-152 WAS THEN FILED. See pages 77 and 78 for discussion.)

NO. 18-153 - YUKI LEI K. SUGIMURA, CHAIR, POLICY, ECONOMIC DEVELOPMENT AND AGRICULTURE COMMITTEE,
(dated April 12, 2018)

Relating to County Communication 18-117, from the Prosecuting Attorney, transmitting a proposed resolution entitled "AUTHORIZING THE ACQUISITION OF REAL PROPERTY LOCATED AT 2103 WELLS STREET, WAILUKU, MAUI, HAWAII, AND APARTMENTS A, B AND C OF THE UEOKA BUILDING CONDOMINIUM".

The recommended action is that County Communication No. 18-153 be referred to the Policy, Economic Development and Agriculture Committee.

(COUNTY COMMUNICATION NO. 18-153 WAS DISCHARGED FROM THE POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE, AND THEN REFERRED TO THE BUDGET AND FINANCE COMMITTEE. See pages 78 through 81 for discussion and action.)

CHAIR WHITE: Thank you very much.

Members, we have a couple of items that were noted for waiver. One, in the first one, and I know that Ms. Cochran has two. We'll go to the other two first, and then we'll get to Ms. Cochran's.

The first is from Mr. Carroll. I believe on County Communication 18-152. Mr. Carroll.

**DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NO. 18-152**

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION 18-152, AND THAT COMMUNICATION BE FILED.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR WHITE: We have a motion from Mr. Carroll, and a second from Ms. Sugimura.

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. Excuse me. The resolution would approve the appointment of Councilmember Stacy Crivello to serve as the HSAC representative, and the Councilmember Riki Hokama to serve as the alternate representative, for the term commencing July 1, 2018, and ending on June 30, 2019. I ask for the Council's support. Thank you.

CHAIR WHITE: Thank you, Mr. Carroll.

Any further discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, HOKAMA, KING,
SUGIMURA, VICE-CHAIR CARROLL, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

The next is Ms. Sugimura. Ms. Sugimura.

**DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NO. 18-153**

COUNCILMEMBER SUGIMURA: Thank you, Chair. This is regarding County Communication 18-153.

AND, I MOVE TO DISCHARGE THE POLICY, ECONOMIC DEVELOPMENT, AGRICULTURE COMMITTEE FROM FURTHER CONSIDERATION OF COUNTY COMMUNICATION 18-117, TRANSMITTING OF A PROPOSED RESOLUTION READ BY THE CLERK.

I need a second.

COUNCILMEMBER CRIVELLO:

SECOND.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR WHITE: We have a motion from Ms. Sugimura, and a second from Ms. Crivello.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. The discharge of communication will allow the matter to be referred to the appropriate, excuse me, appropriate Committee for discussion prior to action on the, regarding the Fiscal Year 2019 Budget, which we are working on at this present moment.

CHAIR WHITE: Okay. So, it's for referral to the Budget and Finance Committee.

COUNCILMEMBER SUGIMURA: Right. Right.

CHAIR WHITE: Correct?

COUNCILMEMBER SUGIMURA: Yes.

CHAIR WHITE: Okay.

COUNCILMEMBER SUGIMURA: So, I move to refer County Communication 18-117, along with attached proposed resolution to your Budget and Finance Committee, and to file County Communication 18-153.

COUNCILMEMBER CRIVELLO: Second.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR WHITE: I think we need to have a vote on the discharge first.

COUNCILMEMBER SUGIMURA: Oh, okay.

CHAIR WHITE: Okay, so any discussion on the discharge, Members?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Quickly, Chairman. And, thank you for that motion, Ms. Sugimura.

Chairman, this will just allow the Budget and Finance Committee, if Council deems it appropriate, to have the continued discussion and a decision on the budgetary request, since the Department has an acquisition request as well as a budgetary request for rental. And, we can eliminate one or the other if Budget can have overview of both documents and both items at the same time before we make final decisions on the upcoming year's budget. Thank you.

CHAIR WHITE: Thank you.

Any other discussion on this item, Members? Again, we're voting on just the discharge. All those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, HOKAMA, KING,
SUGIMURA, VICE-CHAIR CARROLL, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Now, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Now, we'll do the next one.

OKAY, CHAIR, I MOVE TO REFER COUNTY
COMMUNICATION 18-117, ALONG WITH PROPOSED
RESOLUTION TO YOUR BUDGET AND FINANCE
COMMITTEE, AND TO FILE COUNTY COMMUNICATION
18-153.

COUNCILMEMBER CRIVELLO:

SECOND.

CHAIR WHITE: Thank you. We have a second from Mr. Crivello. We didn't vote on the waiver, I don't believe. Do we?

DEPUTY COUNTY CLERK: Mr. Chair.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, a waiver is only required if the Council is acting on that at this meeting. But, the Council is just acting to refer it to Committee.

COUNCILMEMBER SUGIMURA: To Budget and Finance, yea.

CHAIR WHITE: Okay. Thank you. Okay, so now we're back to the--

COUNCILMEMBER SUGIMURA: Referral.

CHAIR WHITE: --yea, the referral.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, HOKAMA, KING,
SUGIMURA, VICE-CHAIR CARROLL, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Okay.

COUNCILMEMBER SUGIMURA: Okay.

CHAIR WHITE: Back to Ms. Cochran. And, you can start with whichever measure you'd like.

**DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NO. 18-146**

COUNCILMEMBER COCHRAN: I don't know, we'll just go, first things first; 18-146 on page 3 of our agenda, Members. And so, this, yea, I'd like request this special consideration.

AND, I THINK, SO, CHAIR, I MOVE TO WAIVE THE
REQUIREMENTS OF COMMITTEE REFERRAL AND REPORT
PURSUANT TO RULE 7(E) OF THE RULES OF THE COUNCIL.

COUNCILMEMBER KING:

SECOND.

CHAIR WHITE: We have a motion from Ms. Cochran, and a second from Ms. King.

Discussion, Ms. Cochran.

COUNCILMEMBER COCHRAN: Yea, thank you. Thank you, Chair. Thank you, Ms. King. So, the reason for this is because I see this as a very time-sensitive issue. And, I am asking for support to waive Committee referral and discuss this matter here today because of that.

And, there is really only one solution to the Front Street Apartment problem on the table at this time. And, it's stated in one of the testifier's SB 2293, which you have in front of you, hopefully by now. And, the bill is currently awaiting conference in the State Legislature. And, thank you, Chair, for stating the people that are in this conference, which will happen any day now.

And so, one, it would require the County of Maui to match funds with HHFDC to subsidize rents for Front Street Apartments tenants, which means more tax dollars will be going to the owners of that building, who have never upheld their end of that bargain to the people and to this County.

Two, urges the County of Maui to expedite the planning and permitting for the Villages of Lei`ali`i, a project that would create 2,500 to 4,000 homes on Hawaiian Homelands. And as it was also stated in testimony, is mired in controversy as I delve more into it with Mr. Kapu, the ceded lands issue, water, and none of that has really thoroughly been through the public review. I remember being at those meetings, that's why I recall how hot and heated and controversial it was. And it's been put on the backburner till today. And now, here it is trying to be fast-tracked.

I feel that solving this problem with Front Street Apartments should not be all tied up to this fast-tracking of Lei`ali`i, and also utilizing taxpayer dollars to subsidize the rents for the apartments. So, as we speak, the State is talking about SB 2293, which has big financial and planning implications, I feel, for this County. And, still no one at the County or State has a recent independent appraisal of the buildings. So, we, the County, can do a cost analysis of which route would be the cheapest and the fastest way to continue to keep the residents of Front Street housed now and in the long-term.

Right now, as the State is making that decision for us, I'm asking for this Council's support to be able to discuss funding for an appraisal of Front Street today, so that we can have a decision before SB 2293 goes to conference, which could be any day, and the County of Maui's fate is, is sealed by the State Legislature. Discussion and pass, passage of the resolution now before SB 2293 goes to conference will let State

Legislators know that this County wants to decide how we spend our funds, and not that it be left to their State control. And, therefore, I, yea, that's the reason why I would like to get a vote on this today here, Chair. And so, I move to adopt this proposed resolution.

CHAIR WHITE: Well no, we have to vote on the--

COUNCILMEMBER COCHRAN: Oh, sorry.

CHAIR WHITE: --on your motion on the waiver.

COUNCILMEMBER COCHRAN: So, that was, yea, so that's why I want to waive in order to get to the motion to adopt.

CHAIR WHITE: Right. Right. Any discussion on the, on the waiver?

COUNCILMEMBER CRIVELLO: On the waiver, no.

CHAIR WHITE: Okay.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, this is an interesting and unique challenge for this County, for this Council this afternoon. I think one testifier stated it right, and I would agree with her. I am very angry this afternoon too. Angry that it has come to just a general assumption anybody screws up, go see Maui County; they'll pay for it, they'll bail them out. What are we? The bank of problem solutions for anybody's problem?

You know, my part of my issue is, again, you know, we've talked about culture this morning, and yet, everybody seems to think that their problem is the County's kuleana. It is not. Everything is our kuleana, okay. Then we are being asked to take care the State's kuleana this afternoon. And, I can appreciate the unique circumstances that Ms. Cochran has made us aware of. I'm aware of it. But, we really need to think what is our role, what is our kuleana. What are we truly responsible for? Are we going to do the State's job again?

And yet, we have proposed State legislation showing us attitude about how you look at this County. And yet, this County is willing to propose a gesture from our side to wipe their, I won't say it on the record right now because I would say the wrong thing, but to wipe or clean up their mess of a situation that impacts people's lives.

So, for me, Chairman, I'm, I'm kind of torn on this. I understand it's our people that's involved. And yet, I got to deal with the State taking away revenues from us that we generate through TAT. I have to look now at the State taking away our real property taxation for education, because they haven't been able to manage their monies, their revenues, their expenses, as good as I think they should be. And now, they can propose language that I think is totally against the State Constitution as revised in 1978, mandating the County to state things without State support. Well, I don't have a problem taking the State to court. But, that doesn't solve the problem for those on Front Street.

Even with the appraisal, if we move this forward, Chairman, by the time you meet procurement requirements, it's months from now to even start a appraisal. So, our appraisal may more like come in half a year. I think that might be too soon. Well, let's, the Leg will be adjourned, definitely within that time. What I find interesting with people like the Members of this Council bringing it up in Housing . . . where is the State Administration? Cause, this is a State project. This is a State program through State agencies. So, where is the Governor in all of this? Where is the State departments in all of this?

The best they can do is say Maui County going pay for this. Is that the best answer from the State of Hawaii? Go see Maui County to bail it out. We definitely need our Constitutional Convention, because I think our State Administration has forgotten governance and the limitations of what is placed on this County.

I wish we could print money, okay, in an effort people come, but, you know, this and that projects for Wailuku. Well, for us to consider this, somebody has to bring up the money, okay. This takes money to solve, okay. We look at projects that help either, have or make a difference. And for me, I've been looking at economic development parts that will help pay for considerations like this. So, I need our community to understand who is responsible for whose money, okay. You know, there seems to be a confusion that we can bail out the State or the State, well, the State does not bail us out, let me tell you that. I would agree with Mr. Kapu on that comment that he gave earlier this morning, Mr. Chairman.

But, Members, I, I just ask you to think about it, you know. Whatever we decide, we decide. I don't have a problem giving our people some hope. But, we should stay within the parameters of our jurisdiction, enforce those that have those responsibilities like the HFFDC. If we got to go to court, let's go to court if losses matter.

Cause, I think the State needs to, you know, recovery of monies, they gave the tax credits, not this County, Chairman. How do we collect on tax credits that is not ours? You know, I apologize to our community, you know, when we talk about money, it gets

my blood going, okay, cause somebody's got to pay the bill. And normally, it's the 95 percent that doesn't ask for things that pays the bill, okay. So, we need to think about those components of our County that's going to pay the bill besides having to ask. Thank you, Chairman.

CHAIR WHITE: Yes, the Chair doesn't have an issue with doing an appraisal. But, there is a risk of doing an appraisal. It's been stated that the owner threw out a price tag of \$15 million. What happens if the appraisal comes in at 25? What happens if it comes in based on, you know, if it's not based on market, well, we could do an appraisal, one based on rent control pricing and one based on no-rent control. And, those two numbers are going to be widely . . . What happens if those numbers come in at a very high price? Does that put us or the State in a more difficult and challenging position?

I agree with Mr. Hokama, that this is more of a State screw up than it is our screw up. Also, just to put it in perspective, if the value of the property is 15 million, 15 million happens to be what Maui County will pay for Honolulu's rail. So, if you want to try to fix this problem, we should all be on the phone to our State Senators and Representatives and say, give us more of our TAT back. Cause, this year, we will generate \$162 million in TAT, and we'll get back 23, 23 and a half.

So, we're, you know, for me, it's really hard to swallow that we should reach into our bucket to solve this problem, which is a State screw up, when the State is hanging onto a huge amount of the resources that are generated by this County. And to put it in perspective, with the one percent TAT, Oahu gets \$54 million towards rail; 15 of that comes from us, 12 of it comes from the Big Island, and nine of it comes from Kauai.

So, in that regard, Honolulu gets back more than double what they put into the pot, for rail. Big Island gets back 177 percent based on Bill No. 648. Kauai gets back 180 percent. We get back 92 percent. If you look at the overall TAT, with Bill 648, we get back, I believe it's 20, I don't have the numbers right off the top of my head, but anyway, it, to put it in perspective, we're 13 points. I think we get about 22 or 23 percent of the money that we generate. Oahu, with the rail money, gets about 36 or 37 percent of what they generate. Kauai and the Big Island get close to 46 to 48 percent. So, once again, based on what we're distributing, we're getting back a very small portion compared to the other counties.

So, again, I really want to help these folks. But I don't want to keep picking up after the State when they're being outrageously unfair to us with the distribution of the TAT. The TAT everywhere in the country is a municipal tax.

COUNCILMEMBER COCHRAN: Chair. Sorry. Is, we're on the waiver right now, are we, or?

CHAIR WHITE: I know.

COUNCILMEMBER COCHRAN: Sorry, but I just want to move the vote along here.

CHAIR WHITE: So, I did, I did reign you in. So, I will honor your reigning me in. So, anyway, any further discussion on the waiver? And, thank you for stopping me, Ms. Cochran.

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Yea. Thank you. I was, that was, I was going to say we're on the waiver. And, I think to me I support this waiver. And, I think that the issue of whether we do a waiver has to do with the urgency of this problem. And, you know, I'd like to get to the issue so we can discuss it more thoroughly. But, I just want to say I support the waiver, because, you know, we have a community to take care of. If we don't do, help these folks, then they are going to be the Maui's problem, because they will be homeless, and they will be on the streets or, you know, searching for some more affordable housing that we don't have. So, that's, to me, is the urgency of this.

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: I agree with Councilmember King as well as Councilmember Cochran. There is an urgency. And, you know, we do not support the recent, you know, amended bill. I think what we supported was the House Draft 2 version. And, what the State is doing right now is not pono. However, I feel because after you do the appraisal and you get your results, it's going to involve budgetary dollars that, as Mr. Hokama states, where are we going to get it.

So, the waiver will waive Committee discussion and allow us to have the vetting so that we can truly identify how we will pay for this. I think our tenants at Front Street are just hanging in there, which is unfair. But, we have lots of things to consider how we're going to manage and how we're going to purchase. And, what sort of lease agreement comes with the landowner. There's quite a number involved that has to do with our financials. So, do we want to give them hope? We'd never want them to give up hope, but we have to be very cognizant on, we've gone through weeks of sleepless nights trying to work on our budget.

And, and the reason for that is because of our fiduciary kuleana to all of our taxpayers. There's no question we have to find a solution for the Front Street. And, if it means for us to have more collaboration, hopefully with our west side legislators or, or look at the conferees that are on here; none of them are from Maui. And, that's scary too. But, I

think, I think we have more strength and we believe that we're not going to just push this need on the side. I don't see us doing that. So, I would rather for us go through the Committee process and have us know for sure what kind of budgeting we have.

The appraisal is the initial step, and it probably won't cost us that much. But then, what about the results that come out from that? I think we are looking ahead that if the appraisal comes out to 25, 30 million, are we willing to undertake all that too? And, that's what we need vetting. Thank you.

CHAIR WHITE: Yea, there's a lot of challenges.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So Chair, on this, on this discussion, I'm really curious to hear, you know, what the Department has to say about this, where they are. I mean, I know that what we're talking about is the financial part, which is, which is something that we have control over more than. But, what have they done? You know, what has the Department done on this, and where are they standing? Cause, we're talking about the Legislature, but we have a department that is part of the County that should be really on top of this whole thing.

So, where's that discussion, or what are they doing, and you know, in our behalf, or in the tenants' behalf? This is a long story. There's a long history to it, and we've been hearing, this is my second budget, and I've been hearing, you know, from the Front Street Apartment tenants. And, it's very sad what they're going through. But, I also understand what Member Hokama says and, and what our responsibility is on where the State is versus the County. So, I really would like to hear from the Department. You know, what kind of solutions have they been working on, if at all, or are we just going to leave it up to Legislature? This is what we get by just leaving it up to the Legislature.

CHAIR WHITE: Well, the challenge is the Legislature's got less than two weeks to finalize.

COUNCILMEMBER SUGIMURA: Right.

CHAIR WHITE: And, the other problem with the Legislature, when you see a bill like this, you know whether it's simply a head-fake by one side or the other because you never know what their true intentions are until they get into conference.

So, again, we're on the waiver at this point. So, any further discussion on the waiver?

COUNCILMEMBER ATAY: Chair.

COUNCILMEMBER ATAY: The discussion is, let's take a vote for the waiver so we can move forward to further discussion.

CHAIR WHITE: Yea, that's what I was going to do. Thank you.

All those in favor of the waiver please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, HOKAMA, KING,
SUGIMURA, VICE-CHAIR CARROLL, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Is that a "no" on the waiver? Okay, so, the waiver passes with nine "ayes".

Back to Ms. Cochran.

COUNCILMEMBER COCHRAN: Yea, thank you, Chair. And, and in answer to Ms. Sugimura, in the SB 2293, it does state in the second paragraph, the people that are in support here. And, we've had discussions with the Department, themselves, and I, this is their answer also.

CHAIR WHITE: And, we need a motion.

COUNCILMEMBER COCHRAN: Oh, sorry, as we keep moving. Okay, sorry.

I MOVE TO ADOPT THE PROPOSED RESOLUTION
ATTACHED TO COUNTY COMMUNICATION 18-146, AND TO
FILE THIS COUNTY COMMUNICATION.

COUNCILMEMBER KING:

SECOND.

CHAIR WHITE: We have a motion from Ms. Cochran, and a second from Ms. King.

Ms. Cochran.

COUNCILMEMBER COCHRAN: And, so, what I stated earlier in my opening comments, the only real solution at this time is sitting with the State, and in this bill. And the, and it's is, and Mr. Hokama's right, I mean, they're looking at us to pick up right, the tab once again here. And, it has huge funding and planning implications for us, the Maui County.

And, what started as a way to keep Front Street Apartments affordable has become a bill that forces Maui's hand in paying rent subsidies to the owners. And, they've put us also in a position to fast-track the Villages of Lei`ali`i project, which has had no County review or permitting. And of course, we hashed out some of the issues with it.

We have watched the State Legislature deal with this issue for two years. And, the body previously passed a resolution urging Governor David Ige and the State Legislature to find a way to keep rents affordable at the apartments. And, the solution is currently awaiting conference at the Leg, for me, aren't really solutions. And, I'm seeking, you know, help from ourselves to take action to better serve this community.

And, you know, we have spent two years considering various bills, various plans, and no one, still, has no actual numbers as to what the apartments are worth. There was an appraisal done a while back, and it was stated, it was eight million. Then the landowners came back with a \$15 million number. So, there's all sorts of numbers floating around. I think technically nobody really has them. That's why I'm trying to move this out today, so we can officially get that number.

And, I hear your concern too, Chair, should it come in higher. But, you know, I mean, we can just sit here all day and guess. But, I mean, we need to just get to the bottom and get the real number, and take it from there. And again, it will be this body, if we should take it any further, to come up with such figure, should it be higher or not. And, so we don't have a number in order to do a cost analysis for solutions for the County, or I even believe the State level. And, I think it would be beneficial for everyone involved here and on the State level for us to have that independent appraisal of the buildings, so we can better, you know, decide how to proceed in an intelligent, informed manner.

But, I think in the back end if we don't do something and these, they'll be put out in the streets, or try start seeking some kind of affordable housing Ms. King mentioned that doesn't even exist. And, we're going to have to pay more for services. We're going to have to pay more for the homelessness population growing, and things of that nature. So, I think this is a step in the positive forward direction for me, and yea, giving hope to the people.

I mean, I have to face them every day where I live. And all of us, I'm sure, get the calls and emails too. But, it's just the way I feel that it's, it's not a huge, huge ask. But, I

think it's something that is a right step in the, in a positive direction to see if we can, you know, rectify the situation that we're in and our community is in at this time. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Cochran.

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. It's always difficult when we find ourself in a situation like this. And, it's not the first time that we're going over there and catching it from the State too. But, I see no reason why we couldn't pass this out, because we need to take care of these people and their immediate needs. There's no reason why we can't pursue some legal actions to try to get compensation and work on that end with the State. Cause if we do that, it's going to take a long time. We're talking about possibly years.

And, the situation over there cannot wait for years. So, if we pass this out and we keep it going, we can have Plan A and B working concurrently. And, I would hope that, that's at least we can keep these people in their homes. And, I don't see anything else that we could propose at this time that would achieve these goals. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

Any further discussion on this item?

Ms. King.

COUNCILMEMBER KING: Chair, I, I wanted to ask Corp. Counsel if there are any, have we made any, maybe you know, have we made any inquiry, or with them into a lawsuit against the developer for all the entitlements that they received for keeping this in, I think it's 55-years affordable. So, are we, you know, are we, have we taken any steps towards that, because that's what I'd like to see in conjunction with this appraisal. Not necessarily that has to go into the resolution right now, but, you know, I want to know that we're, we're trying to get that resolved too, because that would help pay for that site.

CHAIR WHITE: Corp. Counsel.

FIRST DEPUTY CORPORATION COUNSEL EDWARD KUSHI, JR.: Mr. Chair, Member King, to my knowledge, there's been no request for anyone, anyone to look into litigation, as to my knowledge. Again, I'm not part of the litigation section, so.

COUNCILMEMBER KING: Okay. So, maybe we need to do that in conjunction with this. But, I, I fully support moving ahead. You know, I, I heard earlier that, you know, yea, we need to give these folks some hope. Everybody here wants that. And, yea, it may take a couple of months to go through the procurement process, but that's why we need to start now, you know. If we wait and we send it to Committee, and then we, you know, push it through at Council at our regular speed, then we're going to be that much further behind.

So, I'd like to see what that number is, and I'd like to relate that number to what the developer would owe us if they renege on their promise to provide affordable housing for the length of time that the contract says. And, that's my position on that. So, we heard from the community that they need our help. And, I personally do believe it's our problem. You know, regardless of who built it, it's our problem now, these are our people; Maui County residents. Thank you.

CHAIR WHITE: I, I agree with you, except that, right now is the time when the State, our State Representatives, who represent all the people of Maui as well, have an opportunity to step forward and put together at least some sort of a package. I think you bring up a very valid point. And that is that the County provided entitlements, or allowed them to be excused from certain costs during the development. And, I think it does make some sense that we, we should be able to, at least, have an opportunity to deduct whatever those savings were from whatever that purchase price would be.

COUNCILMEMBER KING: Right. Right. And, you know, I understand--

CHAIR WHITE: So, we'll forward a request to Corp. Counsel for them to take a look at that.

COUNCILMEMBER KING: Okay, great. Thank you. And, I just wanted to respond to, you know, the, cause I completely agree with you that our Senators and Representatives should, I mean, I'm shocked that none of them are in the conference committee. I'm shocked. But, I do know--

CHAIR WHITE: It's not unusual if--

COUNCILMEMBER KING: Well, I do know that you have to vote for a bill in order to be on the conference committee. So, if they're, if they objected to the point where they voted against, they would not be invited into that conference committee. So, I understand that. But, I agree with you, there needs to be way more action with our State. And, that will be up to the people to decide in November, so.

CHAIR WHITE: Okay. Any further discussion?

COUNCILMEMBER ATAY: Chair.

CHAIR WHITE: Mr. Atay.

COUNCILMEMBER ATAY: Chair, thank you. I think, for me, and from the perspective of the County and the kuleana we carry, is to look after our people, to look after our community, irregardless to whatever flexing the State is going to do and carry that kind of attitude. We still have this problem for real.

I would like to carry forward what Member King was bringing forward, and your suggest, because that's exactly what I was kind of thinking. I said, didn't we give these guys exemptions or entitlements, so wouldn't that, and if they renege from that, that's, we get percentage of that, that development. And, if they go forward in selling it, what, where do we stand legally? So, I think if Counsel can assist us and evaluate from proforma level as to, what is this business arrangement that has been changed, and where does the County stand with that?

Irregardless of that, it's kind of like I look at we're just like playing trumps with the people in the middle and the State on the other end, and so they're trying to make this move. And, I think, you know, I mean, I think it wouldn't hurt if we were to make a move and say let's appraise the value of this project. And, sending the State a message that, you know, we will be addressing this problem for, and move towards a solution, rather than just sit back and let it happen. So, I'm in favor of moving this forward, and get this appraisal done simultaneously, if Corp. Counsel can assist us in evaluating the litigation and the entitlement situation from the County and this developer.

CHAIR WHITE: We've also given them a break on about, somewhere between 75 and \$85,000 a year in taxes, because we're not collecting property tax on this parcel.

So, any further discussion?

Oh, I'm sorry. Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you. There's no doubt in my mind that there's an injustice going on, you know. I'm angry just like Mr. Hokama and the testifier. But, in the same breath, I don't want to get set up by the State. Because, when I look at this, this Act in number one, I guess it says here, "Requires the County of Maui to pursue available remedies to recoup any and all moneys expended for the Front Street Apartments affordable housing project from the owners of the Front Street Apartments".

What that clause right there tells to me, is that they're giving us the responsibility to file suit. They're allowing us, through legislation, to have now standing to go after Front Street Apartments, and to collect any other recoupment that we are entitled to. And that's just, that's, I don't want to use foul language, but that in a sense is just passing the buck. Because now they're saying, look, County, if you guys want to go after them, we're going to pass legislation for you to have standing to do it.

Now, this is in conference. This bill is in conference. I don't know whether or not this is like what you said, a head-fake to allow us, or at least entice the County to come forward and say, yea, we'll accept that by passing a resolution to have an appraisal done. Will that send a message that we are accepting this package? I say we send a message that we don't accept this. We, we definitely need to have our Legislators come and fight for our people, to say this is not right. Own up. It's the State's responsibility. And, at the same argument, it is our responsibility as the County to be smart about these maneuvers, to be, to make sure that we save our taxpayers monies and do it the right way.

Now, we look at the procurement laws. By having this appraisal done now, is it going to effectively change what's going to happen in conference? Because, the timing of it, will we be able to do a independent appraisal, when an independent appraisal technically means that the parties agree that this is an independent appraisal that they, we all choose the parties, choose the appraiser. Unless, we bring in this third appraisal, because apparently there had been two other appraisals done, we bring in this third appraisal and we have to bring it to court for our partition action to determine which appraisal is valid.

Timing, I don't know whether this is going to be effective to show any kind of result. I think this may be, I don't want to say false hope, but we, we have to be practical. We have to move in the direction that is reasonable. And so, what I'm saying is basically, yea, we can move forward with the appraisal, but don't give the hope that this appraisal, this third-party appraisal is going to be the one that was going to be used in conference or outside of conference, because it's not agreed to by the parties. It's something that we probably could work with later on, but the urgency of it happening now, I'm not sure of it.

I will support this measure, but I just don't see the effectiveness at this point in time. This is something that needs to be vetted through, studied further. And, whether or not we as a County are going to accept, if this, if this act does pass, are we going to accept this responsibility, because they're giving us standing to sue? I don't think we should, I mean, something the attorney's need to get involved in, Corporation Counsel,

because this is a big responsibility. I mean, they're giving us the, the torch to basically light the fire for the lawsuit. Thank you, Chair.

CHAIR WHITE: Thank you.

Any further discussion, Members?

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. If we pass this out, is there a timeframe where you need to initiate this?

CHAIR WHITE: Well, I, I would have to follow normal procurement timeframes.

VICE-CHAIR CARROLL: Thank you.

CHAIR WHITE: Yea, I think Mr. Guzman brings up an interesting point, because there's a part of me that is a little concerned that if we pass this out today, we're suggesting that because they haven't moved in a demonstratively positive way, that we may be saying, oh, we're going to take care of it. And, this is the, to me, this is the wrong time to send that kind of a message.

I'm, would be more comfortable letting the, letting the Legislature finish, and then we decide what to do. But, you know, that's up to you guys. I'm one vote, but I'm, you know, I'm a little concerned that we're, we may be stepping into it by passing this out today. But, I will, I will absolutely support it at a later date. But, I'm just, I walk back in here feeling like I could support it, but I'm feeling like I'm not, not quite comfortable at this point.

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: I'm going to support this. I think if we want to know what their motivation is we should call some of them and ask them. But, I don't like this idea of playing chess and trying to figure out with people's lives and their homes what the other side is thinking, and what we're going to do about it. I think this is a smart move regardless of what they're doing at the State Legislature.

I just sent a text to my office to call a couple of the Legislators that, from the name, the list that you told me, and so I can have a conversation with them. But, you know, we have to get to the point where we can actually talk to people who are writing legislation,

so that we aren't sitting here trying to second guess. And, my, my decision to support this has very little to do with what their motivations are behind the scenes or in front of the scenes.

I just think we need to move ahead, and you know, do what the people want us to do and find out what that number is. And then, find out what we're owed. You know, let's get back everything what we've given to this developer, and then deduct that from whatever the, you know, price that we think that we're owed. So, that's my position, is you know, I support it.

CHAIR WHITE: No, I understand that. And, I'm, I think all of us are comfortable with our kuleana to take care of the people, but I'm just concerned that the State, if we pass this out today, this may allow the State to sidestep what we all feel is their kuleana.

So, and I'll just say the Chair is willing to hold this until the next Council meeting, at which point the Legislature will have closed, and take action then. But, we'll put it up for, to a vote. And, if it passes, it passes, and I'll move forward. If it doesn't I will bring it up again in, at the next Council meeting.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: So, there's, there, what I'm hearing is there's the anxiousness so that there's no delay and we've got to respond to this right away, whether it is get an appraisal or come down with something conclusive as to, the appraisal is to make determination if we'll be able to afford to purchase it or eminent domain, or what have you. But, my question is, how long is the procurement process? I mean, if, if it means that we wait till the next Council get to Committee so we can vet it, how--

CHAIR WHITE: It depends on what the--

COUNCILMEMBER CRIVELLO: --how long is procurement?

CHAIR WHITE: I don't have an estimated price for an appraisal. The procurement process is more restrictive if it's over I think \$25,000. I don't know, because there's six buildings involved, whether it'll get to that, that level. But, it's going to take at least a couple of months to get, to get something done.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Yea, Chair, so I mean, for, in my opening comments, I do see an urgency here. So, I, I don't quite agree just to hold back and wait for the next Council meeting to talk about it. As you're stating, there's a process it needs to go through. 2019, these rents are going to flip into market, so that's why I think there is an urgency. And that's why I think the people are sitting on the edges of their seat, or on the edge of their bed or whatever, staying up at nights worrying; this is their life. And, so that's why I see, you know, there's truly, yea, a urgency at this point to move it out for today.

And, as Ms. King says, irrespective of what's happening at the State level, this is something that we can all move forward with, get a solid number, which both sides, State and ourselves can, can work from. And you know, we're going to vet out those details in the end. But, I think this is the first initial step. And after that, you know, we'll continue the progress. But, I think this is the step in the right direction at this time; and not to hold off.

CHAIR WHITE: No, I, and I, I think we all agree with that. But, I think the challenge is simply the timing. Is, do we want to send the Legislature a message; what message are we sending them? And so, anyway, let's put it to a vote. And, if it doesn't, if it fails, I will bring it back up in, at the next Council meeting.

Any further discussion? Okay, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, HOKAMA, KING, AND
VICE-CHAIR CARROLL,

CHAIR WHITE: Those opposed say "no".

NOES: COUNCILMEMBER SUGIMURA AND
CHAIR WHITE.

CHAIR WHITE: Okay, that's seven "ayes" and two "noes"; myself and Ms. Sugimura.

COUNCILMEMBER COCHRAN: Thank you, Members.

CHAIR WHITE: Measure passes. Thank you, Ms. Cochran.

And on to the next item.

**DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NO. 18-151**

COUNCILMEMBER COCHRAN: Okay, where are we then. This is the item on page 4, 18-151

AND, SO THIS CHAIR, I MOVE TO ADOPT THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION 18-151, AND FILING OF COUNTY COMMUNICATION.

CHAIR WHITE: I think you need to--

COUNCILMEMBER COCHRAN: Oh, do I need to do the waiving?

CHAIR WHITE: --request waiver.

COUNCILMEMBER COCHRAN: This is a reso. We still need to go through that?

DEPUTY COUNTY CLERK: Mr. Chair, the resolution attached to the CC as indicated by Councilmember Cochran. Traditionally, the Council has viewed those as not having the force and effect of law since it's merely urging the Department of Public Works. And according to your rules, those types of resolutions would not require committee referral and report.

CHAIR WHITE: Okay. Thank you very much.

COUNCILMEMBER COCHRAN: Okay. So, the motion stands then at this time.

CHAIR WHITE: Do we have a second?

COUNCILMEMBER KING:

SECOND.

CHAIR WHITE: Okay, we have a motion from Ms. Cochran, and a second from Ms. King.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Okay. Thank you, Chair and Ms. King. So, with the support of the Kihei Community Association and the Aha Moku O Kula Makai, I am proposing this resolution urging the Department of Public Works to hold off, I guess, on the work on the Kulanihakoi Culvert/Bypass project, as currently designed. And, in the FY 2018

Budget the Council appropriated 1.25 mil for this bridge replacement project, and to design and construct a replacement concrete box culvert system on South Kihei Road, with concrete bridge structure. And, that's FY 2018 Budget Appendix C.

Since 2013, KCA and lots of testimony happened today about this. Aha Moku, KCA and Aha Moku O Kula Makai have been, have had concerns about design flaws to this day, and have not been addressed as shown in documents and correspondence provided here for us. And two of their main concerns is: 1) the failure to address flooding that occurs in the area; and 2) a bypass that will reroute traffic directly over the freshwater spring in the area which is crucial for the survival of aquatic life and has been a place of offerings from the ohana of that area.

And, this proposed resolution asks Department of Public Works to stop work on the bypass and culvert as designed, and present to South Maui community an alternative plan for that bridge that addresses routine flooding in the area and would not require a bypass that would affect the freshwater spring or further degrade the wetlands. And, I do realize this is a complicated discussion.

But, I was, you know, compelled to bring this matter forward to this full body in this way, because I was approached again by KCA, Aha Moku, for their help months ago when they felt that they had exhausted every option available. And they said they've been in discussion. And, you heard Director Goode say he's been listening. But to me, listening and acting and working with is very different from listening and dismissing. Because, that's the feeling and why they came to me and Ms. King to push forward with such action today. Because, they felt truly dismissed. They found out that the RFP for this project will be going out in May or June.

And, Council has been in Budget session, not doing any Committee work. So, I'm asking for this Council's support of the reso to ask Public Works, you know, to put this on pause for the moment, and before they choose a bid and sign, bidding and signs a contract for the work; basically, what the community doesn't support. And, there has been options and alternatives. So, that's what, why I'm pushing this forward and hoping to get support from the rest of the Members here today. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Cochran.

Ms. King.

COUNCILMEMBER KING: Thank you, Chair. I really want to thank Member Cochran for bringing this issue forward. This has been an ongoing issue for the community since way before I got on this Council from 2013. I hadn't had the discussions with the Aha Moku Council representatives in our, in our Kula Makai Moku or the KCA, specifically

about the concerns with the plans of the bridge until the last year or so, which is when I put, I asked to have it put on the agenda.

And, I understand why, you know, that it took, it took incredibly long to get the sand mining bill passed and that, you know, otherwise I think it would have been on the IEM agenda much earlier.

But, one of my issues with, with this moving forward is it's very disheartening to the community, Chair, when the community has been talking about this for so long, and then not seeing their, especially the cultural concerns; anywhere institutionalized in any of this paperwork. I mean, there are letters from the KCA talking about their concerns about building a culvert, when what we really want is a bridge, and the length of time that the, it will disrupt traffic, which we just went through when they fixed that north end of South Kihei Road. And for months, we were backed up all the way to, past the Kealia Pond on one side, and almost to the animal shelter on the other side. And so, here's a, here's a plan that could avoid pretty much most of that traffic from happening.

But, but really, you know, my, my approach to this is, I've seen a couple of projects where we've been told by State or County officials it's a done deal and we're this far along and, you know, it's too bad if you don't like it, we're going to go ahead. And, I've also seen those two projects both be stopped, because the community didn't want them. And, one of them was the Pi'ilani Promenade. That was not a project that the community at large wanted. The other one was, it escapes my mind right now. But, you know, we, what we, what we're trying to build in Kihei is a community that's, that is enabled to come up with their own solutions. And so, we have a community that's done that.

And, we have, and we want to have that discussion, you know. So, I, I appreciate Director Goode's attitude, because we talked about this a year ago, and we were hoping to be able to have that discussion. So, but, what I would like to see happen is if we pass this resolution, and obviously, it doesn't have the force and effect of law, but if we pass this resolution, that there's a stop, you know, there's a pause on it. And that, even though it doesn't say in here, that the Department will apply for a, an extension for the Federal funds until we can come to a conclusion.

Because, I can't personally and even imagine after over 30 years of living in Kihei, driving that drive and having that culvert there that everybody is going to resent for, you know, till we get a bridge. But, you know, maybe forever because it's going to cost us more than what the proposal for the new bridge is. So, I'm hoping that the Council can support the community. And, let's move forward wisely and with the community concerns in mind, and not throw bad money after good. You know, we, we have a little bit, we have a stake in this already.

But, you know, do you, if you played poker you know at some point you just go, you just stop and you look at what you put in and you realize you're not going to, it's not going to be a winning hand, and you just stop and you reset. And so, I think that's what we need to do here with our project in Kihei. Thank you.

CHAIR WHITE: Thank you, Ms. King.

VICE-CHAIR CARROLL: Chair.

CHAIR WHITE: Ms. Sugimura, followed by Mr. Carroll.

COUNCILMEMBER SUGIMURA: Thank you, Chair. So, I'm in the IEM Committee, and sat in eight of the nine sand mining bills. We didn't have only sand mining on the agenda. So, I, I disagree that it's because of the sand mining bill that we didn't hear this.

And, if this has been in IEM for nine months now going on ten, then why wasn't it heard. If it was so important months ago, why wasn't it heard? You know, that's what I want to know, Chair.

And, come on, you know, we're trying to solve a problem and we're trying to throw up smoke now by doing something else. Hear it in Committee. So, Public Works, I mean Dave Goode was so good to come here and give us the history and talk about it. He's open to, but he's moving forward. He has Federal funds that is going to lapse, right. So, he's moving forward. I think he, it sounds like they're trying to work with the Committee.

If the Council feels it's so important, bring up IEM-43, item number 43, and let's hear it, let's hear it. Let's not suggest that they stop. Let's not do the resolution. Let's hear it and vet it in the Committee. We have to, I guess, wait till after Budget. But, let's not do shibai. Let's do it. Chair, sorry.

CHAIR WHITE: Thank you, Ms. Sugimura.

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. I will vote to pass this out, but I would like to see maybe a friendly amendment on here that this meeting will occur within 30 days. This has gone on for years and years. And, if anybody over here thinks that all the parties need more than 30 days, you're wrong. Everybody has their ideas. Everybody's brought everything that they know forward. If there's additional meetings after that, maybe that might be necessary. But, there is no reason why they can't expediate this.

This thing has been going on for what was, '96, I mean 2006 or something. It's way, way, way back there. They've had SMA's, they've had all kinds of stuff, so the information is there. It needs to get out to the community. The community needs a chance to bring their things forward. And I don't want to see we pass this out, and we're waiting until August before they have a meeting. Thirty days should be a lot, plenty of time.

We have a community center down there. The Department is ready. They have all their stuff. I don't want to see this held up for long. It should, either way; either it's going to continue or they're going to, well, I have no idea what might happen. But, we need to do it quickly. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

Any further discussion, Members?

COUNCILMEMBER ATAY: Chair.

CHAIR WHITE: Mr. Hokama, followed by Mr. Atay.

COUNCILMEMBER HOKAMA: Mr. Carroll is correct. This project started with Mr. Nishiki in 2001, cause I sat on Council with him. And in 2001, I believe, we, that's when we first started the consideration. I know that in 2011, we talked about replacing the existing multi-span culvert system with a concrete bridge structure. So, that was part of the narrative in the 2010 discussions for the 2011 requests for land acquisition and design money. And then since that date, Council has reviewed and approved six contract amendments to our Committees.

So, this is not a new project. This is not a project Council is uninformed about. We've made decisions since 2011 on. And then we have the 2018 request, current funding in 2018 this year of 4.65 million that we approved last year.

So, Mr. Chairman, if the community wants to stop, that's fine with me. It's going to be like, more than likely, like the North-South Collector Road. It will come back around again. When? I have no idea. The Federal government is about shovel-ready projects. And, if you're not ready, they have no problem shifting money to another area quickly, because they are on a very short time clock on accomplishing that mission of spend downs. So, if we're not ready, that's fine. But, we cannot expect we're going to have that money available for us. The MPO is going to need to have another discussion and put it on the tip if we don't move on. And, that's fine with me, Chairman.

We've done it with the North-South Collector Road that was ready to go, end of Apana Administration, beginning of Arakawa 1. Committee said no, so we stopped, and we still have no North-South Collector Road to this day.

So, we can delay this, Chairman and take into account. I appreciate Aha Moku's comments. I think that it's critical that we address it. But again, understanding funding processes; all I can say is we may not get Federal support in that short term. And, that's just the one of the realities of where the Federal DOT is at this time, Chairman. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

Mr. Atay.

COUNCILMEMBER ATAY: Thank you, Chair. And, following along Mr. Hokama's comments, during break, I was able to go back to last year's Fiscal 2018 Budget, and we did pass a CBS-1045 Kulanihakoi Bridge Replacement. And so, it says here, "replace concrete box culvert system with a concrete bridge structure". Earlier, earlier discussions and testimonies I was kind of confused, you know, if it's, you know, what the community is saying is no culvert system and to build a bridge. So, I'm kind of confused if, according to this, that's what we approved, we voted on. It's a funding of 4.65 million and show, my understanding is that a bridge structure should be built.

So, double-checking with Department if they're trying to still put a culvert system or are they putting a bridge system? It's already approved. We don't, I don't know why we're still arguing about it.

CHAIR WHITE: Mr. Hokama, followed by Ms. Cochran.

COUNCILMEMBER HOKAMA: Chairman, real quickly. Cause I'm sure other Members have the same concern when they look at the project description, they look at the project narrative. Part of it is, also, Chairman, how the Federal government is looking at definitions. Part of it is the span. So if, I believe, if the culvert span is certain area and there's a culvert over it, I think the Feds say that it may qualify as a bridge.

So, part of the issue is how the regulating agencies or approving entities have defined what is a bridge. So, someone could actually make a argument that concrete culverts spanning a certain amount of space constitutes a bridge.

And, I just share that because we not in charge of that definition and we got the regulators that will say yes or no to the design proposal. Thank you, Chairman.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Yea, thank you, Chair. And, so I looked through the correspondences between the Department, and KCA, and the entities that came to share their concerns. And, Director Goode, he did state, well, I can read it word for word, "the larger span raised bridge", which the people have been speaking about they want instead of culverts, they want a bridge, "has significant costs and technical requirements that we are unable to fund and solve at this time. I may, it makes sense in the future". So, he never did discredit that there should, a bridge versus culverts. He agrees that a bridge would be great. It's just a bigger price tag, and that's not quite what they were looking at, at this time and, but later on.

And, further comment from his Department by Wendy Kobashigawa, these culverts were meant to be an inter, interim measure to replace existing culverts. So, it's kind of like we're just doing a little, a band-aid type, which is a multi-million-dollar band-aid needless to say, but with these added concerns coming forth. So, this is why I feel like that pause needs to happen right now. And, you know, and just to say let's move forward, you know, on something that's not totally agreed upon just cause we're afraid to lose Federal dollars to me is not a good enough reason. I see that issue happening in Lahaina with the bypass/realignment or whatever it is.

So, there's a bigger picture answer here that I think is what we need to bring to the table also. And therefore, I am seeking this pause for this time being. And I will accommodate this item in my Committee, but I need this passed out today, this reso, this urging for the Department to just pause so I can, we can vet it in Committee. I want them to stop that that seeking contract process right now; that part needs to stop. And then, we vet through and continue, you know, on with that process. So, that's the intent of this too, just to be clear.

CHAIR WHITE: Thank you, Ms. Cochran. You know, the, the issue with this resolution is, and anything the Council does, is all we can do is urge. We can't make them stop--

COUNCILMEMBER COCHRAN: Yea, that's fine.

(Councilmember Crivello was excused from the meeting at 2:48 p.m.)

CHAIR WHITE: --because they came to us and asked for approval for the design money. Then they came back and presented the construction direction and requested the funding. Once we've done that, we really can't tell them, well sorry, you don't get to do that. I, I'm of the opinion that the reso really doesn't make much of a difference. And, you have the ability to pull it up in your Committee within the next two weeks, because we'll be done with Budget by the end of next, of the main deliberations.

The challenge that I have with this is that, I believe the process started in 2013. There's been an EA, there's been all kinds of things done. There's been community involvement. And, whether everything has been taken into consideration or not, I don't know. I wasn't there, and most of us weren't. But, rather than dealing with this at this level, I think it is important for us to have Mr. Goode come in with his engineers, who have been involved in it, who understand the Federal processes and the State processes, and let them talk about the issue, and give us their perspective on it. And, we can hear from members of the community as well, and what their participation amounted to and what their reactions were.

But, I really feel that that's the place that we should be discussing this. And, we have time. We can, you know, all we can do with the resolution is urge them not to do something. They can continue to do, they can continue with the process. And, we do have the ability, since you've already got it in your Committee, to post for a hearing in the first or second week of May, which is well before it goes out to, out to bid.

So, anyway, I feel like when we are in these processes, we can't just simply keep saying yes, and then last minute say no when we're involving the State and Federal funds and potentially losing the funds. We don't know whether we're going to lose them or not. But, somebody can give us that, a much better indication when we have that time to discuss it with the staff.

COUNCILMEMBER COCHRAN: Yea, and so sorry, lastly, Chair, so yea, I'm not trying to say forgo the Committee discussion, but along with this resolution. And as you stated, it's not, no force and effect of law whatsoever. This is just an urging and a message, obviously, being sent to Department via the community's voice saying, here's the concerns. They thought they were all working hand in hand together all along. Then, all of a sudden, no, bids are going out in a couple weeks, like, what, whoa, whoa, whoa. So, this is why for the pause. And yes of course, it'll be vetted through Committee with further discussion and we'll move on from there. But, that's the difference between what this is, and then yes, Committee will happen as soon as we get out of our budget sessions too.

CHAIR WHITE: Yea, and, and, you know, the other issue with this is how does, how do Public Works or Water Department, or, or Environmental Management move forward with projects if they feel like they can have the rug pulled out from under them at the last minute. So I, you know, it's just a difference of perspective and I, we certainly--

COUNCILMEMBER KING: Chair.

CHAIR WHITE: --need to listen to the community. But, the community also needs to participate early on and, and be, you know, be continuous in their engagement, so.

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: I have a, I think only had one, but yea, I just wanted to make the point that the community has participated from early on. From 2013, there are, you know, we have records of letters and, and statements that were sent. And, you know, my, my issue with developers or departments, whether its Planning, or DPW, or DEM is that that our community largely does not feel heard by our, our Administration or our departments.

We're starting to turn things around now in, on the developers' sector. And, while I, you know, I know some of us are urging developers to go to the community first before they ever come to anywhere near the Council to work with the community when they're, when they're proposing something new, and especially developers who don't live in the communities that they're trying to develop in.

To me, you know, how do you know? I mean, I wasn't there when they, when this was proposed back in what Mr. Hokama says, 2001. How do you know when you're getting the approval if, if something's going to be stopped? Well, you know because you haven't, you haven't really gotten the full approval of the community.

And, it's as important for developers as it is for our County administrative departments to be working with the community. So, we don't come to this, this type of a head and this pushback because people don't feel heard. So, to me, that's a, that's the key issue here is that, you know, we're kind of resetting this and going wait, you know, we're urging you to take a step back and really work with the community. Don't just take in pieces of paper and say, okay, we've heard you. Really work together and then, you know.

You'll see projects like the, the, the new development at Kaiwahine who came in and worked with the community before they ever even got to the Council level. And then, you know, and then, you know, things can go forward. But, if something doesn't feel right to our community and especially because the, the Native Hawaiian cultural concerns weren't heard, that's a really good reason to take a step back and say, well, wait a minute, what did we do wrong back then? So, that's what we're asking for.

And it's, you know, it doesn't have the force and effect of law, but it does have a, it is of great importance to the Kihei community, that they know that they're heard and that they're supported, and that we want there to be two-way communication.

CHAIR WHITE: Thank you, Ms. King.

Any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN, GUZMAN,
HOKAMA, KING, AND VICE-CHAIR CARROLL.

CHAIR WHITE: Those opposed say "no".

NOES: COUNCILMEMBER SUGIMURA AND
CHAIR WHITE.

EXCUSED: COUNCILMEMBER CRIVELLO.

CHAIR WHITE: I heard one "no", Ms. Sugimura. And we have, measure passes with six "ayes", two "noes", and one "excused". Ms. Crivello is "excused", and Ms. Sugimura and White vote "no".

Okay, move on with the rest of the agenda, Mr. Clerk.

DEPUTY COUNTY CLERK: Relative to County Communication 18-152, that's RESOLUTION 18-74. Relative to County Communication 18-146, that's RESOLUTION 18-75. And, relative to County Communication 18-151, that's RESOLUTION 18-76.

Mr. Chair--

CHAIR WHITE: Actually, before you, before you move on, as far as the remainder of the referrals, are there any objections to the referrals as read by the Clerk?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Okay. Thank you.

Okay, go ahead, Mr. Clerk.

DEPUTY COUNTY CLERK: Proceeding with committee reports.

COMMITTEE REPORTS

COMMITTEE REPORT

NO. 18-67 - BUDGET AND FINANCE COMMITTEE:

Recommending that County Communication 18-88, from Councilmember Riki Hokama, relating to the final report for the performance and fiscal audit of the Department of Fire and Public Safety, be FILED.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, with no objections, I request the Clerk to bring up all committee reports under Budget and Finance Committee.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: No objections.

Mr. Clerk, please free to read Committee Report 18-74, and you don't need to go through that entire list. You can just say as noted. Please proceed.

COMMITTEE REPORT

NO. 18-68 - BUDGET AND FINANCE COMMITTEE:

Recommending that County Communication 18-31, from the County Auditor, transmitting the Department of Water Supply Financial Statements and Supplementary Information with Independent Auditor's Report for Fiscal Years Ended June 30, 2017 and 2016, submitted by N&K CPAs, Inc., be FILED.

COMMITTEE REPORT

NO. 18-69 - BUDGET AND FINANCE COMMITTEE:

Recommending that County Communication 18-87, from the County Auditor, transmitting the County of Maui Single Audit Report, Management Advisory Report, and required Communication Letter for the Fiscal Year Ended June 30, 2017, submitted by N&K CPAs, Inc., be FILED.

COMMITTEE REPORT

NO. 18-70 - BUDGET AND FINANCE COMMITTEE:

Recommending that County Communication 18-30, from the County Auditor, transmitting the County of Maui Comprehensive Annual Financial Report (CAFR) for the Fiscal Year Ended June 30, 2017, submitted by N&K CPAs, Inc., be FILED.

COMMITTEE REPORT

NO. 18-71 - BUDGET AND FINANCE COMMITTEE:

Recommending that County Communication 18-69, from the Director of Finance, transmitting the County of Maui Retiree Health Care Plan Actuarial Valuation Report as of July 31, 2017 as prepared by GRS Retirement Consulting, be FILED.

COMMITTEE REPORT

NO. 18-72 - BUDGET AND FINANCE COMMITTEE:

Recommending that County Communication 17-430, from the Acting Director of Finance, transmitting a report of short-term investments for the quarter ended September 30, 2017, be FILED.

COMMITTEE REPORT

NO. 18-73 - BUDGET AND FINANCE COMMITTEE:

Recommending that County Communication 16-299, from the Director of Finance, transmitting the Summary of Total Funded Indebtedness Outstanding and Unpaid as of July 1, 2016, be FILED.

(Councilmembers Cochran and King were excused from the meeting at 2:56 p.m.)

COMMITTEE REPORT

NO. 18-74 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That County Communication 16-199, from the Director of Finance, reporting on transfers/loans from the General Fund and Department of Water Supply

Revenue Fund to the 2017 Proposed General Obligation Bond Fund as of July 31, 2016, be FILED;

2. That County Communication 16-242, from the Director of Finance, reporting on transfers/loans from the General Fund and the Department of Water Supply Revenue Fund to the 2017 Proposed General Obligation Bond Fund as of August 31, 2016, be FILED;
3. That County Communication 16-316, from the Director of Finance, reporting on transfers/loans from the General Fund and the Department of Water Supply Revenue Fund to the 2017 Proposed General Obligation Bond Fund as of September 30, 2016, be FILED;
4. That County Communication 16-317, from the Director of Finance, reporting on transfers/loans from the General Fund and the Department of Water Supply Revenue Fund to the 2017 Proposed General Obligation Bond Fund as of October 31, 2016, be FILED;
5. That County Communication 17-52, from the Director of Finance, reporting on transfers/loans from the General Fund and the Department of Water Supply Revenue Fund to the 2017 Proposed General Obligation Bond Fund as of November 30, 2016, be FILED;
6. That County Communication 17-144, from the Director of Finance, reporting on transfers/loans from the General Fund and Department of Water Supply Revenue Fund to the 2017 Proposed General Obligation Bond Fund as of January 31, 2017, be FILED;
7. That County Communication 17-145, from the Director of Finance, reporting on transfers/loans from the General Fund and Department of Water Supply Revenue Fund to the 2017 Proposed General Obligation Bond Fund as of February 28, 2017, be FILED;
8. That County Communication 17-204, from the Director of Finance, reporting on transfers/loans from the General Fund and Department of Water Supply Revenue Fund to the 2017 Proposed General Obligation Bond Fund as of March 31, 2017, be FILED;
9. That County Communication 17-236, from the Director of Finance, reporting on transfers/loans from the General Fund and Department of Water Supply Revenue Fund to the 2017 Proposed General Obligation Bond Fund as of April 30, 2017, be FILED;

10. That County Communication 17-256, from the Director of Finance, reporting on transfers/loans from the General Fund and the Department of Water Supply Revenue Fund to the 2017 Proposed General Obligation Bond Fund as of May 31, 2017, be FILED;
11. That County Communication 17-286, from the Director of Finance, reporting on transfers/loans from the General Fund and Department of Water Supply Revenue Fund to the 2017 Proposed General Obligation Bond Fund as of June 30, 2017, be FILED;
12. That County Communication 17-353, from the Director of Finance, reporting on transfers/loans from the General Fund and Department of Water Supply Revenue Fund to the 2017 Proposed General Obligation Bond Fund as of July 31, 2017, be FILED;
13. That County Communication 17-391, from the Director of Finance, reporting on transfer/loans from the General Fund and Department of Water Supply Revenue Fund to the 2017 Proposed General Obligation Bond Fund as of August 31, 2017, be FILED;
14. That County Communication 17-431, from the Acting Director of Finance, reporting on transfer/loans from the General Fund and Department of Water Supply Revenue Fund to the 2017 Proposed General Obligation Bond Fund as of September 30, 2017, be FILED;
15. That County Communication 17-469, from the Director of Finance, reporting on transfers/loans from the General Fund and the Department of Water Supply Revenue Fund to the 2017 Proposed General Obligation Bond Fund as of October 31, 2017be FILED;
16. That County Communication 18-5, from the Director of Finance, reporting on transfers/loans from the General Fund and the Department of Water Supply Revenue Fund to the 2017 Proposed General Obligation Bond Fund as of December 31, 2016, be FILED; and
17. That County Communication 18-6, from the Director of Finance, reporting on transfers/loans from the General Fund and the Department of Water Supply Revenue Fund to the 2018 Proposed General Obligation Bond Fund as of November 30, 2017, be FILED.

COMMITTEE REPORT
NO. 18-75 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That County Communication 17-442, from the Budget Director, transmitting the Budget Implementation Report as of September 30, 2017 (Fiscal Year 2018 First Quarter), be FILED; and
2. That County Communication 17-468, from the Director of Finance, transmitting the Finance Director's Quarterly Report for Fiscal Year July 1, 2017 to June 30, 2018 as of September 30, 2017 and the Capital Improvement Projects Report as of September 30, 2017, be FILED.

COMMITTEE REPORT
NO. 18-76 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Resolution 18-77, entitled "APPROVING THE EXPENDITURE OF THE FISCAL YEAR 2018 BUDGET APPROPRIATION FOR IMPROVEMENTS OF ACCESS ROADS AT THE KA'EHU BAY PROPERTY," be ADOPTED;
2. That County Communication 18-92, from the Economic Development Director; be FILED; and
3. That the Miscellaneous Communication, from the County Clerk, referring Grant G4612, between the County of Maui and Ka'ehu, for the Ka'ehu Management Project, be FILED.

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT THE COMMITTEE REPORTS AS READ BY THE CLERK, ALONG WITH ITS RECOMMENDATIONS, BE ADOPTED.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR WHITE: We have a motion from Mr. Hokama, and a second from Ms. Sugimura.

Any further discussion on these items? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, GUZMAN, HOKAMA,
SUGIMURA, VICE-CHAIR CARROLL, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS COCHRAN, CRIVELLO, AND
KING.

CHAIR WHITE: Measure passes with six "ayes", and three "excused"; Ms. Crivello, Cochran, and King.

Mr. Clerk.

DEPUTY COUNTY CLERK: Relative to Committee Report 18-76, for the record, RESOLUTION 18-77.

COMMITTEE REPORT
NO. 18-77 - LAND USE COMMITTEE:

Recommending the following:

1. That Bill 45 (2018), entitled "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 3554 (2008), ESTABLISHING KIHEI-MAKENA PROJECT DISTRICT 9 (WAILEA 670) ZONING (CONDITIONAL ZONING) FOR APPROXIMATELY 670 ACRES SITUATED AT PAEAHU, PALAUEA, KEAUHOU, MAUI, HAWAII, BY AMENDING CONDITION 5, RELATING TO WORKFORCE HOUSING UNITS," be PASSED ON FIRST READING and be ORDERED TO PRINT;

2. That the County Clerk RECORD the unilateral agreement; and
3. That County Communication 18-53, from the Planning Director, be FILED.

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 18-77.

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR WHITE: We have a motion from Mr. Carroll, and a second from Mr. Hokama.

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. Your Committee met on February 28, 2018 to consider a proposed bill to amend Condition 5 of Ordinance 3554, in order to allow a portion of the required workforce housing units to be located within the 670-acre site located mauka of the intersection of Piilani Highway and Wailea Ike Drive.

(Councilmember King returned to the meeting at 2:59 p.m.)

VICE-CHAIR CARROLL: When the County approved the zoning for the project in 2008, Condition 5 required landowner Honua`ula Partners, LLC to provide 250 of the required workforce housing units at Kaonoulu Light Industrial Subdivision, North Kihei.

In its report to the Maui Planning Commission, the Department of Planning said, because of legal challenges and further entitlement work is required for the 250 offsite workforce housing units at Kaonoulu, there is a significant uncertainty concerning the timing and availability to comply with the Condition.

Your Committee recommended passage of the proposed bill with a single non-substantive revision. I ask for the Members support of my motion.

CHAIR WHITE: Thank you, Mr. Carroll.

Any further discussion on this item?

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Yes, Ms. King.

COUNCILMEMBER KING: Yea, I just wanted to say that I support this. We, we had some really good, a really good presentation by Mr. Jencks on this. And, I think it's, he indicated that he would, they were planning to put all the affordable housing on the Wailea 670 site at this point. Obviously, he's not held to that, because this gives him the option. But, I think the community has been getting regular reports on Wailea 670, and it's gotten to the point where they're pretty happy with it, you know, with the 25 years it's evolved. And so, I hope we can pass this out. Thank you.

CHAIR WHITE: Thank you, Ms. King.

Any further discussion?

Mr. Atay.

COUNCILMEMBER ATAY: Chair, I would, I would stand in support of this. However, I have questions as to why does it have to be either or. I would prefer to see it that all of the affordable units be built within the project district of 670. But, that's why I would support it with reservations, highly recommending the developer consider, you know, the affordable housings also be placed in that section, and not, you know. But, to, to move affordable housing construction forward, I will support this.

CHAIR WHITE: Thank you, Mr. Atay.

Any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, GUZMAN, HOKAMA,
KING, SUGIMURA, VICE-CHAIR CARROLL, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS COCHRAN AND CRIVELLO.

CHAIR WHITE: Measure passes with seven "ayes", and two "excused"; Ms. Crivello and Ms. Cochran.

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, BILL 45 (2018).

COMMITTEE REPORT

NO. 18-78 - PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS
COMMITTEE:

Recommending that Resolution 18-78, entitled "AUTHORIZING SETTLEMENT OF MOLLIE M. KLINGMAN V. THE COUNTY OF MAUI ET AL., CIVIL NO. 16-00399 ACK-RLP," be ADOPTED.

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 18-78.

COUNCILMEMBER ATAY:

SECOND.

CHAIR WHITE: We have a motion from Mr. Guzman, and a second from Mr. Atay.

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. Your Committee met on April 6, 2018 to consider the proposed resolution.

While in executive session, the Deputy of Corporation Counsel did mention, oh excuse me, I apologize, that was in open session, that the issue was regarding one of our former police officers. And that the case is set for trial June 5, 2018 for mediation, which is scheduled for April 10.

(Councilmember Cochran returned to the meeting at 3:03 p.m.)

COUNCILMEMBER GUZMAN: We voted 6-0 to recommend the adoption of the proposed resolution to authorize settlement of this case. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Guzman.

Any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN, GUZMAN,
HOKAMA, KING, SUGIMURA, VICE-CHAIR
CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CRIVELLO.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused"; Ms. Crivello.

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 18-78.

Mr. Chair, proceeding with ordinances, second and final reading.

ORDINANCES

ORDINANCE NO. _____
BILL NO. 38 (2018)

A BILL FOR AN ORDINANCE AMENDING SECTION 16.26B.108, MAUI
COUNTY CODE, SUBSECTION 108.2.1 OF THE INTERNATIONAL BUILDING
CODE, RELATING TO PLAN REVIEW FEES AND FUND

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE TO PASS BILL 38 (2018) ON SECOND AND FINAL
READING.

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR WHITE: We have a motion from Mr. Carroll, and a second from Mr. Hokama.

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. Bill 38 will incorporate amendments of the section of the Code read by the Clerk, which were inadvertently omitted when Ordinance 4738 *[sic]* was enacted. Thank you, Chair.

CHAIR WHITE: Thank you.

Members, any further discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN, GUZMAN,
HOKAMA, KING, SUGIMURA, VICE-CHAIR
CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CRIVELLO.

CHAIR WHITE: Measure passes with eight "ayes", and one "no" *[sic]*; Ms. Crivello being excused.

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, just for the record, that's eight "ayes" and one "excused".

CHAIR WHITE: I'm sorry. What did I say, "nine"?

DEPUTY COUNTY CLERK: You had indicated eight "ayes", and one "no".

CHAIR WHITE: Oh, I'm sorry. Correct. Thank you for that correction.

ORDINANCE NO. _____
BILL NO. 39 (2018)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE –
SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS,
DEPARTMENT OF FIRE AND PUBLIC SAFETY
(NATIONAL DEVELOPMENT AND RESEARCH INSTITUTES, INC.)

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I would request, with no objections, Bill 40 and 41
be brought up by the Clerk.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: No objections. So ordered.

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 40 (2018)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE –
SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS,
DEPARTMENT OF HOUSING AND HUMAN CONCERNS
(HEALTHY AGING PARTNERSHIP – EMPOWERING ELDERS)

ORDINANCE NO. _____
BILL NO. 41 (2018)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR
OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL
AGREEMENT WITH THE HAWAII HOUSING FINANCE AND DEVELOPMENT
CORPORATION

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chairman.

I MOVE THAT ALL BILLS, AS READ BY THE CLERK, PASS
SECOND AND FINAL READING.

COUNCILMEMBER COCHRAN:

SECOND.

CHAIR WHITE: We have a motion from Mr. Hokama, and a second from Ms. Cochran.

Mr. Hokama.

COUNCILMEMBER HOKAMA: No further discussion.

CHAIR WHITE: Any discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN, GUZMAN,
HOKAMA, KING, SUGIMURA, VICE-CHAIR
CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CRIVELLO.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused"; Ms. Crivello.

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 42 (2018)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE
COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT
WITH THE HAWAII INTERISLAND BOMB SQUAD

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. May I ask that the Clerk also bring up
Bills No. 43 and 44.

CHAIR WHITE: No, any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you.

ORDINANCE NO. _____
BILL NO. 43 (2018)

A BILL FOR AN ORDINANCE ESTABLISHING ADDITIONAL QUALIFICATIONS
FOR THE PLANNING DIRECTOR, THE DIRECTOR OF FINANCE, AND THE
DIRECTOR OF WATER SUPPLY

ORDINANCE NO. _____
BILL NO. 44 (2018)

A BILL FOR AN ORDINANCE ESTABLISHING ADDITIONAL QUALIFICATIONS
FOR THE CORPORATION COUNSEL AND PROSECUTING ATTORNEY

CHAIR WHITE: Thank you.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair.

I MOVE THAT THE COUNCIL ADOPT THE BILLS AS READ BY
THE CLERK.

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR WHITE: We have a motion from Ms. Sugimura, and a second from Mr. Hokama.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: I move that we, the items are vetted in Committee Reports.
And, I move that we pass this, second and final reading.

CHAIR WHITE: You already had the motion.

COUNCILMEMBER SUGIMURA: Okay.

CHAIR WHITE: Any discussion on these items?

COUNCILMEMBER SUGIMURA: No.

CHAIR WHITE: Okay. From any other Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN, GUZMAN,
HOKAMA, KING, SUGIMURA, VICE-CHAIR
CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER CRIVELLO.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused"; Ms. Crivello.

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, there is no further business before the Council.

CHAIR WHITE: Thank you, Mr. Clerk.

Just a reminder, Members, that the Budget Committee will be meeting at 3:15.

COUNCILMEMBER SUGIMURA: 3:15? Okay.

CHAIR WHITE: So, don't go too far.

And, with that we are adjourned. Thank you all very much.

ADJOURNMENT

The regular meeting of April 20, 2018 was adjourned by the Chair at 3:07 p.m.



DENNIS A. MATEO, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII

Charlene Schultenburg 874-0321

ALAN M. ARAKAWA
Mayor

DAVID C. GOODE
Director

ROWENA M. DAGDAG-ANDAYA
Deputy Director

Telephone: (808) 270-7745
Fax: (808) 270-7975



FILE COPY

JUL 08 2013

RALPH NAGAMINE, L.S., P.E.
Development Services Administration

CARY YAMASHITA, P.E.
Engineering Division

BRIAN HASHIRO, P.E.
Highways Division

COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION

200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793

RECEIVED
13 JUN 10 10:43
RECEIVED

June 5, 2013

Mr. Gary Gill, Acting Director
State of Hawaii
Office of Environmental Quality Control
235 South Beretania Street, Suite 702
Honolulu, Hawaii 96813

Subject: Draft Environmental Assessment for
Kūlanihāko'i Bridge Replacement
Wailuku, Maui, Hawaii
Project No. BR-3100(015)

Dear Mr. Gill:

The County of Maui Department of Public Works (DPW) has reviewed the Draft Environmental Assessment (DEA) for the subject project and anticipates a Finding of No Significant Impact. The DEA has been prepared pursuant to Chapter 343, Hawaii Revised Statutes and Chapter 11-200, Hawaii Administrative Rules. Please publish notice of this DEA in the June 23, 2013 issue of OEQC's *The Environmental Notice*.

- One (1) each the following items will be mailed under separate transmittal:
- Hardcopy of the OEQC publication form and DEA; and
 - CD including the DEA and OEQC publication form in pdf format.

Please contact Ms. Wendy Kobashigawa of our Engineering Division at (808) 270-7435 or Wendy.Kobashigawa@co.maui.hi.us if you have any questions.

Sincerely,

DAVID C. GOODE
Director

Attachments

cc: Mr. Milton Arakawa, Wilson Okamoto Corporation

DG/wykk:gq (ED13-484)

S:\ENGD\DESIGN\FAP\BR-3100(015) Kulanihakoi Bridge Replacement\EA\DPW Trans to OEQC.docx



EM

Wilson Okamoto Corporation
1907 S. Beretania Street, Suite 400
Honolulu HI 96286
Attn: Earl Matsukawa, AICP
January 4, 2013

RE: Kulanihako'i Bridge Replacement

Dear Mr. Matsukawa:

Thank you for your request for our comments regarding the proposed Kulanihako'i Bridge replacement. The Kihei Community Association provides broad based dissemination information to the community and provides feedback to decision makers. We are pleased to provide comments for the generation of the Environmental Assessment (EA) on the Kulanihako'i Bridge Replacement project that is being undertaken by the County of Maui Department of Public Works.

The EA needs to pay special attention to the very sensitive environment in this area as it contains a major floodway into the ocean with a highly active dune system. The roadway in itself poses a continual problem by its location immediately adjacent to the shoreline. Careful attention needs to be paid to the impact on the environment due to the permanently placed structures. The new flood elevation as a result of this project will have to be mitigated and should be done so within the immediate flood area. The Kulanihako'i stream at this location has been the depository point of massive amounts of silt and mud contaminating the ocean more that one half of a mile from shore and multiple miles along the coast.

The project plans to replace the existing damaged bridge with a new bridge with six culverts 6 feet wide by 4 feet deep. This will increase the storm flow under the bridge by 50%. Unfortunately, the 100 yr flood event at this location is 14,144 cfs (Draft Drainage Study South Kihei 2009 by R. M Towill Corporation for Maui Department of Public Works) and it appears that the new bridge still has insufficient capacity to handle this flow. We expect that the EA will quantify the effect of the project on the 100 yr flood flow, including new flood maps. Special attention needs to be made to identify design approaches that mitigate the impact to the structure from over topping in a severe flood. Headwalls and end walls should be designed so that when the storm flows stop, that the structure will remain serviceable.

The design should also minimize the flood flow onto South Kihei Road and onto properties upstream of the bridge. Floods in this area have damaged the nearby Kalepolepo Park, NOAA Hawaiian Island Humpback Whale facility and the Historic Fishpond. Alternative designs or other upstream improvements that could further mitigate the impact of the 100 yr flood should be identified. Such alternatives should include an elevated bridge above the base flood elevation, which would allow a freer flow of storm water, the natural migration of sand dune process, and help prevent potential debris build up caught within the proposed culverts or pilings. Retention and /or drainage basins in the near mauka area could be constructed to help prevent debris build up and storm silt and mud from entering the ocean. Any new design should be intended to be a long-term benefit 50-100 years from now and not a shorter-term fix. Consideration should be made to the overall esthetic nature of the bridge in how it relates to and accentuates the natural environment it is located in and help bring a sense of quality suitable to its park and natural drainage area.



The traffic on S. Kihei Rd at Ka'ono'ulu Street will be impacted by the future connection of Ka'ono'ulu to the Upcountry connector road. The EA needs to evaluate the future traffic flow at that intersection and ensure that the bridge has sufficient capacity to handle that volume as this is a very sensitive issue to the Kihei community, which aspires for a pedestrian friendly, walkable community de-emphasizing the automobile and providing easy pedestrian access to our beaches and shorelines. The width of the new bridge will need to be consistent with the potential future improvements on S. Kihei Rd. The bridge structure should utilize the minimum amount of pavement to accommodate 2 travel lanes 2 sidewalks, and 2 bike lanes. Additionally, consideration should be made for the structure to potentially accommodate a turning lane if necessary at its North end in conjunction with the design of any future intersection at Ka'ono'ulu Street.

We are concerned about the impact on local traffic during the construction period. In order to reduce construction time disruption, consideration should be given to precast box culverts in 12, 24, or 48 foot lengths. Casting of the culverts adjacent to the work site could be accomplished prior to construction of the bridge detour thus saving casting and cure time of the boxes while the detour was in effect. Construction should be started after the rainy season to prevent silt damage to reefs. Storm water silt fences should be installed to prevent silt damage during construction. Work should be restricted to 8:00 AM to 4:00 PM Monday to Fridays due to peak traffic times and distance to residential units. The use of driven piles should be avoided if possible due to construction noise. Dust during construction should be minimized by use of dust fences and water where practical.

Traffic flow and Flood control are two major issues in Kihei. This project has the potential to help solve both of them if done with adequate foresight. The KCA would be pleased to assist in this effort by reviewing any work scopes or preliminary documents, and can support meetings on Maui. The Association is also able to provide public review and feedback. Please contact us at any time to participate in this important improvement.

Sincerely,

Mike Moran President
Kihei Community Association (KCA)



1907 South Beretania Street
Artesian Plaza, Suite 400
Honolulu, Hawaii, 96825 USA
Phone: 808-348-2277
FAX: 808-548-2253
www.wilsonokamoto.com

8256-01
June 6, 2013

Mr. Mike Moran, President
Kihei Community Association
P.O. Box 662
Kihei, Hawai'i 96753

Subject: Pre-Assessment Consultation
Draft Environmental Assessment (EA)
Kūlanihāko'i Bridge Replacement
Kihei, Island of Maui, Hawai'i

Dear Mr. Moran:

Thank you for your letter which we received on January 7, 2013 regarding the subject project. We offer the following responses to your letter.

We understand the regional concerns regarding drainage. Flooding has been a major issue in a number of South Maui watersheds which extend through the Kihei region. Traffic on South Kihei Road and consideration for pedestrian friendly, walkable communities are noted as concerns of the Association. Your concerns will be taken into consideration as design of the project proceeds.

Your letter, along with this response, will be included in the forthcoming Draft EA. We appreciate your participation in the pre-assessment consultation review process.

Sincerely,

Milton Arakawa, AICP
Project Manager

MA/ly

cc: Wendy Kobashigawa, DPW

ALAN M. ARAKAWA
Mayor

DAVID C. GOODE
Director

ROWENA M. DAGDAG-ANDAYA
Deputy Director

Telephone: (808) 270-7745
Fax: (808) 270-7975



FILE COPY

MAR 08 2016

GLEN A. UENO, P.E., P.L.S.
Development Services Administration

CARY YAMASHITA, P.E.
Engineering Division

Highways Division

COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION

200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793

February 19, 2016

Mr. Scott Glenn
Interim Director
State of Hawaii
Department of Health
Office of Environmental Quality Control
235 South Beretania Street, Room 702
Honolulu, Hawaii 96813

RECEIVED
16 FEB 25 AM 11:37
OFFICE OF ENVIRONMENTAL
QUALITY CONTROL

Subject: REVISED Final Environmental Assessment
for Kūlanihāko'i Bridge Replacement
Kīhei, Maui, Hawaii
TMK: (2) 3-9-001:015 (por.), 147 (por.), 162 (por.) and South Kīhei Road Right-of Way (por.)

Dear Mr. Glenn:

With this letter, the County of Maui Department of Public Works (DPW) hereby transmits the revised final environmental assessment and finding of no significant impact (RFEA-FONSI) for Kūlanihāko'i Bridge Replacement situated at TMK: (2) 3-9-001:portions of 015, 147, 162 and the South Kīhei Road right-of-way in the Wailuku District on the island of Maui for publication in the next available edition of the Environmental Notice.

The County of Maui DPW withdrew the FEA-FONSI for the project which was published in the Environmental Notice on December 8, 2015 in order to address two agency comment letters and applicable responses which were inadvertently omitted. In addition, an agency comment letter received after the filing of the FEA-FONSI is being addressed. The County of Maui DPW has included copies of comments and responses that it received during the public comment period on the draft environmental assessment and anticipated finding of no significant impact (DEA-AFONSI).

Enclosed is a completed OEQC Publication Form, two copies of the RFEA-FONSI, and Adobe Acrobat file of the same, and an electronic copy of the publication form on MS Word. Simultaneous with this letter, we have submitted the summary of the action in a text file by electronic mail to your office.

If there are questions, please contact Wendy Kobashigawa at (808) 270-7745.

Sincerely,

DAVID C. GOODE
Director of Public Works

Enclosures

DG/WYKK:(ED16-125)

S:\ENGINEERING\PROJECTS\01 FAP\BRBR-3100(015) Kulanihakoi Bridge Replacement\Environmental\EA\Revised FINAL EA (Feb 2016)\RFEA Transmittal\2016.02.19 ED16-125 (Rev Final EA).doc

ALAN M. ARAKAWA
Mayor

DAVID C. GOODE
Director

ROWENA M. DAGDAG-ANDAYA
Deputy Director

Telephone: (808) 270-7745
Fax: (808) 270-7975



COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793

GLEN A. UENO, P.E., P.L.B.
Development Services Administration

CARY YAMASHITA, P.E.
Engineering Division

BRIAN HASHIRO, P.E.
Highways Division

November 3, 2015

Mr. Victor Ramos, Assistant Chief
County of Maui
Maui Police Department
55 Mahalani Street
Wailuku, Hawaii 96793

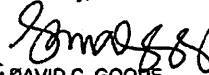
Subject: Draft Environmental Assessment
for Kulanihāko'i Bridge Replacement
Kihēi, Maui, Hawaii
TMK: (2) 3-9-001:015 (por.), 147 (por.), 162 (por.)
and South Kihēi Road Right-of-Way (por.)

Dear Mr. Ramos:

Thank you for the Department's letter dated August 13, 2013 regarding the subject Draft EA which noted no comments or concerns at this time.

Your letter, along with this response, will be reproduced and included in the forthcoming Final EA. We appreciate your participation in the Draft EA review process.

Sincerely,


DAVID C. GOODE
Director of Public Works

DGAWYK(ED15-1159)
S:\ENGP\PROJECTS\01 FAP\BR-3100(015) Kulanihāko'i Bridge Replacement\Environmental\EA\FINAL EA\ED15-1159
Response to CoM Police.docx

cc. Mr. Will Spence, Department of Planning
Mr. Milton Arakawa, Wilson Okamoto Corporation

RECEIVED
COUNTY OF MAUI
PUBLIC WORKS
2013 AUG -6 PM 4:03
2013 AUG -7 PM 2:11

KCA

COUNTY OF MAUI
PUBLIC WORKS
Kulanihāko'i Community Association
"that to shape our Community's future"

August 6, 2013

Mayor Alan Arakawa
Office of the Mayor
200 S. High Street
Wailuku, Maui, HI 96793

Aloha Mayor Arakawa,

We are writing regarding the proposed bridge replacement on South Kihēi Road at Kulanihāko'i Gulch.

The KCA Planning Committee met with David Goode and Milton Arakawa of Wilson Okamoto Corporation. After that meeting we wrote a letter following up on comments we had made during the meeting. We stated that we prefer a bridge rather than a culvert, with open rather than closed railings, and with the pedestrian way separated from vehicular traffic. The temporary bridge that they showed us is preferable to the final proposed culvert.

On July 16, at the KCA general meeting, the county made another presentation to our community. The proposal was unchanged from their initial proposal. The community's recommendations were recognized, yet not incorporated, nor even analyzed. We had hoped to see more progress in reviewing our input.

The bridge site is at a crucial location in a Federal Flood zone and contributes to the flooding. Neighbors in the surrounding area are concerned that the new bridge is not going to improve that situation. We feel that the suggestions we made to the designers would reduce significantly the flood zone, and should be investigated.

South Kihēi Road is the gateway to the South Maui tourist area. This water crossing could set a standard as a scenic spot where pedestrians will want to linger, rather than the eyesore of the existing culvert.

We hope that you will encourage the Planning Department and Department of Public Works to think of the impact that this project has on our residents and on our valuable tourist industry.

Thank you,

Donald G. Couch, Jr.,
KCA President

cc: Donald G. Couch, Jr., Councilman
William Spence, Director of Planning
David Goode, Director of Public Works

189
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COUNTY OF MAUI
PUBLIC WORKS

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HWY.
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By _____

194



Kihei Community Association
"Working together to shape our Community's future"

2013 AUG 13 AM 10 20
(left on Jo Anne's desk on 8/12/13)

August 9, 2013

Mayor Alan Arakawa
Office of the Mayor
200 S. High Street
Wailuku, Maui, HI 96793

Aloha Mayor Arakawa,

The KCA understands that the county is preparing to move ahead with the new culvert design as proposed. We still believe that a complete bridge could provide significantly added drainage flow during a flood. As you are aware, this area of Kihei has been the subject of several floods in the last years and has a large flood plain requiring many homeowners to purchase expensive flood insurance.

It is also important to minimize delays in getting this project completed. But the temporary bridge being installed by the County does provide an opportunity to extend the timelines to accommodate a redesign. The key element at this time would appear to be the EIS that is currently under preparation. In our comments to the EIS contractor, we recommended that alternate designs be considered that would improve the performance of the bridge during flood events. We don't know if that request is being honored.

If you could direct your engineering staff to provide an alternate design for a full bridge, with separation of bikes and pedestrians from vehicles, the EIS contractor could include that in their document. That would allow the processing of the plans to continue while the detailed redesign of the bridge was completed.

Thank you
Michael Moran
KCA President

cc: Donald G. Couch, Jr., Councilman
William Spence, Director of Planning
David Goode, Director of Public Works

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2013 AUG 14 AM 10 20
ENGINEERING DIVISION
DEPARTMENT OF PUBLIC WORKS

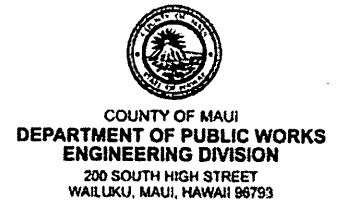
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Return to _____ Date _____
By: _____ Title: _____

ALAN M. ARAKAWA
Mayor
DAVID C. GOODE
Director
ROVENA M. DAGDAG-ANDAYA
Deputy Director
Telephone: (808) 270-7745
Fax: (808) 270-7975



GLEN A. UENO, P.E., P.L.S.
Development Services Administration
CARY YAMASHITA, P.E.
Engineering Division
BRIAN HASHIRO, P.E.
Highways Division

November 9, 2015

Mr. Michael Moran
President
Kihei Community Association
P.O. Box 662
Kihei, Hawai'i 96753

Subject: Draft Environmental Assessment
for Kūlanihāko'i Bridge Replacement
Kihei, Maui, Hawai'i
TMK: (2) 3-9-001:015 (por.), 147 (por.), 162 (por.)
and South Kihei Road Right-of-Way (por.)

Dear Mr. Moran:

Thank you for your letters of August 6, 2013 and August 9, 2013 to Mayor Alan Arakawa regarding the subject Draft EA. On behalf of the County of Maui Department of Public Works, we would like to provide a response.

First, we would like to note that we have earnestly considered the comments of the Kihei Community Association. We understand that flood insurance requirements have changed over the last several years with the result that additional homeowners will now have to purchase flood insurance. The proposed six culvert design will provide an incremental increase in accommodating storm flows over the existing four culverts. That increase in drainage capacity is 204 cubic feet per second (cfs) to 306 cfs, assuming that the sand plug outlet is not blocked.

Should a bridge rather than a culvert design be pursued, a slightly greater drainage capacity may, in fact, be achieved. However, a bridge in this location, no matter the extent to which it is raised, will not completely solve drainage or flooding issues. The existing South Kihei Road crossing is located at the makai end of the 10,298 acre Kūlanihāko'i Watershed which extends from approximately the 9,600 foot elevation near the summit of Haleakalā to the shoreline. The 100 year storm flows at South Kihei Road have been calculated at 14,148 cfs. This is significantly greater than the existing capacity of the culverts.

Mr. Michael Moran
Page 2
November 9, 2015

For example, if the velocity of the flows is assumed to travel at 10 feet per second, the volume of water is roughly 10 feet high by 140 feet wide. By comparison, the existing culverts are 4 feet high and 24 feet wide. Thus, when significant runoff occurs, the flows overtop South Kihei Road.

The key point, however, is that significant storm flows fan out from the relatively flat drainageway before it reaches South Kihei Road. Although the Kūlanihāko'i Watershed is fairly well defined at upper elevations, the drainageway flattens out considerably makai of Pi'ilani Highway. Moreover, the existing sand plug acts as a dam until flows are able to puncture through it. It is noted that the proposed six culvert design will provide an incremental increase in drainage capacity. However, runoff and flooding would still occur in the surrounding area. Because of the relatively undefined drainageway upstream of the project area and the amount of storm flows, runoff and flooding will still occur even if larger culverts or a bridge were implemented.

A bridge has other drawbacks. Because a bridge in this location will not be able to accommodate large storm flows, the bridge will become an obstacle for runoff, as well as debris such as branches, rocks and boulders. Culverts are also an obstacle and have been damaged by significant storms in the past. Storm flows can be deflected off of obstacles and result in flooding over a wider area. Storm flow deflection from a larger obstacle such as a bridge may pose an additional flooding concern.

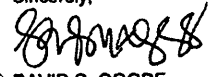
Repair and maintenance of the existing culverts have been able to be effectuated relatively quickly minimizing the impact on the community. Damage to a bridge, however, may require structural engineering analysis to determine whether it is safe for use. Repairs may also be more extensive causing a longer period of time when the bridge will not be able to be utilized resulting in additional disruption to the community.

It is recognized that flooding is a major concern in the District. There are a number of major and distinct watershed areas in the Kihei region which extend up to the Southwest Rift Zone along the slopes of Haleakalā. Issues of dealing with peak runoff in the Kihei region are much larger than the replacing culverts in the Kūlanihāko'i Watershed at South Kihei Road. Drainage in Kihei is obviously a regional issue. An updated drainage master plan is needed in the area. Our Department is working on updating the Kihei Drainage Master Plan. We look forward to working cooperatively with the Kihei Community Association in formulating applicable regional drainage solutions for the District.

Mr. Michael Moran
Page 3
November 9, 2015

Your letter, along with this response, will be reproduced and included in the forthcoming Final EA. We appreciate your participation in the Draft EA review process.

Sincerely,



DAVID C. GOODE
Director of Public Works

DGAWYK(ED15-1160)
S:\ENGP\PROJECTS\01 FAP\BRBR-3100(015) Kulanihako'i Bridge Replacement\EA\FINAL EA\ED15-1160Response to KCA.docx

cc. Alan Arakawa, Mayor
Will Spence, Department of Planning
Milton Arakawa, Wilson Okamoto Corporation

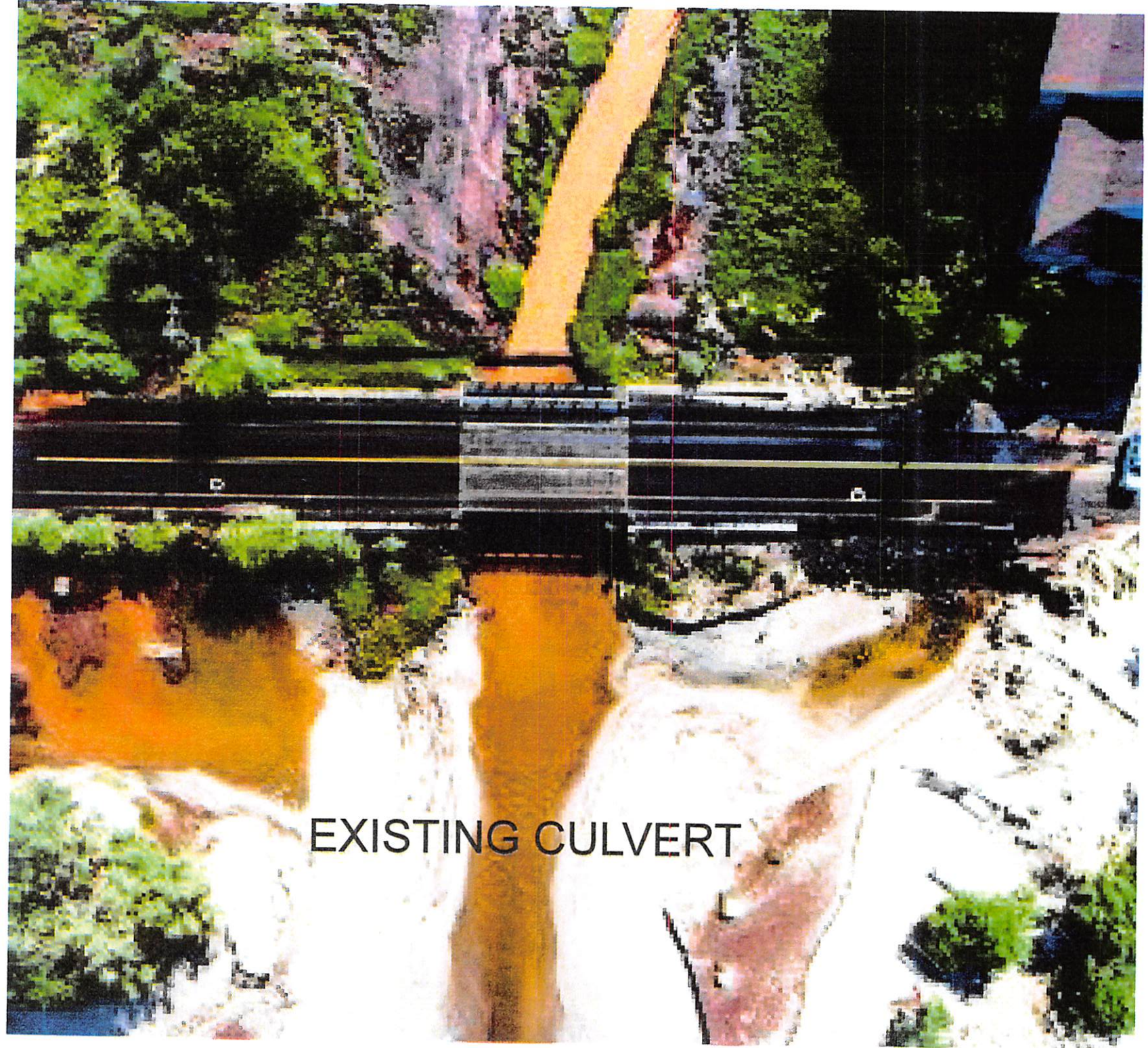
19 April 2018



Tom Mellin

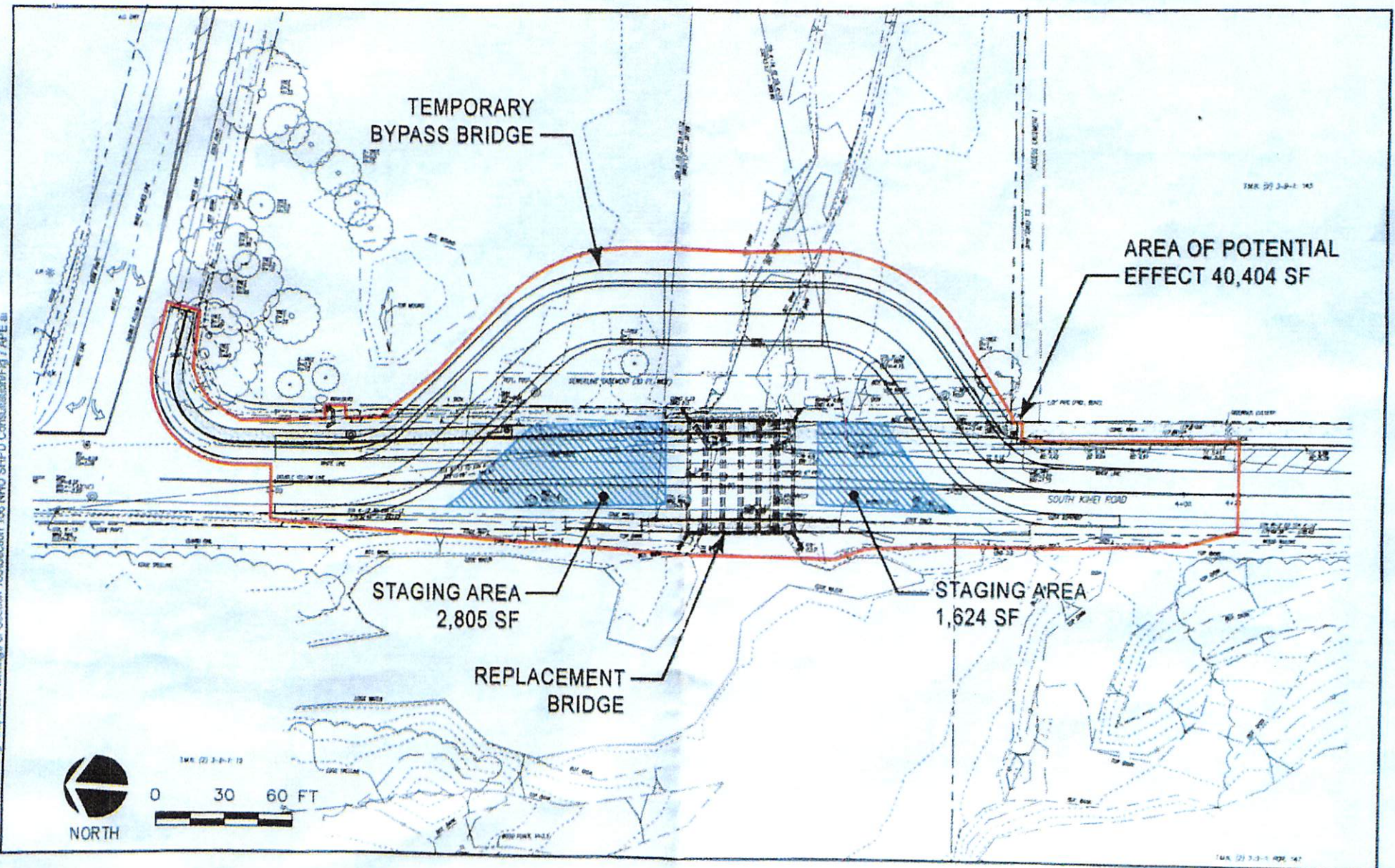
tmellin@yahoo.com

LINDA BERRY
808-214-7699



EXISTING CULVERT

W:\8256-01\Planning\Graphics\Working\Fig Section 106\Section 106 NHO SHPD Consultation\Fig 7 AFE.dwg



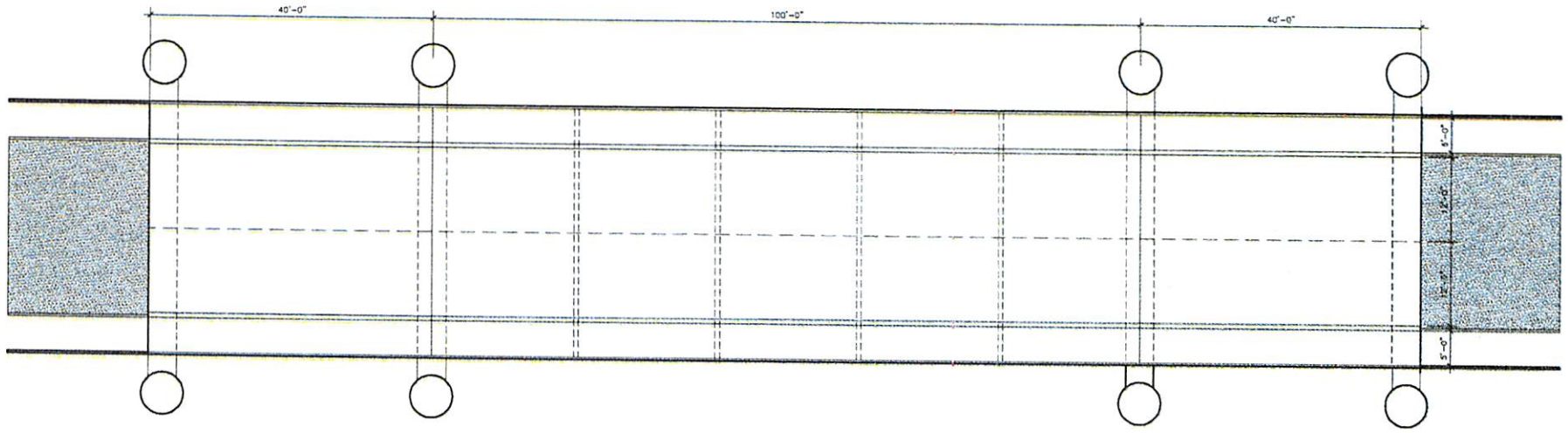
COUNTY PLAN FOR CULVERT & BYPASS

FIGURE 7
AREA OF POTENTIAL EFFECT

KULANIHAKOI BRIDGE REPLACEMENT
NHO AND SHPD SECTION 106 CONSULTATION

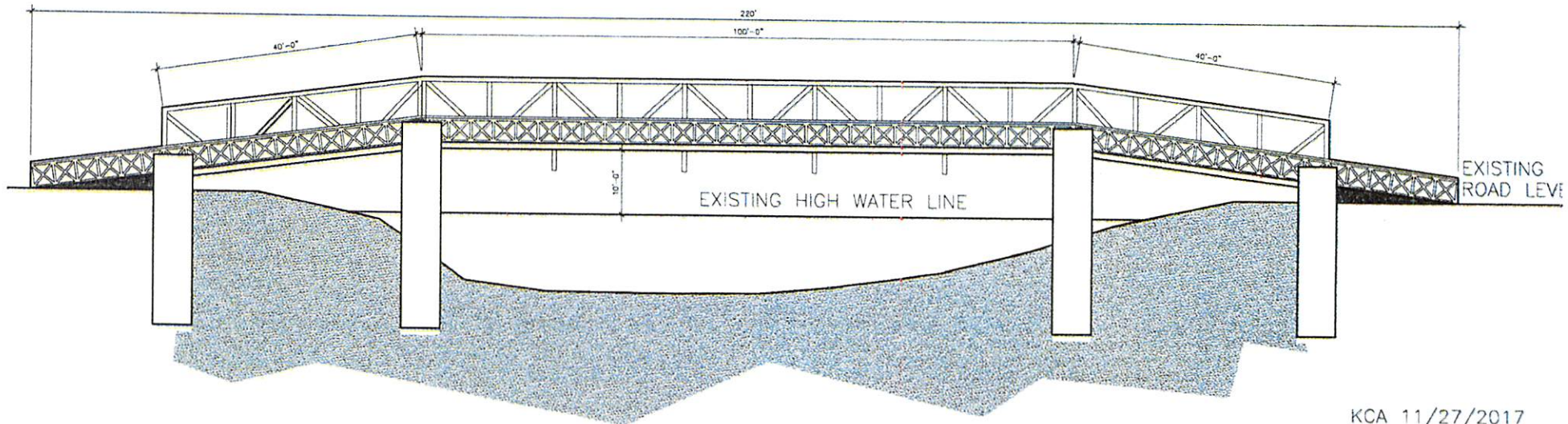
EXAMPLE OF PREFAB STEEL BRIDGE ON STONE PIERS





KULANIHAKOI GULCH PREFAB BRIDGE PLAN VIEW

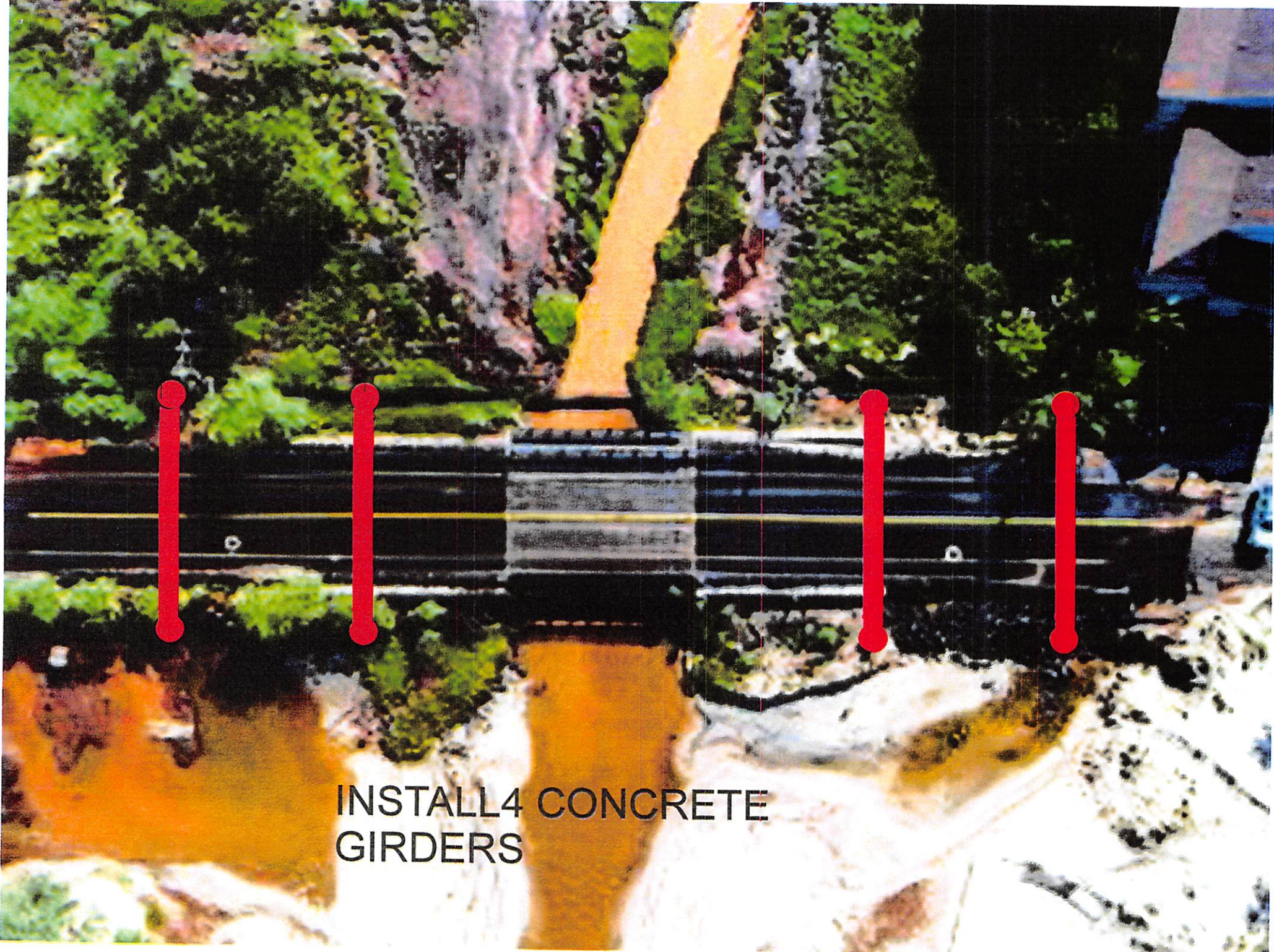
KCA PREFAB BRIDGE PLAN



KCA 11/27/2017



INSTALL 8 CONCRETE
PIERS OUTSIDE EXISTING
HIGHWAY



INSTALL 4 CONCRETE
GIRDERS

COST

GPRM Precast, Oahu

8 Precast concrete piers,
4 girders (includes shipping to Kahului)

\$ 52,000

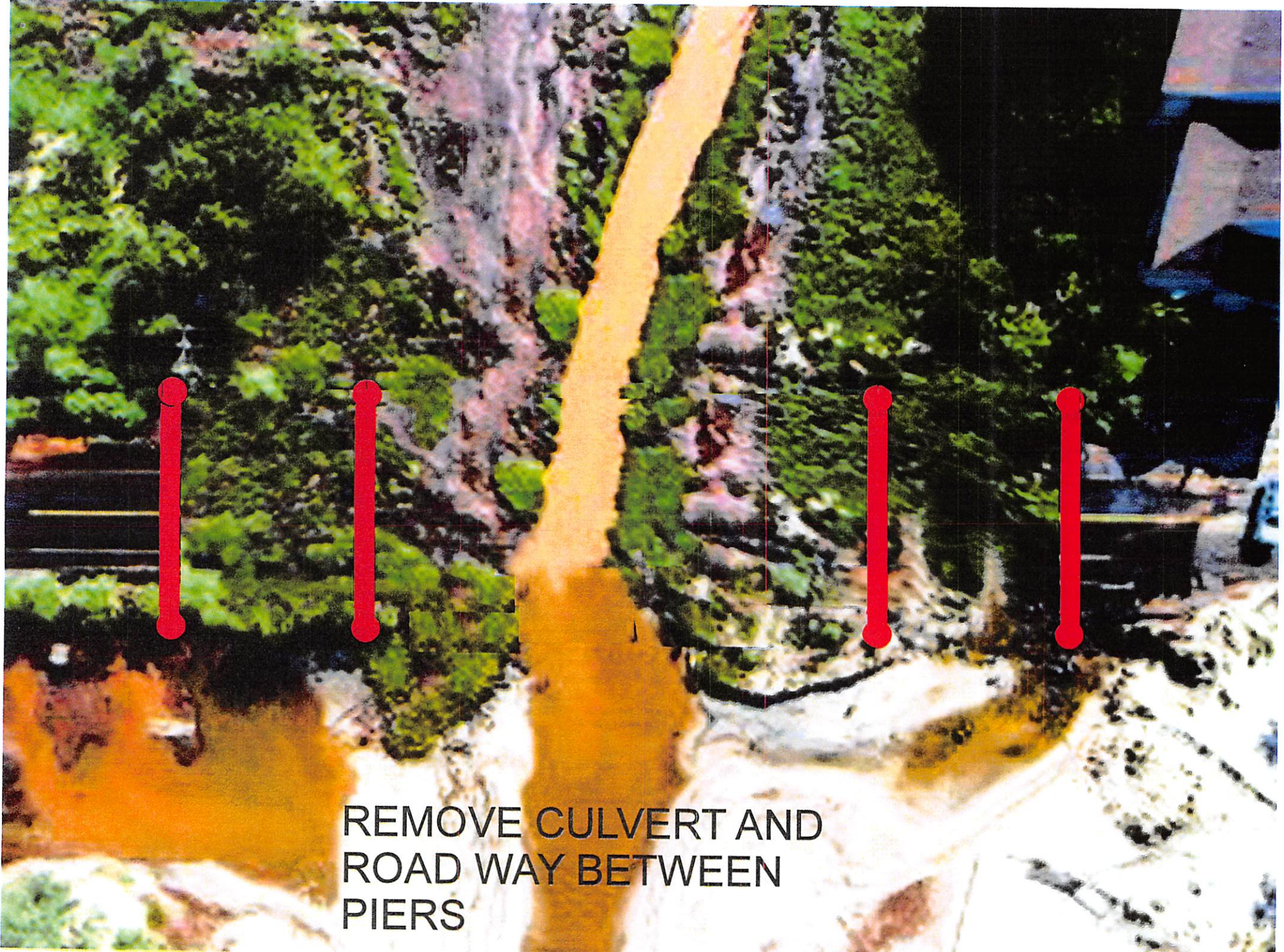
Healy Tibbetts Construction, Kapolei

Install Concrete piers and girders
(depends on depth of bedrock –
may be as little as \$100,000)

\$500,000

SUBTOTAL

\$552,000



REMOVE CULVERT AND
ROAD WAY BETWEEN
PIERS



KULANILAKOI GULCH PREFAB BRIDGE PLAN VIEW

DROP IN PREFAB BRIDGE IN 3 SECTIONS

SUBTOTAL \$552,200

Mabey C200 Steel Bridge
Includes shipping to Kahului \$720,000

Trucking bridge from Kahului to Kihei \$ _____

Remove old culvert, drop in prefab bridge, patch road \$ _____

KCA PLAN TOTAL \$1,272,200

Reply all | Delete Junk | ...



Documents in Support of Resolution CC 18-151

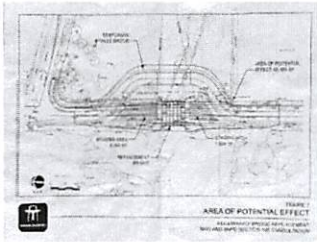
LB

Linda Berry <ljbaiawcc@gmail.com>

Today, 3:11 PM

County Clerk <County.Clerk@co.maui.hi.us>

Reply all |



02 letter to D Goode re...
749 KB

03 KCA Section 106 res...
21 KB

04 21
30 KB

Show all 12 attachments (4 MB) Download all Save all to OneDrive - County of Maui Office of Council Services

Aloha Chair White and Maui County Council Members,

I am submitting the following documents for your reference, in support of CC 18-151 "URGING THE DEPARTMENT OF PUBLIC WORKS TO DISCONTINUE WORK ON THE KULANIHAKOI CULVERT/BYPASS PROJECT AS CURRENTLY CONFIGURED AND PRESENT TO THE SOUTH MAUI COMMUNITY AN ALTERNATIVE PLAN FOR A PREFABRICATED BRIDGE."

The Draft Resolution Key shows which section of the resolution each document supports.

Please don't hesitate to contact me with any questions. I will be at the April 20th Council Meeting as a resource if needed.

Mahalo for your attention,

Linda Berry, AIA, LEED AP

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2018 APR 18 PM 3:55
OFFICE OF THE
COUNTY CLERK



KCA

Kihei Community Association

June 18, 2013

Milton Arakawa, Jr. A.I.C.P.
Wilson Okamoto Corporation

Cc: David Goode, Department of Public Works, Maui County
Wendy Kobashigawa, Department of Public Works, Maui County
Donald G. Couch, Jr., Maui County Council

Aloha Milton,

Thank you for your presentation to the KCA Planning Committee of the proposed culvert replacement on South Kihei Road. We appreciated the explanation of the three stages: the temporary strengthening of the roadway until construction can begin, the construction bypass using a steel bridge, and the final construction of a new culvert and roadway with pedestrian and bike lanes.

We would like to reiterate several of our comments made during the review about the proposed new construction .

1) To minimize future flooding, we prefer to see an actual bridge with a minimum footprint in the waterway, in lieu of replacing the culvert with another culvert. This would allow for greater increased stream flow during storms and reduce debris buildup in the waterway. Blockages would be more visible than in a culvert and could be removed more easily.

We understand that a long raised approach to a bridge would interfere with existing driveways. We are recommending a low-rise bridge with shorter approach ramps, as shown in the temporary solution you presented.

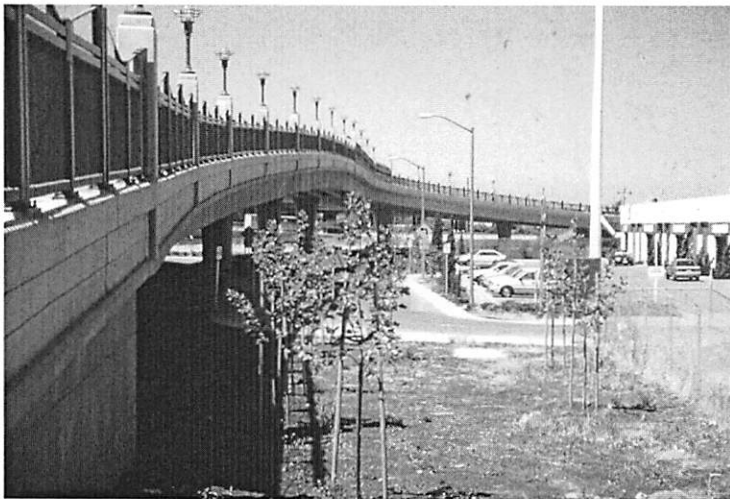
2) To improve the aesthetics of the new bridge, we prefer open steel railings to concrete walls. This will make the waterway more visible from the bridge, increasing the connection to the island's natural beauty rather than blocking it with an opaque wall.

3) To increase safety, we prefer that lighting of the approach and the bridge be part of the design, preferably using a number of small scale lights in a style such as were used along the bike path at Liloa Street.

4) To increase pedestrian safety, we prefer that the pedestrian walkways be separated from the drive lanes by railings, as in the temporary bridge you showed us.



By way of illustration we include this photo to show a bridge with the elements we prefer: the raised bridge and metal side railings, in a rustic style appropriate to Maui.



This photo shows another example of metal side railings, as well as integral small-scale lighting.

We appreciate you working with us to meet the community's needs.

Aloha,

Mike Moran
President
Kihei Community Association
Board of Directors

February 23, 2017

Wendy Kobashigawa
Engineer
Public Works Department
County of Maui
200 South High Street
Wailuku, HI 96793

Aloha Wendy,

Regarding ACHP Section 106 for the Kulanihakoi Gulch Bridge Renovation, Federal-Aid Project No. BR-3100 (015)

The Kihei Community Association previously addressed our environmental concerns about the proposed installation of a new culvert at Kulanihakoi Gulch and requested that an unobstructed bridge be considered instead.

In this letter we will address our concerns about how the proposed culvert will have a negative impact on the currently recognized Historic Landmark, Kalepolepo Fishpond (also known as Ko'ie'ie Fishpond) and on the historic muliwai that is part of the same waterway. An unobstructed bridge would mitigate these concerns.

The difference between a culvert and a bridge is that the culvert narrows the path of the flood water, causing a Bernoulli Effect, increasing the velocity of the water so that it exits the culvert on the ocean side with more force, enough force to deeply erode the barrier sand dunes, allowing silt-filled brown water to wash into the ocean. A bridge in this location will not narrow the natural path of the flood water and will allow the naturally flowing water to seep into the ground rather than erode the dunes and reach the ocean.

How does this relate to the historic fishpond? Referencing the application for landmark status filed in 1996, section 7, page 9 states:

The Office of State Planning has designated the pond water as Class A, which designates it to be protected from..." any discharge which has not received the best degree of treatment or control compatible with the criteria specified for this class." (DHM Inc, 1990 a:IV-5)

Currently the north end of the fishpond is open, so brown water washes in directly from the gulch. In addition, after a storm event, such as the recent 02/12/2017 storm, the brown water extends out a significant distance from shore and the waves breaking over the western boundary of the fishpond are muddy, so even if gaps in the fishpond walls are closed, muddy water will wash into the pond, contaminating the Class A pond water and making the fishpond uninhabitable for fish.

KCA is in the process of working with many community stakeholders including Native Hawaiians, major gulch landowners, and the County to develop a linear park extending along the gulch from South Kihei Road to Pi'ilani Highway. The proposed plan, developed by Chris Hart and Partners, would include restoring the historic muliwai (which would necessitate a bridge, rather than a culvert), restoring the water way to its natural path by removing four feet (or more) of accumulated silt, adding a pedestrian and bike path that would connect neighborhoods to the new high school via the gulch overpass, and providing a place for cultural education with signage (similar to that on the Keālia

Wildlife Trail) showing how the waterway played an important part in historic culture.

A bridge will protect the historic fishpond from contamination with silt from muddy water and will allow the development of additional historic cultural features, including restoration of the historic muliwai. We hereby request that a bridge, not a culvert, be installed on Kulanihakoi Gulch at South Kihei Road.

Aloha,

Mike Moran, President

MEETING NOTES

March 22, 2017

ATTENDEES: Keaaumoku Kapu, Aha Moku O Maui
Basil Oshiro, Aha Moku O Maui
Vernon Kalanikau, Aha Moku Kula
Cody Nemet, Aha Moku O Maui
Lucienne deNaie (Aha Moku O Maui)
Ashford DeLima
Linda Berry, Kihei Community Association
Robin Knox, Aquanimity NOW!
Trevor Yucha, Cultural Surveys
Wendy Kobashigawa, Engineering Division

SUBJECT: KULANIHAKOI BRIDGE REPLACEMENT
FEDERAL AID PROJECT NO. BR-3100(015)
SECTION 106 CONSULTATION

I handed out the Area of Potential Effect (APE) map to everyone and asked if they could share any religious/cultural/historical information for the area within the APE. I mentioned that per Mr. Oshiro's email, the concrete box culverts and wetlands located within the APE were considered significant.

Cody Nemet referred to a 1981 report by Charles Keau that mentioned large boulders found 40 feet from the bridge. He also referred to the "Underwater Archaeological Inventory Survey of Ko`ie`ie Fishpond" report prepared by Theresa Donham of Akahale Archaeology in December 2002 that mentions two heiau, one on the south side and one on the north side of the fishpond, as well as a platform north of the fishpond.

Vernon Kalanikau provided family cultural information:

- His family moved to Kihei in the 1960s
- He remembers his father going to the Kulanihakoï drainageway where the bypass road will be located to pray and make offerings.
- They used to also catch oopu and opai in the muliwai and in the drainageway.
- Water in the muliwai used to be clear.
- He also remembers seeing ele ele limu in the muliwai.
- Others said lipoa (used for medicinal and prayer purposes) and ogo used to also be found in this area.
- He requested for an ahu (shrine/monument) to be installed in the area.
- He shared some videos he took of the March 7th storm event that caused flooding in the area.

Linda Berry offered some information regarding other projects in the area:

- Maui Lu developers were planning to install a roundabout at the Kaonoulu Street intersection. She will email me the roundabout plans later.
- She will also email me the preliminary plans for the linear park that KCA is proposing within the drainageway.
- She mentioned the adjacent mauka property owner and the church property owner next to the drainageway were interested in donating land to the County.
- She asked if we reviewed their recommendation to install a raised bridge. I explained that there are vertical and horizontal restrictions that would prevent the installation of a raised bridge due to Kaonoulu Street being in close proximity of the bridge.
- KCA will pursue a solution with landowner Hlilton (Maui Lu) to realign the Kaonoulu Street intersection to allow for the required space needed to install a bridge instead of a culvert and temporary bypass.

Keeaumoku Kapu shared his background information:

- He noted that this area is known as Kalaihi. (Kala means forgiveness and ihi is the hair standing up on your skin.) This area is a place where families come to heal or to ask for forgiveness for a wrongdoing.
- While helping to rebuild the Kalepolepo fishpond, he found 2 images on stones found in the water, which were placed in the wall.

Ashford DeLima provided some family background information:

- His dad used to work at the weather station where the whale sanctuary building is now.
- Kihei used to only have dirt roads.
- Kona storms would bring down tumbling waters and roads would wash out.

Overall comments received:

- This area is rich in cultural properties.
- Recommendation for a cultural monitor to be present during construction activities to make sure things are pono.
- The wetland and muliwai areas need to be restored.
- The sediment needs to be cleaned out of the drainageway to improve water quality.
- Water quality is important as it affects the health of the wetlands, muliwai, and marine environment.
- There remains much concern about flooding and sediment runoff which needs to be addressed with this project and not under the Kihei Drainage Master Plan.

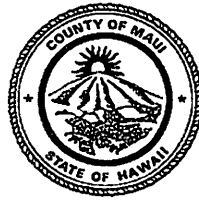
Submitted by:
Wendy Kobashigawa

ALAN M. ARAKAWA
Mayor

DAVID C. GOODE
Director

ROWENA M. DAGDAG-ANDAYA
Deputy Director

TEL. (808) 270-7745
FAX (808) 270-7975



GLEN A. UENO, P.E., P.L.S.
Development Services Administration

CARY YAMASHITA, P.E.
Engineering Division

JOHN R. SMITH, P.E., ACTING
Highways Division

COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793

May 1, 2017

Mr. Mike Moran, President
Kīhei Community Association (KCA)
P.O. Box 662
Kīhei, Hawai'i 96753

**SUBJECT: KULANIHAKOI BRIDGE REPLACEMENT
FEDERAL-AID PROJECT NO. BR-3100(015)
RESPONSE TO SECTION 106 CONSULTATION COMMENTS**

Dear Mr. Moran:

Thank you for your letter of February 23, 2017, providing comments on the Section 106 process for the Kūlanihāko'i Bridge Replacement project. We would like to take this opportunity to address concerns raised by the KCA.

KCA has noted that the proposed culvert will have a negative effect on the currently recognized Historic Landmark, Kalepolepo Fishpond and on the muliwai that is part of the same water way. KCA has noted that an unobstructed waterway would mitigate these concerns.

KCA has noted that a culvert narrows the path of flood waters causing a Bernoulli Effect, increasing the velocity of the water so that it exits the culvert on the ocean side with more force which erodes the sand barrier and allows brown water to wash into the ocean.

KCA has noted that after a significant rain, brown water extends out a significant distance from shore. Waves break over the Kalepolepo Fishpond walls bringing muddy water into the pond. KCA has noted that this contaminates the Class A pond water and makes the fishpond uninhabitable for fish.

KCA is in the process of working with a number of parties to develop a linear park extending along the gulch from South Kīhei Road to Pi'ilani Highway. According to KCA, the proposed plan would include restoring the historic muliwai (which necessitates a bridge, rather than a culvert), restoring the water way by removing four feet of accumulated silt, adding a pedestrian and bike path and providing a place for cultural education.

KCA feels that a bridge will protect the historic fishpond from contamination with silt from muddy water and will allow the development of additional historic features, including restoration of the muliwai.

Mr. Mike Moran
May 1, 2017
Page 2

We note that brown water and flooding issues in Kīhei have come to the forefront with current events in the district. We do understand the concerns raised by KCA and others about the importance of these issues. This is the reason the Department of Public Works is trying to finalize the Kīhei Drainage Master Plan for presentation to the community.

Unfortunately, implementing a bridge and removing four feet of accumulated silt from the water way will not solve Kīhei's brown water and flooding issues. This is clearly a regional problem. The Kūlanihāko'i Bridge is located near the shoreline of the Kūlanihāko'i Watershed which extends from the shoreline to an area near the summit of Haleakalā. Within the watershed, there are many landowners, including Federal, State, County and private, who contribute runoff to the drainageway. It should be noted that the Kūlanihāko'i Watershed is one of eight watersheds which flow through the Kīhei region. These watersheds extend not only from North to South Kīhei but from the shoreline up to near the summit of Haleakalā. The Kūlanihāko'i Bridge is one small part of the one watershed.

At the Kūlanihāko'i Bridge, the 100-year storm flows are approximately 14,148 cubic feet per second (cfs). To provide a visual picture of the magnitude of the peak flow, if a river travels at 10 feet per second, 14,000 cfs would be water measuring 10 feet high and 140 feet wide. Thus, a drainage facility would need to accommodate or pass through a significant amount of water every second for 24 hours to accommodate peak flows. By comparison, the flows which occurred at the Wailuku River near the 'Īao Valley State Monument on September 13, 2016 were estimated at 10,900 cfs. The existing four cell culverts at Kūlanihāko'i can accommodate 204 cfs. Six culverts provide an incremental increase to 306 cfs.

Moreover, the Kūlanihāko'i drainageway is fairly well defined at upper elevations and at lower elevations up to Pi'ilani Highway. Like many Hawai'i watersheds, the drainageway flattens and fans out close to the shoreline. Thus, flooding of adjacent properties occurs before it reaches the Kūlanihāko'i culverts. Thus, even if a bridge were installed at South Kīhei Road, flooding would still occur.

While KCA has noted concerns with silt and sediment effects on the Kalepolepo Fishpond, the project itself will not result in an increase of silt and sediment to downstream properties, including the Fishpond. This is clearly a regional issue beyond the scope of the Kūlanihāko'i Bridge Replacement project. Silt and sediment which affects the coastal environment, including effects to Kalepolepo Fishpond, may be brought up as part of the Kīhei Drainage Master Plan.

As far as possible historical considerations relating to the muliwai, archaeological investigation did include soil borings in several locations within and near the muliwai. Sensitive cultural resources were not found. However, archaeological monitoring will be done during construction.

Regarding the Bernoulli Effect, it is noted that the installation of six box culverts instead of four will increase the flow area which will decrease the velocity through the culverts. Depending on the design, a bridge may further increase the flow area and decrease the velocity. However, it is noted that a bridge may also require a concrete bottom in this location to prevent scouring of the stream bed. Since the muliwai is tidally influenced and already contains standing water generally on a permanent basis, flowing water will not percolate into the ground to any

Mr. Mike Moran
May 1, 2017
Page 3

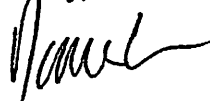
significant degree. With the magnitude of runoff from significant rains, the Bernoulli Effect in this instance will be minimal and flooding will still occur with a bridge, assuming all other conditions are constant.

We note that KCA is proceeding with plans for a linear park in the Kūlanihākoʻi Drainageway from South Kīhei Road to Piʻilani Highway. It is noted that even with additional excavation to extend the muliwai and/or moving the intersection of Kaʻonoʻulu Road further north to create additional drainage capacity, calculations will be needed to assure that a linear park, if built, will not flood when significant rains occur in the future. These regional issues are beyond the scope of the Kūlanihākoʻi Bridge Replacement project.

While we understand the concern regarding community flooding in the Kīhei District, we hope that you appreciate that issues of drainage and flooding in Kīhei are complex as well as multi-regional in scope. We appreciate the suggestions noted in your letter; however, capital improvements in this area must address and take into consideration drainage and flooding issues which are beyond the scope of the Kūlanihākoʻi Bridge Replacement project. We urge you to participate in the Kīhei Drainage Master Plan process to assist in formulating a workable solution for Kīhei's flooding problems.

Thank you for sharing your concerns with us.

Sincerely,



DAVID C. GOODE
Director of Public Works

DG:wyk-ma(ED17-321)

S:\ENGP\PROJECTS\01 FAP\BR\BR-3100(015) Kulanihakoi Bridge Replacement\Environmental\Section 106\05 Notice of Consultation to NHOs\2017.05.01 ED17-321 (response to KCA cmts).doc

June 1, 2017

David Goode
Director
Public Works Department
County of Maui
200 South High Street
Wailuku, HI 96793

Kulanihakoi Bridge Replacement
Federal-Aid Project No. BR-3100(15)
Response to Section 106 Comments Letter

Aloha David,

We are writing in response to your letter dated May 1, 2017.

You mention that “Unfortunately implementing a bridge and removing four feet of silt from the water way will not solve Kihei’s brown water and flooding issues,” and later “flooding will still occur with a bridge, assuming all other conditions are constant.”

Perhaps we did not make it clear that we consider a new bridge as only part of a solution to the complex problems of this watershed. That it is only part of the solution does not make it any less imperative that this part of the solution be done right.

The *Pre-final Report for the Kihei Drainage Master Plan, November 2016*, backs the KCA position that a raised bridge is needed at this location. On page 20, it states

Currently the county of Maui is in the design phase to replace the existing 6'X4' box culverts. The improvement is not intended to alleviate the existing flooding condition completely.

Then on page 21, in the *Recommendations* section, it states:

Ultimately, construction of a new bridge (130-foot span) at the South Kihei Road crossing could be considered as a long term goal to pass the design flow to the ocean.

KCA's position is that spending precious County funds now to replace culverts that will soon need to be replaced with a raised bridge is short sighted and wasteful. Rapidly rising ocean levels add to the futility of a short term fix. The proposed temporary bridge will irrevocably destroy Native Hawaiian cultural sites that were discussed in the 106 meeting with Wendy Kobashigawa.

We appreciate your encouragement to participate in the Kihei Drainage Master Plan process to formulate a workable solution for Kihei's flooding problems, and now that we have the pre-final version of the Plan, we see this letter as an initial step in that process. For now, we urge you to recall the culvert project until the community and County can agree on a more comprehensive plan that considers the entire drainage-way and makes the most efficient use of County funds.

Aloha,

Mike Moran, President

cc: Council Members Kelly King, Alike Atay, Robert Carroll

Kulanihakoi Prefab bridge

7 messages

Linda Berry <ljbaiawcc@gmail.com>

Mon, Nov 27, 2017 at 2:53 PM

To: Kelly King <kelly.king@mauicounty.us>, David Goode <David.Goode@co.maui.hi.us>, Ty Takeno <Ty.Takeno@co.maui.hi.us>

Cc: Randy Wagner-Rixey <randy.wagner@gmail.com>, Mike Moran <mmmmahalo2000@aol.com>

Aloha,

I am attaching a schematic plan and sections of a prefab bridge for the Kulanihakoi Gulch, similar to the ones that we received pricing for last week from Mabey (\$720,000 to Kahului) and Contech (\$700,000 to Kahului).

Also I have attached this plan overlaid on the County plan done by Wilson Okamoto to show that the length of the bridge plus ramps is not going to impact the Kaonoulu intersection to the north or the condo driveways to the south.

I hope this helps in making the prefab alternative clearer.

Aloha,

Linda Berry, AIA, LEED AP

2 attachments **PREFAB bridge plan .pdf**
37K **PEFAB BRIDGE overlaid on county plan.pdf**
741K

Randy Wagner <randy.wagner@gmail.com>

Mon, Nov 27, 2017 at 6:26 PM

To: Linda Berry <ljbaiawcc@gmail.com>

Cc: David Goode <David.Goode@co.maui.hi.us>, Kelly King <kelly.king@mauicounty.us>, Mike Moran <mmmmahalo2000@aol.com>, Ty Takeno <Ty.Takeno@co.maui.hi.us>

That looks beautiful to me!!
Thank you for doing that, Linda.

[Quoted text hidden]

Linda Berry <ljbaiawcc@gmail.com>

Mon, Nov 27, 2017 at 6:31 PM

To: Randy Wagner <randy.wagner@gmail.com>

I'm very happy to hear that from you!

Aloha,
Linda Berry, AIA, LEED AP

[Quoted text hidden]

Mike Moran <mmmmahalo2000@aol.com>

Mon, Nov 27, 2017 at 7:13 PM

To: ljbaiawcc@gmail.com

Sweet, Linda
Mike

[Quoted text hidden]

David Goode <David.Goode@co.maui.hi.us>

Mon, Dec 4, 2017 at 4:00 PM

To: ljbaiawcc@gmail.com

Cc: Cary Yamashita <Cary.Yamashita@co.maui.hi.us>, Rowena Dagdag-Andaya <Rowena.Dagdag-Andaya@co.maui.hi.us>, Ty Takeno <Ty.Takeno@co.maui.hi.us>, Wendy Kobashigawa <Wendy.Kobashigawa@co.maui.hi.us>

Aloha Linda,

Thanks for sending along your idea. I had our Engineering staff review and their comments are below. Please note that we did look into this idea as an alternative in the combined Federal and State Environmental Assessment (EA), and addressed the specific comments of the KCA for this bridge-type alternative in the EA. As we determined then, and still believe to be the case, the larger span raised bridge has significant cost and technical requirements that we are unable to fund and solve at this time. It may make

sense in the future, as the Kulanihako'i drainage area is dealt with in terms of the Kihei Drainage Master Plan, but at this time our preferred alternative, as outlined in the completed and accepted EA is the direction we will continue to move in to address the immediate issues with the existing roadway/bridge.

COMMENTS

Thanks for sharing Linda's schematic plans & sections. The layout on Figure 7 did not match the dimensions shown on the sections that were provided so it was re-sketched in green (see attached Kulanihako'i Schematic Layout).

While Linda's recommendation for a pre-fab bridge is appreciated, it does not take into account several things:

- The 40-ft long ramps on both sides of the bridge do not include vertical curves to provide a smooth riding transition back to the existing grade of S. Kihei Road.
- When the current ACROW bridge was installed, the ramps on either end were approximately 95 l.f. long with vertical curves installed. Total length from ramp to ramp is approximately 268 l.f. Due to the close proximity of Kaonoulu Street and Kihei Bay Vistas, this layout was the best fit but it required that we lower the speed limit to 10 mph across the bridge to meet roadway design standards. In comparison, the total length of Linda's design is 180 l.f.
- The existing ACROW bridge deck sits approximately 2.75 ft above the road. Looking at the proposed sections, it appears the height of Linda's proposed bridge deck will be approximately 3-4 feet higher than the current ACROW bridge deck, which would require a much longer vertical curve transitions that will impact the Kaonoulu Street intersection and Kihei Bay Vistas.
- It is unclear what drainage design standard will be met with the proposed design.
- Overall, if this design is to be considered, we would have to re-do all the environmental clearances/permits already obtained (SMA, Section 106, Section 7, 401 and 404, etc) as this design is significantly different. This would cost hundreds of thousands of dollars and may take several years to execute, if funding is provided and if the project scope changes are not challenged in court or otherwise.
- The project is Federally funded and a change in scope this large would require reprogramming for more Federal funds and therefore loss of Federal funding to other projects in Maui such as the North South Collector Road.

If you have any further questions, pls let me know. Mahalo,

Dave Goode

David C. Goode
Director
Department of Public Works
County of Maui
200 S. High St., Room 434
Wailuku, Hi 96793
808-270-7845 (office)
808-270-7955 (fax)
>>> David Goode 11/27/2017 4:24 PM >>>
Thoughts? DG

>>> Linda Berry <ljbaiawcc@gmail.com> 11/27/2017 2:53 PM >>>

Aloha,

I am attaching a schematic plan and sections of a prefab bridge for the Kulanihako'i Gulch, similar to the ones that we received pricing for last week from Mabey (\$720,000 to Kahului) and Contech (\$700,000 to Kahului).

Also I have attached this plan overlaid on the County plan done by Wilson Okamoto to show that the length of the bridge plus ramps is not going to impact the Kaonoulu intersection to the north or the condo driveways to the south.

I hope this helps in making the prefab alternative clearer.

Aloha,

Linda Berry, AIA, LEED AP

3 attachments

 **Kulanihako'i Schematic Layout.pdf**
149K

 **PREFAB BRIDGE overlaid on county plan.pdf**
745K

 **PREFAB bridge plan .pdf**
37K

Ljb <ljbaiawcc@gmail.com>

Tue, Dec 5, 2017 at 12:17 PM

To: David Goode <David.Goode@co.maui.hi.us>

Cc: Cary Yamashita <Cary.Yamashita@co.maui.hi.us>, Rowena Dagdag-Andaya <Rowena.Dagdag-Andaya@co.maui.hi.us>, Ty Takeno <Ty.Takeno@co.maui.hi.us>, Wendy Kobashigawa <Wendy.Kobashigawa@co.maui.hi.us>

Thank you all for reviewing our bridge proposal. I will send a more comprehensive reply after KCA has time to discuss this later this week, but I wanted to let you know I received this.

Aloha,

Linda Berry, AIA, LEED AP

[Quoted text hidden]

<Kulanihakoi Schematic Layout.pdf>

<PREFAB BRIDGE overlaid on county plan.pdf>

<PREFAB bridge plan .pdf>

David Goode <David.Goode@co.maui.hi.us>

Tue, Dec 5, 2017 at 3:38 PM

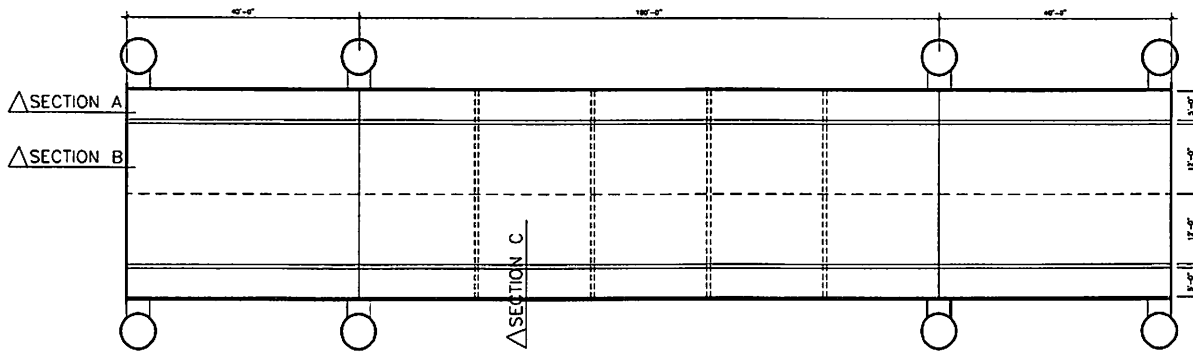
To: Ljb <ljbaiawcc@gmail.com>

Cc: Cary Yamashita <Cary.Yamashita@co.maui.hi.us>, Rowena Dagdag-Andaya <Rowena.Dagdag-Andaya@co.maui.hi.us>, Ty Takeno <Ty.Takeno@co.maui.hi.us>, Wendy Kobashigawa <Wendy.Kobashigawa@co.maui.hi.us>

OK thanks. DG

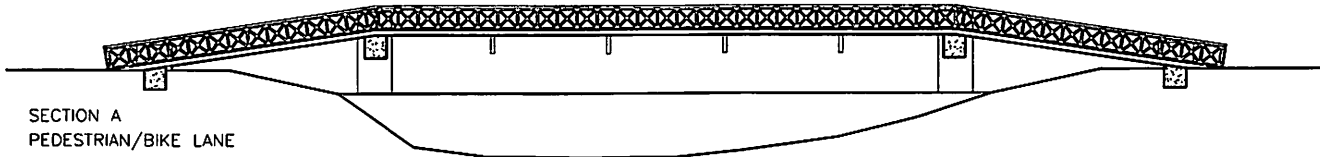
>>> Ljb <ljbaiawcc@gmail.com> 12/5/2017 12:17 PM >>>

[Quoted text hidden]

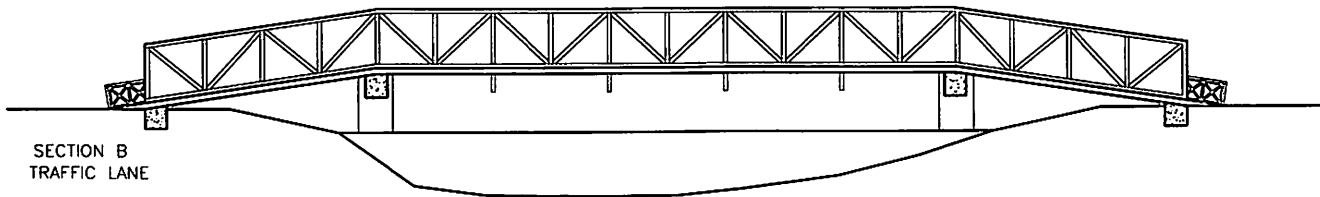


KULANIHAKOI GULCH PREFAB BRIDGE PLAN VIEW

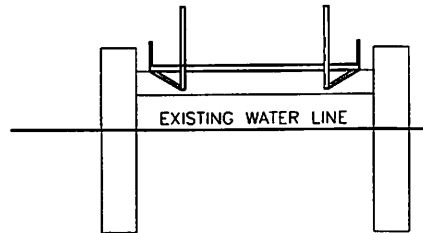
△ ELEVATION D



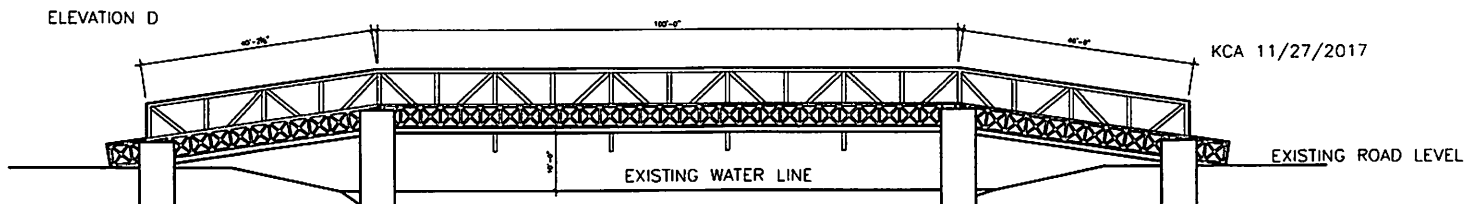
SECTION A
PEDESTRIAN/BIKE LANE



SECTION B
TRAFFIC LANE



SECTION C
VEHICLE & PEDESTRIAN/BIKE LANES



ELEVATION D

KCA 11/27/2017

EXISTING WATER LINE

EXISTING ROAD LEVEL

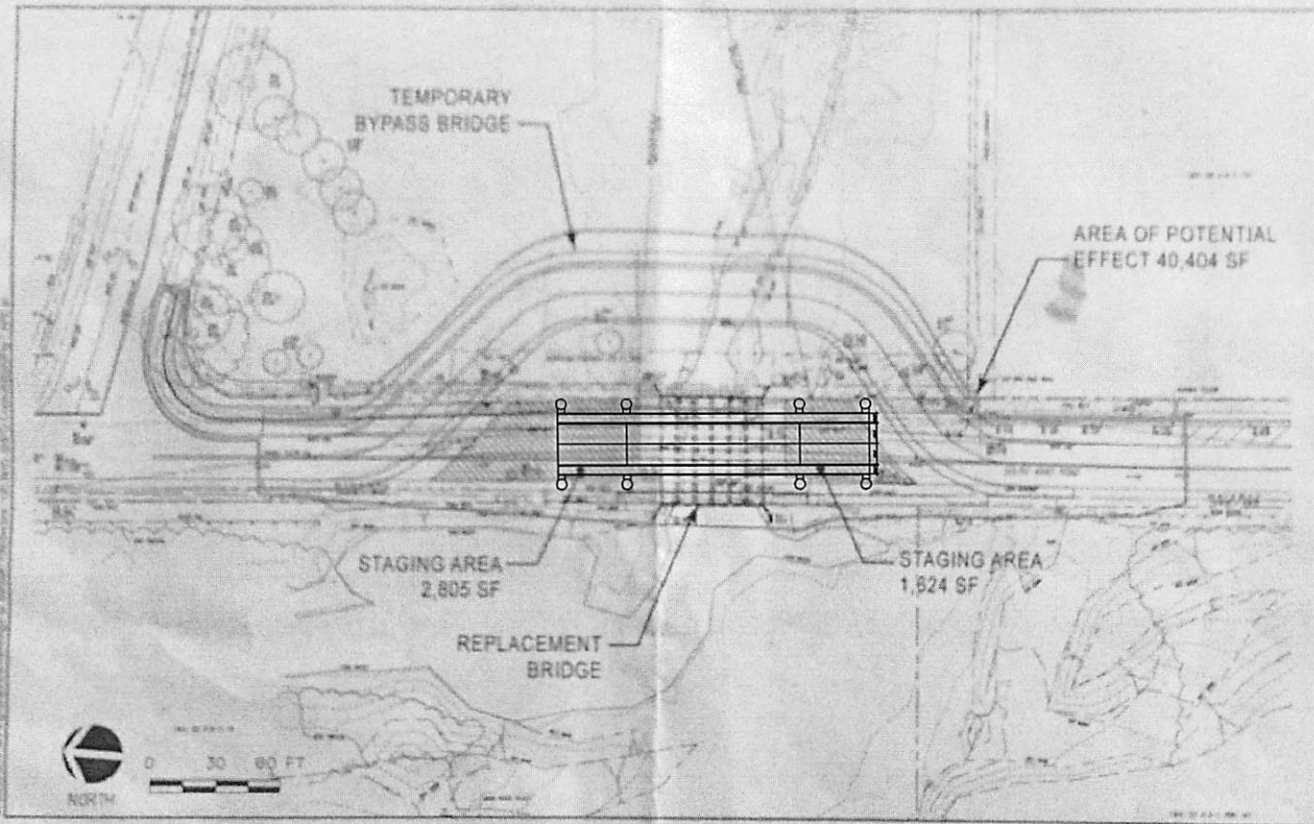


FIGURE 7
 AREA OF POTENTIAL EFFECT

KULANIHAKOI BRIDGE REPLACEMENT
 NHO AND SHPD SECTION 106 CONSULTATION



Budget price, Mabey C200 bridge, Maui HI

9 messages

Kevin Traynor <K.Traynor@mabey.com>

Tue, Nov 21, 2017 at 12:11 PM

To: "ljbaiawcc@gmail.com" <ljbaiawcc@gmail.com>

Cc: Charlie Benedict <c.benedict@mabey.com>, Andrew Boorman <A.Boorman@mabey.com>

Hi Linda,

A budget price on the Mabey C200 bridge we discussed would be as follows:

Bridge description:

- 3-span 180ft bridge (spans Of 40ft + 100ft + 40ft)
- Bridge width: 2 lanes of traffic (24ft between curbs) + a 5ft wide cantilevered footwalk on ea side of bridge, footwalk separated from vehicular traffic by support truss
- Factory-applied antiskid coating on decks

Budget price, \$720,000 FOB Maui HI port

Price includes PE stamped submittal

Price excludes substructure design and construction

Price excludes assembly and installation

I've taken a guess on freight; the bridge would arrive in containers- likely 9 qty.

I am cc'ing Mr. Charlie Benedict, who covers the Hawaii region. Charlie would be happy to talk with you or someone from County at greater length. Likewise, if you have any questions, please let me know.

Regards,

Kevin Traynor**Mabey Inc.**

Bridging/Structural Support Division

M: 410-365-0101

F: 410-379-2801

E: k.traynor@mabey.com

Mabey Inc., U.S. Headquarters, 6770 Dorsey Road, Elkridge MD 21075



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Ljb <ljbaiawcc@gmail.com>
To: Kevin Traynor <K.Traynor@mabey.com>

Tue, Nov 21, 2017 at 12:25 PM

Aloha Kevin,
Thank you for the quick turnaround on this. I am passing this on to the county engineers and hope that you will be hearing from them eventually. I will direct them to Charlie Benedict. Mahalo.

Aloha,
Linda Berry, AIA, LEED AP
[Quoted text hidden]

Kevin Traynor <K.Traynor@mabey.com>
To: Ljb <ljbaiawcc@gmail.com>
Cc: Charlie Benedict <c.benedict@mabey.com>

Tue, Nov 21, 2017 at 12:28 PM

You're welcome, Linda. I hope we get a chance to be part of the discussion.

Regards,

Kevin Traynor

Mabey Inc.

Bridging/Structural Support Division
M: 410-365-0101
F: 410-379-2801
E: k.traynor@mabey.com

From: Ljb [mailto:ljbaiawcc@gmail.com]
Sent: Tuesday, November 21, 2017 5:25 PM
To: Kevin Traynor <K.Traynor@mabey.com>
Subject: Re: Budget price, Mabey C200 bridge, Maui HI

[Quoted text hidden]

Ljb <ljbaiawcc@gmail.com>
To: kelly.king@mauicounty.us
Cc: randy.wagner@gmail.com, Mike Moran <MMMHahalo2000@aol.com>

Tue, Nov 21, 2017 at 12:33 PM

Aloha Kelly,

Here is the first quote for a prefab bridge (\$720,000) that you can pass on to David Goode for Kulanihakoi Gulch. This does not include constructing four concrete piers to support the bridge, similar to the photo I sent this morning, but includes sloping ramps leading up to the bridge, a 100' long flat bridge to be 10' above the water line, with separate pedestrian/bike lanes. And it does not include labor to install the bridge, which should take about a week.

I will see what I can find out about the concrete pier cost, but may not have that by Wednesday.

Aloha,
Linda Berry, AIA, LEED AP

Begin forwarded message:

From: Kevin Traynor <K.Traynor@mabey.com>
Date: November 21, 2017 at 12:11:01 PM HST
To: "ljbaiawcc@gmail.com" <ljbaiawcc@gmail.com>

Cc: Charlie Benedict <c.benedict@mabey.com>, Andrew Boorman <A.Boorman@mabey.com>
Subject: Budget price, Mabey C200 bridge, Maui HI

[Quoted text hidden]

Linda Berry <ljbaiawcc@gmail.com>
To: Kevin Traynor <K.Traynor@mabey.com>

Tue, Nov 21, 2017 at 12:36 PM

Yes. I appreciate your responsiveness!

[Quoted text hidden]

Randy Wagner <randy.wagner@gmail.com>
To: Ljb <ljbaiawcc@gmail.com>

Tue, Nov 21, 2017 at 8:06 PM

Hi Linda
Does that include shipping?
Thanks for doing all the research!

[Quoted text hidden]

Ljb <ljbaiawcc@gmail.com>
To: Randy Wagner <randy.wagner@gmail.com>

Tue, Nov 21, 2017 at 8:43 PM

Yes, it includes shipping to Maui. I asked Lloyd if PB Sullivan could give us a ballpark quote on constructing the four concrete piers to hold up the bridge. Haven't heard back from him yet.

Aloha,
Linda Berry, AIA, LEED AP

[Quoted text hidden]

Randy Wagner <randy.wagner@gmail.com>
To: Ljb <ljbaiawcc@gmail.com>

Wed, Nov 22, 2017 at 9:01 AM

Lloyd is in Japan for another week.
Amazing price!!

[Quoted text hidden]

Linda Berry <ljbaiawcc@gmail.com>
To: Randy Wagner <randy.wagner@gmail.com>

Wed, Nov 22, 2017 at 9:27 AM

Oh darn, Kelly wanted something to talk to David good about today. Well I hope the reasonable price on the bridge will be enough to get their interest.

Aloha,
Linda Berry, AIA, LEED AP

[Quoted text hidden]



Linda Berry <ljbaiawcc@gmail.com>

Fw: Kulanihakoi Bridge Replacement

13 messages

Keani N. Rawlins <Keani.Rawlins@mauicounty.us> Wed, Feb 28, 2018 at 10:14 PM
To: "ljbaiawcc@gmail.com" <ljbaiawcc@gmail.com>, "MMMMahalo2000@aol.com" <MMMMahalo2000@aol.com>
Cc: "Sarah D. Pajimola" <sarah.pajimola@mauicounty.us>

Aloha Linda and Mike,

Please find below information I received from the Department of Public Works regarding the Kulanihako'i Bridge Replacement project. I have a feeling you probably already heard this story. They basically said that the project they have chosen to go with is more feasible. Council Member Cochran is planning to kokua with this.

Mahalo,

Keani Rawlins-Fernandez
Executive Assistant
Council Member Elle Cochran
200 South High Street
Wailuku, HI 96793
(808) 270-5504

From: Wendy Kobashigawa <Wendy.Kobashigawa@co.maui.hi.us>
Sent: Tuesday, January 23, 2018 3:05 PM
To: Keani N. Rawlins
Cc: Cary Yamashita
Subject: Kulanihakoi Bridge Replacement

Hi Keani,

Here is some info regarding this project and our decision to proceed with a 6 box culvert system versus an elevated bridge as requested by KCA. Please note that the existing bridge is actually four 6'x4' box culverts. As the total width is over 20' wide, it is technically considered a bridge.

Our design involves replacing the four box culverts with six 6'x4' box culverts. The 6 box culvert replacement is not intended to accommodate the entire 100 year design flow. It is meant to be an interim measure to replace the severely deteriorated box culverts.

The estimated 100-year flow at Kulanihakoi Bridge is estimated to be 14,148 cubic feet per second (cfs). For comparison purposes, the estimated volume of runoff at Wailuku River during the Sept. 2016 storm was estimated to be 10,900 cfs. In addition, the Kulanihakoi watershed area, which begins up at Haleakala, is well-defined above Piilani Highway but flattens out above S. Kihei Road, causing flooding in the area.

In order to contain a 100 year flow, the pre-final Kihei Drainage Master Plan recommends a detention basin system and trapezoidal channel with an 80-foot wide bottom and 12-foot high walls with 2:1 slope. To accommodate this channel, a new bridge spanning approximately 130 feet would need to cross over the channel at S. Kihei Road. Given the flat terrain in this area, S. Kihei Road would need to be extensively reconstructed to address the Kaonoulu Street intersection as well as the driveway accesses to adjacent private properties such as Kihei Bay Vista. Estimated cost for this work is just over \$57 million.

I hope I have satisfactorily answered your question regarding our decision to pursue the 6 box culverts over an elevated bridge.

Wendy

Mike Moran <mmmmahalo2000@aol.com>
To: Keani.Rawlins@mauicounty.us, ljbaiawcc@gmail.com
Cc: sarah.pajimola@mauicounty.us

Thu, Mar 1, 2018 at 7:10 AM

Mahalo for the input, Keani. Our all volunteer group always seems to be scrambling on so many varied issues, it always helps to get input. We certainly appreciate Elle continued help and support.

Aloha,
Mike
[Quoted text hidden]

Ljb <ljbaiawcc@gmail.com>
To: "Keani N. Rawlins" <Keani.Rawlins@mauicounty.us>
Cc: "MMMMahalo2000@aol.com" <MMMMahalo2000@aol.com>, "Sarah D. Pajimola" <sarah.pajimola@mauicounty.us>

Thu, Mar 1, 2018 at 8:24 AM

Aloha Keani,

Thanks for sharing this with us.

Wendy is comparing a new culvert, which will not handle the current regular flooding, with a bridge for a 100 year flood, but what we are asking for is a bridge to handle current regular flooding, not the 100 year flood, and Wendy has not mentioned that at all.

We so appreciate Elle persisting on this issue!

Aloha,
Linda Berry, AIA, LEED AP
[Quoted text hidden]

Ljb <ljbaiawcc@gmail.com>
To: frikumvk@gmail.com
Cc: Tom Mellin <tmellin@yahoo.com>, Robert Aldrich <robert.aldrich12@gmail.com>, char@alohaaku.com, randy.wagner@gmail.com

Thu, Mar 1, 2018 at 8:29 AM

Just for your information, here's the latest from DPW's Wendy Kobashigawa and our response. This is a follow up of our meeting with Elle last fall.

Aloha,
Linda Berry, AIA, LEED AP

Begin forwarded message:

From: Ljb <ljbaiawcc@gmail.com>
Date: March 1, 2018 at 8:24:45 AM HST
To: "Keani N. Rawlins" <Keani.Rawlins@mauicounty.us>
Cc: "MMMMahalo2000@aol.com" <MMMMahalo2000@aol.com>, "Sarah D. Pajimola" <sarah.pajimola@mauicounty.us>
Subject: Re: Kulanihakoi Bridge Replacement

[Quoted text hidden]

Linda Berry <ljbaiawcc@gmail.com>
To: Vernon Kalanikau <frikum@hotmail.com>

Fri, Mar 2, 2018 at 9:13 PM

Here's the email I sent to Keani.

Aloha,
Linda Berry, AIA, LEED AP

Begin forwarded message:

From: Ljb <ljbaiawcc@gmail.com>
Date: March 1, 2018 at 8:24:45 AM HST
To: "Keani N. Rawlins" <Keani.Rawlins@mauicounty.us>
Cc: "MMMMahalo2000@aol.com" <MMMMahalo2000@aol.com>, "Sarah D. Pajimola" <sarah.pajimola@mauicounty.us>
Subject: Re: Kulanihakoi Bridge Replacement

[Quoted text hidden]

Vernon Kalanikau <frikumvk@gmail.com>

Fri, Mar 2, 2018 at 9:17 PM

To: Keani.Rawlins@mauicounty.us

Cc: Tom Mellin <tmellin@yahoo.com>, Robert Aldrich <robert.aldrich12@gmail.com>, Charlene Schulenberg <char@alohaaku.com>, Artel <randy.wagner@gmail.com>, Linda Berry <ljbaiawcc@gmail.com>, Cody Kokoman Nemet <kokoroots@gmail.com>, Basil Oshiro <soshiro17@gmail.com>

Aloha Keani

I'm curious to know if Elle is supporting the Kulanihakoi Replacement Bridge Project , allowing DPW to move forward with their plans.

Mahalo,
Vernon Kalanikau
[Quoted text hidden]

Ljb <ljbaiawcc@gmail.com>

Fri, Mar 2, 2018 at 9:43 PM

To: Vernon Kalanikau <frikumvk@gmail.com>

Thanks for getting clarification on this!

Aloha,
Linda Berry, AIA, LEED AP
[Quoted text hidden]

Vernon Kalanikau <frikum@hotmail.com>

Sat, Mar 3, 2018 at 9:19 AM

To: Linda Berry <ljbaiawcc@gmail.com>

Cc: Robert Aldrich <robert.aldrich12@gmail.com>, Robin Knox <robin.s.knox@gmail.com>, cody "KokOmoN" nemet <kokoroots@gmail.com>, Basil Oshiro <soshiro17@hawaii.rr.com>, Charlene <char@alohaaku.com>

Sign waving.
A possibility of advocating. Our ohana is standing by if necessary.
Create if you have ideas. Lmk.
This is just a thought for now.



Vernon Kalanikau

Po'o Representative

'Aha Moku O Kula Makai Council

<https://www.kulamoku.com>

From: Linda Berry <ljbaiawcc@gmail.com>

Sent: Friday, March 2, 2018 9:13 PM

To: Vernon Kalanikau

Subject: Fwd: Kulanihakoi Bridge Replacement

[Quoted text hidden]



robert.aldrich12 <robert.aldrich12@gmail.com>

Sat, Mar 3, 2018 at 10:24 AM

To: Vernon Kalanikau <frikum@hotmail.com>, Linda Berry <ljbaiawcc@gmail.com>

Cc: Robin Knox <robin.s.knox@gmail.com>, cody "KokOmoN" nemet <kokoroots@gmail.com>, Basil Oshiro <soshiro17@hawaii.rr.com>, Charlene <char@alohaaku.com>

Culture Not Culverts

Sent from my Verizon, Samsung Galaxy smartphone
[Quoted text hidden]

robert.aldrich12 <robert.aldrich12@gmail.com> Sat, Mar 3, 2018 at 10:30 AM
To: Vernon Kalanikau <frikum@hotmail.com>, Linda Berry <ljbaiawcc@gmail.com>
Cc: Robin Knox <robin.s.knox@gmail.com>, cody "KokOmoN" nemet <kokoroots@gmail.com>, Basil Oshiro <soshiro17@hawaii.rr.com>, Charlene <char@alohaaku.com>

Malama Muliwai

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Vernon Kalanikau <frikum@hotmail.com>
Date: 3/3/18 9:19 AM (GMT-10:00)
To: Linda Berry <ljbaiawcc@gmail.com>
Cc: Robert Aldrich <robert.aldrich12@gmail.com>, Robin Knox <robin.s.knox@gmail.com>, cody "KokOmoN" nemet <kokoroots@gmail.com>, Basil Oshiro <soshiro17@hawaii.rr.com>, Charlene <char@ALOHAAKU.COM>
[Quoted text hidden]
[Quoted text hidden]

Ljb <ljbaiawcc@gmail.com> Sat, Mar 3, 2018 at 10:57 AM
To: Vernon Kalanikau <frikum@hotmail.com>
Cc: Robert Aldrich <robert.aldrich12@gmail.com>, Robin Knox <robin.s.knox@gmail.com>, cody "KokOmoN" nemet <kokoroots@gmail.com>, Basil Oshiro <soshiro17@hawaii.rr.com>, Charlene <char@alohaaku.com>

I think it may be time to look into suing the county for misuse of funds on this project. On Monday KCA BOD is meeting with Kelly King, and I plan to ask her what she thinks of that. We have made many efforts to sit down with Wendy and David Goode, but still our voices are not being heard by them. What do you think?

Aloha,
Linda Berry, AIA, LEED AP

On Mar 3, 2018, at 9:19 AM, Vernon Kalanikau <frikum@hotmail.com> wrote:

Sign waving.
A possibility of advocating. Our ohana is standing by if necessary.
Create if you have ideas. Lmk.
This is just a thought for now.

<Outlook-1514238669.jpg>

[Quoted text hidden]

[Quoted text hidden]

<Untitled-p.jpg>

robert.aldrich12 <robert.aldrich12@gmail.com> Sat, Mar 3, 2018 at 2:38 PM
To: Ljb <ljbaiawcc@gmail.com>, Vernon Kalanikau <frikum@hotmail.com>
Cc: Robin Knox <robin.s.knox@gmail.com>, cody "KokOmoN" nemet <kokoroots@gmail.com>, Basil Oshiro <soshiro17@hawaii.rr.com>, Charlene <char@alohaaku.com>

If the county does not show more diligence in investigating the WESCO debacle, a lawsuit may be filed by Sierra Club.

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Ljb <ljbaiawcc@gmail.com>

Date: 3/3/18 10:57 AM (GMT-10:00)

To: Vernon Kalanikau <frikum@hotmail.com>

Cc: Robert Aldrich <robert.aldrich12@gmail.com>, Robin Knox <robin.s.knox@gmail.com>, cody "KokOmoN" nemet <kokoroots@gmail.com>, Basil Oshiro <soshiro17@hawaii.rr.com>, Charlene <char@ALOHAAKU.COM>

[Quoted text hidden]

[Quoted text hidden]

Basil Oshiro <soshiro17@hawaii.rr.com>

Thu, Mar 8, 2018 at 12:44 PM

To: Ljb <ljbaiawcc@gmail.com>, Vernon Kalanikau <frikum@hotmail.com>

Cc: Robert Aldrich <robert.aldrich12@gmail.com>, Robin Knox <robin.s.knox@gmail.com>, cody "KokOmoN" nemet <kokoroots@gmail.com>, Charlene <char@alohaaku.com>, Lucienne deNaie <laluz@maui.net>

Looks like the engineering department is stuck on their plan..

On the By-Pass issue.. If there are Cultural sites in the area affecting the project, which I think there are, when found, The project will stop. Like mentioned; close the road and do a prefab bridge like on the Pi'ilani High Way.

Just my thoughts.

Thanks.

bko

[Quoted text hidden]

Resolution

No. _____

URGING THE DEPARTMENT OF PUBLIC WORKS
TO DISCONTINUE WORK ON THE KULANIHAKOI
CULVERT/BYPASS PROJECT AS CURRENTLY
CONFIGURED AND PRESENT TO THE SOUTH
MAUI COMMUNITY AN ALTERNATIVE PLAN FOR
A PREFABRICATED BRIDGE

WHEREAS, in the Fiscal Year (“FY”) 2018 Budget, the Council appropriated \$1.25 million for the Kulanihakoi Bridge Replacement project; and

WHEREAS, as described in Appendix C of the FY 2018 Budget, the capital improvement project is to: “Design and construct a replacement concrete box culvert system on South Kihei Road with concrete bridge structure. Pavement structure at both transitions will be reconstructed and signage and striping will be installed.”; and

WHEREAS, \$3.4 million of Federal funds have been awarded for the project; and

WHEREAS, the Department of Public Works met with the Kihei Community Association Board of Directors (“KCA”) in June 2013 to present plans for the project engineered by Wilson Okamoto Corporation; and

01.

WHEREAS, KCA noted various design flaws with the plans, including their failure to address the flooding that routinely occurs where the existing culverts are located, continuing down Kaonoulu Street, through Kihei Bay Vista Condominiums, and over South Kihei Road, and requiring road closures and County maintenance before roads can be re-opened; and

WHEREAS, KCA stated at the meeting with the Department and in a letter dated June 18, 2013, that it would prefer an actual bridge to a culvert to handle greater streamflow during storms and to reduce the buildup of debris in the waterway; and

02

WHEREAS, in February 2017, Aha Moku O Kula Makai requested to review the project with the Department, pursuant to Section 106 of the

Resolution No. _____

National Historic Preservation Act, to ensure that historic preservation needs are balanced with project requirements; and

03

WHEREAS, on March 22, 2017, the Department met with Aha Moku O Kula Makai and KCA regarding the request for a raised bridge instead of a culvert; and

WHEREAS, Vernon Kalanikau of the Aha Moku O Kula Makai has informed the Department that the current Kulanihakoi culvert project will adversely affect ongoing native Hawaiian cultural practices; the proposed bypass will reroute South Kihei Road traffic directly over the freshwater spring in the area; this freshwater source, runs mauka to makai and is crucial for the survival of fish, limu, and reef life; and the practice of offerings to the spring by his father, Moki Kalanikau, was a practice of gratitude and forgiveness, honoring their `ohana `aumakua, the mo`o; and

04

WHEREAS, the alternative plan proposed by KCA, to build a prefabricated bridge instead of a culvert, with support piers outside the traffic lanes, would preserve the sacred spring; and

WHEREAS, on May 1, 2017, the Department sent a response to KCA stating that, because flooding issues in the Kulanihakoi Gulch are complex, multiregional, and beyond the scope of this project, the Department would not be implementing KCA's suggestions; and

05 , 06

WHEREAS, in November 2017, KCA sent the Department preliminary plans for a prefabricated bridge designed to handle the current routine flooding, including price quotes from local distributors, with a total cost for purchasing and shipping parts and installing the prefabricated bridge of less than \$2 million; and

07, 08, 09, 10

WHEREAS, KCA's alternative plan would require only a few weeks of road closures, preserve the sacred spring, prevent further cultural degradation of the wetlands, and cost about half of the cost of the Department's current plans for the culvert/bypass; and

WHEREAS, on January 23, 2018, the Department stated it plans to proceed with the original culvert/bypass plan, and that a future plan to handle a 100-year flood would be a \$57 million project; and

11

WHEREAS, the community has made it clear that in the case of a 100-year flood event, South Kihei Road will be inundated with ocean water,

Resolution No. _____

so there is no need for a bridge to accommodate a 100-year flood, but there is an immediate need for a bridge to prevent routine flooding; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it hereby urges the Department of Public Works to discontinue work on the Kulanihakoi culvert/bypass project as currently configured; and
2. That it further urges the Department to present to the South Maui community an alternative plan for a prefabricated bridge that addresses routine flooding, but would not require a bypass that would affect the freshwater spring or degrade the wetlands; and
3. That certified copies of this resolution be transmitted to the Mayor; the Director of Public Works; Michael Moran, President, Kihei Community Association; and Vernon Kalanikau, Representative, Aha Moku O Kula Makai.

APPROVED AS TO FORM AND LEGALITY

Deputy Corporation Counsel
County of Maui

paf:cmn:18-118a

Mau'wi



Great for sprains and repair
fractured/broken bones

Kinehi



edible, treatment for bladder infection, fever
gout, sore throat, asthma.

Tobacco Plant



Caterpillar eats the leaves
then becomes Hawaiian Moth
(Black Sphinx Moth)

Akulikuli indigenous



- edible and can be eaten raw or cooked
- the root helps filter and clear the water
of toxins and other unwanted materials

County culvert plan with temporary bypass road

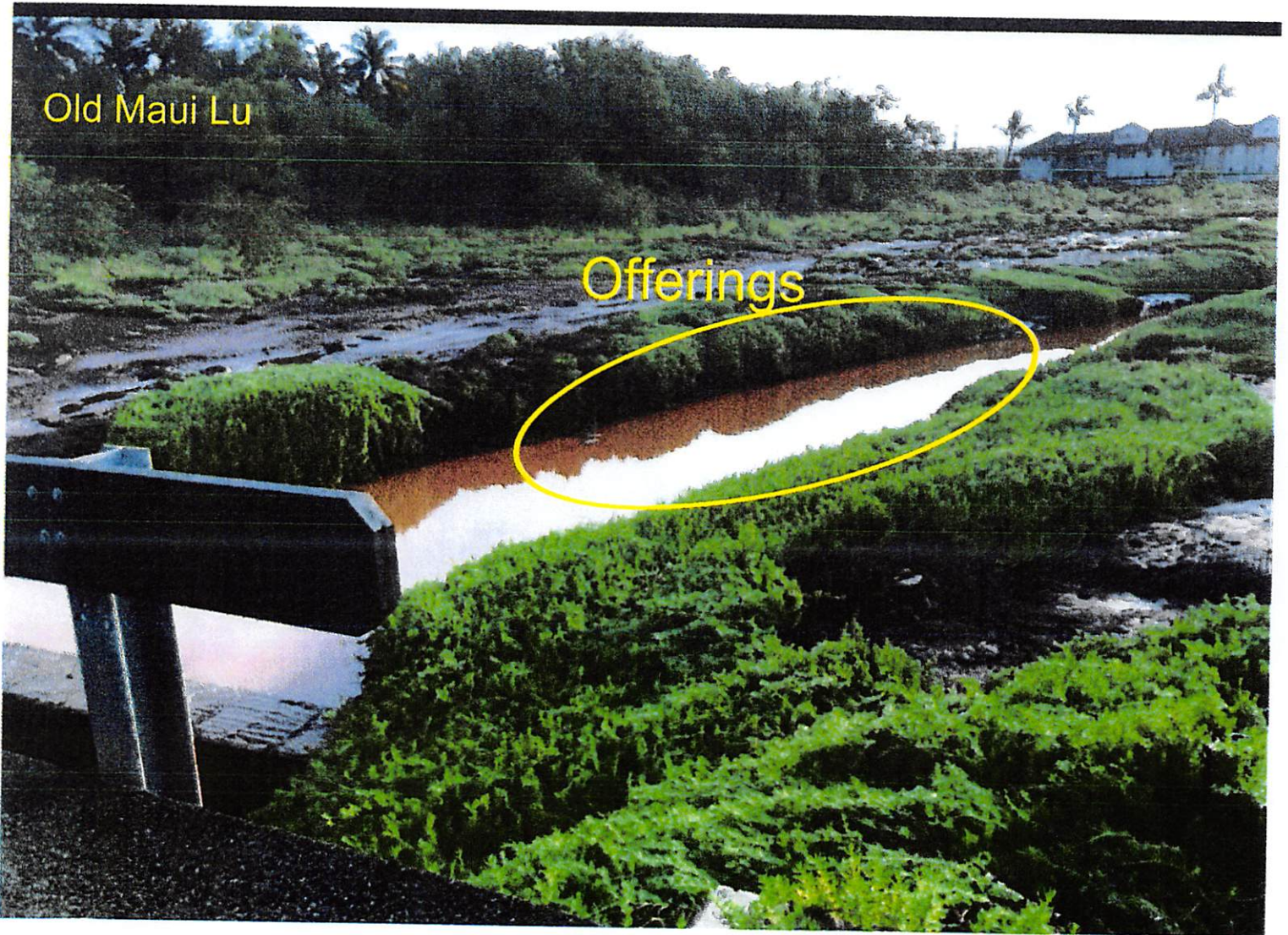
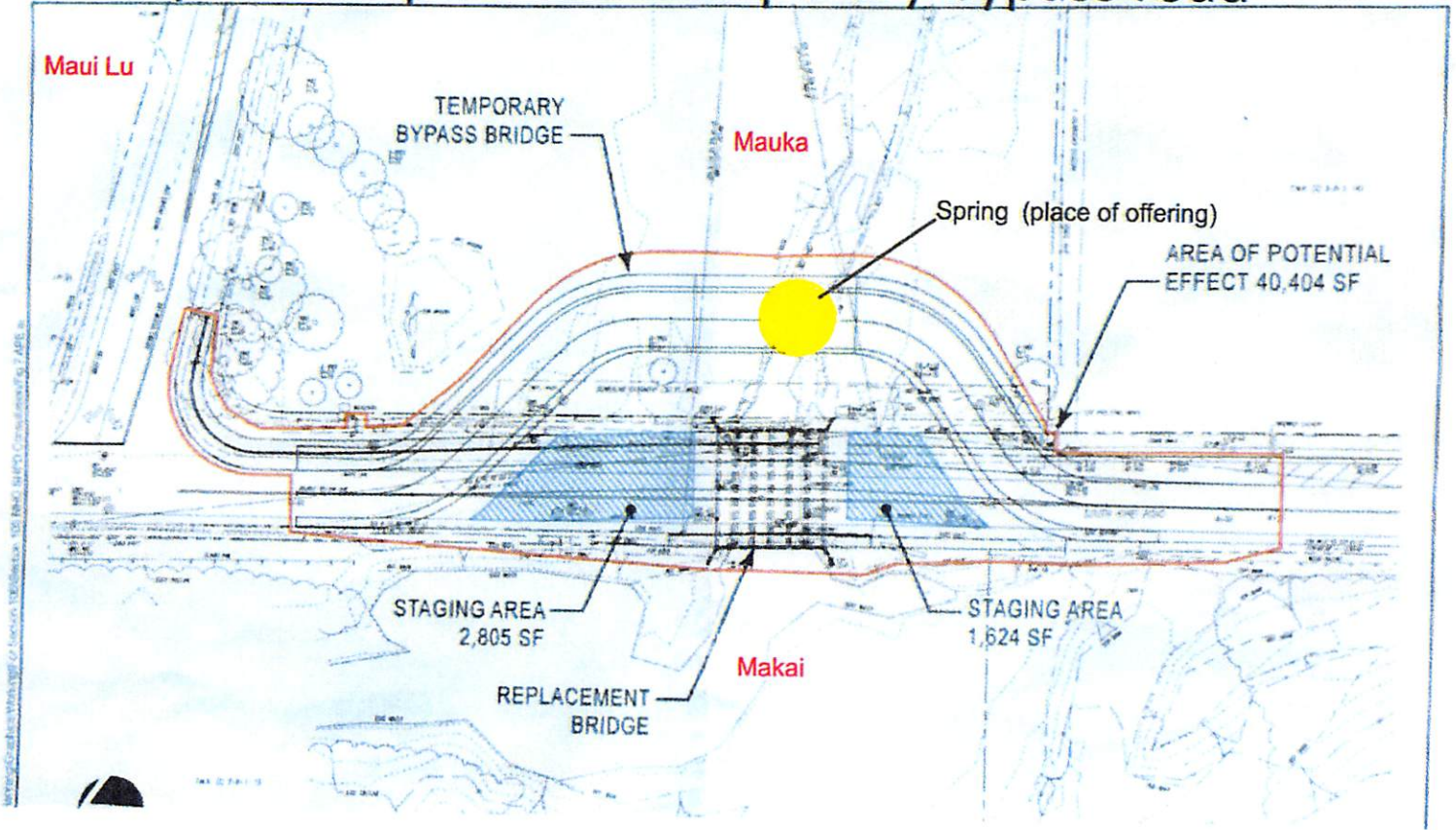


Exhibit C



Exhibit D



Exhibit E

017



South Kihei Road

3-07-2017



6 Culvert Boxes



Vernon Kalanikau
Moku Council Po'o
P.O. Box 133 Kihei, Hi
96753
808-385-0731

March 17, 2018

Native Plants and Species in Kulanihakoi River

Akulikuli - Background Information

This succulent plant is a natural feature in Hawaiian wetlands, providing habitat for invertebrates used as food by native waterbirds.

"Seaside purslane" is one of the few plants that were listed as an emergency food during World War II in a manual called "Emergency Food Plants and Poisonous Plants of the Islands of the Pacific" by the War Department. The manual states that "the purpose of this manual is to aid the individual who becomes separated from his unit...so that this individual can live off the land." It then briefly identifies the plant and how to prepare it. [3]

Modern Use

All fleshy parts are said to be edible and can be eaten raw or cooked. [2,4] The leaves have a slight salty taste and seems to hold its saltiness even when not grown in a seaside environment. [David Eickhoff, Native Plants Hawai'i]

'Ākulikuli was the plant of choice for cleaning the stagnant, murky waters in the Ala Wai Canal (Waikīkī) on O'ahu. Patented platforms of these plants were placed in the canal and the roots helped filter and clear the water of toxins and other unwanted materials.

The flowers can be used in making a beautiful lei but are difficult to make because of requiring a large volume of flowers. [Rick Barboza, Hui Kū Maoli Ola]

Mau'i – Used to mend broken bones on humans and animals (horse, cattle, etc.) Prepared in a paste form by pounding the plant and salt together.

Tobacco Plant – Found and located in Kulanihakoi River. Need more time to research the possibility if the Blackburn Sphinx moth exist in the area and the laying of eggs on the tobacco plant leaf.

Ae'o – Hawaiian Stilt Bird exists in Kulanihako'i River quite frequent

Kinehi (Spanish Needle) – You can eat the leaves or cook it. Great for various infections both viral and bacterial. A liver protectant, treat diabetes, a supplement for chronic hepatitis, cure heart disease, and more natural treatment.

Vernon Kalanikau
Moku Council Po'o
'Aha Moku O Kula Makai



Vernon Kalanikau
Moku Council Po'o
P.O. Box 133 Kihei, Hi
96753
808-385-0731

March 19, 2018

Wendy Kobashigawa
Project Engineer-County of Maui, Dept. of Public Works
Wailuku, Maui, Hi 96793

Aloha Wendy

I'm writing to you to express grave concerns I have that the Kulanihakoi Replacement Bridge Project will adversely affect ongoing native Hawaiian cultural practices.

As I have stated in a previous interview, the cultural resources and practices in Kulanihakoi River where construction will take place will affect my family's cultural practices which continues today.

The re-route road is constructed on lands where a living, breathing fresh water spring exist. This kumu wai (fresh water source) runs mauka-to-kai (mountain-to-sea) and is crucial for the survival of our fish, limu and reef life. For me this is "the circle of life". The water from mauka needs to connect to the kai which is a key element to heal, to rejuvenate reef and sea life. Heal the reefs is to heal the Honua (planet).

The practice of offerings to this spring by my father Moki Kalanikau were offerings of gratitude, forgiveness and to honor our Ohana aumakua, the mo'o. Personally it is disrespectful to tamper and harm our religion. To modify or even cover this spring is smothering or choking our Ohana aumakua.

Questions:

1) Wendy, can you tell me what is FHWA? Because FHWA made a Section 106 "no historic properties affected" determination on the project. And SHPD has concurred with that determination.

2) Wendy can you provide SHPD's records and contact on this determination?

3) In a previous comment in an email regards to this project, the Section 106 comments of concerns is outside the Area of Potential Affect. Can you explain how the area of construction of the re-route road and replacement bridge is not an Area of Potential Affect?

4) And Wendy, as I had requested in a earlier meeting session with others, yourself and the archaeologist (Trevor Yucha?), would myself, ohana members or 'Aha Moku Council members be able to have complete access to the construction of the bridge project from beginning to end? Because of the cultural sensitivity to resources and practices.

Also I asked what is the possibility that our own monitors be compensated by the County or the Contractor. You were going to check on this request. Is this still considered?

The old culvert boxes under the old South Kihei road is in bad shape, deteriorated and a safety hazard, yes we need a new replacement bridge (not concrete boxes) that can service the flowing floods from mauka to makai. And the thought of the County's design, knowingly, when the project is done, Kulanihakoi river will be the same height as the newly completed replacement culvert drain and paved South Kihei Road. Any flow of water in this river, light or heavy, will flow over the road. Just trying to process the sense of it.

I look forward to hearing from you to these important questions of concern that needs to be address.

Mahalo

**Vernon Kalanikau
Moku Council Po'o
'Aha Moku O Kula Makai**

Support Affordable Front Street by Appraisal

Sylvia Cabral <sylviacabralmaui@gmail.com>

Wed 4/18/2018 1:38 PM

To: County Clerk <County.Clerk@mauicounty.us>;

I support Elle Cochran's plan to rework the Front St Affordable housing.

Sylvia Cabral Realty
808 879 9007

RECEIVED

2018 APR 18 PM 2:10

OFFICE OF THE
COUNTY CLERK

SB2293

Christina Chang <christina@lokelaniohana.org>

Wed 4/18/2018 1:52 PM

To: County Clerk <County.Clerk@mauicounty.us>;

RECEIVED

2018 APR 18 PM 2:10

OFFICE OF THE
COUNTY CLERK

Aloha Honorable Maui Council members,
Please vote yes for SB2293 to provide long term low income housing in the Front Street Apartments. Maui takes care of it's people.

Mahalo,
Christina Chang

Sent from my iPhone

Contract for an Appraisal of Front Street Apartments

Laura Civitello <lauracivitello23@gmail.com>

Wed 4/18/2018 2:13 PM

To:County Clerk <County.Clerk@mauicounty.us>;

As a long time Maui resident working for many years at a non-profit I am very concerned about affordable housing. I believe that SB2293 is a short-sighted and poor "solution" to the Front St. Apts. issue.I encourage the County to get an appraisal, buy the apartments, and keep them truly affordable. We are a long way down the wrong road when it comes to keeping long time Maui residents housed and must take radical steps to turn this around. Thank you for your consideration,
Laura Civitello 2555 Kaupakalua Rd Haiku, Hi 96708

RECEIVED

2018 APR 18 PM 2:34

OFFICE OF THE
COUNTY CLERK

Elle Cochran Resolution

RECEIVED

2018 APR 18 PM 4:29

Scott Dixon <scott@mauiids.org>

Wed 4/18/2018 3:53 PM

OFFICE OF THE
COUNTY CLERK

To:County Clerk <County.Clerk@mauicounty.us>;

I received an email from Elle Cochran's office today that said this:

"This Friday, I will be asking the Council to approve a resolution Authorizing the Council to Contract for an Appraisal of Front Street Apartments, with an end goal to purchase the apartments through eminent domain and keep the apartments affordable forever."

I am the Housing Director for Maui AIDS Foundation, I have had clients of my rental assistance program who have lived at this affordable property in Lahaina. My understanding is that the owners of this property are using a loophole to end affordable rent amounts that were promised for financial considerations at the time of their being built. Affordable rentals in Lahaina are few and far between, if the property owners had fulfilled their promises that would not be their problem, but they should not be allowed to game the system to avoid meeting their commitments.

Scott Dixon
Housing Director
Maui AIDS Foundation

aloha

RECEIVED

2018 APR 18 PM 4: 29

c guyer <chiguyer@gmail.com>

Wed 4/18/2018 3:46 PM

OFFICE OF THE
COUNTY CLERK

To:County Clerk <County.Clerk@mauicounty.us>;

Cc:Elle Cochran <Elle.Cochran@mauicounty.us>;

in support of maintaining the affordability status of the front street apartment complex in lahaina, i urge you to support ellie cochran's resolution authorizing the Council to Contract for an Appraisal of Front Street Apartment, with an end goal to purchase the apartments through eminent domain and keep the apartments affordable forever.

mahalo nui loa for your consideration,
chi pilialoha guyer, resident of front street apartments and of lahaina for many years.

--

malama e ka honua (cherish the earth)

A good laugh and a long sleep are the two best cures for anything

Front street

RECEIVED

2018 APR 19 AM 7: 58

Roxann Kehus <kehusr001@hawaii.rr.com>

Wed 4/18/2018 7:20 PM

OFFICE OF THE
COUNTY CLERK

To:County Clerk <County.Clerk@mauicounty.us>;

Maui Council Members,

Please appraise the Front Street Apartments and buy them through eminent domain, ASAP! We need to keep the Front Street Apartments affordable, forever.

Roxann Kehus
177 S. Church St.

Wailuku, Hi 96793
808.283.3396

Sent from my iPad

Front Street Apartments

RECEIVED

2018 APR 19 AM 7: 59

Tamara Paltin <tampaltin@gmail.com>

Thu 4/19/2018 7:07 AM

OFFICE OF THE
COUNTY CLERK

To:County Clerk <County.Clerk@mauicounty.us>;

Please do everything possible to save Front St apartments including contracting an appraisal so eminent domain can be used to keep this affordable in perpetuity we are in a housing crisis right now and PAF 17-207 offers a viable immediate solution please schedule it on the agenda.

Mahalo

Tamara Paltin

PAF 17-207 Resolution proposal

RECEIVED

2018 APR 19 AM 7: 59

jpowermaui <jpowermaui@yahoo.com>

Wed 4/18/2018 9:04 PM

OFFICE OF THE
COUNTY CLERK

To: County Clerk <County.Clerk@mauicounty.us>;

I am in support of Elle Cochran's resolution proposal PAF 17-207 Regarding Front Street Apartments. Please authorize the county to get an appraisal for the affordable housing units. And furthermore to purchase Front Street Apartments through eminent domain. This action would ensure the units would remain as affordable rentals, which is in much need here in Lahaina.

Thank you for your consideration,
Jami Power

Sent from my Verizon, Samsung Galaxy smartphone

Support Dedication of Roadway Wailuku Country Estates Subdivision CC No 18-150

Brooks Tamaye <bhtamaye@gmail.com>

Thu 4/19/2018 8:05 AM

To:County Clerk <County.Clerk@mauicounty.us>;

Aloha Chair White and Council Members,

I support the dedication of roadways and easements in Wailuku Country Estates Subdivision to the County of Maui. This was supposed to have been the responsibility of the original developer however, was never completed.

The homeowners through no fault of our own, have been left to follow through with the process at our own expense.

Your approval in would be greatly appreciated.

Mahalo,
Brooks Tamaye
Lot 72 WCE
(808)-264-1837

Sent from my iPad

RECEIVED
2018 APR 19 AM 8:12
OFFICE OF THE
COUNTY CLERK

Elle Cochran's PROPOSED RESOLUTION

RECEIVED

2018 APR 19 AM 8:32

Jon <soseasick@yahoo.com>

Thu 4/19/2018 8:24 AM

OFFICE OF THE
COUNTY CLERK

To:County Clerk <County.Clerk@mauicounty.us>;

SAVE FRONT STREET !!!

The owners of the Front Street Apartments had a 50 year agreement previously to support the community and were compensated substantially with the sum of millions of dollars and various breaks in permits and zoning restrictions and requirements. I understand that they found a LEGAL way out but that doesn't make it right. They are taking advantage of the State, County, and federal government and this can not be allowed. We the people need to put a stop to this one way or another. No one should allow any entity to take advantage of us. Weather it is legal or not does not make it right. They are backing out of their agreement and that is wrong. They have already received their compensation. They need to pay back their benefits with penalties or make good of their previous deal. They have broken off negotiations twice already. We need to act on the severity of this matter and claim these buildings for the County of Maui's Benefit and secure these units for the good of the community.

Many families live in this Complex who rely on it being an Affordable dwelling. Women, children, elderly, disabled, dying, and Babies too! People who make up this community. Please help these people and vote this bill through. The Front Street Apartments were originally set up to give back to the community. What has changed in the past fifteen years I can not fathom. What ever has changed is a terrible tragedy and needs to be corrected. This is your opportunity and ours to correct this wrong doing. Please don't pass it by !!! Vote this Resolution through for the community and make things right!!!

Kulanihakoi Culvert

John Gelert <jgelert@yahoo.com>

Thu 4/19/2018 10:33 AM

To: County Clerk <County.Clerk@mauicounty.us>;

RECEIVED

2018 APR 19 AM 10:36

OFFICE OF THE
COUNTY CLERK

Aloha Maui County Council,

Please urge the Department of Public Works to Discontinue work on the Kulanihakoi Culvert/Bypass Project as currently designed!

Kihei Community Association has suggested building retaining ponds above the highway to hold back floods from Kula from reaching South Kihei Road. Please also implement this type of flood control system to prevent flooding at the intersection of Kaonoulu St and S Kihei Road.

The current design for this project has various design flaws, as noted by the KCA and the Aha Moku representatives, including:

--failure to address flooding that occurs in that area

--a bypass that will reroute traffic directly over the freshwater spring in the area, which is crucial for the survival of aquatic life and has been a place of offerings to 'Ohana of that area.

The proposed resolution asks the Department of Public Works to present to the South Maui Community an alternative plan for a bridge that addresses routine flooding in the area, and would not require a bypass that would affect the freshwater spring or further degrade the wetlands.

Mahalo,

John Gelert,
Kihei, HI

RECEIVED

2018 APR 19 AM 11: 07

From: Mary Trotto <Mary.Trotto@liu.edu>
Date: April 19, 2018 at 10:02:03 AM HST
To: Kelly King <ktkmaui@me.com>
Subject: RE: This changes the situation for tomorrow

OFFICE OF THE
COUNTY CLERK

Aloha Kelly, I can not testify tomorrow, since I must go to the funeral of my friend.

However, can I send in the following as testimony?

We now know that putting down cement culverts allows large amounts of rainwater run off and debris to enter the ocean and destroy the reef. Water as it comes down the mountain needs to be absorbed into the ground so that it can be filtered and eventually would replenish our aquifer, planting native plants, making the soil in the gulches more permeable and doing other mitigating techniques further up the mountain are ways to dissipate the water as it comes down the mountain. Throughout the country, and even in Hawaii, organizations are trying to get the message out- preserve our water. The way to handle run off water is not to concrete the path. Doing that sends gallons of good fresh water into the ocean as opposed to collecting the fresh water on its way down the mountain so that it can be reused. DPW is very closed minded in this regard. They refuse to look at the big picture and design projects that are good for the environment, help the people in the area and are real solutions to the problem. We know so much more now, than in the past on ways to mitigate water flow, yet the DPW is still working in the Dark Ages when it comes to their project design. This project should be halted until the DPW can truly look at their design in light of new concepts about rainwater and run off management.

Dr Mary
Kihei Resident
Member KCA board

Support for Elie Cochran's proposal to purchase the Front Street apartments

Mary Lou Mellinger <marylou.maui@gmail.com>

Thu 4/19/2018 11:30 AM

To: County Clerk <County.Clerk@mauicounty.us>;

Please note my support for Ellie Cochran's proposal to purchase the Front Street apartments and to keep these units affordable.

thank you,
Mary Lou mellinger
540 S. Alu Road

Wailuku HI 96793

RECEIVED
2018 APR 19 PM 12: 06
OFFICE OF THE
COUNTY CLERK

Resolution to hire an appraiser for the Front Street Apartments

William Greenleaf <bgreenleaf.maui@yahoo.com>

Thu 4/19/2018 12:57 PM

To: County Clerk <County.Clerk@mauicounty.us>;

Aloha Council:

I am writing in strong support of Council Member Cochran's request for a resolution to hire an appraiser for the Front Street Apartments at 1056 Front Street.

The challenges for residents and legislators to keep these apartments affordable continues to be challenging. The legislation initiated at the State House..https://www.capitol.hawaii.gov/session2018/CommReports/SB2293_HD3_HSCR1985-18_.htm is inadequate. Ms Cochrans plan will lead to a solution that will benefit the residents and is much needed.

Sincerely,
Bill Greenleaf

RECEIVED
2018 APR 19 PM 1:33
OFFICE OF THE
COUNTY CLERK

Front St Apartment resolution

Sarah Reichert <sarahbva79@gmail.com>

Thu 4/19/2018 3:12 PM

To: County Clerk <County.Clerk@mauicounty.us>;

I, Sarah Reichert, a resident of Maui County, urge the Council to approve a resolution Authorizing the Council to Contract for an Appraisal of Front Street Apartments, with an end goal to purchase the apartments. This would greatly improve the quality of lives of Maui County. Mahalo

<https://mauicounty.legistar.com/View.ashx?M=F&ID=6195443&GUID=3C2F0E14-D41F-4C52-A799-D405177477BD>

Link to SB 2293, at the State Legislature

https://www.capitol.hawaii.gov/session2018/CommReports/SB2293_HD3_HSCR1985-18_.htm

RECEIVED

2018 APR 19 PM 4: 02

OFFICE OF THE
COUNTY CLERK

RECEIVED

2018 APR 20 AM 7:33

OFFICE OF THE
COUNTY CLERK

Aloha,

We are sending you written testimony in support of Councilmember Elle Cochran's Resolution to Authorize the Council Chair to Contract for an Appraisal of Front Street Apartments at 1056 Front Street, Lahaina, Maui, Hawaii.

Catholic Charities Hawaii's mission is to serve all people, especially those with the greatest need, regardless of faith or culture. The people living in these Front Street Apartments are low income, those that fall in the 60% and below of the area median income (AMI). These folks will never be able to afford rents in the market we have today which may result in their becoming homeless. Even if they could afford rent at another place, with their income it is unlikely that they would be able to afford both a security deposit and first month's rent. There are organizations who could help with this, Catholic Charities Hawaii being one of them but it is unlikely that an organization would be able to provide emergency assistance to 140 of these households even if they were lucky enough to find 140 places to rent – the chances of finding that many available rental units are even slimmer.

These families are in dire need and they are looking for solutions. Our understanding is that these apartments were intended to remain affordable for 50 years, how is it that an IRS tax code can overturn that requirement after these owners were allowed State and Federal housing tax credits, exemptions and waivers? While we understand that SB 2293 in the State Legislature is meant to help these tenants, our concern is these measures may not become a reality in time for many of these households to utilize them, leaving them at risk and vulnerable to homelessness.

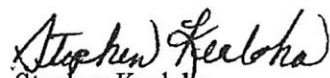
We are in a housing crisis right now and we are dealing with a homelessness issue, we need affordable and low-income housing. We are not building anywhere close to what the need is now. We have not been able to keep up the production of homes folks can rent or buy at the wages they earn. The State of Hawaii predicts that we needed to produce about 1400 housing units each year from 2015 to 2025 to meet the housing needs of our people. We are not even close to building that amount. In fact due to the lack of housing, many of us are doubling up with family or worse losing family because they are being force to move to the mainland to find an affordable place to live.

I ask you to please consider the resolution that Councilmember Elle Cochran is proposing. Mahalo for your time and for looking out for our people and community.

Sincerely,



Thelma Akita-Kealoha
Maui Community Director
Catholic Charities Hawaii



Stephen Kealoha
Maui Advisory Board Chair
Catholic Charities Hawaii

Front Street apts

Joey Schumacher <Joey@flcmaui.org>

Fri 4/20/2018 10:12 AM

To: County Clerk <County.Clerk@mauicounty.us>;

Maui County should buy Front Street Apartments for affordable rentals. Lets get our homeless off the streets. Housing is a right and not a privillage.

Joey Schumacher

Outreach Worker

Family Life Center

95 S. Kane Street

Kahului, Hawaii 96732

808-877-0880 ext. 218

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TO the Honorable Maui County Officials / Council Members,

ALOHA!

As homeowners of Wailuku Country Estates for 10 years, we are writing this testimony to support our association's request for ROAD DEDICATION (since 2008). Every year, this is part of our meeting agenda. We believe, us, homeowners, paid for road improvement and made sure the roadway deed was acceptable to the county of Maui.

Mahalo and looking forward for your acceptance of our request — ROAD DEDICATION OF WAILUKU COUNTRY ESTATES.

Also, Mahalo for doing a great job for our county,

Respectfully,

Eduardo and Lanie Ballano
Lot 13, Wailuku Country Estates
PO Box 211, 9727 (Kani'o)