

INFRASTRUCTURE AND TRANSPORTATION COMMITTEE
Council of the County of Maui

MINUTES

September 12, 2022

Online Via BlueJeans

CONVENE: 9:05 a.m.

PRESENT: VOTING MEMBERS:

Councilmember Yuki Lei K. Sugimura, Chair
Councilmember Tasha Kama, Vice-Chair
Councilmember Kelly Takaya King (in 9:10 a.m.; out 11:27 a.m.)
Councilmember Alice L. Lee
Councilmember Michael J. Molina
Councilmember Tamara Paltin (out 11:20 a.m.)
Councilmember Keani N.W. Rawlins-Fernandez (in 9:08 a.m.)

STAFF:

Laksmi Abraham, Legislative Analyst
Lesley Milner, Legislative Analyst
James Forrest, Legislative Attorney
Clarita Balala, Committee Secretary
Nalani Fujihara, Hawaiian Language Communications Specialist
Jean Pokipala, Council Services Assistant Clerk

Denise Fernandez, Council Aide, Lānaʻi District Office
Jade Rojas-Letisi, Council Aide, Makawao-Haʻikū-Pāʻia District Office
Daniel Kanahele, Council Aide, South Maui District Office

Evan Dust, Executive Assistant to Councilmember Kama
Davideane Kama-Sickels, Executive Assistant to Councilmember Kama
Lois Whitney, Executive Assistant to Councilmember Kama
Axel Beers, Executive Assistant to Councilmember King
Ellen McKinley, Executive Assistant to Councilmember King
Sarah Sexton, Executive Assistant to Councilmember King
Dawn Lono, Executive Assistant to Councilmember Sinenci

ADMIN.:

Michael Hopper, Deputy Corporation Counsel, Department of the
Corporation Counsel
Jordan Molina, Director, Department of Public Works
David Taylor, County Capital Improvement Program Coordinator,
Department of Management
Michele Yoshimura, Budget Director, Office of the Mayor
Scott Teruya, Director, Department of Finance
Guy Hironaka, Real Property Management Specialist, Department of
Finance
Michele McLean, Director, Department of Planning
Karla Peters, Director, Department of Parks and Recreation

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Samual Marvel, Deputy Director, Department of Parks and Recreation
David Yamashita, Planner, Department of Parks and Recreation

OTHERS: Lucienne de Naie, Sierra Club Maui (IT-105 and IT-114)
Faith Chase (IT-113 and IT-114)
Kai Nishiki (IT-114)

Tara Owens, Coastal Hazard Specialist, University of Hawaii
Carol Reimann, Vice President, Alexander & Baldwin - Maui
(3) additional attendees

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

CHAIR SUGIMURA: . . .*(gavel)*. . . Good morning, everybody. Welcome to the Infrastructure and Transportation Committee. Today is September the 12th, it is now 9:05 a.m. Thank you very much, everybody, for being here. My name is Yuki Lei Sugimura. Thank you very much. We're going to have our Council Chair give us our greeting for today, and then we'll go to our Committee Chair *[sic]*, Ms. Kama. Good morning, Alice Lee.

COUNCILMEMBER LEE: Morning, Chair. The greeting this morning is from Italy, and it is buongiorno.

CHAIR SUGIMURA: Buongiorno.

COUNCILMEMBER LEE: Buongiorno my friends, my colleagues, everyone watching today, participating. I am here in my workspace home alone. Looking forward to your meeting. Thank you.

CHAIR SUGIMURA: Buongiorno. Good morning, everybody. Does it mean good morning? Good day? Good day.

COUNCILMEMBER LEE: Yeah.

CHAIR SUGIMURA: Thank you. Next, we have our Committee Vice-Chair Tasha Kama.

VICE-CHAIR KAMA: Aloha kakahiaka, Chair, and buongiorno to all of my colleagues this morning. I am here in my workspace alone, and looking forward to a wonderful IT meeting this morning. Thank you, Chair.

CHAIR SUGIMURA: Buongiorno to you, Ms. Kama. Next we have Tamara Paltin, who's sitting here in the Council Chambers. She was here first, as usual. Good morning, Ms. Paltin.

COUNCILMEMBER PALTIN: Aloha kakahiaka, and buongiorno kākou. We have no testifiers at Lāhainā District Office. Thank you.

CHAIR SUGIMURA: And under the Makawao virtual bridge, he has moved to his district office,

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we have Mike Molina. Good morning, sir.

COUNCILMEMBER MOLINA: Good morning and buongiorno, Madam Chair, and my colleagues, and everyone else tuning in. Quite a very timely greeting. I just had an Italian dinner last night, was so ono, so ono. Anyway, I'm here at the Heritage Hall District Office, and I'm here with my District Office Specialist Jade Letisi-Rojas [sic], and there are no testifiers here at the office. Thank you.

CHAIR SUGIMURA: Thank you.

COUNCILMEMBER MOLINA: Under the bridge.

CHAIR SUGIMURA: We are waiting...we are waiting for Kelly King. She's going to join us shortly. And Tamara Paltin says she'll be leaving here a little bit early for this meeting, about 11:30, and I'm expecting everybody else. So therefore, Keani...is Keani joining us? I didn't hear...yeah, okay. As far as we know, Keani will be joining us. Gabe Johnson, Shane Sinenci, who are Non-Voting Members, are welcome to join us...to join this meeting. So, welcome everybody. I...we have a really full agenda today...oh, there's Keani. Hi, Keani. Good morning, Keani. I didn't see you. Sorry about that.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha kakahiaka, Chair. No. I was...I just turned my video on.

CHAIR SUGIMURA: Oh.

COUNCILMEMBER RAWLINS-FERNANDEZ: You didn't not see me. Yeah, mahalo. I'm at the Moloka'i District Office, alone here at the office. And I am...I did not see any testifiers.

CHAIR SUGIMURA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: So we don't have any testifiers here.

CHAIR SUGIMURA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo.

CHAIR SUGIMURA: Thank you very much for joining us from Moloka'i. Thank you very much, Keani Rawlins-Fernandez. From Corporation Counsel we have Mike Hopper; Office of the Mayor, Michele Yoshimura, who's going to play a major role in this when we get into the A&B donations; Department of Management, we've invited Dave Taylor, who's our CIP Program Coordinator, if he wanted to chime in, if needed, regarding the easement, which is the first item on the agenda today, which is IT-105, Bill 119, Related to Conveyance of Easements. And then we have Director of Public Works Jordan Molina joining us; Finance, Scott Teruya; Department of Planning, Michele McLean...but I think she also has Tara Owens, who is playing a big part with the land donation to us from A&B, so maybe it's Tara Owens and/or Michele McLean from Planning. Department of Parks and Recreation, Karla Peters, Sam Marvel is the Deputy Director, and David

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Yamashita is the Planner VI, who will be available to join us. Well, here she is, Tara Owens, Coastal Hazard Specialist, University of Hawai'i, is also listed as other resource. Thank you very much for my hardworking Staff, Clarita Balala, Laks Abraham, Lesley Milner, James Forrest, and Jean Pokipala, Council Services Assistant Clerk. Thank you, everybody. You know, our meetings would not be what it is without your hard work from the behind, that you make us all look wonderful. So, thank you, Lesley, Laks, Clarita. Thank you very much. On the agenda, there's...it's a pretty heavy agenda today, and I brought back IT-105, which is Bill 119 (2022) Relating to Conveyance of Easements to the County of Maui, to answer the questions that you had from the last meeting; IT-113, Resolution 22-207, Accepting Dedication of Roadway Lots for the Dairy Road Parcel, Kahului; IT-114, Resolution 22-208, Accepting Dedications of Various Parks from Alexander and Baldwin, LLC and A&B Properties Hawai'i, LLC in various locations on Maui. A big donation to us from A&B, want to thank them. I think Mr. Molina must have been happy to see that, as it affected something that you've been wanting for...I want to say years, I think. So, I'm going to ask, is there any testifiers signed up to testify? Oh, wait. Let me greet Kelly King. Hi, Kelly. Welcome to the meeting, Kelly King.

COUNCILMEMBER KING: Good morning. Sorry I'm late, I've got...I might be in and out in a little bit because of the posting deadlines today. But the word for...I'm in my office on the 8th Floor, and the word from the District Office is that there are no testifiers.

CHAIR SUGIMURA: Okay. Welcome to the meeting, Kelly. Thank you. Now, we'll get into public testimony. Are there any testifiers signed up?

MS. ABRAHAM: Good morning, Chair. We have one testifier signed up.

CHAIR SUGIMURA: Okay. Who is it?

MS. ABRAHAM: Ms. Lucienne de Naie.

CHAIR SUGIMURA: Oh, she's like an expert in testifying. I wonder if I have to read all of this. In accordance with the newly revised Sunshine Law, testimony can occur at the beginning of a meeting, but cannot be limited to the start of the meeting. The Chair will receive oral testimony for agenda items at the beginning of the meeting, and as an item is called up on the agenda. When testifiers sign up to testify, they must let Staff know whether they wish to testify at the beginning of the meeting, or before the agenda item. Maybe you should ask her that question. Do we know, Miss...yeah, can you check with her? If we have one testifier, when does she want to testify? Oh, there you are. Hi, Lucienne.

MS. DE NAIE: Aloha, buongiorno. I'm Italian. I would like to testify before the matter is heard at the beginning, if I may.

CHAIR SUGIMURA: Okay. So you're...okay. Let's see. Let me just go through this all. I'll...I can probably just tell you in summary. And so, you know, three minutes per item, and you will give...get some time to finish it off. Give us your name. If you represent an

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organization--because you have some that you represent, and sometimes you testify for yourself--so let us know on that. And, let's see. So, you're not going to testify after you hear the presentation, right?

MS. DE NAIE: No, I'm not.

CHAIR SUGIMURA: You just want to testify now, right?

MS. DE NAIE: Yes, I have another Zoom that's starting now too, as, you know, happens sometimes.

CHAIR SUGIMURA: Oh, okay. So, you know how to...you know how to testify, and how to find us, and thank you for your cooperation, Ms. de Naie. And Staff will be monitoring people joining today's meeting by phone and by video, and we will do our best to take each person up in an orderly fashion. At this time, we will call testifiers wishing to testify. That would be Laks.

MS. ABRAHAM: Our first testifier is Ms. Lucienne de Naie, testifying on IT-105 and IT-114.

MS. DE NAIE: Mahalo and buongiorno, everyone. And I just wanted to weigh in on Bill 119, the Conveyance of Easements to the County of Maui. Of course, a lot of times it's very, very important to make sure that this is done in an expeditious manner. There may be reasons to speed things along for lots of different reasons. And, of course, easements are very, very useful for the County. They are things that allow us to do road widening, to install infrastructure, to allow public access, you know, various important uses. I will just say that having been working with the Hāmākua lands for a number of years that were conveyed in a very speedy manner and had a number of easements that it probably would've been better if a little bit more due diligence was put into that because we are still facing unknowns about exactly what easements cover what, and even where some of the metes and bounds boundaries are on the ground because they weren't staked. They were...they're on maps, and there's coordinates given, but when you're on the ground and we're trying to install, you know, informational signs about you're now on County property, here are the rules for being on County property...we don't know where the boundaries are on the ground, and so the lands have to be resurveyed. So, hopefully any pitfalls like that can be eliminated through this ordinance. If we can find a balance of speed and accuracy, that would be really good. So, just speaking from practical experience there, we've been trying...Malama Hāmākua Maui, the group involved with the Hāmākua lands, has been trying to get the root of these signs established for over a year, but until there's a resurvey done to know exactly where the easement is, and exactly where the A&B land, and exactly where the County land is, it's not possible for us to do that. So, let's make sure that that's not the case for future donations of land easements. Moving on to the Resolution 22-208, like all of you--I'm testifying on behalf of Sierra Club Maui in this matter--and, of course, Sierra Club Maui has long advocated for all of these parcels along the north shore, as well as other beloved places, like Rainbow Park and like Ho'aloa Park, to be part of the...the public portfolio of lands. We've had several events at Ho'aloa Park and, you know, you have to go through all these different layers of permits to use the land. It would be great to have

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more of a one-stop shopping here. I will say that we have been consulted on the conveyance of the Spreckelsville portion and the Baldwin Beach portion of the land, and those are both good things. It is our understanding that the Spreckelsville portion involves more than the original ten acres that was announced for the Wawau Access that Councilmember Molina has been working so conscientiously on. And it really should be more than that 10 acres because the parcel actually started out as 43 acres when we first began advocating. I looked up our old Sierra Club testimony back from...oh, it wasn't that long ago. I think it was, like, 2009 something, 2010. So, it was, you know, a decade ago. And so now, the parcel...the whole parcel that runs from Wawau, what people call Baby Beach, all the way to the Baldwin Beach Park where...where people drive in, and go to the pavilion, and the restrooms are located, is about 29 acres. So, the original intention was to convey only ten acres of that to the County and the remainder to the Country Club. Sierra Club did weigh in on that with the various parties that were involved in negotiating that, to say that we had really deep concerns about having a narrow parcel along the beach because that beach could change in years to pass, and if there was a fence immediately behind the first sand dune that was the private property, and there was no more beach in front of it, that means no more public access. So, Tara Owens did agree, too, that the beach is pretty dynamic along portions of that coastline, and we really need to have some options for the future. So, there's a much better alternative being proposed now, I believe, and I guess you'll get the update on that where there will be a significant buffer for the Country Club, which they requested. And then the remainder, the large...the largest remainder of that 19-acre parcel will be part of the donation to the County for public beach park, which will allow management of the dune areas, and also will allow adjustments to be made if that coastline changes over the years with climate change. So thank you for your consideration. We are in support of receiving all of these donations. Very thankful to A&B for their generosity. And do hope that one additional parcel will be added in the future, and that is the land that is east of Ho'okipa Park going all the way to Māliko Gulch. That's a very, very culturally important land, and it's being managed as a seabird sanctuary in part, and it's a very beautiful place. And, in fact, we're reporting a water leak there this morning in one of the pipes, that...the old pipes that's there. So, thank you for your consideration, and good luck deliberating on all of this.

CHAIR SUGIMURA: Thank you, Lucienne. So it sounds like you've been in discussion with the presentation that we'll hear about before we take this item up. I guess you won't be able to hear it then?

MS. DE NAIE: Yes. I'm pretty aware, I think, of what's going to be discussed.

CHAIR SUGIMURA: Okay.

MS. DE NAIE: We have been consulted because of the long-time interest that Sierra Club has had about the Baldwin Beach and north shore coastal area.

CHAIR SUGIMURA: Okay. So, I just wanted to make sure you know that...more to come, but you're going to leave the meeting.

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MS. DE NAIE: Yes.

CHAIR SUGIMURA: Anybody have any questions...

MS. DE NAIE: I have to watch the tape. . . .*(laughing)*. . .

CHAIR SUGIMURA: Oh, okay. You must be good at that.

MS. DE NAIE: Yeah.

CHAIR SUGIMURA: So keeping track of us...so it is now 9:21, and I hope you don't have to leave too soon because we have actually questions for you from Kelly King and Tasha Kama.

MS. DE NAIE: Sure.

CHAIR SUGIMURA: Go ahead.

MS. DE NAIE: No problem.

COUNCILMEMBER KING: Thank you, Chair. I'll defer to Member Kama, I think she had her hand up first.

VICE-CHAIR KAMA: Oh, thank you, Kelly.

COUNCILMEMBER KING: Vice-Chair Kama.

VICE-CHAIR KAMA: Thank you. So, Chair, I understand that Lucienne mentioned that she's in between meetings, but I would like to ask, if at all possible...if at all possible, she'd be able to be a resource when this item comes up. And I'm just speaking about item...Resolution 22-208, if it's possible.

MS. DE NAIE: Let me do this, Councilmember Kama. I will put my cell phone in the chat, and if someone can text me when it comes up, my other Zoom is supposed to be maybe half an hour, 45 minutes, so it may be perfect timing.

VICE-CHAIR KAMA: Okay. Chair.

MS. DE NAIE: Thank you.

VICE-CHAIR KAMA: Thank you. Thank you very much.

CHAIR SUGIMURA: Member Kama, Lucienne. Any objections from Members? I see none, so we'll call you...we'll text you, Ms. de Naie.

MS. DE NAIE: Yeah.

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CHAIR SUGIMURA: Thank you. Kelly King. Thank you, Tasha.

COUNCILMEMBER KING: Thank you, Chair. Aloha, Lucienne. Thank you for being here again, and for your expertise. I wanted to ask you, on Bill 119 about the easements to the County. Because you're advocating for balance, but did you have specific changes in the bill that you'd like to see that would give us that balance? Because we've had some other concerns, I think it was from Dick Mayer, about, you know, changing the process that we're currently using, and taking Public Works out of the responsibility of overseeing these...or reviewing the easements.

MS. DE NAIE: Well, I'm sorry I do not have specific language to suggest. I understand the intent of the bill is...you know, there are things that are really time sensitive, and Public Works is extremely busy and has just a lot on their plate. And so, this review of metes and bounds could be, you know, really kind of a deal breaker sometimes. And so I hear the intent of the bill. Just off the top of my head, if there were provisions that if we bypass the metes and bounds, if there was a...what do you call, a failsafe in agreements to receive metes and bounds, that they can be adjusted after later review--I don't know if that's legally possible, but, you know, in the world of what if, I know in settlement agreements that the Sierra Club has agreed to, when there's not precise information about metes and bounds, that's often a term in settlement agreements that there is a check in point at some point where those can be re-reviewed, and adjusted if needed. And so maybe that's something they could legally fit in this language. But not being an attorney I couldn't tell you for sure.

COUNCILMEMBER KING: Okay. Or if there were...possibly if there were enough community concern about any particular easement, that that needs to go before the...go for that extra review of Public Works . . .*(inaudible)*. . .

MS. DE NAIE: Yeah. That...that could be another solution to finding a correct balance. I mean, certainly you don't want to let, you know, the perfect be the enemy of the good here, so...

COUNCILMEMBER KING: Okay. Great. All right, thank you for that input. Appreciate it. Appreciate you being here.

MS. DE NAIE: Mahalo to all of you. These are very important meeting and --

CHAIR SUGIMURA: Thank you.

MS. DE NAIE: -- thank you for letting me testify.

CHAIR SUGIMURA: Thank you for making the time, and then for also letting us text you when this item comes up.

MS. DE NAIE: All right.

CHAIR SUGIMURA: I think you're interested in the park donations, right?

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MS. DE NAIE: I am.

CHAIR SUGIMURA: Right.

MS. DE NAIE: I'm familiar with all of these lands, and Sierra Club leads hikes in many of these areas. And like I said, we've utilized various areas for events and things, and so it's great to see them come into our public portfolio.

CHAIR SUGIMURA: Okay. Thank you very much. So no other questions from the Members for you. At this time, are there any other testifiers?

MS. ABRAHAM: Chair, there are no other testifiers at this time.

IT-105: BILL 119 (2022), RELATING TO CONVEYANCE OF EASEMENTS TO THE COUNTY OF MAUI

CHAIR SUGIMURA: Okay. So what I'm going to do now is I'm going to ask Jordan Molina...I think he's on the call under Public Works. I'm going to bring up Item Number 105, Bill 119 (2022), Relating to the Conveyance of Easements to the County of Maui. We are...it's Bill 119. And here today...if Mr. Molina could talk to us about this. If you remember, at the last meeting, you had questions about you wanted to have the Department...oops, have the Department provide us a report of what kind of projects would get affected by this, and the impact, and to provide a data that would be...so, any comments, Mr. Molina, that you have regarding 119. And I just want to also acknowledge that because of the flood that happened this weekend, not too sure if you were able to do some of the things that we had asked previously. And so, why don't you comment on this bill and then we can decide what to do. Thank you, Mr. Molina.

MR. MOLINA: Thank you, Chair. Good morning, Infrastructure...IT Committee Members. Jordan Molina, Director with Public Works. First, I apologize for not getting my written comments returned to you, but I do have some responses to the questions from Committee, so I'll walk through them at this time.

CHAIR SUGIMURA: Okay.

MR. MOLINA: The first question from the Committee Chair was regarding the types of projects impacted by Bill 119. So every type of project, from private developments and CIP projects, would be affected as not having to come through this easement review now, but...or excuse me, should the bill pass, but the...definitely the private developments are the most impacted by the bill. They are the ones that are most regularly seeking or needing to provide easements to the County to get their permit approvals. And oftentimes they are caught off guard by that process to get easements reviewed and approved, whereas the CIP projects, we have more opportunity to plan accordingly and cause it to not be such a big impact, but for the building permit approvals and the subdivision approvals, those are the ones most affected. We did go back and review our

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logs. So, in 2019 is when we lost our incumbent surveyor to retirement, and so since then, we've had a vacancy. During that time, 112 easement review requests were received. On average it took us 50 days to return our response to the requesting department. So, that 50 day doesn't account for the time it took on the front end to reach that department, on top of the response from that department back to the applicants. So the 50 day is just to get it to Public Works and for Public Works to get back to a department. Of the 112, only 27, or 24 percent, were flagged as having errors. So, you know, 76 percent of them were okay and didn't require any revision. Of the 27, we only found 6 that we are deeming as containing critical errors, and critical meaning the potential to affect the validity of the easement. In my review...so, some of these things, the errors are discrepancies between notations in the descriptions themselves and the accompanying exhibit maps. So, you know, the numbers don't match between the two documents, was accounted for two of the three...or two of the five critical errors. One thing to know, with exhibit maps, those are not required documents for recordation. So, between the two documents, yes, there were errors, but would they have rendered the easement invalid? I don't necessarily think so. The other discrepancies was there was some...a few minor incorrect notations on some of the boundary lengths and the radiuses that are reported in metes and bounds descriptions. Again, these are only one or two and, again, I don't think it affects or renders the easements invalid by having these errors contained. The other common error was incorrect lot reference, so in these descriptions, they often talk about the abutting lots to make reference of where the boundary aligns. So there was a couple where the lot was...I think it was a 7(A) lot versus a 7(B) lot. But again, in that case, I don't think...because...taking a step back, these easements are often accompanied with construction plans, so we know exactly where the infrastructure is going. So if the easement doesn't precisely line up, we don't think it causes the easement to now no longer be valid. So, in summary, those were what we call the critical errors were found, and again, that was only 5 out of the 112 we've done in the past three years. There was also some questions about...oh, additional comments from the Department. Just to note that should the Bill 119 pass, these easements will still be subject to review by the Department of Corporation Counsel, the Department of Finance, and the departments that are requesting easements for these. So, by no way does easement review all of a sudden disappear just because of Bill 119. At the last Committee meeting, there was a comment, I believe, from Committee Staff that the Department could choose to use...rely on the surveyor stamp currently under the Code. I don't necessarily agree with that because it calls for us to review and approve the metes and bounds description. And so if there is a support for relying on that surveyor stamp, then we would request that be affirmed in the County's policy by adoption of Bill 119. There was a question about whether we could expand our services or get more services from the survey consultants. To note that, in addition to easements reviews, our surveys also do subdivision reviews and land acquisition reviews. So, between all three of those, we're already having a hard time getting service from them. So, we can't necessarily just boost up the easement review capacity because there's already a general lack of capacity across all survey reviews. That concludes my opening comments for now. Just to note, Chair, that Dave Taylor from the Department of Management is here with me in my office, and he'll be participating from here.

CHAIR SUGIMURA: Okay. Ms. Lee has a question for you, then we'll ask Dave Taylor if he

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wants to add comments. Chair Lee, go ahead.

COUNCILMEMBER LEE: Director Molina, thank you for your report. I was wondering, when you contract with a surveyor, a private surveyor, is a requirement for them to have liability insurance?

CHAIR SUGIMURA: Mr. Molina.

COUNCILMEMBER LEE: You're muted.

MR. MOLINA: I'll have to review our contracts, but I believe that is part of having that licensure and putting their stamp on documents, it requires them to hold.

COUNCILMEMBER LEE: So, although you have discovered some errors in the past, none of them, to your knowledge, would have invalidated the easement agreement?

MR. MOLINA: I believe so. They're not --

COUNCILMEMBER LEE: Okay.

MR. MOLINA: -- they're...and again, there's additional documentation to support and clarify what that easement...where it was intended to be, and what it's purpose was and...

COUNCILMEMBER LEE: Thank you. Thank you.

CHAIR SUGIMURA: Thank you, Mr. Molina. Anybody else have questions for him before we go to Dave Taylor? Oh, Tamara Paltin. Go ahead.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Director Molina. I just was wondering, you know, when you were saying critical errors, but you don't believe any of them would affect the acceptance of the easement, what would be our recourse if...that we came across one that did, and we passed this bill?

MR. MOLINA: So, then I guess it would depend if the agency that holds the easement found it to frustrate their operation in any such way. And if it did, then we would go back to the property owner and ask them to fix the easement with us. Worst case, we get an uncooperative landowner, and we have to do eminent domain, or we'll remove the infrastructure from that easement and they will be without service. So it's...kind of behooves...in this...in the case of private development, it behooves them to ensure these easements are correct. They're...

COUNCILMEMBER PALTIN: And the agency --

MR. MOLINA: Yeah.

COUNCILMEMBER PALTIN: -- you mean the County agency?

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MR. MOLINA: Yeah. The water line--Water Department or Sewer Department are generally the ones involved.

COUNCILMEMBER PALTIN: Could it be...like we have the case in West Maui for Kaiāulu o Kūku'ia, where the easement is a third party that has a pedestrian and sewer easement to provide access to that. So if the third party were to not allow it, then the sewer easement would...then it would be the eminent domain route, you're saying?

MR. MOLINA: Yes.

COUNCILMEMBER PALTIN: Because it's two hundred...

MR. MOLINA: And in that case, it's unlikely...we would cut service to a housing project. That would be the other recourse, is...if we don't have proper land rights for our infrastructure, we could be forced to remove that infrastructure from the property.

COUNCILMEMBER PALTIN: So could we require verification if it's a third party easement? Because the low income housing project isn't the landholder for the easement that gives them the sewer access across somebody else's land, or...

MR. MOLINA: So, generally, if the easement's going to contain County infrastructure, then that agency would...or then the County would be a party to that easement. In this case, the County is not a party to the easement, then it's likely not County infrastructure involved. It would be a private infrastructure matter. So, I'm not sure where, at that connection point with Kūku'ia, the private sewer and the public sewer meet, and whether that falls . . .*(inaudible)*. . .

COUNCILMEMBER PALTIN: Okay. It's at the Cane Haul Road. But also, in the process of trying to get an emergency easement access, then you're saying like, you know, if all else fails, we can always pursue eminent domain?

MR. MOLINA: Yeah, and that would be way outside of getting to the point of us reviewing the metes and bounds of such an easement.

COUNCILMEMBER PALTIN: Okay. Thank you.

CHAIR SUGIMURA: Okay. Thank you. Any other questions? Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Thank you for being here, Director Molina. You know, one of my main concerns, and I think the concerns of the community that we heard last time, was easements where maybe proper surveying hasn't been done. And, you know, we've seen that happen where the iwi kūpuna had to actually be found by somebody else, and then we had our elders, like, stepping into a sewer easement situation to try to stop what was going on. So, you know, what's our recourse against stuff like that happening? I mean, I guess it's happening now, even with your review but, you know, if we start taking out these extra reviews, are we going to be subject to more of that kind of activity?

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CHAIR SUGIMURA: Mr. Molina.

MR. MOLINA: Yeah, I don't think this bill would change that scenario. That's a matter that occurs way in the front end before you even get to the point of preparing descriptions in metes and bounds for my review. Whether you need those easements, or whether you need that oversight in the first place is separate, and occurs on the front end before you get to the point of approving an easement for dedication to the County that we then review the metes and bounds.

COUNCILMEMBER KING: Okay, and Public Works isn't involved in that? I mean, do you guys do any review of the surveys that are done? Because, you know, we had a lot of...

MR. MOLINA: If it involves our infrastructure, then we get to the front end of the easement document that talks about the need and the purpose for that easement, and the limitations that are encumbered by the easement. But none of that...or that's separate from actually reviewing the descriptions of these easement areas.

COUNCILMEMBER KING: Separate from what this bill is talking about is that what you're saying?

MR. MOLINA: Yeah. So, the easement has mainly two components. One is the easement document itself that says what the restrictions in this easement area are going to include, and then you have the description, which is basically where the box goes. So, all the concerns that you are raising go in the front end, into what the easement actually says, as opposed to just where the box is drawn.

COUNCILMEMBER KING: Okay. So, you're not advocating for abdicating that responsibility.

MR. MOLINA: No, no, that...I mean, each Department needs to determine their operational need and what those easements need to cover to ensure they can continue.

COUNCILMEMBER KING: And that would be the point that if the public had concerns, that they could get involved and raise their...raise issues? By the time...I'm asking, I guess, for assurance that by the time it gets to you for metes and bounds, that all of that opportunity for...you know, for protest, or for concern...you know, to investigate public concerns happens on the front end is what you're saying?

MR. MOLINA: Yeah. So, that wouldn't involve how the box is drawn, it would be more so do we need this easement at all in the first place, and what kind of protections do we...are we seeking.

COUNCILMEMBER KING: Okay, yeah. Because I think for me, it's not do we...I mean I think a lot of the easements that we've needed have not been, you know, thoroughly vetted and, you know, it's not a matter of where we need...do we need them, but do they have to be there, and is there some detriment to...you know, to digging up certain areas for these easements. And these are, you know, not . . . *(inaudible)*. . . obviously they're not

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roadways, and we'd have to get into the...

MR. MOLINA: So, if it involved Public Works, like I said, that conversation happens way in the front end before we get to the point of hiring people to draw maps for us.

COUNCILMEMBER KING: Okay. All right. Thank you.

CHAIR SUGIMURA: Thank you very much. So seeing no other questions. Mr. Taylor, nice to see you here, sir. Oh...all right. Do you have any comments?

MR. TAYLOR: Yes, please. Hi, I'm Dave Taylor with Department of Management. I'm the CIP Coordinator. The Deputy Managing Director asked me to speak on behalf of our Department. We spoke about it, Department of Management is fully in support of this bill, and the Director of Public Works has well explained it. All the other departments are fine with it, they're supportive. Just to put a little fine point on something Director said, the preparation of the easement documents happens after the construction plan approval. It's during the construction plan approval we see a drawing, and it will show the easement. It'll say, here's an easement to be dedicated to the County of Maui, Department of Water Supply, Department of Public Works, et cetera, and it's 20 feet wide. And we'll see where that is. So, at that point, we already know what we're getting, and it's after it's built that this legal description is done, and that gets accepted. So, it's not as if we don't know where this is. The legal description is after the operational people said hey, this is okay with us. So, we don't really think there's really much risk in this. It really just speeds the process up without adding any significant risk because we already know where the easements are. So, that's why the Department of Management thinks this is something that really helps our efficiency without adding any more real risk.

CHAIR SUGIMURA: Very good, Dave Taylor. You have your...you're speaking like you're at the podium here in the Chambers. I like that. Nice seeing you. Question we have for you from Kelly King.

COUNCILMEMBER KING: Thank you, Chair. Aloha, Dave. Yeah, you certainly had enough experience speaking to the Council, so thanks for being here. So, you know, I...when I hear that there were only...and the word only used with critical errors, can you explain that from your point of view? You know, what does it mean to have critical errors that were made and caught through the secondary review? Because critical sounds pretty important, but we're saying we're okay with only a small percentage of critical errors.

MR. TAYLOR: So when we do easements and listening to the Director of Public Works talk about it, I was just visualizing some of these even that I've been involved in, in the past. Once we see where it is...I mean, let's say we're accepting a waterline easement through your property. The water engineers are seeing the blueprints and accepting it, so they know it's through this corner. So, once the surveyor comes out and surveys that with metes and bounds, and we find this error, it's not like it's on the other side of the property...you know, it's a foot wrong, or they didn't get the corner just right, so we just fix it. The pipe is where it is, we just have to make sure the legal description of the

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easement matches. So, even a critical error is more like a legal critical error, it's not...it's not like an operational critical error, it just has to be fixed. I have never seen one of these in my 30-year career that we had to do an eminent domain to fix. There's certainly a lot of pipes out there that don't have any easements where that comes in. But any new things that gets reviewed by the...the engineers, who are not surveyors, they get it in roughly the right place. And if there's a little problem with the survey, I've never seen any of these being a big mess to clean up. It's just survey documents.

COUNCILMEMBER KING: Okay. So the critical errors that are being talked about are descriptive critical errors only?

MR. TAYLOR: I would agree with that --

COUNCILMEMBER KING: Okay.

MR. TAYLOR: -- characterization.

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

CHAIR SUGIMURA: Any other questions for Dave Taylor? So, you're basically saying what Jordan Molina's saying, is that it's a double check. So, what Department of Public Works is doing is double checking surveys that were done and stamped by the engineers as saying previously, the drawings...this is correct. And then what Mr. Molina's trying to do is...is this correct, Mr. Taylor, is to circumvent having to do a whole 'nother review of documents that are already stamped, sealed, approval and loved by that surveying company, correct?

MR. TAYLOR: Well, close. In the State of Hawai'i, licensed civil engineers are different than licensed surveyors. Some people have both licenses. Most of our review staff are licensed civil engineers. We are not, for the most part, licensed surveyors. What we're talking about today is a bill . . . *(inaudible)* . . . the licensed surveyors, and Public Works will have a licensed surveyor who checks all of those. The thing I'm talking about in the drawings, that's mostly engineers doing that. So, it's about right, but we are not experts at the details of metes and bounds, and how to do all that paperwork. So, we're getting it, you know, pretty close to being right for the drawings, but the actual legalities of a legally acceptable metes and bounds description, stamped by a licensed surveyor, is just a little bit more precise. It's not...it's not necessarily more accurate, it's just more precise in that language that's to be approved by the Bureau of Conveyances, and gets tied to some legal description. And that's not something civil engineers do, that's something that licensed surveyors do. So, it's pretty accurate at the civil engineering side, and this bill is really just about the details about the licensed surveyor's side.

CHAIR SUGIMURA: Thank you. Anybody else have questions for Mr. Taylor or Mr. Molina? Okay. Seeing none. Do we have any more testifiers beside Lucienne de Naie?

MS. ABRAHAM: Chair, not for this item.

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CHAIR SUGIMURA: Okay. Members, with your approval, I would like to close public testimony on this item and accept any written testimony. Because the departments have sent to us answers to our questions, except for Mr. Molina, that what he just reported today, I hope you will send it to us in writing.

COUNCILMEMBERS VOICED NO OBJECTIONS TO CLOSE PUBLIC TESTIMONY.

CHAIR SUGIMURA: I'm going to close public testimony on this item. Thank you.

CHAIR SUGIMURA: So deliberations. Anybody have any concerns here? Tamara Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I just was wondering if before first reading, if this should pass, if we can get in writing the answers to the questions?

CHAIR SUGIMURA: Yes.

COUNCILMEMBER PALTIN: Okay. Thank you.

CHAIR SUGIMURA: Yeah. So, I do know that when I met with Mr. Molina last week, he had worked on this. And I'm almost sure that the flood conditions over the weekend, it probably took time that he would have finished this report for us, but he gave it to us verbally. So, Mr. Molina, will you please send in your letter...or your report, as you called it, to us before first reading?

MR. MOLINA: Yeah, Chair. Noted, and will do. Thank you.

CHAIR SUGIMURA: Thank you very much for the...all the work you do. So...

COUNCILMEMBER PALTIN: And then you would distribute it to us?

CHAIR SUGIMURA: And...and yeah, we'll distribute it to the Members. Thank you very much. It'll be in as information for this item. So, Members, anybody else have any questions for the Department or the item? Okay. So, I would like to entertain a motion to recommend passage on first reading of Bill 119 (2022), entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 3.44.015, MAUI COUNTY CODE, RELATING TO CONVEYANCE OF EASEMENTS TO THE COUNTY OF MAUI."

VICE-CHAIR KAMA: So moved.

COUNCILMEMBER LEE: Second.

COUNCILMEMBER MOLINA: Second.

CHAIR SUGIMURA: Thank you very much. Thank you very much. Moved by Tasha Kama, and second by Mr. Molina. Thank you very much. So, at this time I would like to call for the vote. All in favor, raise your hand and say aye.

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COUNCILMEMBERS: Aye.

CHAIR SUGIMURA: Aye. Okay, unanimous. So that is seven ayes. Thank you very much, Members. Appreciate all of you for getting this done, and thank you very much, Mr. Molina.

COUNCILMEMBER KING: Chair, point of order. Chair, just point of order.

CHAIR SUGIMURA: Yes.

COUNCILMEMBER KING: I'm okay because we just had the vote, but usually after the motion's made, you know, you ask for discussion.

CHAIR SUGIMURA: Oh, sorry.

COUNCILMEMBER KING: You went straight into the vote.

CHAIR SUGIMURA: Oh, okay.

COUNCILMEMBER KING: I just wanted to...

CHAIR SUGIMURA: I thought we all talked about this already. All right, anybody have any comments you want to make? Although we do...although we did take the vote, go ahead. Any comments? No? Okay. I'll remember that for the next one, right, that's what you were saying. Members, thank you very much for passing this, Mr. Molina, please do send us your report so that we can have the information for the Members. So thank you for your work over the weekend. That's a whole 'nother item we'll take up in this Committee.

**VOTE: AYES: Chair Sugimura, Vice-Chair Kama, and
 Councilmembers King, Lee, Molina, Paltin, and
 Rawlins-Fernandez.**

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: Recommending FIRST READING of Bill 119 (2022).

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CHAIR SUGIMURA: Next we have on the agenda two items, which is, as you know, the roadway, Dairy Roadway...Dairy Road parcel in Kahului, as well as Parks. I do want to ask, before we take any testimony to have Michele Yoshimura give us a presentation on the update of what has happened. And I think we heard some of it from Lucienne de Naie in her testimony. So, do we want to contact her in case...can you contact her, send her a text.

MS. ABRAHAM: We can, Chair.

CHAIR SUGIMURA: Okay, thank you. So at this time, Members, do we have any other testifiers?

MS. ABRAHAM: We have one testifier that's interested in testifying for the next item.

CHAIR SUGIMURA: The next item...before...now or after?

MS. ABRAHAM: After the next item.

CHAIR SUGIMURA: After the...after...are you talking about Parks?

MS. ABRAHAM: Yes.

CHAIR SUGIMURA: Okay. So, at this time...what I'm going to do then is I'm going to take this out of order. I'm going to take Parks next. So, that would be...I'm going to take...I'm going to move Dairy Road second...next on the agenda, and take up Resolution 22-208, which is accepting the parks from...various parks from Alexander & Baldwin, LLC, A&B Properties Hawai'i, LLC, in various locations on Maui, and then take up Dairy Road. So I'm going to switch this, so that we can hear this presentation from Michele Yoshimura, and then hear from the testifier. Kelly King, you have a question?

COUNCILMEMBER KING: Yeah, I do. Because we asked Lucienne de Naie if she could be a resource for the parks issue, and --

CHAIR SUGIMURA: Yes.

COUNCILMEMBER KING: -- I know that she had a meeting she had to go to, and she was going to come back. So, if we switch these items, we're switching them on her, and she's probably not going to be available as a resource.

CHAIR SUGIMURA: We're...yeah. Thank you for your consideration for her time. We did text her...and she's on? Okay, we're waiting for her. Okay. You know what...

COUNCILMEMBER KING: She testified that she had a meeting that she had to go to and she was --

CHAIR SUGIMURA: Right.

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COUNCILMEMBER KING: -- going to come back after that.

CHAIR SUGIMURA: She didn't think it would be too long. So, we said we would text her, and appreciate that. Who was it that...who's signed up to testify on Parks?

MS. ABRAHAM: Ms. Faith Chase.

CHAIR SUGIMURA: Oh, okay. Good. Keani Rawlins-Fernandez, question?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I was wondering if perhaps it would make sense, since it's all together, that we take them up together.

CHAIR SUGIMURA: Yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: I don't know if that makes sense to you, Chair.

CHAIR SUGIMURA: I...

COUNCILMEMBER RAWLINS-FERNANDEZ: And then perhaps we would do the presentation, and then take testimony, and then we can contact Ms. de Naie.

CHAIR SUGIMURA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Because she's not needed right at this moment, and then she can finish her meeting, and maybe in about 15, you know, or 20 minutes, like, we'll...we can call on her.

CHAIR SUGIMURA: So...

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR SUGIMURA: Yeah. Thank you very much, Keani. What I really would like is for Ms. de Naie to be here for Michele Yoshimura's presentation because she is going to talk about the parks situation as she...as Lucienne mentioned in her testimony. So, Members, what I'm going to do...because I would like to see her here to hear the presentation, to be sure that what she talked about is consistent with what the community and A&B and Administration came up with. So, I'm going to do a short recess, and hopefully we can buy some time, and hopefully we'll hear from her. So, at this time I'm going to take a 15-minute recess. It is now 9:54, so we'll come back here at 10:15. Members, is that all right? That will give her time to get here. Thank you. . . .(gavel). . .

RECESS: 9:54 a.m.

RECONVENE: 10:21 a.m.

CHAIR SUGIMURA: . . .(gavel). . . Welcome, everybody, back to the Infrastructure Transportation Committee meeting. Just for your information, we have Lucienne de

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Naie, who is on the call and...yeah. So, we can proceed.

IT-113: RESOLUTION 22-207, ACCEPTING DEDICATION OF ROADWAY LOTS FOR THE DAIRY ROAD PARCELS (KAHULUI)

IT-114: RESOLUTION 22-208, ACCEPTING DEDICATION OF VARIOUS PARKS FROM ALEXANDER & BALDWIN, LLC AND A & B PROPERTIES, HAWAII, LLC IN VARIOUS LOCATIONS ON MAUI

CHAIR SUGIMURA: I'm going to ask...I'm going to bring up Resolution 22-207, Accepting Dedication of Roadway Lots for the Dairy Road Parcels, Kahului, IT-113, and also bring up Resolution 22-201 [sic], Accepting Dedication of Various Parks from Alexander and Baldwin, LLC and A&B Properties Hawai'i, LLC, in Various Locations on Maui. And as you know, there are seven parks that they are donating to us. Lucienne de Naie, are you there? Just so the Members can know that you are present. She is on, right? Oh, and here's Kelly King. All right. So, I have Michele Yoshimura, who is going to do a presentation on the amendment that was...that Lucienne de Naie spoke about, so that's why we wanted to have her hear what this is regarding the Wawau Beach. And the departments will present the other areas, which will be Parks, and we have Tara Owens also present. So, at this time, Members, before we have any more testifiers, we're going to hear the presentation from Member Yoshimura [sic] on the Wawau or the Park. Oh, I'm sorry, Director Yoshimura. Did I call you Councilmember? . . .(laughing). . . Feels like it. Thank you very much, Director.

MS. YOSHIMURA: Thank you, Chair. Good morning, Members. So, I will do my best this morning to explain this. So, Resolution 22-207 and 22-208 will go hand in hand. We cannot accept one without accepting the other. So, it's a package. The amendment that I wanted to make this morning is on Resolution 22-208. If you look on page 2 at the very bottom, continuing on to page 3, that item number 1 references the dedication for Wawau Beach, and it also corresponds with exhibit 2, which is a map of the area. Guy, if you can put...Chair, is it okay if we share our screen?

CHAIR SUGIMURA: Please do.

MS. YOSHIMURA: Okay. So, Guy will share his screen with the maps. Area number 1, Baby Beach, which outlines in green, is what was intended to be dedicated to the County. The blue area, which is approximately 20 acres, that was going to be conveyed to the Maui Country Club as an exclusive easement. Since we have submitted the proposal, we have had further discussion with A&B. Oh, and just to inform you, that this A&B proposal...or the Country Club proposal was something that was discussed prior to us being in the picture of accepting the dedication. So, the blue area was to be dedicated to the Country Club, and after discussions with them, we have narrowed that area. Guy, if you could change the map. So, the amendment to the proposal would now be looking at a County sponsored subdivision with A&B under Chapter 18.04.020(G), which is that Parks can cosponsor a subdivision for park purposes. What we are looking at now is the beach area to be approximately 23 acres with approximately 6...7 acres

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going to the Country Club. So, what would take place is the subdivision will occur without taking dedication of any parcel. A&B would then work with the Country Club on their acquisition of the 7 acres, and the County will be dedicated the remaining balance of approximately 23 acres. So, that's the proposal in lieu of item 1 that's in the Resolution. And we will...of course, it's subject to final subdivision. It is...we do have to have revised metes and bounds. We also did have conversations with A&B, so that the area that is being acquired by the Country Club will see no residential development. And Director Teruya, Guy Hironaka are available if you have any questions regarding the amendment. Thank you, Chair.

CHAIR SUGIMURA: Thank you very much, Director Yoshimura. So, in summary...

MR. TERUYA: Chair?

MS. YOSHIMURA: Oh, sorry.

CHAIR SUGIMURA: Oh, did I hear a voice?

MS. YOSHIMURA: That was Director Teruya.

CHAIR SUGIMURA: Oh. Director Teruya, you want to make a comment? Is that...

MR. TERUYA: Yeah, hoping that Guy is still on, but if he can maybe show the other slide that...

CHAIR SUGIMURA: The revised...yeah, he didn't...he didn't switch slides. It's very different. Guy, are you still there? Maybe he can't do a share screen.

MS. YOSHIMURA: He'll take this one down and put up the other map.

CHAIR SUGIMURA: Oh, he does have it. Okay.

MS. YOSHIMURA: He does have it. And this map is in your packet, labeled as Exhibit 2.

CHAIR SUGIMURA: Okay.

MS. YOSHIMURA: I don't know if you can put two maps on the screen at once.

CHAIR SUGIMURA: Oh, side by side --

MS. YOSHIMURA: Yeah.

CHAIR SUGIMURA: -- to see the difference. So, Guy...Mr. Hironaka, are you able to switch the maps?

MR. TERUYA: Yeah, Chair. Let me...let me try give him a call.

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CHAIR SUGIMURA: Thank you. Yeah, it's quite different. So, basically then, what Director talked about then, is the County of Maui will retain 23 acres of the beach property, and 7 acres then will be for the Maui Country Club. And that you said that this was all in negotiations with the Country Club before this transaction...or this donation to the County was...is taking place so it was kind of in motion. And that the subdivision, or the...the...this change then would be basically between A&B and the Country Club for the 7 acres, and we'll be out of that discussion; is that correct?

MS. YOSHIMURA: So it would be 6.917 acres for the Country Club, and that would be handled through the...through A&B, and the County will not have any part in that...that portion.

CHAIR SUGIMURA: Okay. Thank you.

MS. YOSHIMURA: Chair, if I may add, that once the 23 acres is dedicated to the County, we will look into a land trust.

CHAIR SUGIMURA: Oh, are we frozen?

MR. TERUYA: Michele, we missed the ending.

CHAIR SUGIMURA: Yeah.

MS. YOSHIMURA: Oh, sorry.

CHAIR SUGIMURA: Michele is frozen. Oh there. Go ahead, Michele.

MS. YOSHIMURA: So we will look into putting the land into a land trust.

CHAIR SUGIMURA: Oh. The 23 acres?

MS. YOSHIMURA: That portion, yes.

CHAIR SUGIMURA: Okay. So, 23 acres then will be subdivided out to us or...and that the 6.917 acres to the Maui Country Club. A&B and the Maui Country Club will take care of that independent from this, and that this will be put in a land trust. Is that what you said?

MS. YOSHIMURA: Yes, we will look into a land trust. We will work with Tara Owens. She has a dune restoration project, so we want to make sure we are doing right thing here. And I believe she's on the call and she can address your questions at a later time.

CHAIR SUGIMURA: Okay, thank you.

MS. YOSHIMURA: Thank you.

CHAIR SUGIMURA: Thank you very much. Did we get Guy to...or maybe if he can send us the maps, then Laks or Lesley can put it up if he's having . . . *(inaudible)*. . .

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MR. HIRONAKA: Yeah, I guess you're having...I guess you're having...you're having a problem with share screen...share screen, so I'm trying to send all the maps to Lesley right now.

CHAIR SUGIMURA: Okay. Lesley, did you get it? Okay, it's in...it's in motion. Oh, very good. So, the new information that Director Yoshimura just shared is Tara Owens, who's on this call, who just got, I think, a dune restoration project grant, and she will basically be working with us to see this transaction happen, and that the nonprofit that the County is looking at to partner with this is Hawaiian Island Land Trust; is that correct?

MS. YOSHIMURA: Yes, Chair.

CHAIR SUGIMURA: Okay. So did we get it?

COUNCILMEMBER LEE: Questions.

CHAIR SUGIMURA: We're waiting on it. Okay, we'll take questions then. Who had questions first? Kelly King had her hand up, and then Mr. Molina.

COUNCILMEMBER KING: Thank you, Chair. So I just wanted to clarify what we just saw. Because that section of the map, Michele, that was in blue, that's around 19-something acres. So, that's going to be changed to...approximately 13 of that is going to the County, and then the other 6 would go to the Country Club. And then that would be...the 13 would be added to the 10 that's along the shoreline, so it makes up the 23. So we're not really --

MS. YOSHIMURA: Yes.

COUNCILMEMBER KING: -- we're not talking about the Baldwin Beach area that was on that map that's already County property.

MS. YOSHIMURA: Yeah.

COUNCILMEMBER KING: Okay. So, that's what I wanted to clarify. And the other thing I wanted to clarify for the public that we're talking about subdividing...subdivision. Because most people equate that with housing. So, I want to make sure that they know that we're just talking about subdividing the property where there's no proposal to build on that property. That's clearly in the SLR-XA and the SMA, so we wouldn't...we're just talking about land preservation at this point.

MS. YOSHIMURA: Yes.

COUNCILMEMBER KING: I just wanted to clarify that. Because people...I know people hear the word subdivision, they think, why would we build houses there? Sound like...that might have been Mr. Molina's question too, so...okay. I think I...you know, without...I mean, it would be nice to see the new map, but I think I understand where the 23 acres is coming from, and that the portion that's going to the Country Club will not be

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developed either, it'll just go into their...I mean there won't be housing on that.

CHAIR SUGIMURA: Okay.

MS. YOSHIMURA: Yes.

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

CHAIR SUGIMURA: So next Member Molina, then Alice Lee, then Tamara Paltin.

COUNCILMEMBER MOLINA: Yeah. Thank you, Madam Chair. And thank you, Member King, for bringing up that clarification on subdivision because I had that same thought too. Because folks who may not be in the know, if they hear subdivision, that's the first thing they going to think. Oh, my God, part of this deal will be housing, and that's not the case. Madam Chair, just more of a procedural question for you. Do you have...I know that we've designated Ms. de Naie as a resource. Is there someone from A&B that's going to be designated as a resource to answer any questions we have? Have you...

CHAIR SUGIMURA: Let's see if Carol Reimann's on the call. Hang on. Let me check. She is on the call? Okay. Would you like to have A&B designated also? Okay.

COUNCILMEMBER MOLINA: Yeah, in case...I have a couple of questions for A&B with regards --

VICE-CHAIR KAMA: Yes.

CHAIR SUGIMURA: Okay.

COUNCILMEMBER MOLINA: -- to this...so under your leadership.

CHAIR SUGIMURA: Yeah. Thank you. That's a good point. Carol Reimann, if...you know, she'll...she's on the call, so we'll get her. And if you would allow A&B then to be a resource. Good call, Mr. Molina. Thank you.

COUNCILMEMBER MOLINA: Yeah. Thank you, Madam Chair.

CHAIR SUGIMURA: And Ms. de Naie is listening, and after all of this, we can get comments from her. Next we have Alice Lee, and then Tamara Paltin.

COUNCILMEMBER LEE: Chair, I just wanted to verify that the property in question is designated open space?

CHAIR SUGIMURA: Ms. Yoshimura.

MS. YOSHIMURA: Chair, I believe it's on the community plan Open Space/Park.

COUNCILMEMBER LEE: Thank you.

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MS. YOSHIMURA: Thank you.

CHAIR SUGIMURA: Thank you. Next, Tamara Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I just wanted to clarify, I don't know if this is for Ms. Reimann, but...so, the blue property, which isn't the map that we're looking at, is going to remain with A&B, but the Maui Country Club would hold an easement. And then if they wanted to build a fence or a wall, they would have to go through an SMA permitting process?

CHAIR SUGIMURA: So --

COUNCILMEMBER MOLINA: Madam Chair?

CHAIR SUGIMURA: -- yes?

COUNCILMEMBER MOLINA: Sorry, Madam Chair. Should we officially designate Ms. Reimann so she can respond to Member Paltin's questions?

CHAIR SUGIMURA: Oh, I'm sorry. I thought we did that.

COUNCILMEMBER MOLINA: . . .*(inaudible)*. . .

CHAIR SUGIMURA: Members, if you would allow us to designate Carol Reimann...I think, Randy Endo, also from A&B. They're working together.

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR SUGIMURA: Thank you.

COUNCILMEMBER MOLINA: Thank you, Chair.

CHAIR SUGIMURA: Thank you. Do we have the park...do we have the map, rather? Oh, we have to designate Lucienne? I thought we already did. Okay. Can we designate Lucienne, Randy Endo, and Carol Reimann as resource for this...these two items.

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR SUGIMURA: Thank you very much. Thank you.

COUNCILMEMBER KING: Chair, just a point of order though. I just wanted to make sure...I don't think we've closed testimony on this, so will we...you know, if we're just asking clarifying questions, that's okay. But before we get into deliberations, we need to make sure...

CHAIR SUGIMURA: Yeah. We haven't done that yet.

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COUNCILMEMBER KING: Because I thought there was one...

CHAIR SUGIMURA: Yeah, we're still trying...we're still trying to do the presentation by getting your map --

COUNCILMEMBER KING: Oh, okay.

CHAIR SUGIMURA: -- up, so you have the comprehensive visual of the difference with what Director Yoshimura just explained. And --

COUNCILMEMBER KING: Yeah.

CHAIR SUGIMURA: -- I guess Guy, who is on the call, yeah, so he can verify other questions as we get into the details of this. Did we get it? And then we even have Faith Chase to testify after we're all done with this, and then we'll close public testimony. Did you get it? Hard to see. Can you all see this?

MS. YOSHIMURA: Okay, I see the map on the screen.

CHAIR SUGIMURA: Yes. Okay. So, who wants to explain this, it's...

MS. YOSHIMURA: Chair, if I may?

CHAIR SUGIMURA: Okay, go ahead, Michele.

MS. YOSHIMURA: Okay. So Easement M is the area that will be retained by A&B, and then acquired by Maui Country Club. So, that is below that dotted...or the dashed line that you see, and it'll run all the way down the property line for the Country Club.

CHAIR SUGIMURA: I see. Members, can you see that? Easement M. Okay, good.

COUNCILMEMBER PALTIN: So, just clarifying what Ms. Yoshimura said. It will be acquired by the Country Club. So, they'll purchase it from A&B, and we're not involved in that. And then if they wanted to build a fence, they'd go through the SMA permit process on their own?

CHAIR SUGIMURA: Member...

MS. YOSHIMURA: Chair?

CHAIR SUGIMURA: Director Yoshimura, please answer that.

MS. YOSHIMURA: Councilmember Paltin, yes, they would be subject to whatever permitting they need to get. The County will not be...other than dividing the property, we will not be involved with whatever transaction comes about with A&B and the Country Club.

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COUNCILMEMBER PALTIN: Thank you.

CHAIR SUGIMURA: Had to double check what you just said. The 6.917 acres will be negotiated with A&B and Maui Country Club, and we're completely out of it. And then Maui Country Club will do what they need to do to comply with County ordinances, and work with Tara Owens for dune restoration projects as well?

MS. YOSHIMURA: Yes, that's correct.

CHAIR SUGIMURA: Okay, great. Anyone else have any questions on this?

MS. YOSHIMURA: Chair, if I --

CHAIR SUGIMURA: Yes.

MS. YOSHIMURA: -- could add?

CHAIR SUGIMURA: Yes.

MS. YOSHIMURA: So, this is all still subject to a final subdivision process, right, and it is...and we still do need to get revised metes and bounds for the area.

CHAIR SUGIMURA: Okay. So, because of these changes then, Ms. Yoshimura, from what you're saying, this Resolution that was presented includes the first map, it's not the second map as negotiated with A&B and Maui Country Club. So, this description then would have to be changed --

MS. YOSHIMURA: Chair?

CHAIR SUGIMURA: -- for the resolution?

MS. YOSHIMURA: Yes, that would be amended...Item Number 1 would be amended --

CHAIR SUGIMURA: Yes.

MS. YOSHIMURA: -- and Exhibit 2 would be amended...and, of course, Exhibit 3, I believe--1, 2, and 3. So, all of the items in the current resolution will be amended to reflect this change.

CHAIR SUGIMURA: Okay. Thank you. Any other questions regarding this map and the change, Members?

COUNCILMEMBER KING: Chair? I have a question.

CHAIR SUGIMURA: Okay, I can't see everybody so please...

COUNCILMEMBER KING: I know. This is Kelly.

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CHAIR SUGIMURA: Okay, Kelly, I can't see you on the screen. Go ahead.

COUNCILMEMBER KING: Oh, I can't see anybody either. I just want...clarify a question with...and I'm not sure if you know this, Michele, but is there currently a fence along that back area? I haven't been to the Country Club for a very long time, so is there currently a fence on the ocean side of the Country Club?

MS. YOSHIMURA: Councilmember King, sorry, I don't know the answer to that question.

COUNCILMEMBER KING: Okay.

CHAIR SUGIMURA: I wonder if A&B might know.

MS. YOSHIMURA: We can find out.

COUNCILMEMBER KING: Chair...yeah. There's nobody here from the Country Club right, there's just...maybe...does Carol Reimann know? Carol, do you know the answer to that question?

MS. REIMANN: Aloha, this is Carol. I do not know the answer to that question.

COUNCILMEMBER KING: Okay. Because, you know, I used to play tennis there all the time. And to my knowledge, I don't remember there being a fence all along the back side of it. But, you know, it was a long time ago since I was there.

CHAIR SUGIMURA: Tamara Paltin, do you have that answer? Oh, okay. Okay, we'll find out what...we'll find out that information. Tamara Paltin has a question.

COUNCILMEMBER PALTIN: Thank you, Chair. Just was clarifying, the other thing that Ms. Yoshimura said was community plan was Park/Open Space. The zoning being...is residential interim you said? Or do you know the --

CHAIR SUGIMURA: Is that a...

COUNCILMEMBER PALTIN: -- zoning?

CHAIR SUGIMURA: Should we ask Mr. Hironaka?

COUNCILMEMBER PALTIN: And then I guess the follow up would be, we would have to subdivide it first before pursuing a Council or Administration-initiated change to Open Space?

CHAIR SUGIMURA: Is that for the Planning Department?

MR. TERUYA: Chair?

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CHAIR SUGIMURA: No? Okay. Michele, shall we ask Planning Department for that answer, or...we're asking you to answer everybody for everything. Sorry about that.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair, you want to stop...

MS. YOSHIMURA: Yes, that would be Director McLean.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair, you want to stop the screen share so we can see each other?

CHAIR SUGIMURA: Oh, that might be the answer.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR SUGIMURA: On the...oh, there. So, at this time then, do we have anybody from the Planning Department to answer this question? Oh, there. Thank you, Michele. Hi, good morning.

MS. MCLEAN: The question was about the subdivision being able to go through in relation to the zoning?

CHAIR SUGIMURA: Yes, plus what is it zoned in --

MS. MCLEAN: Yeah --

CHAIR SUGIMURA: -- community plan.

MS. MCLEAN: -- that area is split zone between Residential and Interim. So, the Kahului side is Residential, and the Ha'ikū side is Interim. I would share my screen, but I'm a little concerned about doing that. You're familiar with the aerial imagery of the site. It's kind of near where the tennis courts are. From the tennis courts toward Kahului is Residential, and that's through all the way up to Hāna Highway. And then on the Ha'ikū-Baldwin Beach side of that, it's Interim. And...and that split zoning shouldn't make a difference with the subdivision. In general, Interim zoned lands can't be subdivided, but this is more like a lot line adjustment, if you will. And so, the zoning shouldn't preclude the subdivision from taking place, as no new Interim lots would be created.

COUNCILMEMBER PALTIN: And I was just trying to verify. So, we'd subdivide it, and then it's the Administration's intention to pursue Administration-initiated change in zoning to Open Space?

CHAIR SUGIMURA: The...A&B is going to work on this with Maui Country Club.

COUNCILMEMBER PALTIN: For the...

CHAIR SUGIMURA: For our portion?

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COUNCILMEMBER PALTIN: For our portion, yeah. Not for their portion.

CHAIR SUGIMURA: Okay, great. Mr. Hironaka, you popped up. So, you have something to add?

MR. HIRONAKA: Yes, Chair. I just got in touch with Maui Country Club to verify their fencing. What they do have is, right behind their tennis courts, they do have a gate for their beach access. And then as you run towards the east side of the property, toward the east side, they kind of have, like, a wire fence that runs the perimeter of their property.

CHAIR SUGIMURA: All the way to the end of the golf course?

MR. HIRONAKA: Yes, along the perimeter.

CHAIR SUGIMURA: Okay. On their property, their current property --

MR. HIRONAKA: Right.

CHAIR SUGIMURA: -- right? So, you're saying where the tennis courts are...I'm sorry. Go ahead.

MR. HIRONAKA: . . .*(inaudible)*. . . Right. So, right...if you're looking at that map that we sent you, where it says Easement M, and just to the bottom left of that is where the tennis courts are.

CHAIR SUGIMURA: Okay. Thank you.

MR. HIRONAKA: Then off --

CHAIR SUGIMURA: Tamara, is your question answered?

MR. HIRONAKA: -- to the right of it, it runs...they said...they said it kind of runs along the property line.

COUNCILMEMBER PALTIN: Okay. Thank you. My question, I guess, would be from...for someone from the Administration. Where...we know that the community plan is Open Space/Park, the zoning is split zoning, Residential/Interim. The question is, if we acquire this, is the intention of the Administration to pursue Administration-initiated change in zoning to match the community plan, and not the other way around, for the community plan to match the zoning? Because in the SMA, I've heard that the community plan is...takes precedence.

CHAIR SUGIMURA: So would that be a question for Director McLean or Ms. Yoshimura?

COUNCILMEMBER PALTIN: Whoever in the Administration can answer that question. Because I mean if it's our intention to go from community plan to zoning, then that's

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not a good thing, I think.

CHAIR SUGIMURA: Please, let's get your assumption clarified first, and then see what the...I don't know if they...Director Yoshimura, you seem to be the lead person on this. Do you have a comment?

MS. YOSHIMURA: That would be the intent of the Administration, is to make it Open Space --

CHAIR SUGIMURA: Okay. Thank you.

MS. YOSHIMURA: -- to be concurrent with the community plan.

CHAIR SUGIMURA: Okay.

COUNCILMEMBER PALTIN: Okay. Thank you. I support it.

CHAIR SUGIMURA: Okay, very good. So, Tamara says thank you, and she supports it. So, she got her question answered. Thank you very much. Keani Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. My question is for Ms. Reimann. Mahalo, Ms. Reimann, for being on with us. So, for the six acres that would go toward Country Club, is A&B planning to add a restriction or a condition--oh, I guess it wouldn't be a condition, it would be a restriction--to any kind of development on that property?

CHAIR SUGIMURA: Carol Reimann, did you hear the question?

MS. REIMANN: The question . . . *(inaudible)*. . . the only condition that we would contemplate was the residential because that . . . *(inaudible)*. . .

CHAIR SUGIMURA: You broke up.

COUNCILMEMBER RAWLINS-FERNANDEZ: No residential development? Sorry.

CHAIR SUGIMURA: Carol, we can't hear you or see you. If you're on the call then we probably need you to...oh, you're muted on your end, Carol.

MS. REIMANN: Was there another question?

CHAIR SUGIMURA: Oh, good. Okay. There you are. There is not another question, but we didn't hear your answer. Question from Keani. You want to ask again, Keani?

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, I think she heard. I think she wasn't aware that her audio broke up. So, if you could just repeat your response to the earlier question.

MS. REIMANN: Yes. For the concerns about, you know, residential . . . *(inaudible)*. . .

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CHAIR SUGIMURA: You broke up again.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, okay. So, I don't know if it's breaking up or if that is the end. Oh, okay. She . . .(inaudible). . .

MS. REIMANN: Can you hear me?

CHAIR SUGIMURA: Now I can hear you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes.

MS. REIMANN: No residential.

CHAIR SUGIMURA: No residential, right?

MS. REIMANN: Correct.

CHAIR SUGIMURA: Okay. Got your answer, Keani?

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So, it would just restrict residential development, but other potential development, such as a fence line or any other ideas would need a SMA permit...Director McLean?

CHAIR SUGIMURA: Director...oh, there.

MS. MCLEAN: I'm sorry. Can you repeat the question, please?

COUNCILMEMBER RAWLINS-FERNANDEZ: I should have got your attention before I asked. So, I asked Ms. Reimann if there would be restrictions in...on the 6-acre parcel on any kind of development, and the response was that A&B would put a restriction to...from having residential development on that 6 acres. And so earlier, it was brought up if there would be a fence line or...I don't know what other, you know, ideas of development could happen in that space, but any kind of development would require an SMA permit?

MS. MCLEAN: Yes, but let me give a fuller answer to that. So, as you probably know, in the SMA, there are certain actions that could qualify for an exemption. And exemptions...the use needs to be allowed by the zoning, but exemptions don't necessarily have to also be consistent with the community plan. Development, however, has to be consistent with the community plan and zoning. So, depending on what's proposed, if it requires an SMA permit, then it would have to be consistent with the community plan and zoning. If it's something that could be exempt, then it would not necessarily have to be consistent with the zoning...or excuse me, with the community plan.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Director McLean. And just a last follow-up question, Chair, for Director McLean. And so, right now, it...you said that it's Interim, the zoning?

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MS. MCLEAN: On the Ha'ikū side.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, okay. So not the 6-acre parcel that we're talking about?

MS. MCLEAN: The 6-acre parcel is a linear parcel --

COUNCILMEMBER RAWLINS-FERNANDEZ: Um-hum.

MS. MCLEAN: -- and half of it is Interim, and half of it is Residential.

COUNCILMEMBER RAWLINS-FERNANDEZ: Ah, I see. I see. Okay. Okay. Mahalo for that clarification. Because they wouldn't...oh, okay, okay. Got it. All right. Mahalo, Director McLean. Mahalo, Chair.

CHAIR SUGIMURA: So, Keani, you're done? You have no more questions? I see Director Yoshimura popped up. You have any comments to that? No, you don't? Okay. Anyone else have any comments? We have also Tara Owens online. If Tara Owens would like to talk about this...because we're talking about the dunes, and the importance of that for restoration--or do you want to hold that for the Department? Oh, there...there you are. Thank you very much for working on all of this. I understand that you're a big part of it. So, do you have any comments regarding this discussion?

MS. OWENS: Sure. Yes, I'm here. And mahalo for a seat at the table, and a chance to comment. Yes, I guess to start, I am very excited to be able to share the good news that we have just been notified that we're being awarded \$1.4 in Federal funding for dune restoration at Kapukaulua. . . .(applause). . . Thank you. It is a big...it's a big deal. We're getting our...your funding from the National Fish and Wildlife Foundation, so it's focused on preservation, conservation, habitat, ecosystems, and it's really nice to get our piece of the Federal pie, so to speak. And it's all a result of these partnerships between University, the community, and the County. And with the land transfer on the table now, it seems that a lot of good opportunities are coming together at once, so the timing is really fortuitous. I have to say, I was, as many of you have heard, concerned with the initial proposal for the easement, and of ultimate subdivision boundary. And so, I...just to convey, for the record, you know, and from the coastal management and coastal hazards perspective, the way I see the world is, you know, the best form of hazard mitigation is the preservation of open space, which is what we're aiming for here, and what I think is being discussed. And that's really an awesome opportunity. This is a rare case, as you guys know, where a large swath of undeveloped land still exists on the shoreline. So, it's a legacy opportunity for Maui Island. And based on coastal hazard mitigation principles, being proactive, you want to, as much as possible, keep a large parcel intact. Because that maintains and maximizes your flexibility in the future, under future scenarios with sea-level rise, for managing the shoreline...and the north shore area, especially around Baldwin, is...is highly vulnerable to erosion and sea level rise. In fact, I think we have...the highest rates of erosion, island-wide, are at Baldwin Beach historically...maybe even statewide. So, in the longer term like, you know, maybe

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thinking latter half of the century, at sites like this, this park and the buffer that we're looking at creating may provide the best opportunity to conserve beaches and dunes and these ecosystem in the face of sea level rise. And so it gives us the opportunity for adaptive management, and allows the shoreline and the beach--the system, the whole system, the beach, the dunes--to roll back, essentially. Roll mauka into the lightly developed public lands that we'll have that are actually underlain by older beach and dune deposits. So actually, if you think about it geologically, the golf course and the fairways, probably half of them, moving landward, were once part of this coastal dune system that spanned the whole north shore. And back in the days before development, it probably would have been several rows of contiguous mounds behind what's now just the primary or the frontal dunes. So, it's important...again, I think this is the direction we're going, but it's important to see the area protected and preserved, and to the degree that we can make sure that it's maintained as this natural buffer which, I think, serves all of us in terms of protecting infrastructure from coastal hazards. So, thank you for having that --

CHAIR SUGIMURA: Congratulations.

MS. OWENS: -- opportunity to comment.

CHAIR SUGIMURA: Yeah. You're a big part of this presentation as a resource. So, Members, I thought I had already designated Tara Owens as a resource, so if you allow her...me to do it now, but you can tell how valuable she is.

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR SUGIMURA: Thank you very much. So, Tara Owens has been designated as a resource. Thank you very much. We have one testifier...if you would allow me to open up public testimony. Do we have any more presentations regarding this that Administration would like to share? Any comments, Administration? I think we heard from Michele and Tara Owens. Michele Yoshimura, you have any more comments before we go on to that one testifier, Faith Chase?

MS. YOSHIMURA: Chair, not at this particular parcel, but departments are available --

CHAIR SUGIMURA: Okay.

MS. YOSHIMURA: -- when you do discuss both resolutions as a whole. Thank you.

CHAIR SUGIMURA: Okay. Appreciate it. So, then at this time then, I would like to ask our one testifier to testify. Oh, we have three testifiers. Okay, Laks.

MS. ABRAHAM: Chair, our next testifier is Faith Chase. Please unmute yourself, and proceed with your testimony.

CHAIR SUGIMURA: Faith Chase, still there?

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MS. CHASE: Good morning. I'd like to speak on IT-113 and IT-114, understanding that I have a little bit more than three minutes. Because I've timed my testimony and it might go over, so I'd appreciate that.

CHAIR SUGIMURA: Okay. You're going to speak about Dairy Road as well as the Parks? Is that what you're saying? What happened to Faith Chase?

MS. CHASE: I'm having some hiccups. Maybe you can have the...a testifier, and I can come back. Sorry.

CHAIR SUGIMURA: Oh, okay. Okay, that's fine. Next testifier, please.

MS. ABRAHAM: Our next testifier is Kai Nishiki. Please unmute yourself and proceed with your testimony.

CHAIR SUGIMURA: Kai Nishiki.

MS. NISHIKI: Hi. Thank you for having this important item on agenda and for discussion. Very thankful to Mayor Mike Victorino and his Administration, and Councilmember Mike Molina, for their continued advocacy to protect and preserve our public natural resources, and increase the acreage in this area. It is very valuable for all the reasons that Tara Owens stated. And I guess my final comment would be that I think that it's very important to have the zoning changed to match the community plan to...it should actually be like Open Space, especially the parcel that would be going to the Country Club, so that this area would be protected by the community plan and zoning change for consistency. Mahalo.

CHAIR SUGIMURA: Thank you, Ms. Nishiki. Any questions for Kai Nishiki? Mr. Molina, and then Tamara Paltin.

COUNCILMEMBER MOLINA: Yeah. Madam Chair, I think Member Paltin had her hand up first, so I'll yield to my colleague from West Maui.

CHAIR SUGIMURA: Okay. Thank you.

COUNCILMEMBER PALTIN: Thank you. What a gentleman. My question was, I know that different types of Open Space still do allow some sorts of development, and just clarifying that you meant the one...the open space that doesn't allow development.

MS. NISHIKI: Correct. I think there's active and inactive. I think that's my understanding. So yes, no development at all in this area.

CHAIR SUGIMURA: Thank you.

COUNCILMEMBER PALTIN: Thank you for that clarification.

CHAIR SUGIMURA: Mr. Molina.

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COUNCILMEMBER MOLINA: Yeah. Thank you, Madam Chair. And thank you, Ms. Nishiki, for coming by to testify. And I'm just going to ask you, and Madam Chair, with your...yours and the Committee's blessings, if she...Ms. Nishiki, could be retained as a resource. She's been a longtime shoreline advocate for the community, and that she was a...the main driving force behind my proposal for the Wawau Point. So, if she would be...would you be available to serve as a resource, Ms. Nishiki, for the rest of today?

MS. NISHIKI: Yes, Councilmember Molina. Mahalo.

COUNCILMEMBER MOLINA: Okay. Thank you. And so, Madam Chair, that's my request for your consideration.

CHAIR SUGIMURA: Thank you. Yes. Members have any objections? I see nodding of the heads.

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR SUGIMURA: No objection. Thank you very much. Thank you, Kai, for all your work on this. And I understand you're a big part of keeping communication going, so thanks a lot for your help. Thank you, Mr. Molina. Any other Members have questions for Kai Nishiki? Okay. Next testifier. Thank you, Kai.

MS. ABRAHAM: Chair, our next testifier is identified as user with the name Guest 57. If you are here to testify, please unmute yourself and proceed with your testimony.

CHAIR SUGIMURA: Guest 57. Last call, Guest 57. At this time then, I'll go back to Faith Chase. Faith, are you able to log on now?

MS. CHASE: Hi, yeah, forgive me. If it gets bumpy, you understand, I'm in a spotty spot. Good morning, Maui County Infrastructure and Transportation Committee. I'm very pleased to see A&B representatives here. We've missed you at many other meetings. I'm going to share new knowledge I received yesterday in a historical presentation that was zoomed and streamed on the Facebook Channel Hawaiian Kingdom Now. It was the Hawaiian Kingdom History Session Six, Hō'eu'eu Hou, Sons of the Mission and Shaping of a New Mission, 1863 to 1888. The moderator was extremely sensitive, and used amazing diplomacy in announcing the content that was to be shared. She opened by stating that the presentation may surprise people. People may be shocked, people may feel defensive, and people may feel angry. She also shared that she had researched that her church was not the only denomination, that it is looking at the facts of what has happened, specifically the Sons of the Mission in 1863 through 1888. She said that she found Methodists have included acts of repentance in their current works as it relates to white supremacy. In her thorough research of how other denominations are dealing with the factual history of how the Hawaiian Kingdom and the Country of Hawai'i nationals experienced genocide, she found this statement from the Episcopal Church working group. To sharpen the church's focus on confronting its past complicity with racist systems and the lingering legacy of white supremacy embedded in the institutions

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like the church. Many churches are addressing truth and reconciliation in this way. I know a significant amount about the illegal occupation history, but to see the actual letters that systematically, strategically restricted voting by blood Hawaiians and other Hawaiian nationals in important government influencing church committees, to see these physical letters was emotional and sad. And to hear them be read was grotesque. In learning this, it brings me to the items IT-113 and 114 in which references several TMKs supposedly donated by A&B. I'm aware of the laws of war, and that any lands not being used for military necessity are, in fact, Crown Lands to be used by the Government for the people. As you represent the Government for the people now, it is important to me that this is on public record that I, in fact, question these TMKs listed in item 114. While I value the coastal mitigation efforts that are being made here today, regardless of what is decided today, and in lieu of slowing any progress as it relates to the parcels that, in fact, serve the public, I do want to implore that this background work regarding these TMKs and others in the future, all land decisions in the future should work on the policy that research and consideration of LCAs are done. Speaking frankly, from learning this new information yesterday, these lands may already be in your possession. This is not a sovereignty plea, there is no plea needed. These are facts that are already there. This is the most serious demand to you all, who represent the people, to create working groups of your own, as it appears most of Hawai'i's churches are doing so, to understand the illegal occupation of Hawai'i, and work towards being the intermediary intergovernmental body that works towards the transition of Government from the corporate state of Hawai'i to the returned country of Hawai'i. These letters that I spoke of in this testimony are evidence of the racist acts of genocide, and can be viewed at the State...the said State of Hawai'i Historical Archives, and are being used in lawsuits now, and will continue to be in the near future. I also encourage each of you, as well as the Planning Department, Corporate [sic] Counsel, and the Mayoral and Council 2022 candidates, and Carol Reimann, to learn this critical piece to Hawai'i's history, as it will undoubtedly be part of your job to work through. If I must, I will remind you that A&B was leased lands specifically for agricultural, to be used for sugar cultivation. The sugar lands had a 99-year lease, and while it isn't your fault, the acting government at that time, when that 99-year lease was up, should have been returned to the roster of the lands for the people. That was the inception point when the lands were, in fact, needed to be returned to the government to serve the people. In closing, to further designate lands for exclusive, expensive, private Country Club lands, and to further receive donations of land that may have LCA history and belong to the people frustrates me, and I see the indigenous people in Hawai'i continue to suffer in many ways, especially as it relates to houselessness. I say houselessness versus homelessness because Hawai'i is, in fact, the home of these indigenous peoples of this place. . . .(timer sounds). . . I will include the late testimony when I return to my desk. I appreciate your listening time and seriousness on this matter. While I am not an expert, if you have any questions, I will do my best to answer in regarding this, and I will also be making a presentation of the same at the GREAT Committee. Thank you.

CHAIR SUGIMURA: Thank you. Any questions for Ms. Chase? Keani Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Ms. Chase, mahalo for your testimony this morning. I appreciate you sharing that information. Do you know

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if the presentation that was provided by the documents from the archives showing which lands were leased to A&B that should have returned to the Crown Lands after...or Government lands after its 99-year lease ended?

MS. CHASE: Thank you for that question. Yesterday's presentation did not cover those documents, but the same presenter actually has made other presentations where those documents--or at least several pages that answer your question--were sort of shown so that people who were interested could go and find them in the archives. But yesterday was specific to...was really, really back history specific to when the churches...you know, the insurgency started in the churches. You know, they...they really tried to encourage people to be Christians, and then pulled a fast one, you know, and started eliminating their votes. And very sneaky, very sad. Thank you for the question. I can try to find that presentation with that document that you're asking for and include it, as well as the link of the presentation I saw yesterday. I'm refraining to say the person's name because he wasn't making a presentation as his professional capacity, but he's in the midst of writing a book. So, you have to listen to the presentations because his publishers don't want him to share everything, but he is also an employee and is very well-knowledgeable. Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Ms. Chase. Mahalo, Chair.

CHAIR SUGIMURA: Thank you. Tamara Paltin, you didn't have a question? Was your hand up?

COUNCILMEMBER PALTIN: Oh, I can ask a question, but Member Kama raised her hand first.

CHAIR SUGIMURA: Oh, okay. I thought yours was up first. Tasha Kama.

VICE-CHAIR KAMA: Thank you, Chair. I just wanted to ask Ms. Chase if...as she submits those documents that was requested by Member Rawlins-Fernandez, if she could submit her testimony in writing also.

CHAIR SUGIMURA: Ms. Chase.

MS. CHASE: Yes, I will. Sorry, I'm going to have to do that at another time when I get back to my desktop. Thank you.

VICE-CHAIR KAMA: Thank you. Thank you, Chair.

CHAIR SUGIMURA: Thank you. Tamara Paltin.

COUNCILMEMBER PALTIN: Shucks, I was going to ask if it was Dr. Ron Williams, but if you don't want to say, I don't want to say...make you say.

MS. CHASE: Yes. You know, I'm just trying to respect. He has to be careful when he makes personal presentations, and when he makes presentations representing the archives.

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But yes, he is a very good source of information, Ronald Clayton Williams. Thank you.

COUNCILMEMBER PALTIN: Thank you.

CHAIR SUGIMURA: Thank you. Any other questions for Faith Chase? Seeing none. Thank you. Thank you, Faith, for being here. Anybody else? We have any testifiers?

MS. ABRAHAM: There are no other testifiers at this time.

CHAIR SUGIMURA: Did Guest 57 log off?

MS. ABRAHAM: Guest 57 is still there.

CHAIR SUGIMURA: Guest 57, would you like to testify before I close public testimony? Guest 57, I guess you are not going to be testifying. Okay. At this time, Members, we have no other testifiers. So, I'm going to ask to close public testimony, and receive any written testimonies on these two items.

COUNCILMEMBERS VOICED NO OBJECTIONS TO CLOSE PUBLIC TESTIMONY.

CHAIR SUGIMURA: Thank you. Thank you very much. Okay. So now we can go on with the meeting. I will...if we have the Parks Department here...let me ask you what you would prefer, Members. Parks Department, I thought, could give us a presentation, or the Planning Department, or any of the departments on the different parks, and then get comments from Public Works regarding the Dairy Road item. I do know that based upon this change with Resolution number 22-207--I'm sorry, 208, regarding the parks, that we are going to get a revised resolution from the Administration. So, if I could ask you, if we could receive all of the presentations from the Department, and know that I'm going to defer this because an updated resolution, so that you could see the complete changes that were discussed this morning--because I think they're important--will come to us at another meeting. So, at this time, Members, I'm going to receive all of the presentations from the Department, and then defer the items because we need to get a completed resolution before us. Is that all right, Members? Okay. So, at this time then, Karla Peters, are you there...or Jordan Molina to talk about the Dairy Road Resolution? Oh, there's Karla Peters. They're both here. So, at this time...I'm going to keep with Parks, just because we have been talking about Parks. So, Resolution number 22-207--I'm sorry, did it again--208, "ACCEPTING DEDICATION OF VARIOUS PARKS FROM ALEXANDER & BALDWIN, LLC AND A&B PROPERTIES, HAWAII, LLC, SITUATED IN VARIOUS LOCATIONS ON MAUI, HAWAII, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE." And the Resolution, as you know, dedicates all the particular parcels...there's seven of them. And then the end of the Resolution, be it resolved, is for us, the Council and the County of Maui, to accept those seven parcels. And I wonder if we could...and it authorizes the Mayor to take action to execute all necessary documents in connection with the acceptance of said dedications. So, that is the Resolution. And Karla, would you like to open up and talk about all these wonderful gifts that we have just been made aware of?

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MS. PETERS: Thank you, Chair. And thank you, Committee for having us here today. So this dedication would assure the preservation of park, shoreline access, and open space. But...like we don't have a presentation, but I believe and hoping that Guy is still on the call and can show the maps if you want...if you wanted us to go through each park one at a time.

CHAIR SUGIMURA: That would be nice. Guy, are you still on the call?

MR. HIRONAKA: Yes, I am. But is screen sharing still working?

CHAIR SUGIMURA: Oh, you're having trouble or --

MR. HIRONAKA: -- disabled?

MS. MILNER: It's not disabled, it's just a little testy. You may need to log out and log back in as screen share only to keep it from glitching. Or you can send them over to us, and we can try. Whatever is easier for you.

MR. HIRONAKA: So I can log out and then log back in?

MS. MILNER: Yes, you can log in. There's an option to log in as screen share only. So, you won't have video, and you'll be able to hear the meeting, but you'll only be able to screen share. You won't be able to talk.

MR. HIRONAKA: I can try that if you want to give me couple minutes.

CHAIR SUGIMURA: Okay. Thank you. Thank you, Guy.

MS. PETERS: Chair, I can start my discussion while Guy is doing that.

CHAIR SUGIMURA: Okay.

MS. PETERS: So Item Number 2, Parcel 2-5-005-046, is the existing Baldwin Beach Park that we currently manage and maintain through a lease with A&B. I have David Yamashita on the call as well, and he can give us an...we did an update at the HCP Committee on the Baldwin Beach Park Master Plan, but I will have David share some additional information as far as our adaptation strategy in looking at items on the Dedications 1 and 2.

CHAIR SUGIMURA: Thank you. David Yamashita.

MR. YAMASHITA: Aloha, and thank you for having us here at the meeting today. I'll just talk a little bit about Baldwin Beach Park, and what the acquisition will mean for our plans for the site. As we mentioned maybe two months ago, at our presentation to the HCP Committee, we talked about how the next step in this process of planning for Baldwin Beach Park is to do...is to prepare an adaptation plan based on the interim master plan that we finished in 2020. And so this new...this adaptation plan will integrate several

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things. One is the results of our vulnerability study that had a recommendation or strategy for Baldwin Beach Park. And the second thing is the dune restoration project, of course, that UHC Grant is proposing. And the third thing that we'll integrate is the...this recent acquisition to the adaptation plan will cover the area from Wawau Point all the way to Pā'ia Bay Park. And so it would be a more complete study. And so we have an estimate of what it would cost to add to the consultant contract--which we don't have yet, we have to go to Council. But the additional acreage, I think, is going to expand the scope of the study, and I think especially when we have to deal with management recommendations for Wawau Point. So that's kind of an overview of where we are at this point.

CHAIR SUGIMURA: Thank you. Anyone have questions for David Yamashita regarding...Parcel 1 is this discussion that we've had regarding the Maui Country Club, and Parcel 2 on the map is Baldwin Beach Park. Know that this is the original, and not the amended version that was negotiated with Maui Country Club as presented by Ms. Yoshimura. Anyone have questions regarding this two parcels? Seeing none. Thank you, David. So, we look forward to hearing more about it, as you did present in Tasha Kama's Committee. So, appreciate that as we march forward with the development of all your hard work. Thank you. Next, Karla.

MS. PETERS: Thank you, Chair. And just to expound a little bit more on what David said, we will be coming in with a comprehensive budget amendment. Included in that will be preparation of this management plan for the entire area, to include the Wawau Point and some update on community engagement activities. So we'll be putting that...a detailed budget amendment together, and present it to the Council.

CHAIR SUGIMURA: Thank you.

MS. PETERS: So, we can move on to Parcel Number 3. That's the shoreline east of Mama's Fish House. So this is for protection of shoreline, and we will be looking at this comprehensively, and ensuring that management and maintenance is included. *(audio interference)* Guy, did you want to share that map for Parcel 3?

MR. HIRONAKA: Give me a sec to load it up.

MS. PETERS: Okay, thank you.

CHAIR SUGIMURA: You want to proceed with your presentation, Karla?

MS. PETERS: Okay. Parcel Number 4 is 1.4 acres of Māliko Gulch mauka of Hāna Highway. We will be assessing that parcel, and looking at how best to operate on that, based on current use. And then I can move on to Parcel Number 5, that is Rainbow Park. We currently maintain and manage that park through a lease with A&B. And then Parcels 6 and 7 are additional acreage to the adjacent Ho'aloa Park that we do maintain and manage.

CHAIR SUGIMURA: Okay. Are you done? I know there's Parcel 7, then Alice Lee and Mike

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Molina have questions. Karla, you want to finish --

MS. PETERS: Thank you.

CHAIR SUGIMURA: -- off your presentation?

MS. PETERS: That was it, Chair. We are...

CHAIR SUGIMURA: Oh, okay.

MS. PETERS: Thank you.

CHAIR SUGIMURA: Thank you. Alice Lee, then Member Molina. Questions for the Parks Department.

COUNCILMEMBER LEE: Hi, Karla. Just wondering, that Māliko parcel, is that the old rodeo arena?

MS. PETERS: This is mauka...thank you, Chair.

COUNCILMEMBER LEE: Mauka.

MS. PETERS: Mauka of the highway. So, it's that sliver by...sorry, if we could have the map, that would be a clearer picture of it.

MR. HIRONAKA: Is it showing now?

CHAIR SUGIMURA: No.

COUNCILMEMBER LEE: Okay, mauka. So that's fine. I was just checking. I was also testing you to see if you're that old to know. Thanks.

MS. PETERS: Thank you, Chair.

CHAIR SUGIMURA: So it's Exhibit 10 in the document that was presented to us but...okay. Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Thank you, Madam Director. So, staying on the Māliko property, yeah, that's the...I mean that's the area where people launch canoes from, on occasion, people go diving and so forth, yeah? And I recall...I think A&B, they had some issues with people leaving abandoned vehicles, and all kinds of other activities. As part of this agreement, will A&B clean up that area before turning it over the County, assuming we accept it?

MS. PETERS: Thank you, Chair. Thank you, Member Molina. I would defer to Carol Reimann.

COUNCILMEMBER MOLINA: Okay.

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MS. PETERS: Is she on the call?

COUNCILMEMBER MOLINA: Madam Chair --

CHAIR SUGIMURA: Yes.

COUNCILMEMBER MOLINA: -- if we may hear from Ms. Reimann.

CHAIR SUGIMURA: Yes. Carol Reimann, did you hear the question?

MS. REIMANN: We heard the question. Can you hear me?

CHAIR SUGIMURA: Yes, we can hear you.

MS. REIMANN: We're having connectivity issues here. We have not (*audio interference*).

CHAIR SUGIMURA: Oh. We can't hear you.

MS. REIMANN: Hello.

CHAIR SUGIMURA: Oh, now we can hear you.

MS. REIMANN: We have not had any discussions about that at this point. Would you be able to defer and get back to my team and provide you an answer.

CHAIR SUGIMURA: Okay.

COUNCILMEMBER MOLINA: Okay. That would be --

CHAIR SUGIMURA: Thank you.

COUNCILMEMBER MOLINA: -- be good. And Madam Chair, if I could ask...just with regards to the parks that we currently are maintaining. I don't know if maybe it might be an answer for Corporation Counsel. If we assume ownership of the property, are we then required to add additional modifications to those current parks? I mean, ADA compliancy, additions if they are already ADA compliant? Is...would there be a difference in, I guess, a requirement to upgrade the maintenance of these parks because now that we own the property?

CHAIR SUGIMURA: Mr. Hopper.

COUNCILMEMBER MOLINA: I don't know if Director Peters can answer that.

CHAIR SUGIMURA: Oh, Mr. Hopper. Did you hear the question? Thank you.

MR. HOPPER: Yes. I think in general, with all of these properties, including the Dairy Road

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properties, when the County becomes the owner, we would be responsible for adequately maintaining them. Whether in a given case there's ADA upgrades, I don't know if just the fact the County has taken it over that that would cause those upgrades to be then required, or any particular cases, but it's correct that if these are going to be publicly-owned parcels, and the County is going to be maintaining them, we may be required to make sure that there's public accessibility. Generally, I believe those requirements will kick in when the County goes to do improvements, depending on the age of the property. But as far as generally, yes, the County's going to be responsible for maintaining these parcels, including, you know, Dairy Road, which are roads that are not up to County standards, which is why they have to go through the Council acceptance process. So, I think this is an important issue...not necessarily with respect to ADA compliance specifically, but County maintenance in general, which I think is why the Department has said that they've got a budget amendment consideration for additional maintenance. And I imagine Public Works would probably have something similar for the Dairy Road parcels. Because...as with any land acquisition, that's additional land inventory the County's going to be responsible for maintaining, and I think it's important for the Council to certainly understand that, and get an idea for what...what that budgeting is going to be required for both the Parks and the roadway parcels.

COUNCILMEMBER MOLINA: Okay. Thank you very much, Mr. Hopper. Thank you, Madam Chair.

CHAIR SUGIMURA: Thank you, Mr. Molina. Good question. Any other Members have questions for the Parks Department? Okay, you can take down the map. Thank you very much. Is it Lesley or is that from Guy. Guy? Thank you, Guy, you can take down your map. Questions for Karla Peters regarding the Parks Department? Seeing none, okay. Members, I'm going to call a three-minute recess. I need to plug in my computer. I can't believe it. Recess, call of the Chair. . . .*(gavel)*. . .

RECESS: 11:27 a.m.

RECONVENE: 11:31 a.m.

CHAIR SUGIMURA: . . .*(gavel)*. . . Thank you for letting me take a brief recess. My computer was telling me I needed to plug it in. So, thank you, Members. If there's no more questions for Karla Peters on this resolution...I think we're good. Okay. So, Members, in that three minutes, Tamara Paltin had to leave this meeting, and Kelly King also is...had to leave the meeting. So, there is us for the remainder of the meeting. Karla Peters, thank you very much for all the work that you've done on this because I think you've been...all of you have been working on it, I understand, for two years. So, it's not like it just kind of popped up. So, thank you very much, Karla.

MS. PETERS: Thank you.

CHAIR SUGIMURA: Next item I'm going to take...thank you. Next item I'm going to take up is IT-113, Resolution 22-207, Accepting Dedication of Roadway Lots for the Dairy Road

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Parcels, Kahului. So, do we have Director Molina on the call? Director Molina...okay, there you are. So, please...as a resource on this item, thank you very much for working on this. And if you could kind of give me your rundown of what this is, and what this means for the County.

MR. MOLINA: I guess I will not try to share screen, but I'll just direct the Members' attention to very last page of Reso 22-207, which is the exhibit map showing the parcels comprising Dairy Road for this dedication. So, I just want to acknowledge that, yeah, the road is...does not meet current County standards, of course, because it's an older road in Kahului. So, there is need of improvements to bring it to County standards, notably curb, gutter, sidewalk on the ocean side, that segment of Alamaha Place has no shoulder improvements. There's some older traffic signaling equipment that we'll have to take on. There may be some minor encroachments from the abutting properties at various locations. So, there are things to clean up with this dedication, but that being said, you know, this has been a often-used and a long-time used roadway, and it had been operated by the State DOT for all these years, so it's functioned as a public road. It is appropriate for the County to be managing this road. It has regional connectivity, there's several highways that feed into it, our industrial areas feed into it, commercial areas feed into it. So, we are generally supportive of having the County in control of this roadway. Yeah, there's some work to be done, and that'll get put down into the CIP list, and then we'll get to it as we work through our six-year program. Just to note that Dairy Road is identified in Hele Mai Maui, which is the County's transportation plan as needing to have improvements done, so it is on our radar as a project to take on. Available for any questions from the Committee.

CHAIR SUGIMURA: Very good. So, it's on the MPO list. Very good. Mr. Molina, and then Tasha Kama.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Good morning, Mr. Director. You know, this road has been...Dairy Road has been known for flooding. What has...well, first, I guess, what has A&B done, or State DOT done, to mitigate the flooding? And what is, I guess, in your view, would be the County's plans to mitigate the flooding issues?

CHAIR SUGIMURA: Mr. Director.

MR. MOLINA: So, as with a lot of Kahului, it's just in the low-lying area. You know, really short of taking on extensive flood control projects, flooding will likely continue to be a problem like it is in other...our other roads in Kahului and in Kihei. But we did do a preliminary inspection of the drain lines within Dairy Road, and they're in an acceptable condition at this time.

COUNCILMEMBER MOLINA: Okay. You have, I guess, a guesstimate how much all of these improvements will cost? And are we on a timetable to get all of the improvements done once...assuming the property is turned over to us, are we on a schedule that we have to get things done by a certain time, being that we have to get it up to County standards if we accept?

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MR. MOLINA: So, generally, no. I mean, we have a lot of old roads that are not current standard. But we are liable for anything that could happen that may have been...the lack of meeting County standards may have contributed to, you know, we do face that risk. But it's not a unique risk to Dairy Road.

COUNCILMEMBER MOLINA: Okay.

MR. MOLINA: As far as the estimate of the improvements, I think real roughly, to more or less finish the Complete Streets improvements, which is your curb, gutter, sidewalk, possible bicycle lane considerations through here, is approximately \$3 million for the whole segment.

COUNCILMEMBER MOLINA: Okay. Thank you very much, Mr. Director. Thank you, Madam Chair.

CHAIR SUGIMURA: Thank you, Mr. Molina. Next, did I say Tasha Kama?

VICE-CHAIR KAMA: Yes.

CHAIR SUGIMURA: Question?

VICE-CHAIR KAMA: Thank you, Chair. That was kind of like similar to my question that Member Molina had asked our Public Works Director. So, I think I want to take it just a step further and ask you. So, would Dairy Road be part of your plan to be able to mitigate some of our roadways over the next maybe five to six years...or I think you go six years out...or ten years?

MR. MOLINA: Yeah. So, at this time, it's not on our six-year plan, but...I don't believe it's on the MPO STIP Plan anytime soon either.

VICE-CHAIR KAMA: So, if we were to take this over, Mr. Molina, when do you think you'd be able to put it onto your radar so that we can have at least some sense of...I mean, you know, when that could take place?

CHAIR SUGIMURA: Mr. Molina.

MR. MOLINA: From the Department individually? I would say not soon, in comparison to all our other problems we're trying to address. But that doesn't preclude the MPO and/or the Council identifying it as a higher priority than it's currently listed as.

VICE-CHAIR KAMA: Thank you. Thank you, Chair.

CHAIR SUGIMURA: Thank you. Thank you, Mr. Molina. Any other questions for the Department regarding Dairy Road? Seeing none. Michele Yoshimura, did you have any comments regarding this parcel, or this...not parcel, but the road...Dairy Road? Michele Yoshimura?

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MS. YOSHIMURA: Chair, thank you. I don't have any additional comments. If you have questions, I can try to address them for you.

CHAIR SUGIMURA: Okay. Anyone have questions for Budget Director? Seeing none. Scott Teruya, any comments, or Guy Hironaka, regarding this?

MR. TERUYA: Chair, I don't have any.

CHAIR SUGIMURA: Thank you very much. Michele Yoshimura...sorry, Michele McLean, Planning have any comments regarding this?

MS. MCLEAN: No comment. Thank you, Chair.

CHAIR SUGIMURA: What did you say? You have none? I guess you have none since you disappeared. Okay.

MS. MCLEAN: No comments, Chair. Thank you.

CHAIR SUGIMURA: Oh, okay, I didn't hear the front part. Thank you very much, Michele, for being here. So, at this time, Members...I just want to say, for the public, this Dairy Road that we're talking about is from--if I could put it in layman's terms--it's from where Costco is all the way down to Harley Davidson, it's all that strip. And it used to be the old airport access road before the State built their new one. So, what Director said was that this road was cared for by the State DOT when it was under the jurisdiction of being an airport access road, as a main thoroughfare from the airport until they built their new one, which we know of today. Connected to this parcel is also one block on Alamaha that will connect to Dairy Road, so that's all part of the dedication. So, we'll get that part of Dairy Road, as well as one block of Alamaha that connects to Dairy Road. That'll be part of this dedication from A&B. Any other questions, Members, regarding that? Okay. So, I'm going to defer both items, and wait for the final resolution to be prepared...or updated from the Administration on the resolution regarding the parks. And this Dairy Road one would be acted on at that time. I see Member Molina and Keani Rawlins-Fernandez. Mr. Molina, you have...I'm sorry, you have questions?

COUNCILMEMBER MOLINA: Yeah, just more of a --

CHAIR SUGIMURA: Okay.

COUNCILMEMBER MOLINA: -- general question. But, you know what, Madam Chair? I'm going to continue to be a gentleman. I thought I saw my colleague from Moloka'i with her hand up first, so I'll yield to her.

CHAIR SUGIMURA: Oh, lucky Monday. Okay, Keani Rawlins-Fernandez. Go ahead, Keani.

COUNCILMEMBER RAWLINS-FERNANDEZ: Such a gentleman, Member Molina. So, for the deferral, that recommendation is because of the first item, or because of the Dairy Road

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item? The first item with parks, amending the 6.9 acre parcel? If we were able to get it before then, is that something that you would be open to, Chair? Uh-oh.

CHAIR SUGIMURA: I'm sorry, what is your question? Open to get it before...oh, Michele Yoshimura. Is that your question for Michele Yoshimura? She's reading your mind. Okay, Michele. I guess what Keani is asking what your time schedule is to update the resolution, right?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yes.

CHAIR SUGIMURA: Which is --

COUNCILMEMBER RAWLINS-FERNANDEZ: Perfect.

CHAIR SUGIMURA: -- which is the parks one, which is related to Dairy Road...that's why I don't want to take Dairy Road until we get the parks one reserved.

COUNCILMEMBER RAWLINS-FERNANDEZ: Right.

CHAIR SUGIMURA: So go ahead, Michele. Right.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair.

MS. YOSHIMURA: Chair. So, I guess if...by...I explained to you the amendment. If you propose to amend Number 1, and allow us to write the amended language, and propose a revised resolution, I could have that ready if you were to, I guess, pass it out of Committee today or...and with your Committee report have a revised resolution. If that...you know, that's an option.

CHAIR SUGIMURA: Okay.

MS. YOSHIMURA: And it would be ready for your posting for the Council meeting in October.

CHAIR SUGIMURA: October Council meeting. So, Members, are you okay with that? Because I think the big change is what we spent most of this meeting on, which is the Maui Country Club A&B portion that will be negotiated with them. That's not part of us, but the other 23 acres, which will come to the County of Maui, will be the change in the resolution. So, what Director is proposing, and correct me if I'm wrong, is that you are saying that before first reading, you will have the amended language, and the amended language can be given to the Members before the Council meeting?

MS. YOSHIMURA: Chair. If the resolution is amended today, we could have you the revised resolution prior to your posting your Committee report with the proper resolution.

CHAIR SUGIMURA: Okay. Members, do you all feel okay about passing this out today, and knowing that we're going to get the amended language for...which is Resolution 22-207 [sic], paragraph 1...or Item Number 1, which is this whole discussion about the change

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of the acreage to us because of Maui Country Club and A&B. Go ahead, Keani.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Yes. I would be supportive --

CHAIR SUGIMURA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- of that direction.

CHAIR SUGIMURA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: And perhaps in the Committee Report, you know, we can include that discussion, that the intention is to amend as we reflected...as we discussed...that the Committee Report be reflected to show the discussion that we had regarding the 6.9 acre that would not be included, so 23 acres that would --

CHAIR SUGIMURA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- be conveyed to the County, and also, the restriction that we understand would happen with the 6.9 acres in not having residential development, and the intention to rezone in accordance with the community plan designation --

CHAIR SUGIMURA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- both the Residential and Interim zonings. Yeah, if can.

CHAIR SUGIMURA: Okay. So...very good. Because I can see where we can do some additions of the 23 acres in the paragraph as it relates to containing an area of 23 acres, more or less, more fully described in Schedule C in the Status Report, attached hereto as Exhibit 1, and the map attached hereto as Exhibit 2, and subject to an exclusive easement containing an area of, I guess, 6.91 acres, more or less, in favor of Maui Country Club as described in Exhibit 3, and map attached, Exhibit 4. So, I think that's what was described in terms of acres for the affected parcels. So, Mr. Hopper logged on.

COUNCILMEMBER RAWLINS-FERNANDEZ: Right. And it would still...it would be subject to final metes and bounds, and that would be what would be in the amended language as well. And that --

CHAIR SUGIMURA: Right.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- in the CR, it would also include that the land conveyed would be put into a land trust. Okay.

CHAIR SUGIMURA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: Sorry, Mr. Hopper. Go ahead.

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CHAIR SUGIMURA: And no Residential. Okay, Mr. Hopper?

MR. HOPPER: Just a few things. One...I mean, yeah, I don't know if you'll be able to make a change like that on the floor today because it's a very different proposal. It's not going to be an easement at all. Basically, the land's going to be subdivided before the County takes title to it, and the County's just going to be accepting X acres of a property. That's the only thing the resolution's going to authorize. The transaction with the Country Club, as I understand it, is going to be an entirely separate transaction. I don't know if there's going to be restrictions on their development, and I don't know if eventually the Country Club is going to be okay with a change in zoning to open space for that parcel...because the County won't own that parcel. So, that's something to look into for that discussion. The other issue, as far as the land trust, I think that can be maybe referenced as part of the discussion, but for the County parcel, ultimately, the Council, I think, would have to act in the future after the County owns it if it wanted to convey County land to a land trust, or somehow have a land trust manage it. I think that's ultimately up to the Council on how to do it. So, I mean, if you want to pass it out today, I do think we need to make substantial changes to the reso before first reading, depending on what the agreement is between the Country Club and the County, which I think is in discussion still. So, I can...I...you know, work with the Administration on that language, but I just wanted to say I don't know if you can actually make an amendment today to cover all of that until we actually receive the maps and things from the Country Club. Which I think can be done, but we just don't have it.

CHAIR SUGIMURA: So, Mr. Hopper, what if we...

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR SUGIMURA: Yes, Keani Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair, my request was that this discussion be memorialized in our Committee Report. I wasn't asking for us to make an amendment today. I don't know if that wasn't clear in my initial comments and if that's what Mr. Hopper was commenting on, I just wanted it reflected in the CR so that it's clear what we were talking about so that it's in our records.

CHAIR SUGIMURA: Okay.

MR. HOPPER: Yeah, I...yes, I agree. I think that sounds good. I think Chair was talking about...sort of seemed to be talking about the language changing to 6 acres in the current form, I just wanted to make clear, we'd need to do a little more revision than that. But I think I understand that. Thank you.

CHAIR SUGIMURA: Okay.

VICE-CHAIR KAMA: Chair?

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CHAIR SUGIMURA: So can we do, Mr. Hopper, then a motion to amend Resolution 22-208 to reflect the changes to Lot 1-A...oh, A-1, dedication as proposed by the Administration. Mr. Hopper, can we do that, and then make these changes?

MR. HOPPER: I don't...right now, on the floor, we would need a revised map --

CHAIR SUGIMURA: Oh.

MR. HOPPER: -- and a revised property description of the County...I want to see a map of the County parcel, you know, shaded in with the revised acreage described. So, I don't know if the Administration has that. I would also...you know, because it involves Country Club conveyance and the subdivision, that's going to happen in the future. It can be expedited, but that's going to happen down the line. So, I don't know if...yeah, we would need to discuss that. But today, I think will be difficult to come up with the language to amend the resolution to reflect the revised area because we would want the revised acreage and a revised map, and I don't know if I've seen that from Administration quite yet. But I think conceptually, everyone understands what the eventual process would be.

CHAIR SUGIMURA: Okay. So, I see Tasha Kama with her hand up, and then one other question for Mr. Hopper, and then Mike Molina after. Go ahead, Tasha.

VICE-CHAIR KAMA: Thank you, Chair. So I think maybe the easiest thing to do is to be able to just pass the Resolutions as we have looked at it, and agreed to it, and then include the language in the Committee Report that Member Rawlins-Fernandez had offered so that we can at least clear this particular reso. And then when it comes back around, then we amend the reso and not have to rehash everything we hashed already.

CHAIR SUGIMURA: Okay.

VICE-CHAIR KAMA: But just to continue from where we left off. That's what I think would be a good idea.

CHAIR SUGIMURA: Okay.

VICE-CHAIR KAMA: Thank you, Chair.

CHAIR SUGIMURA: Thank you. Mr. Molina.

COUNCILMEMBER MOLINA: Yeah. Thank you, Madam Chair. Two things, just following up on this issue. So, by memorializing this discussion in the Committee Report, now that we hear this proposal on the floor, this adjustment, as far as notification to the public, any issues there? I mean, I don't know if Mr. Hopper would want to comment on that. Is that...would that be a concern if we were to move this out but, you know...

CHAIR SUGIMURA: Mr. Hopper.

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COUNCILMEMBER MOLINA: Just want to make sure we don't get in trouble with the Sunshine Law police.

CHAIR SUGIMURA: Thank you.

MR. HOPPER: I think you...you discussed that today. I think what's going to happen before you discuss this at a future meeting is that a revised resolution would have to be posted for that meeting. I...or I guess you could revise it at the meeting potentially, but I think ideally, before it's scheduled at the Council, you would get the revised resolution with that deal with A&B finalized, so that could be posted in advance of the meeting. Sounds like that's the intent. But as far as your action today, you know, I think if your recommendation is to accept these dedications with the exception of Item 1, which would be subject to the revisions as discussed by Administration today, I suppose you could do that. I'd note that the current resolution...I did not sign for the Parks because there was no exclusive easement document yet. So, even in that form there were some...still some things going...being developed. So, I'm not sure if the best action is maybe to recommend acceptance and reference, as Member Rawlins-Fernandez had discussed, that paragraph 1 being revised to reflect what was discussed today, which is a conveyance of A, not a 29-acre parcel, but a smaller parcel to the County. I think that's, in the end, all it's going to be, is a fee conveyance of a parcel to the County, but we can't really write that until we get a metes and bounds description of that area with the acreage, which I think...and a map, which would be helpful...which I think is still pending. So, I think that's what you could do today is pass that out with that understanding. And I think that that would be posted before your next meeting, your Council meeting, with the proper resolution so that at that meeting, you can discuss and have that resolution acted upon. I don't want to say anything that's inconsistent with Director Yoshimura or anyone else in the Administration had planned, but it sounds like that's what...where we were headed.

COUNCILMEMBER MOLINA: Okay. Thank you very much, Mr. Hopper. Madam Chair, if I could ask Director Yoshimura, or even Ms. Reimann, is there a deadline we would have to act...just out of curiosity, you know, before A&B...you know, if we don't act by a certain time, is A&B going to, you know, cancel the proposal?

CHAIR SUGIMURA: Director Yoshimura.

MS. YOSHIMURA: Chair. Thank you, Councilmember Molina. I don't know that there's a deadline. I know we've been working on this, and we'd like to see some type of action, and closure, and have the lands dedicated to the County. So, that's my only rush.

COUNCILMEMBER MOLINA: Okay. Yeah, I just thought I'd just ask, just in case like A&B had said, you guys better act on this, or else we'll pull the rug out on this proposal. So, just for my own curiosity.

MS. YOSHIMURA: Yeah, I'm not sure --

COUNCILMEMBER MOLINA: Thank you.

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MS. YOSHIMURA: -- yeah, I'm not sure if from the A&B side if there's any rush on...especially on the Wawau Beach portion.

COUNCILMEMBER MOLINA: Okay. All right. Thank you. Thank you, Madam Chair.

CHAIR SUGIMURA: Thank you very much.

MS. ABRAHAM: Chair?

CHAIR SUGIMURA: Keani...oh, yes.

MS. ABRAHAM: May I interrupt briefly, please?

CHAIR SUGIMURA: Laks.

MS. ABRAHAM: Staff would like to clarify, is the Committee's recommendation to adopt the reso, or to discharge the Committee from further consideration, with the understanding the Council will consider amended resos?

CHAIR SUGIMURA: That's what we sound...that's what we're sounding like. So, Keani Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. So, my earlier request is to have a Committee Report. So, my preference would not to be...to discharge because I would like there to be a Committee Report on our discussion. My follow-up question to that is after, you know, we take action on this...on the two items, and then we have the Committee Report generated with all the things that we talked about reflected in the Committee Report, procedurally, if we would be able to then take the amended resolution on the Parks conveyance, and then do a substitution of the bill or the...sorry, the resolution that would be attached to the Committee Report?

CHAIR SUGIMURA: Okay.

COUNCILMEMBER RAWLINS-FERNANDEZ: That's a question for either our OCS Attorneys or Mr. Hopper, whichever.

CHAIR SUGIMURA: So, Staff is telling me there is a Committee Report for discharge, so we would get that accomplished if we did a discharge. I wonder if we could get...is this a question for Mr. Hopper...David Raatz?

MR. HOPPER: Yeah, I do think for --

CHAIR SUGIMURA: Mr. Hopper.

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MR. HOPPER: -- . . . *(inaudible)*. . . might be useful...or helpful in this case to discuss those...that method. My issue with the Sunshine Law is just...it's good to have it posted in advance with the revised language for the acceptance.

CHAIR SUGIMURA: Okay. So, Mr. Raatz, are you there? Isn't James Forrest our legal? He's not on? Nobody is on from OCS?

COUNCILMEMBER RAWLINS-FERNANDEZ: Yeah, Mr. Forrest is on. Mr. Forrest is on. Aloha, Mr. Forrest. Chair.

CHAIR SUGIMURA: Did you hear...

MR. FORREST: Sorry, Chair. Can you repeat the question?

CHAIR SUGIMURA: So we're trying to figure out what to do...the Resolution 22-208, which is the parks, the various parks. The first...under the first whereas is about this discussion, Wawau Point and what to do with this change now of acreage agreements with Maui Country Club and A&B, which will be separate from us, but we're getting not the same amount of acreage, as you've heard from Administration. But...

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair? Chair?

CHAIR SUGIMURA: Yes, go ahead, Keani.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. My question is just a procedural question, Mr. Forrest. The Administration is going to amend the reso and post it on the next...the Council agenda that the Committee Report will be agendized on. So, would we be able to take the resolution from the...the amended resolution from the Administration, and do a substitution to the resolution that would be attached to the CR when it goes to Council.

MR. FORREST: Yes, that would be fine. And just to...I don't know if you guys are still talking about it, but if you discharge, you...you can have a Committee Report. So, I think that's the way that you are leaning towards.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Mr. Forrest. So, I guess...okay. So, the advantage to doing a discharge is we wouldn't take a position on the item, so we wouldn't need to vote yes or no that we support this item, the resolution, that we're eventually going to amend. Is that the advantage that our Staff is trying to help us with?

MR. FORREST: Yes, that's correct.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So...mahalo, Mr. Forrest. So, Chair, if we are able to do a Committee Report with the discharge, I would be supportive of that.

CHAIR SUGIMURA: Okay. So, Staff, you have any comments regarding that?

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MS. ABRAHAM: No, Chair.

CHAIR SUGIMURA: Okay. So we're going to end up taking a vote on this today, come up with a Committee Report, and then we'll get the amended Committee Report at the Council...I see Keani. Go ahead.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I think what Staff is encouraging us to consider is not taking a vote on it, and agreeing that we would discharge the items --

CHAIR SUGIMURA: Oh, for Council.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- for further Committee consideration, but we would send it to Council with the Committee Report.

CHAIR SUGIMURA: With a Committee Report. Okay, good.

COUNCILMEMBER RAWLINS-FERNANDEZ: Is that right?

CHAIR SUGIMURA: Okay, we need to vote on the discharge today? Okay. Huh, this is usually we only do discharge in Alice's Council meetings. So, Alice, we're going to do you a favor and do this discharge now. Just kidding. . . .*(laughing)*. . . So, this...at this time, Members, I would like to request for a discharge of Committee Report [*sic*] 22-208 and...from further consideration, come up with a Committee Report--did I get this right, Keani--come up with a Committee Report, send it to full Council which will be on October 3rd, hopefully, with the Administration change of resolution, which will be posted at that Committee...Council meeting on October the 3rd...I think is the date that I got...yeah, October 3rd, Council, and then substitute the resolution with what the Administration is going to present. Correct?

COUNCILMEMBER RAWLINS-FERNANDEZ: Resolution, not Committee Report.

CHAIR SUGIMURA: A resolution, yeah.

COUNCILMEMBER RAWLINS-FERNANDEZ: Resolution 208. And then would we be --

CHAIR SUGIMURA: That's amended.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- would we be taking action on Resolution 207 today? Would we...would the motion --

CHAIR SUGIMURA: Yeah, I would like to.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- also include adoption of Resolution 22-207?

CHAIR SUGIMURA: Yes. We will do the Resolution...

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COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. So, the motion...the motion would be to adopt Resolution 22-207 and discharge Resolution 22-208 to Council.

CHAIR SUGIMURA: Okay, that's your motion. I need a second.

VICE-CHAIR KAMA: Second.

CHAIR SUGIMURA: . . .*(laughing)*. . . So motion made by Keani Rawlins-Fernandez, second by Tasha Kama. So basically, we're setting ourselves up to get the amended resolution at the Council meeting, and create a Committee Report in the process so that all the communications that we've had today from Administration and your good questions will be memorialized in the Committee Report, and then backed up with the amended Resolution 22-208 will change at that time. Mr. Molina.

COUNCILMEMBER MOLINA: Yeah, thank you, Madam Chair. Just a clarification. So the Council meeting of October 3rd...I think...

CHAIR SUGIMURA: Oh, October 7th.

COUNCILMEMBER MOLINA: Isn't the...

CHAIR SUGIMURA: Sorry, I'm on the wrong page.

COUNCILMEMBER MOLINA: October 7th, yeah. Because I...okay, that's what I wanted clarification on. So it will be for the Council meeting of October 7th. Okay.

CHAIR SUGIMURA: October 7th. Okay. October 7th Council meeting, we'll get the amended version of Resolution Number 22-08 [sic], which is that first...right, of Wawau Point and whatever. Okay. We'll get that, as well as the Committee Report.

COUNCILMEMBER MOLINA: Okay. Thank you.

CHAIR SUGIMURA: We'll do that change then for transparency, the community will have the amended version when you post your Council Chair agenda...Council meeting agenda, Chair Lee. Okay. Thank you. Did we get it?

COUNCILMEMBER LEE: Yeah.

CHAIR SUGIMURA: Okay.

COUNCILMEMBER LEE: I have to leave in exactly one minute.

CHAIR SUGIMURA: Okay. Hurry up, let's vote then. Yes, Keani Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. I just wanted to make this last comment before we vote, and that's that we're recommending adoption of Resolution 22-207 for recommendation at Council on one reading...I think it's just one reading.

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And then Resolution 22-208, discharge...and it seemed like all of the Councilmembers' concerns were answered by all of our resource today. And if...you know, if there is any major concerns when we get to Council, we can always send it back to Committee. But I think all of our concerns were addressed, but if we do hear from community members that they would like...you know, there's things --

CHAIR SUGIMURA: Right.

COUNCILMEMBER RAWLINS-FERNANDEZ: -- that weren't addressed, we can always bring it back to Committee. Our hands aren't tied that way.

CHAIR SUGIMURA: Right.

COUNCILMEMBER RAWLINS-FERNANDEZ: That's all and I support the motion. Mahalo, Chair.

CHAIR SUGIMURA: Okay. Very good.

VICE-CHAIR KAMA: Call for the question.

CHAIR SUGIMURA: Okay. Members, you heard the motion, right, we're going to adopt 22-207 and then...

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair?

CHAIR SUGIMURA: Yes.

COUNCILMEMBER RAWLINS-FERNANDEZ: Incorporating any nonsubstantive revisions.

CHAIR SUGIMURA: Incorporating nonsubstantive...any changes. And also, for 22-208, which is our parks, we are going to also accept this, and get a discharge at Council and make the swap so the resolution will be correct. All in favor, Members, say aye.

COUNCILMEMBERS: Aye.

CHAIR SUGIMURA: Aye. Very good. So that's five of us, five ayes. Excused is Tamara Paltin, Kelly King. Motion carries.

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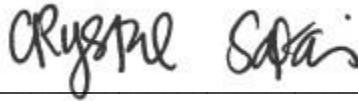
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CERTIFICATION

I, Crystal Sakai, hereby certify that pages 1 through 59 of the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 17th day of October 2022, in Wailuku, Hawai‘i

A handwritten signature in dark ink, appearing to read "Crystal Sakai", is written over a horizontal line.

Crystal Sakai