

MINUTES

PUBLIC WORKS / PARKS & RECREATION COMMITTEE

October 12, 2016

A meeting of the Public Works / Parks & Recreation Committee of the Council of the County of Kaua'i, State of Hawai'i, was called to order by Ross Kagawa, Chair, at the Council Chambers, 4396 Rice Street, Suite 201, Līhu'e, Kaua'i, on Wednesday, October 12, 2016, at 8:30 a.m., after which the following Members answered the call of the roll:

Honorable Mason K. Chock
Honorable Arryl Kaneshiro
Honorable JoAnn A. Yukimura (*present at 8:34 a.m.*)
Honorable Ross Kagawa
Honorable Gary L. Hooser, Ex-Officio Member
Honorable Mel Rapozo, Ex-Officio Member

Excused: Honorable KipuKai Kualī'i

The Committee proceeded on its agenda items as follows:

Committee Chair Kagawa: May you read the first item?

CODIE K. YAMAUCHI, Council Services Assistant I: Committee Chair,
which item did you want to go to first? Bill No. 2628?

Committee Chair Kagawa: Yes.

Ms. Yamauchi: Okay.

There being no objections, Bill No. 2628 was taken out of order.

Bill No. 2628 A BILL FOR AN ORDINANCE TO AMEND
CHAPTERS 18, 20, AND 23 OF THE KAUA'I COUNTY
CODE 1987, AS AMENDED, RELATING TO
REVOCABLE PERMITS IN COUNTY DESIGNATED
RIGHTS-OF-WAY (**This item was Deferred to the
December 7, 2016 Public Works / Parks &
Recreation Committee Meeting.**)

Committee Chair Kagawa: I am sorry, the person who wanted to testify
on this item stepped out. May we go to Bill No. 2635?

There being no objections, Bill No. 2635 was taken out of order.

Bill No. 2635

A BILL FOR AN ORDINANCE TO AMEND CHAPTER 19, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE WAILUA GOLF COURSE (This item was Deferred to the December 7, 2016 Public Works / Parks & Recreation Committee Meeting.)

Councilmember Kaneshiro moved to approve Bill No. 2635, seconded by Councilmember Chock.

Councilmember Chock moved to amend Bill No. 2635 as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 1, seconded by Councilmember Kaneshiro.

Committee Chair Kagawa: Councilmember Chock, can you please just briefly explain your amendment?

Councilmember Chock: Thank you. This is in response to some of the concerns that have come up in testimony regarding the existing issue of having people bringing in their own supply of alcohol to the golf course. This amendment attempts to ensure that what we are encouraging is to purchase from the vendor. It is simple and refers to the section. The main content is in Section "(b)" of this in the highlighted area, underlined. It got a little moved around from the original bill, as you can see here. Basically, it says that you need a proof of purchase, which I think is something that is already tracked and obtainable by the vendors. It was said that it is a little bit redundant because we already have that rule where you cannot drink or bring in your own drinks, but this would be specific to encouraging tracking it, and I think that is what we want. Thank you.

(Councilmember Yukimura was noted as present.)

Committee Chair Kagawa: Thank you. Any questions on the amendment? Further discussion? Councilmember Kaneshiro.

Councilmember Kaneshiro: Did the Office of the County Attorney review the amendment?

Councilmember Chock: I think we only sent it to the department heads, the Prosecuting Attorney, Lenny, and Ian, all of who have reviewed it and are in agreement with it, but not the Office of the County Attorney.

Councilmember Kaneshiro: Okay.

Committee Chair Kagawa: I am going to ask that the County Attorney review it after today. The plan is to defer this item for two (2) committee meetings and give our County Attorney some time to go over in more detail the amount of our insurance coverage to make sure that the current insurance coverage that the County has on their end is sufficient or if it needs to be increased, and then what are the effects of the premiums that will be subsequent because of the increase in insurance coverage. Mauna Kea said he needed about a month because they are busy at this time. I do not see any reason in rushing through our decision. This is a big change. No other county in Hawai'i has this at their golf course. While I feel that this Bill has very important pros to attract visitor play to allow our vendor to stay in business so that we do not end up like we did two (2) years ago where we did not have a vendor. I think the proactive way is to work with the vendor, hear his suggestions, and put it before the Council to see if it has the votes. Again, just to

make sure on our end that we have a bill that is sufficient and adequate and that all Councilmembers know all of the ramifications, including costs, that will be affected in regards to insurance and make sure that we dot all of our "i's" and cross all of our "t's" on this Bill before approval. We have members from the golf course concession and the insurance agent, so I am going to call them up. First, let us vote on the amendment.

The motion to amend Bill No. 2635 as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 1 was then put, and carried by a vote of 4:0:1 (*Councilmember Kualii was excused*).

Committee Chair Kagawa: Members, I have the golf course concessionaire and his insurance agent. Because you folks are a resource and I wrote this Bill at your request, you are not limited to any time and we can have questions and answers. I will suspend the rules. Can you introduce yourselves?

There being no objections, the rules were suspended.

WESLEY IMAMURA, Business Insurance Services: Wesley Imamura, Insurance Agent.

COREY AGUANO, President of AGR, Inc.: Corey Aguano, President of AGR, Inc.

Committee Chair Kagawa: Do you have any statements on this Bill?

Mr. Aguano: I know there are some concerns regarding liability and all of that, and felt that it was probably a better idea that you hear it from the Insurance Agent than from me since it is so vague. You will probably get a better answer from him than from me.

Committee Chair Kagawa: Corey, I have one quick question. Is our insurance coverage that you plan to have, should you win the bid to have the concession, is Wesley following what private courses have on Kaua'i or in other areas?

Mr. Imamura: Yes. It is the same insurance, same endorsement. The liquor liability endorsement is exactly the same as the private courses.

Committee Chair Kagawa: Questions? Councilmember Yukimura.

Councilmember Yukimura: Thank you for being here. Is it a requirement of your contract that you indemnify and insure the County and make us additionally insured?

Mr. Imamura: I guess for clarification, is the question regarding the private courses in terms of the indemnification or the specific county?

Councilmember Yukimura: Specific—what is the requirement of you as a vendor of the County in terms of insurance?

Mr. Imamura: I apologize, but I have not seen the County's version of the indemnification, but the private courses have indemnification language and insurance language relative to indemnifying the private courses and the insurance policy would fund the claim in case there is a liability claim.

Councilmember Yukimura: Perhaps, especially since this Bill is going to be deferred, can we get that information from the Department of Finance, in terms of what the indemnification requirements are and how that is being implemented right now in our relationship?

Committee Chair Kagawa: Mauna Kea said he can answer that now, if you do not mind.

Councilmember Yukimura: Okay. That is good.

Committee Chair Kagawa: Mauna Kea, can you come up?

MAUNA KEA TRASK, County Attorney: *Aloha.* For the record, Mauna Kea Trask, County Attorney. Currently, AGR Inc., the contractor for the restaurant itself, is required under the contract to indemnify the County and the County is additionally insured. We have recently checked on their insurance certificates. They are up-to-date. The policy limits are appropriate, as required, and they do name the County "additionally insured." If this Bill would pass, it would change the character of it, like Councilmember Kagawa said, and the premises would be different. That contract does not exist right now, but we would ensure that if it was, then that contract would require similarly to it does now to indemnify the County and that the County is additionally insured, et cetera. I believe it is standard process.

Mr. Imamura: Correct, that is true.

Councilmember Yukimura: So if this Bill were to pass, then you would do a contract amendment?

Mr. Trask: Well, we will likely have to rebid it, is what I believe we would do. It would be a pretty fundamental change.

Councilmember Yukimura: I see. Okay. Then there would be a new contract with whomever the winning bidder is, right?

Mr. Trask: Correct.

Councilmember Yukimura: Okay. Thank you.

Committee Chair Kagawa: I have a follow-up question. So you are saying rebid just the concession to serve food and beverage for the cart or rebid the entire restaurant and cart? The terms of the restaurant are still a couple of years away, right?

Mr. Trask: Pardon me, I am speculating. I am assuming that...

Committee Chair Kagawa: If you are not sure, let us just answer that later in writing.

Mr. Trask: It would depend upon what the outcome of this legislative act would be and what the premises would be for the liquor license purposes, et cetera. Right now, the vendor is limited to selling alcohol just to the restaurant. For example, if it were to expand the entire premises, that would be a

large enough change whereby we would rebid it. If it is something in between, it would really depend on the facts and circumstances.

Committee Chair Kagawa: Do you folks have anything to add?

Mr. Aguano: No.

Committee Chair Kagawa: Councilmember Hooser.

Councilmember Hooser: Just a brief follow-up to the County Attorney. So there may be a situation where the entire operation is put out for a public rebid?

Mr. Trask: Right. It depends on the scope. You can amend the contract so it is not to affect the scope. It is a question that we would have to analyze.

Councilmember Hooser: Okay.

Mr. Trask: That could be a possibility. I believe Mr. Aguano knows that there is a possibility that we would have to bid out the whole thing again.

Councilmember Hooser: Okay. Thank you.

Committee Chair Kagawa: Council Chair Rapozo.

Council Chair Rapozo: Thank you all for being here today. I have a question and it is not so much for Mauna Kea...I mean it is and it is not. I was under the impression from the Administration that because of procurement, this would have to go out as a new contract. That is the first thing. The second thing is I guess we need to know what the Administration's position is because this is basically an enabling legislation that allows for this to be done, but what the Administration does with it is in their hands. I am curious as to what the Administration's position is going forward. We could pass this, but if the Administration or the Mayor does not support it, then it does not happen. I guess we can get that at some point. I know Ian is here, but I am not sure if he can speak for the Administration. I think that is vital and key in this thing moving forward. I have not heard that yet. I think I heard Ian say that he did not have a problem with it, but it will not be Ian's call. I am just curious to find out what the Administration's position is.

Mr. Trask: As to the former question, per my understanding, it is likely that we would have to rebid it, but I do not know what the final action will be so I will leave that open.

Council Chair Rapozo: Thank you.

Committee Chair Kagawa: Just to follow-up, Mauna Kea, it seems kind of weird if we were to have two (2) separate vendors. Say we rebid it and somebody else won the concession for the roving beverage and food cart, and then the current concessionaire has their contract going on, and you could have the concessionaire selling the beer at a different price that would be different from the restaurant and it would seem like just a huge mess. If you look at Puakea, there is the Ho'okipa Café and they run both. If you look at Kiahuna, they have the concessionaire that has both, a restaurant and a beverage cart. So either side that he sells the beer, it

is all his, so he can vary his rates. If you have two (2) competing people at the same venue, I see all types of problems.

Mr. Trask: Again, I am assuming that there would be one (1) vendor allowed to do both.

Committee Chair Kagawa: Okay. Further questions? I assume by Mauna Kea's statement that there would be some negotiations at some point on whether the current concessionaire would want to opt out and take a chance on rebidding. If he does not, then we just have to wait until his contract would expire. Those are the type of questions we need in writing and hopefully Mauna Kea can work with Ernie Barreira, Assistant Chief Procurement Officer / Budget Chief. I think it would be clear for the current concessionaire and everyone in the public of what the process will be going forward, should it get approved. Then we will have a clear picture of what we are voting for; whether we are voting for something that is going to happen immediately or something that is going to happen in two (2) years. That is also the second question. If it is going to happen in two (2) years, why pass something now? A future Council may decide in two (2) years that, that is not something they want to do. Anyway, that is kind of where I am at. Any final comments? I guess there are a lot of comments from the public that if we pass this Bill we are increasing a chance that people will get drunk and hit other people with the golf club. Just to be clear, since you are out there and you have workers out there, is drinking occurring now, and at times heavy drinking?

Mr. Aguano: We see a lot of people that come into the restaurant already intoxicated where we have to refuse them service. Obviously, a round of golf takes five (5) hours. To get intoxicated to that extent, they have been drinking all day. So they come into the course, and by our liquor laws, we cannot serve them, so they are outside drinking in the parking lot and doing all that kind of stuff. What we are looking at, from a business standpoint and from a liability standpoint, they are drinking already and everybody knows that because there was not a restaurant there prior for so many years, so they are just going to do their own thing. We hold five (5) liquor licenses now and we do not have violations. We are not out here to sell liquor to kids. We monitor it and we are very responsible with our liquor licenses here and on O'ahu. I understand their concern about kids and all of that and that is a big concern for us also. Like I said, we are already seeing eighteen (18), nineteen (19), under twenty-one (21) year olds, driving past with the cart with a whole cooler on their golf cart. They are driving right by us and drinking because we cannot monitor and we cannot sell anything on the course.

Committee Chair Kagawa: This is another follow-up and my question is directly related to the visitor play, because I think with local knowledge they know that there is no beverage cart out there and that is why some of them pack some of their beers in their bag or what have you. To me, it is very responsible, because as Ian and Baron said, there have been no bad incidents for as long as they can recall regarding alcohol, misbehavior, or what have you. With the tourists, I do not think they know that they can bring alcohol on the course. Is that your knowledge that they are asking the restaurant, "Can I get a beer to take on the course?"

Mr. Aguano: Well, they are not supposed to bring beer on the course, period. But I do not think they are aware that they come to the golf course and they come in and want to order after nine (9) holes and go back on the course. A lot of them get upset that they cannot do that, because every other course is allowed. So they get upset with our workers and get mad about it sometimes, but the law is the law. We are not going to do it and break it. That is why we are kind of looking at trying to amend it to give these tourists that luxury that every other

course is giving and give us a fair shake at trying to compete with these other courses and other restaurants on the courses.

Committee Chair Kagawa: My recollection before at Kaua'i Lagoons and at Kiahuna was when they did not have the beverage carts, they would set it up after the nine (9) holes of each. So when you finish nine (9), you would go there and they would pack whatever you wanted, six (6) or eight (8) beers, and put it in ice. So that would be your beers for the back nine (9). But they are allowed there, so I guess the tourists feel like, "Well, we can do it on these courses," but you folks have to tell them that is a county-owned course, not privately-owned.

Mr. Aguano: Well, private or county, the liquor laws are the same. You cannot give a person six (6) beers by law. So by law, they are only allowed two (2) beers in front of them, so they are only supposed to be getting two (2) beers. It happens at the private courses where they give six (6) and put them in the bag or put them on the ice, but you are already breaking the law when you do that. They would only be allowed to come into the restaurant and grab two (2) beers, and then leave the restaurant.

Committee Chair Kagawa: Okay. Questions? Councilmember Chock.

Councilmember Chock: Corey, have you folks, from a business standpoint, looked at what this amendment might do in terms of the kind of income that you need? Would it be enough to help, like you said, equal the playing field and sustain the income? I think the big issue here is that we want to make sure that the vendor can be viable and sustain itself.

Mr. Aguano: It is majority of the tourists that come in and look to take something out because they do not know the rules. If you do the math on it, five dollars (\$5) a beer or four dollars (\$4) a beer, two (2) people; that is twenty dollars (\$20) that goes by every day that we are just giving up and saying, "Sorry, you cannot do that. It is the law." To be honest with you, the golf course is not a get-rich business, period. We run our other restaurants that are a lot of more successful. For the golf course, we are hanging in there; I will put it that way. Do we want to continue it? Probably not. Is this going to make everything go better? We do not know. We just want that chance to be competitive with other golf courses and other restaurants that have that and maybe they can influence a lot more people to come to the course and have that luxury. Like I said, it is unfortunate, but some people when they come here to golf, they like to drink. So why not do it legally?

Councilmember Chock: Thank you.

Committee Chair Kagawa: Chair Rapozo.

Council Chair Rapozo: Corey, the fact that the County is not doing their job now and we are allowing the drinking to continue...that is what is happening...that is the reality of it. I was kind of surprised and I should have known, but they got rid of the marshal, which would be the person that would be enforcing the law. The fact that the golfers are allowed to...instead of going to your bar or restaurant after they golf, they go to the parking lot and finish up their coolers in the parking lot, which is illegal, and we allow that to happen. We talk about liability and yet we allow that to happen. I guess my question is let us just say that the County enforced that component and let us say that they brought the marshal back and they stopped the drinking on the golf course as best they could, and I am talking about seriously enforcing, and I understand that a lot of people is

going to be upset with this, but the reality is that it is against the law, and the County enforced that; do you think that would drive more traffic to your restaurant when they complete their rounds?

Mr. Aguano: I am not sure because we have been there only for three (3) years and it has been happening the entire three (3) years.

Council Chair Rapozo: It has been happening for years. That has always been the case. Right now, it is just an accepted practice because the County is failing to enforce it. If they knew that they will not be able to drink on the course and that they would have an opportunity to enjoy a few beverages after the round, then I would think that that would generate a whole lot more post-round traffic to your restaurant.

Mr. Aguano: They still do come in after, some of them that come to play, but the whole objective of this is to have them enjoy the experience while they are golfing and not wait five (5) hours until they are done.

Council Chair Rapozo: Right.

Mr. Aguano: All of the other courses allow them to have that experience throughout the whole round, compared to waiting until the end.

Council Chair Rapozo: I understand that component. I just wanted to make sure.

Mr. Aguano: It might.

Council Chair Rapozo: I do not know either, I have no clue.

Mr. Aguano: Yes.

Council Chair Rapozo: Okay. Thank you.

Committee Chair Kagawa: Further questions? If not, thank you both for coming. Do we have any other questions? Again, the plan is to defer this item. Members, please have your questions ready if you have questions that you needed answered before you make your decision, if you could give it to staff so that we can make sure the Administration can respond. Are there people registered to speak?

Ms. Yamauchi: Yes, you have one (1) registered speaker, Anne Punohu.

ANNE PUNOHU: Anne Punohu. Excuse me, my hearing is not so good on this side, so if I am yelling or not speaking loud enough, let me know. I think you all know how I feel about this issue. Right on, Council Chair Rapozo—you have it exactly. It is nothing against the vendor and it is nothing against drinkers, but actually I do have something against drinkers—everybody is forgetting the key word here, that this is not a “private” golf course. You cannot compare apples to oranges. This is not a tourism golf course. This is the public golf course for the people of Kaua‘i. If the County enforced the laws, everybody would go to his restaurant. There are people and members of the general public who do not want to be on a golf course with people that are drinking and whacking balls around. I know that they say that they have had a great record; however, you are pulling out into one of the worst roads on all of Kaua‘i for fatalities. He has already accepted and acknowledged that there are problems with inebriated individuals

already on the property, so bad that he has had to refuse them service in his restaurant. That tells me there is a problem. I see a problem with underage drinking increasing and the acceptance of alcohol at a sporting event as the only way you can get through a round of golf and you cannot get through without drinking an alcoholic beverage on the course? That tells me that you have a personal problem. I feel that this also goes into the realm of leaning towards a certain vendor and making concessions for a concern group of individuals and not looking at the sensibilities of other groups who may also want to use the golf course. I mentioned to you before about my aunty and uncle who have been golfing on that golf course for decades. They are Mormons and do not drink. If there are youth on that golf course, do you want them to ask their uncle, "Uncle, there goes the cart. Can you buy me a beer? I want to drink with you folks and be like you folks." What are we doing? This is not a private golf course. If you want to do that then by all means, go to a private golf course. Families with children that are visiting the islands are on a budget. If you are aiming for tourism, then you are aiming for families, because retired couples have money. This is their dream vacation. I have been in tourism for over forty (40) years. I can tell you that. I have some knowledge in which I speak from. The people that are on a budget are going to have families and going to be golfing with their kids. Of course in the restaurant, absolutely, but roaming carts of alcohol? No, absolutely not. To the County, yes, they should be enforcing the law. I think Council Chair Rapozo had a very, very good point. *Mahalo*.

Committee Chair Kagawa: Thank you. Next speaker? Anybody else wishing to speak? Go ahead.

GLENN MICKENS: For the record, Glenn Mickens. I basically agree with Anne and Council Chair Rapozo that enforcement is probably the major issue we have here. If we do not have anybody out there enforcing whatever is wrong, whether they are drinking or not drinking, or whatever is going on, you have to have enforcement. If you do not have that then it is worthless. My question is, is the purpose of this Bill really to keep the taxpayers from paying that one million five hundred thousand dollars (\$1,500,000) a year to subsidize that golf course? Is that supposed to be the purpose of this Bill where it is a true enterprise fund? In my own opinion, I do not think so. I cannot see that allowing booze to be used on the golf course itself is going to encourage that many tourists or locals or anybody else to come here. If they have a decent restaurant with good food, I think people are going to come. I think that is one of the major things they are going to have to do. It is not whether people drink or do not drink. The drinking problem...the liability, as Mauna Kea talked about, is going to be there, whether you have a new vendor or the same vendor. There will have to be a law pertaining to the entire golf course. Thank you.

Committee Chair Kagawa: Next speaker.

BRUCE HART: For the record, Bruce Hart. Good morning, Council. Reasonable, respectful, and responsible. Councilmember Kaneshiro said "responsible" the last time this came up. Reasonable, respectful, and responsible. Now, I am sure that there are a whole lot of golfers who meet those three (3) "r's," but as we heard this morning, there are some that are not, and those are the ones that we have to protect the innocent from. What has happened this week, there was "Protecting Our Keikis" in the front page of *The Garden Island*. Theresa Koki, whom I would like to meet one day, and in fact, I called her this last week but was unable to meet with her. I think her general position is in-line with mine, in regards to these kinds of issues. Sadly, there was also a case that came up, Mr. Monroe, I do not recall the names right now, but where one of our citizens lost

his son to this man when he was drunk-driving on the roads here in our community. Another thing that happened was when the Miami Marlins lost one of their star pitchers, Jose Fernandez. He decided to go out after a night of drinking on his boat with two (2) friends. His teammates told him, as it said in the paper, "Do not go out, Jose." But under the influence of alcohol, he decided to go out and now he is dead. He was just twenty-four (24) years old. That, to me, is still a youth. Then another thing that happened was this Sunday at church, I happened to go, and I will not mention the names out of respect, but there was a couple there that I am not real familiar with all of the congregation, but they had lost their son and I did not know how, but this Sunday I learned that they lost their son in San Diego County to a drunk driver. He was due to be married this Monday. Thank you.

Committee Chair Kagawa: Anybody else wishing to speak on this? Seeing none, I will call the meeting back to order. Further discussion? Councilmember Hooser.

There being no further testimony, the meeting was called back order, and proceeded as follows:

Councilmember Hooser: Can I ask the County Attorney another question?

Committee Chair Kagawa: He is not here right now, but staff can get him back in. Again, the plan is to defer for a month. Members, please have your questions written for staff to make it easier for them to make sure your question is answered the way you want it. We will wait for Mauna Kea.

Councilmember Hooser: I could just include what I was going to say in my closing remarks.

Committee Chair Kagawa: Okay. Do you want to speak first?

Councilmember Hooser: Yes. Thank you. I am not a member of the committee and I appreciate the opportunity to speak. The issue that has come up repeatedly every time we talk about this is what appears to be the fact that drinking is occurring on the course now and it is against the law to drink, but yet everyone knows that drinking is occurring, and in public session and on the public record, this has been said repeatedly. Today, also was said that occasionally people show up inebriated and have to be refused drinks. I think the point about people leaving the golf course inebriated or under the influence of alcohol when it is against the law to drink there, and the County knows it is against the law to drink there, significantly increases the exposure of the County. If there was a car accident that happened tomorrow, people would be in court immediately, regardless of saying, "The County knew. The County did nothing and bad things happen." I would like to ask the Administration to look at this situation and decide what they can do to mitigate it. It may be increased signage or actually enforcing the law. I think it is a serious situation of increased exposure to the County and that we are all publicly aware of. I think we need to deal with it responsibly. Thank you.

Committee Chair Kagawa: Councilmember Chock.

Councilmember Chock: It is a real touchy issue that we are discussing here and I think that we need to be very diligent and vigilant in the decision process that we are making here. I am glad that we are deferring it and looking at more of the parameters. I am actually a little bit more comfortable with it after today's amendment that I introduced; one, because I think that it does offer

a little bit more accountability. Right now, there is no accountability on the course at all. What this does is it says that it can only come from one (1) source, which means that we can actually track it, and we have a vendor who is responsible for tracking that. How do they do that? They can check receipts and the vendor can see if it is the wrong brand. They will be the people on the course actually looking at who is partaking and to what degree. I think that is one step better than what we have right now. I think the marshal is the second step and I think we do need that position for enforcement. We need all hands to be responsible and to look at this as we move forward. I will be tracking this and seeing how we can better it. The bottom-line that I heard the reasoning for Vice Chair Kagawa introducing this is to really look at how we can sustain business activity in the area and increase the viability of our vendor so that they are not losing money. At this time, I believe that it is so difficult to actually hold someone there that we might just close it down. We should and need to be able to do what we can to help support it, but certainly not at the expense of safety and health. Thank you.

Committee Chair Kagawa: Council Chair Rapozo.

Council Chair Rapozo: Thank you. I guess I would agree with what Councilmember Chock said pretty much in concept, except for one part—enforcement is the first step, not the second step. I think this meeting is televised, on the record, and it will be recorded in perpetuity. I am sure *The Garden Island* is going to write about the people that show up at the existing restaurant intoxicated from the golf course. If I am an attorney in this State, I am saving those reports, recording this meeting, and the day that something happens, and it does not have to be a bad accident, and it could be a fight at the golf course or anything, but this County gets sued and we cannot expect the concessionaire's insurance to cover that. Now it is in our court because we have knowledge. We now know that there is an issue and it is just the way it is. That is the big problem. I am going to ask the Administration to come back with something on what they plan to do to address this. Taking away the marshal, to me, was a big mistake. It was a huge mistake. Even when we had the marshal, I am not so sure that the enforcement was a priority. But sitting here and listening to what we just heard is very disturbing that, in fact, we are just a lawsuit waiting to happen with the way we do things out there. It is like encouraging or condoning that behavior when we should not be. The other thing is, should this Bill get passed and the concessionaire, whoever it may be, gets the ability to sell beers on the cart, and I do not know what they charge out there...I think I heard five dollars (\$5) or four dollars (\$4), but obviously there will be a cost—what is to stop the existing people that bring their booze that can buy six (6) beers or have a lot more beers from home at a much lesser cost? Yes, some people will buy, but I do not think that will stop the people from bringing their own booze. I like the amendment and it makes it a little better, but if we are not enforcing it, that little receipt is nothing. If we have nobody out there checking...if I buy a beer on the second hole and I drink my beer and I get a receipt from my five dollar (\$5) beer and on the fourth or fifth hole, the marshal, should we ever get one, comes and says, "Where is your receipt for that beer?" "Here it is." It is the same receipt, but a different beer. I really appreciate Councilmember Kagawa taking the time to look at all of these things, because there is no rush, but to make sure that we have all of the bases covered and that we do not put ourselves in a much higher level of exposure that we already are. Ian, Wally, and Mauna Kea—I would suggest that you folks get around that table and figure out how we are going to address the situation that is brewing right now, which is the illegal consumption of alcohol on that course. From what Mr. Aguano talked about, we have some of these people showing up at the restaurant intoxicated; obviously, we have a problem. For me anyway, that is a serious problem. I know that they are not catching the bus to golf;

they are driving. We better be careful because now it is public knowledge, it is county-owned, and we cannot say we did not know. Thank you.

Committee Chair Kagawa: Further discussion? Councilmember Yukimura.

Councilmember Yukimura: I appreciate the comments on the floor that are pointing out that the current ongoing problem of unregulated drinking needs to be addressed and it is separate from this Bill. We do not need this Bill to address that. So I hope that the Administration will take a close look at this. I think this Bill will add another level of accountability and regulation, so I think we need to look at all aspects of it. I do not object to the deferral, but I appreciate the raising of this Bill to let us know what the issues are and I do believe we should support the ongoing concession because that is a critical part of the golf course operations to make it successful.

Committee Chair Kagawa: Thank you. Glenn asked the question, "What is the purpose of the Bill," and I think I have explained it numerous times, but I will explain it again. The purpose of this Bill is me trying to work with the current concessionaire so that we do not go back to how it was about four (4) or five (5) years ago when we had no concession there for two (2) years. At that time, I believe the problem of why we did not have a current concessionaire was because the rent was too high and business had slowed down. That owner at that time used to chase people out of the parking lot that was drinking there and he would tell them, "No consumption of beer out here. You are taking revenue away from me." He would actually do the service that we are talking about. He would chase people out of there. Again, his rent was much higher and we were dealing with a facility and a building that was really run-down. We fixed it up, we had another concessionaire go there and they lasted about six (6) months and tapped out. Like good business people, they saw that it was not making money. Then we waited another year or so and we got Mr. Aguano, who is already doing successful with Brick Oven in both Wailua and Kalāheo, and he saw this opportunity to help out and have a concession that would be viable, that would stay there, that would not shutdown, because he is a golfer as well, like me. I can see that when we have a beautiful venue, we put a lot of money, years of money into it, to not have a food concession or a pro shop concession is devastating. It is like a hotel not having a pool. It is very important. Again, as the Public Works / Parks & Recreation Committee Chair, it is working with vendors to make sure we do not make the same mistakes over and over again. I have not casted my vote "yes" or "no," but we need to bring items of concern here to the table for members of the public to comment. This is not about "no drinking" in any park or whatever. You can have arguments for all of your concerns regarding that, but the fact of the matter is that people are drinking in parks now and people are drinking at the golf course now. If you want to ban drinking, you need to go the Congress and ban alcohol. This is not the forum. This Bill for the concession is not banning alcohol. We do not control banning alcohol consumption in the public. It goes on as we speak. You have to go to a higher level. You are at the wrong place if you are trying to ban alcohol consumption. The County Council will never decide on that fate. This is simply whether we want to work with the vendor or whether the public feels that, "No, we do not want to work with the vendor. We will take our chances. If we lose the vendor in the near future, so be it. We do not need them." Okay. You can have that point of view, but if you are talking about stopping alcohol drinking at Wailua Golf Course, this is not the bill. It is going on now. It is going on, but I believe responsibly. I am a regular golfer. I do not see much idiots out there getting crazy on the course. We had Baron confirm that. There are no major problems going on. I guess the local people can handle. They act responsibly. If they have too many

beers, we have a restaurant concessionaire that will not serve them if they are too intoxicated in the eyes of the bartender. There is not all of this craziness going on, carts crashing, clubs flying, and balls hitting other people. It is not going on. Do not make up a fantasy when it is not going on. I do not think that is fair either and I will defend that. Let us just keep it real. This is not a drama show. With that, can I get a motion to defer?

Councilmember Kaneshiro moved to defer Bill No. 2635, Draft 1, to the December 7, 2016 Public Works / Parks & Recreation Committee Meeting, seconded by Councilmember Chock, and carried by a vote of 4:0:1 (*Councilmember Kualii was excused*).

The Committee proceeded on its agenda items as follows:

Minutes of the September 14, 2016 Public Works / Parks & Recreation Committee Meeting.

Upon motion duly made by Councilmember Kaneshiro, seconded by Councilmember Yukimura, and carried by a vote of 4:0:1 (*Councilmember Kualii was excused*), the September 14, 2016 Public Works / Parks & Recreation Committee Meeting was approved.

Minutes of the September 28, 2016 Public Works / Parks & Recreation Committee Meeting.

Upon motion duly made by Councilmember Kaneshiro, seconded by Councilmember Chock, and carried by a vote of 4:0:1 (*Councilmember Kualii was excused*), the September 28, 2016 Public Works / Parks & Recreation Committee Meeting was approved.

The Committee proceeded on its agenda item, as shown in the following Committee Report, which is incorporated herein by reference:

CR-PWPR 2016-15: on Resolution No. 2016-57

RESOLUTION
ESTABLISHING TRAFFIC
LANE MODIFICATIONS AND
BICYCLE LANES ON RICE
STREET AND HO'OLAKO
STREET; ESTABLISHING
CROSSWALKS ON RICE
STREET, PUA'OLE STREET,
HO'OLAKO STREET, KALENA
STREET, HO'ALA STREET,
AND MALAMA STREET; AND
REPEALING, AMENDING,
AND ESTABLISHING
PARKING RESTRICTIONS
AND BUS STOPS ON RICE
STREET, COUNTY OF KAUAI
(Approved.)

(Note: The Committee was in recess from 10:18 a.m. to 10:30 a.m. during discussion on Resolution No. 2016-57.)

The Committee proceeded on its agenda items as follows:

Bill No. 2612 A BILL FOR AN ORDINANCE TO AMEND
CHAPTER 14, KAUAI COUNTY CODE 1987, AS
AMENDED, RELATING TO THE PLUMBING CODE
**(This item was Deferred to the Second Committee
Meeting in January 2017.)**

Committee Chair Kagawa: I am going to ask that we make a motion to
defer to the second committee meeting in January 2017 at the request of Doug
Haigh, Chief of Buildings. They are hoping to get the State to make their decision,
as well as the City and County of Honolulu so that we can have consistency in both
the plumbing and electrical codes.

Councilmember Yukimura moved to defer Bill No. 2612 to the Second
Committee Meeting in January 2017, seconded by Councilmember
Kaneshiro, and carried by a vote of 4:0:1 (*Councilmember Kualii was
excused*).

Bill No. 2613 A BILL FOR AN ORDINANCE TO AMEND
CHAPTER 13 OF THE KAUAI COUNTY CODE 1987,
AS AMENDED, RELATING TO THE ELECTRICAL
CODE **(This item was Deferred to the Second
Committee Meeting in January 2017.)**

Councilmember Yukimura moved to defer Bill No. 2613 to the Second
Committee Meeting in January 2017, seconded by Councilmember
Kaneshiro, and carried by a vote of 4:0:1 (*Councilmember Kualii was
excused*).

Committee Chair Kagawa: We are on the last item, Bill No. 2628, which
was already read. At the request of Planning, Lee Steinmetz is away on a family
matter and since he is in-charge of this item, the Planning Department has
requested a deferral to December 7th. I believe it gives them more time. There are
still some concerns being brought in by people who are just getting familiar with the
Bill. We had a lady from The Right Slice come in today and she asked a legitimate
question. We had some provisions in there that inspections will be made on these
food vendors. She said she has ran a food truck business in Hanapēpē for seven (7)
years and the Department of Health has come only once in seven (7) years. She is
just wondering if it is just words or are we going to get the Department of Health to
actually be more active going forward. Hopefully we can have Mike pass that word
onto Lee and see if we can the Department of Health to do more periodic checks,
just to make sure that when we have language in the bill that we actually try and
do our best to make sure that we comply with what we are saying we are doing.
Anybody have problems with deferring this item to December 7th?

Councilmember Kaneshiro moved to defer Bill N. 2628 to the
December 7, 2016 Public Works / Parks & Recreation Committee Meeting,
seconded by Councilmember Chock, and carried by a vote of 4:0:1
(*Councilmember Kualii was excused*).

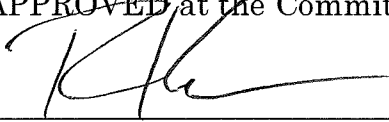
There being no further business, the meeting was adjourned at 11:03 a.m.

Respectfully submitted,



Codie K. Yamauchi
Council Services Assistant I

APPROVED at the Committee Meeting held on December 7, 2016:



ROSS KAGAWA
Chair, PWPR Committee