

COUNCIL MEETING

FEBRUARY 7, 2018

The Council Meeting of the Council of the County of Kaua'i was called to order by Council Chair Mel Rapozo at the Council Chambers, 4396 Rice Street, Suite 201, Līhu'e, Kaua'i, on Wednesday, February 7, 2018 at 8:36 a.m., after which the following Members answered the call of the roll:

Honorable Arthur Brun
Honorable Mason K. Chock
Honorable Ross Kagawa (*present at 9:03 a.m.*)
Honorable Arryl Kaneshiro
Honorable Derek S.K. Kawakami
Honorable JoAnn A. Yukimura
Honorable Mel Rapozo

APPROVAL OF AGENDA.

Councilmember Kaneshiro moved for approval of the agenda as circulated, seconded by Councilmember Chock.

Council Chair Rapozo: Is there any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion for approval of the agenda as circulated was then put, and carried by a vote of 6:0:1 (*Councilmember Kagawa was excused*).

Council Chair Rapozo: With that, our first item will be Bill No. 2681 this morning, and then we will have a 1:30 p.m. public hearing and 2:30 p.m. certificate, just for everyone's information.

JADE K. FOUNTAIN-TANIGAWA: Chair, we are on page 7.

There being no objections, Bill No. 2681 was taken out of order.

BILLS FOR SECOND READING:

Bill No. 2681 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2017-821, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUA'I, STATE OF HAWAI'I, FOR THE FISCAL YEAR JULY 1, 2017 THROUGH JUNE 30, 2018, BY REVISING THE AMOUNTS ESTIMATED IN THE SEWER FUND (*Sewer Line Emergency/Equipment Repairs -*

\$712,000.00): Councilmember Kaneshiro moved to approve Bill No. 2681 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Chock.

Council Chair Rapozo: Is there any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to approve Bill No. 2681 on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and carried by the following vote:

| | | |
|-----------------------|---|------------|
| FOR APPROVAL: | Brun, Chock, Kaneshiro, Kawakami, Yukimura, Rapozo | TOTAL – 6, |
| AGAINST APPROVAL: | None | TOTAL – 0, |
| EXCUSED & NOT VOTING: | Kagawa | TOTAL – 1, |
| RECUED & NOT VOTING: | None | TOTAL – 0. |

Council Chair Rapozo: Can we go back to approve the Minutes, please?

MINUTES of the following meetings of the Council:

December 20, 2017 Council Meeting
 December 20, 2017 Public Hearing re: Bill No. 2676
 January 10, 2018 Council Meeting
 January 24, 2018 Public Hearing re: Resolution No. 2017-74, Bill No. 2678, Bill No. 2679, Bill No. 2680, and Bill No. 2681

Councilmember Kaneshiro moved to approve the Minutes as circulated, seconded by Councilmember Yukimura.

Council Chair Rapozo: Is there any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to approve the Minutes as circulated was then put, and carried by a vote of 6:0:1 (*Councilmember Kagawa was excused*).

Council Chair Rapozo: Next item, please.

CONSENT CALENDAR:

C 2018-27 Communication (01/09/2018) from the Acting County Engineer, transmitting for Council consideration, a Resolution Establishing Crosswalks On Mahea Road And Mehana Road; Establishing Stop Signs On Mehana Road, And Repealing A Stop Sign On Mahea Road, County of Kaua'i.

C 2018-28 Communication (01/16/2018) from the First Deputy County Attorney, transmitting for Council information, the Quarterly Report on Settled Claims which were filed against the County of Kaua'i from October 1, 2017 through December 31, 2017.

C 2018-29 Communication (01/19/2018) from the Director of Finance, transmitting for Council information, the Second Quarter Statement of Equipment Purchases for Fiscal Year 2017-2018, pursuant to Section 17 of Ordinance No. B-2017-821, the Operating Budget of the County of Kaua'i for Fiscal Year 2017-2018.

C 2018-30 Communication (01/23/2018) from Councilmember Kawakami, providing written disclosure of a possible conflict of interest and recusal relating to C 2018-25 and Bill No. 2687 as this Bill would increase residential density in the Lihu'e Town Core Urban Design District, and his business, Commercial Properties Limited, has properties for lease on Rice Street in Lihu'e; in addition, he is also a stockholder and boardmember of Ha'upu Associates (aka Rice Shopping Center).

C 2018-31 Communication (01/31/2018) from Councilmember Yukimura, transmitting for Council consideration, a Resolution Urging The United States To Conduct Diplomatic Talks With North Korea, With The Goal Of Signing A Peace Treaty.

Councilmember Kaneshiro moved to receive C 2018-27, C 2018-28, C 2018-29, C 2018-30, and C 2018-31 for the record, seconded by Councilmember Brun.

Council Chair Rapozo: Is there any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to receive C 2018-27, C 2018-28, C 2018-29, C 2018-30, and C 2018-31 for the record was then put, and carried by a vote of 6:0:1 (*Councilmember Kagawa was excused*).

Council Chair Rapozo: Next item, please.

COMMUNICATIONS:

C 2018-23 Communication (01/04/2018) from the Director of Finance, requesting Council approval of the indemnification provisions contained within Equipment Lease Agreement No. 2951 and the County of Kaua'i Equipment Lease

Rider documents made between the County of Kaua'i and Bank of Hawai'i, to rent various equipment: Councilmember Chock moved to approve C 2018-23, seconded by Councilmember Yukimura.

Council Chair Rapozo: Is there any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to approve C 2018-23 was then put, and carried by a vote of 6:0:1 (*Councilmember Kagawa was excused*).

Council Chair Rapozo: Next item, please.

C 2018-32 Communication (01/04/2018) from the Housing Director, requesting Council approval to decline the repurchase of property located at 5047 Kula Road, Kapa'a, Hawai'i, Tax Map Key (TMK) No. (4) 4-1-013-023, and grant the owner a one-year waiver of the buyback provision to allow for the market sale of the property by the owner: Councilmember Brun moved to approve C 2018-32, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: Any discussion?

Councilmember Yukimura: Do we have the Housing Director here?

Council Chair Rapozo: Is the Housing Director here? If not, did you have a question?

Councilmember Yukimura: Yes. I just wanted to verify something.

Council Chair Rapozo: Okay. I am looking at the document and it looks like the repurchase price was going to be...it was like four hundred thirteen thousand dollars (\$413,000) and maybe we should move this to the Committee to have that discussion. Right now, the housing is five hundred thousand dollars (\$500,000), six hundred thousand dollars (\$600,000) and as sick as this may sound, four hundred thousand dollars (\$400,000) may not be that big of a problem for the County to buyback and resell to someone who can make that mortgage and keep it relatively affordable. I do not want to have that discussion today, but if we could move that to the Committee and have that discussion of the thresholds; when do we say yes and when do we say no? Also, come up with a spreadsheet that shows what it is likelihood, how many people are on the list right now in the County that could afford this home if the County purchased it and resold it?

Councilmember Yukimura: Thank you, Chair. I think in Hanamā'ulu, DR Horton is selling affordable housing, theoretically, for four hundred thirty-five thousand dollars (\$435,000) and they were finding buyers.

Council Chair Rapozo: Yes, let us do that.

Councilmember Yukimura: A discussion is worthwhile. Thank you.

Council Chair Rapozo: With that, I just a motion to refer this item to Committee.

Councilmember Kaneshiro moved to refer C 2018-32 to the Community Assistance & Veterans Services Committee, seconded by Councilmember Yukimura.

Council Chair Rapozo: Thank you. Any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to refer C 2018-32 to the Community Assistance & Veterans Services Committee was then put, and carried by a vote of 6:0:1 (*Councilmember Kagawa was excused*).

Council Chair Rapozo: Next item, please.

C 2018-33 Communication (01/05/2018) from the Fire Chief, requesting Council approval, to accept a donation from the Kaua'i Lifeguard Association (KLA), of one (1) 2018 Honda All-Terrain Vehicle (ATV), valued at \$7,956.31, which will be utilized by the Ocean Safety Lifeguards at the Pinetrees Tower in Hanalei: Councilmember Kaneshiro moved to approve C 2018-33 with a thank-you letter to follow, seconded by Councilmember Chock.

Council Chair Rapozo: Any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to approve C 2018-33 with a thank-you letter to follow was then put, and carried by a vote of 6:0:1 (*Councilmember Kagawa was excused*).

C 2018-34 Communication (01/10/2018) from the Chief of Police, requesting Council approval, to purchase the following non-budgeted items with unexpended funds from the Kaua'i Police Department Operating Budget for Fiscal Year 2017-2018, Regular Salaries, Account No. 001-1001-551.01-01 for the following:

1. Fifteen (15) new marked Ford Explorer patrol vehicles (Each new patrol vehicle costs about \$55,000.00 to \$58,000.00, but proposing to lease the vehicles at a cost of \$180,000.00 a year.);
2. Correction facility designed bunkbeds for the cellblock (\$35,000.00);
3. Conversion of a holding cell into a padded holding cell (\$35,000.00);
4. X-Ray inspection station for the cellblock (\$35,000.00);
5. One (1) full-sized vehicle to be used as a crime scene response vehicle (\$60,000.00);
6. Eighteen (18) ballistic vests for the Special Response Team members (\$53,000.00);
7. Programmable logic controller and integration hardware system (\$60,000.00); and
8. Ten (10) Police Portable Radios / APEX Model (\$44,000.00).

Councilmember Kaneshiro moved to approve C 2018-34, seconded by Councilmember Yukimura.

Council Chair Rapozo: Any discussion or public testimony?

Councilmember Kaneshiro: I have a couple of questions.

Council Chair Rapozo: With that, I will suspend the rules. Can we have someone from the Kaua'i Police Department (KPD) up, please?

There being no objections, the rules were suspended.

MARK OZAKI, Captain: Good morning Council Chair Mel Rapozo and distinguished Councilmembers. For the record, Captain Mark Ozaki, Kaua'i Police Department. I am currently the acting Assistant Chief for the Administration and Technical Bureau.

Council Chair Rapozo: Thank you. Councilmember Kaneshiro.

Councilmember Kaneshiro: Good morning. I guess my first question is we are halfway through the budget year. Why do you have such a big surplus knowing that we are only halfway through in salaries?

Mr. Ozaki: For the salaries part? It is just because we have unexpended salaries. We have vacancies that we have not filled. We are still working on it. Up until December 31st, we average about twenty-seven (27) vacancies throughout the whole department, including civilian and sworn officers. In six (6) months, that adds up to about seven hundred fifty thousand dollars (\$750,000). We are estimating that if we do not fill most of those positions by June 30th, we will probably be in a range of about one million two hundred thousand dollars (\$1,200,000) in unexpended salaries.

Councilmember Kaneshiro: Are you folks just having a hard time finding qualified people?

Mr. Ozaki: Just like the challenges that we have had for the last several years is still there. We still are actively recruiting. We are doing monthly recruitments for officers. I think we are trying to do monthly testing for dispatchers, too. The candidate pool is not like it used to be, but we are still actively recruiting and trying to look at other means.

Councilmember Kaneshiro: I have a couple more questions.

Council Chair Rapozo: Go ahead.

Councilmember Kaneshiro: With the upcoming collective bargaining that was approved, is that going to affect your calculation for the end of the year surplus or was that already taken into consideration?

Mr. Ozaki: Luckily, we have a very good fiscal section in our department, so they gave us all of those numbers, but we looked at all of the numbers and we factored that in and estimated it on the high-end to make sure that what we were asking for would be as far as spending unexpended salaries or using unexpended salaries for equipment. It would not be at the end of the year when these raises with the back pay kicked in. We were like, "Oh no, we made a mistake," so we factored that in, too. There is some wiggle room of about five hundred thousand dollars (\$500,000) just in case.

Councilmember Kaneshiro: As far as these items, can you just explain the importance of them and how they came about as far as if you budgeted for them and it was cut because of the budget that you needed to present. How do you folks pick these as the priority items?

Mr. Ozaki: I am going to discuss one of them and then I am going to defer that to the Bureaus that are requesting that specific information because they know all of the details and why we need those. Part of it is reprioritizing our current budget and looking at what we need for next year. The direction we had from the Mayor, which is everybody, was to come in at flat. But that is not always how it works. Sometimes we need new equipment. We cannot just go with the same amount of equipment, training, or supplies that we want for next year and be flat, especially when prices go up and salaries go up. We are trying to purchase some of that type of equipment that we could not put in next year's budget and try and be fiscally responsible, because we know that hopefully we are not going to...we will not actually have...I will say a "problem" of having these unexpended salaries, because we like to be full. That is our ultimate goal. So next year, we would like to be full. On top of that, there is a Community Oriented Policing Services (COPS) grant where we would have to start paying out of our own pockets. This is kind of a perfect year or the last time we will ever be able to do something like this maybe if we can recruit more people and hire more people. Let me just talk about the radios. Can I have Tyrus come up, too? He is the person that handles the radios. Since my bureau or section submitted the request for the radios. Is that okay with you, Chair?

Council Chair Rapozo: Sure.

Mr. Ozaki: Thank you. The request that my bureau put in was for ten (10) additional portable radios. About one hundred twenty-one (121) as of when we put our request in, but Tyrus has been working on that, so he can correct me if I need to be corrected or give me updates. He has been actively getting rid of old inventory and tracking down serial numbers and where our radios are. When I did the request several months ago, we had one hundred twenty-one (121) portable radios that were either ten (10) to twelve (12) years old and they are basically outdated. Tyrus is the technology person, but they do not have global positioning system (GPS) capabilities. They cannot log in or connect with certain channels. We have our Special Response Team (SRT) members that have these old radios and when they go out on missions, they cannot all connect to the same frequency because the radios are all outdated. It is like having laptops that are ten (10) or twelve (12) years old, it still kind of works, but not really when you have the current technology that we have. We only ask for ten (10) because it is rather expensive; it is about four thousand five hundred dollars (\$4,500) a piece. But we would like to have a succession type of planning so we could budget for a few every year, instead of coming in and asking for one hundred (100) new radios, which would not be realistic I think unless you would approve that. I do not know if Tyrus has any more details. Do you have technology questions of Tyrus?

Council Chair Rapozo: No, I think you covered it quite well.
Councilmember Yukimura.

Councilmember Yukimura: Thank you for your explanation. I want to say that everyone is having trouble finding people to fill positions in the whole County. I know you have improved the process, a recurring process a great deal, but we can sympathize with what you are going through right now. So you said we just have ten (10) portable radios in the whole police department?

Mr. Ozaki: No, we actually have over...how much do we have, Tyrus? Approximately?

TYRUS CONTRADES, Police Officer: Close to two hundred (200).

Mr. Ozaki: Close to two hundred (200) radios.

Councilmember Yukimura: That goes to every officer?

Mr. Ozaki: Every officer. Then there are some training radios, and like in evidence, they would need a radio to hear if something is coming in like an evidence toll. It is not like only the officers have radios, all sworn officers have radios, but our Crime Scene Specialists (CSS) would have radios, also our ID Techs.

Councilmember Yukimura: These generally are not tied into the GIS system because they are old, so the new ones you get would be?

Mr. Ozaki: Actually, one hundred twenty-one (121) of those two hundred (200) radios are ten (10) to twelve (12) years old. We have a bunch of radios that are currently...the last time we purchased radios was four (4) years ago.

Mr. Contrades: Yes.

Mr. Ozaki: Those are actually already outdated. I should not say outdated, but there is a new generation that is already being made, so when we purchase these ten (10), it would be the APEX B version. So there is an APEX A version that we currently have, but we are going to purchasing the next generation. It does not really make sense to buy one hundred (100) radios because then we have one hundred (100) radios that become expired or will not work technology-wise and be outdated in one (1) year or two (2), so it is kind of good that we have this rotational program going, almost like our vehicles.

Councilmember Yukimura: So I am aware that we get federal funds that come through Civil Defense and these radios seem like an excellent subject for them to pay for. I just wondered if you have inquired about federal funds.

Mr. Contrades: We have talked with David from Civil Defense and we are going to try and work something out. We just started talking. Our goal is to try and get as much of the older radios, because two (2) of our models are not supported by Motorola anymore and they do not even make parts for them and go to these newer radios that some of the SRT officers and Investigative Services Bureau (ISB) detectives have.

Councilmember Yukimura: They should really tie into our whole communications system, right? We get at least half a million (\$500,000) or more dollars in federal funds, so I think if you can use federal moneys instead of County moneys, then I would like to see that.

Mr. Ozaki: We are looking at buying ten (10) with County moneys right now and hopefully Dave, with that federal money, can buy us another ten (10) this year, or whatever he can purchase. Even if Dave buys us radios, he would not be able to buy us all the radios that we need, but this would be a good investment for the County, we feel, to have ten (10) radios now for some of our officers, like on the Special Weapons And Tactics (SWAT) team, narcotics unit, and detectives. We can at least get them up to speed. I am glad that you mentioned that because we were actually already in the process of working with Dave. When we talked to Dave, he said, "That money is not only for you folks," kind of like that, but he has major things that he needs to buy, too.

Councilmember Yukimura: Certainly.

Mr. Ozaki: He is definitely willing to work with us and we are in good communication.

Councilmember Yukimura: It does seem to be at the core of emergency response to have these radios that work well while our officers are out in the field, wherever they may be. That is good. If it possible to have a real plan, a long-term plan for the replacement and rotation, like our Fire Chief has for our trucks and equipment so that they do not all come due at once and we just know how we are going to keep them all current for use. That would be great. Thank you.

Council Chair Rapozo: Real quick. We just took about fifteen (15) minutes on changing ten (10) old radios for ten (10) new radios. As I look at this list, there are some stuff in here that I could imagine that is going to go deep. If there is that concern for these items by the Members, then likewise, I would like to see these go to the Committee. I do not want to spend one hour (1) to two (2) hours on this list today. There are some stuff in here that is technical, like x-ray inspections. I just want to know how the Members feel. I do not want to spend the next hour on this if we can do it in Committee. Councilmember Kawakami.

Councilmember Kawakami: Mr. Chairman, I respect your opinion to send it to Committee, but I actually had a lengthy conversation on the items that are being asked for, so for me personally, I have been briefed on the necessity to have these type of items to increase public safety, so I am okay with approving it. If the majority of the Council wants to send it to Committee, I would defer it to the wishes of the body at-large. Thank you.

Council Chair Rapozo: Likewise. I had a discussion with the Deputy Chief yesterday and I am comfortable on voting today. I do not need to go through the frequencies of your radio. That is up to you folks.

Councilmember Kaneshiro: I know I asked the original question, but I am okay with all the items they have on there. My main concerns were regarding the budget.

Council Chair Rapozo: I do not have a problem with the questions; I just want to make sure that we...if we are tearing apart the radios, I can imagine when we get to the x-ray machine for the cellblock. Councilmember Brun.

Councilmember Brun: I had my briefing, I am good. I can vote today.

Council Chair Rapozo: Go ahead.

Councilmember Yukimura: This is not an appropriation bill?

Council Chair Rapozo: I am sorry?

Councilmember Yukimura: Is this an appropriation bill?

Council Chair Rapozo: No, it is not an appropriation bill?

Councilmember Yukimura: So it is just one-time approval?

Council Chair Rapozo: Many years ago, the counties, the way the budget is structured is any department can move funds within their department without getting Council approval. A few years ago, because we felt that the Council was being left in the dark, we put in a proviso that anytime they are using salary moneys for non-salary items that they had to come to the Council. If you think about it, that is moneys that were approved or appropriated by the Council for salaries and we felt it necessary, so that is what this is. This is to make sure that we are aware that they are taking salary moneys to purchase non-salary items. Councilmember Yukimura.

Councilmember Yukimura: I have been briefed on some of them.

Council Chair Rapozo: Go ahead and ask, Councilmember Yukimura. That is fine. I just do not want to spend a lot of time, but if you have some questions, then that is fine.

Councilmember Yukimura: I think I have been briefed on the evidence crime scene response vehicle, so I guess I would just like a brief discussion on the cellblock. Thank you.

ROBERT GAUSEPOHL, Assistant Chief: Good morning. Rob Gausepohl, for the record.

Councilmember Yukimura: Can you just explain the need for these two items regarding buyback?

Mr. Gausepohl: The bunks?

Councilmember Yukimura: Yes.

Mr. Gausepohl: Regarding the bunks, the original bunks that we had fifteen (15) years ago, they are designed to last ten (10) years. They are overdue to be replaced. They are showing signs of wear and degrading. Basically, it is a safety issue. They are made of plastic. I brought some pictures.

Councilmember Yukimura: Not necessary.

Mr. Gausepohl: Okay. They do not span the entire width of the cell, so there is a gap which is a dangerous place. The steps that go to the second bunk are attached to the bunks, so that is another weak point and a place that people can hide. Like I said, they are five (5) years past their usable life.

Councilmember Yukimura: So this would have been in the next fiscal year budget as part of your regular replacement and you are just trying to utilize funds that you may not need this year.

Mr. Gausepohl: Right. Everything on this list would have put us over our budget for next year.

Councilmember Yukimura: I see.

(Councilmember Kagawa was noted as present.)

Mr. Gausepohl: I think there has been a great deal of wisdom and flexibility in allowing us to be as fiscally responsible as possible to get the items that we need and still stay within budget.

Councilmember Yukimura: Okay. For the three (3) items related to the cellblock, that is the nature of the other two (2) as well, which are conversion of a holding cell into a padded holding cell and the x-ray inspection station.

Mr. Gausepohl: Yes, they are both safety items. As far as budgeting, it is exactly the same principle.

Councilmember Yukimura: Can you tell me what the x-ray inspection station is?

Mr. Gausepohl: Sure, it is very similar to what the Courthouse uses or TSA uses.

Councilmember Yukimura: Okay.

Mr. Gausepohl: We are not x-raying people, we are x-raying items to make sure there are no guns or anything that is going to damage...

Councilmember Yukimura: For visitors to the cellblock?

Mr. Gausepohl: Well, we can call them visitors.

Councilmember Yukimura: Yes, these are people who are going to be in the cellblock, right?

Mr. Gausepohl: And visitors. We cannot open up backpacks and things like that legally without a search warrant, so this would be a way for us to inspect items and just for everybody's safety. God forbid that somebody brought an explosive device in there and hurt a bunch of people. This would stop that.

Councilmember Yukimura: We do not have one right now, so this would be an addition?

Mr. Gausepohl: Yes.

Councilmember Yukimura: Okay. Thank you.

Mr. Gausepohl: Thank you.

Council Chair Rapozo: It is also for the protection of the inmates as well.

Mr. Gausepohl: Absolutely.

Council Chair Rapozo: Any other questions? Councilmember Chock.

Councilmember Chock: Thank you, Chair. I have been briefed as well, so I got most of my questions answered. In regards to number 1, the patrol cars, when we came to the budget, we had a plan for target that we needed to reach, so I just wanted to get an update on where this puts us with the purchase of these.

Mr. Gausepohl: Thank you for bringing that up because that puts us to the point where we are too shy of being in compliance, which is extraordinary. Thank you folks for allowing us to do this. It was much needed. Our fleet now will, all but two (2) vehicles, would be the newer sports utility vehicle (SUV) type 4x4, better gas mileage, more sustainable-type of vehicles. The other two (2), we are going to utilize in other capacities, not be out there and marked "fleet vehicles." This does not increase our fleet at all, so we are really happy that we have come this far this fast. Thank you very much for helping us.

Council Chair Rapozo: Any other questions? If not, thank you very much.

Mr. Gausepohl: Thank you.

Council Chair Rapozo: I know we have one (1) registered speaker.

Ms. Fountain-Tanigawa: The registered speaker is Lonnie Sykos.

LONNIE SYKOS: For the record, Lonnie Sykos. This brings up a continual problem that the public witnesses here at these meetings, which is every year, we go through this lengthy process of creating a budget, and then immediately turn around and quit following our budget. I am not speaking either for or against the use of this money. What I am speaking against is the set of policies and customs, which brings this up over and over, and over again that most of these items should have been included in the budget. I understand that we are not able to recruit everyone or as many bodies as they expected to recruit and get a badge on and put out on the street. We were told in the budget hearings that we were going to have the personnel, which is what justified having all of this money in the budget in the first place. So if we had properly planned the budget for the number of people who would actually be getting paid, we would not be having this discussion today because there is all of this extra money inside the budget. So certainly when next year comes up, I would encourage the County Council to tighten the budget up, that the moneys that year-from-year that are not spent, perhaps do not need to go into the following year's budget. My other question is do any of these items bring with them reoccurring future experiences? For example, how much is it going to cost us every year to maintain an x-ray system, which I am not against? This is just purely budget matter because we have to pay for this. How much does it cost to maintain that? I do not want to mislabel this, "padded cell," I believe, "padded holding cell?" Again, I can see the wisdom of having a padded cell, but is there a maintenance cost for that? That is

my question, are we incurring future expenses that are not being discussed today? Thank you.

Council Chair Rapozo: Thank you, Sir. Anyone else wishing to testify? Mr. Mickens.

GLENN MICKENS: For the record, Glenn Mickens. First, I want to thank Chief Perry and his fine officers for the great job that they do. I am sure that all the citizens on the island appreciate that. I have one question and it is about the Ford Explorers. I just wondered if these cars are all four-wheel drive vehicles. I know if they are four-wheel, they cost a lot more than regular cars. You need a four-wheel vehicle going off-road and I do not know how many times they go off-road, but I see the County and the Fire Department basically driving around in these four-wheel vehicles. You can have a certain amount for times that they do go off-road, but for ordinary driving around the County and stuff like this, I do not think they need them and the cost is tremendously higher. Anyway, that is my question. Thank you, Chair.

Council Chair Rapozo: Is it four-wheel drive?

Mr. Gausepohl: They are all-wheel drive.

Council Chair Rapozo: All?

Mr. Gausepohl: All.

Mr. Mickens: Do they need them?

Mr. Gausepohl: Yes.

Council Chair Rapozo: Anyway, any other testimony? Seeing none, I will call the meeting back to order. Further discussion?

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

The motion to approve C 2018-34 was then put, and unanimously carried.

Council Chair Rapozo: Next item, please.

C 2018-35 Communication (01/10/2018) from the Chief of Police, requesting Council approval to accept and utilize a vehicle forfeited through the Asset Forfeiture Program, which will replace a previously disposed of vehicle (a Silver 2001 Toyota Camry) that was assigned to the Vice Section and used for law enforcement purposes: Councilmember Yukimura moved to approve C 2018-35, seconded by Councilmember Brun.

Council Chair Rapozo: Any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to approve C 2018-35 was then put, and unanimously carried.

C 2018-36 Communication (01/16/2018) from the Fire Chief, requesting Council approval to accept a donation from the Kaua'i Lifeguard Association (KLA), of one (1) State-of-the-Art Surveyor Jr. Lifeguard Tower, valued at \$31,561.00, which will be placed at Po'ipū Beach Park to help eliminate the underlying issues that were discussed at the Kaua'i County Council Meeting on January 10, 2018: Councilmember Yukimura moved to approve C 2018-36 with a thank-you letter to follow, seconded by Councilmember Brun.

Council Chair Rapozo: Any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to approve C 2018-36 with a thank-you letter to follow, was then put and unanimously carried.

Council Chair Rapozo: Next item, please.

C 2018-37 Communication (01/22/2018) from the Director of the Department of Liquor Control, transmitting proposed amendments to Ordinance No. B-2017-821, as amended, relating to the Operating Budget of the County of Kaua'i, for the Fiscal Year 2017-2018, by revising the amounts estimated in the Liquor Fund, to fund the purchase of radio equipment to provide the Liquor Control Investigators the ability to monitor Kaua'i Police Department's (KPD) frequency, which was previously available but was removed when KPD's radios were upgraded. (*Department of Liquor Control – Radio Equipment - \$26,000*): Councilmember Chock moved to receive C 2018-37 for the record, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: Any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to receive C 2018-37 for the record, was then put and unanimously carried.

Council Chair Rapozo: Next item, please.

C 2018-38 Communication (01/25/2018) from the Director of Parks and Recreation, transmitting for Council consideration, proposed amendments to Chapter 23, Section 23-3.1, Kaua'i County Code 1987, as amended, relating to Peddling at County Parks, Playgrounds, Other Facilities, and Beaches: Councilmember Chock moved to receive C 2018-38 for the record, seconded by Councilmember Brun.

Council Chair Rapozo: Any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to receive C 2018-38 for the record was then put, and unanimously carried.

C 2018-39 Communication (01/26/2018) from the Executive on Transportation, requesting Council approval to release and indemnify G.N. Wilcox Health Properties, Inc. per acceptance of the indemnification language contained in Grant of Easement Document: Councilmember Chock moved to approve C 2018-39, seconded by Councilmember Yukimura.

Council Chair Rapozo: Any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to approve C 2018-39 was then put, and unanimously carried.

Council Chair Rapozo: Next item, please.

Ms. Fountain-Tanigawa: Chair, the next item is a claim.

CLAIM:

C 2018-40 Communication (01/16/2018) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Richard C. Arruda, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i: Councilmember Chock moved to refer C 2018-40 to the Office of the County Attorney for disposition and/or report back to the Council, seconded by Councilmember Yukimura.

Council Chair Rapozo: Any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to refer C 2018-40 to the Office of the County Attorney for disposition and/or report back to the Council was then put, and unanimously carried.

Council Chair Rapozo: Thank you. Next item, please.

COMMITTEE REPORTS:

PUBLIC WORKS / PARKS & RECREATION COMMITTEE:

A report (No. CR-PWPR 2018-02) submitted by the Public Works / Parks & Recreation Committee, recommending that the following be Received for the Record:

“PWPR 2018-03 – Communication (01/24/2018) from Council Chair Rapozo, requesting the presence of the Acting County Engineer, to provide a briefing on the status of the Lopaka Paipa Boulevard connector road to Ala Kalanikaumaka Street via the Kōloa Estates Subdivision,”

Councilmember Brun moved for approval of the report, seconded by Councilmember Yukimura.

Council Chair Rapozo: Is there any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion for approval of the report was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. Next item, please.

A report (No. CR-PWPR 2018-03) submitted by the Public Works / Parks & Recreation Committee, recommending that the following be Received for the Record:

“PWPR 2018-01 – Communication (01/04/2018) from Council Chair Rapozo, requesting the presence of the Managing Director, to provide a briefing on the Administration’s space planning efforts for County facilities,”

Councilmember Brun moved for approval of the report, seconded by Councilmember Yukimura.

Council Chair Rapozo: Is there any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion for approval of the report was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. Next item, please.

BUDGET & FINANCE COMMITTEE:

A report (No. CR-BF 2018-03) submitted by the Budget & Finance Committee, recommending that the following be Approved:

“C 2018-23 – Communication (01/04/2018) from the Director of Finance, requesting Council approval of the indemnification provisions contained within Equipment Lease Agreement No. 2951 and the County of Kaua‘i Equipment Lease Rider documents made between the County of Kaua‘i and Bank of Hawai‘i, to rent various equipment,”

Councilmember Kagawa moved for approval of the report, seconded by Councilmember Chock.

Council Chair Rapozo: Is there any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion for approval of the report was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. Next item, please.

A report (No. CR-BF 2018-04) submitted by the Budget & Finance Committee, recommending that the following be Received for the Record:

“Resolution No. 2017-74 – RESOLUTION DETERMINING THE COUNTY OF KAUA‘I FUEL TAX RATE AND REPEALING RESOLUTION NO. 2013-47, DRAFT 3,”

Councilmember Kagawa moved for approval of the report, seconded by Councilmember Chock.

Council Chair Rapozo: Is there any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion for approval of the report was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. Next item, please.

A report (No. CR-BF 2018-05) submitted by the Budget & Finance Committee, recommending that the following be Received for the Record:

“Bill No. 2679 – A BILL FOR AN ORDINANCE AMENDING SECTION 5-1.1, KAUA‘I COUNTY CODE 1987, AS AMENDED, RELATING TO THE COUNTY FUEL TAX,”

Councilmember Kagawa moved for approval of the report, seconded by Councilmember Chock.

Council Chair Rapozo: Is there any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion for approval of the report was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. Next item, please.

A report (No. CR-BF 2018-06) submitted by the Budget & Finance Committee, recommending that the following be Approved on second and final reading:

“Bill No. 2678 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2017-821, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUA‘I, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2017 THROUGH JUNE 30, 2018, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Kapa‘a Armory & Hanalei Substation Roof Repairs - \$550,000.00*),”

Councilmember Kagawa moved for approval of the report, seconded by Councilmember Chock.

Council Chair Rapozo: Is there any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion for approval of the report was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. Next item, please.

A report (No. CR-BF 2018-07) submitted by the Budget & Finance Committee, recommending that the following be Received for the Record:

“Bill No. 2680 – A BILL FOR AN ORDINANCE AMENDING SECTION 5-2.3, KAUA‘I COUNTY CODE 1987, AS AMENDED, RELATING TO MOTOR VEHICLE WEIGHT TAX,”

Councilmember Kagawa moved for approval of the report, seconded by Councilmember Chock.

Council Chair Rapozo: Is there any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion for approval of the report was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. Next item, please.

A report (No. CR-BF 2018-08) submitted by the Budget & Finance Committee, recommending that the following be Approved on second and final reading:

“Bill No. 2681 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2017-821, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUA‘I, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2017 THROUGH JUNE 30, 2018, BY REVISING THE AMOUNTS ESTIMATED IN THE SEWER FUND (*Sewer Line Emergency/Equipment Repairs - \$712,000.00*),”

Councilmember Kagawa moved for approval of the report, seconded by Councilmember Chock.

Council Chair Rapozo: Is there any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion for approval of the report was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. Next item, please.

Ms. Fountain-Tanigawa: Chair, we are on Resolutions.

RESOLUTIONS:

Resolution No. 2017-74 – RESOLUTION DETERMINING THE COUNTY OF KAUAI FUEL TAX RATE AND REPEALING RESOLUTION NO. 2013-47, DRAFT 3: Councilmember Chock moved to receive Resolution No. 2017-74 for the record, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: Any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Councilmember Kagawa.

Councilmember Kagawa: Thank you. I just want to restate that I was a little torn about this Resolution; however, I was going to support it. Councilmember Kawakami has decided that now is not the appropriate time to do it and has withdrawn it. However, just seeing that fuel prices in recent months creeping back up and now with the stock market, very volatile, going up-and-down, my fear is that fuel prices will continue to go up and this type of resolution would provide some relief to Kaua'i residents that drive and fill up gas. Again, this is like cereal and milk and eggs. People that come from the mainland and go to the store say, "Wow, why are the prices so high?" It is probably the highest in the nation because of the shipping costs and what have you. Fuel is no different. The gas prices are astronomical. Maybe only Alaska is higher, but I do not know why because Alaska has all of the oil. Anyway, they are the highest, but we are the second highest. I think providing relief in that area gives back to our local residents. I would have supported it, however, it is being withdrawn so I support this motion. I will entertain this idea of doing some relief in the future. Thank you, Chair.

Council Chair Rapozo: Thank you. Anyone else? Councilmember Yukimura.

Councilmember Yukimura: I want to commend the introducer of this Resolution for recommending receipt. It is not the time now to reduce the fuel tax because we have one hundred million dollars (\$100,000,000) in road repair that has to be done, and technically, it should be paid for by the users of the road system, rather than by an excise tax that is a regressive tax and charges people who do not drive cars or vehicles, such as our elderly and our young people. I appreciate the wisdom of not reducing our fuel taxes because we have to fix our roads. If we do not fix them, people will pay for the cost of fixing their cars anyway. The fuel prices, while they may be creeping up, they are lower than they were in 2008. So if we can use the fuel taxes now to pay for repair, rather than paying money to Saudi Arabia or Indonesia, this is the time to do it.

Council Chair Rapozo: Councilmember Kawakami.

Councilmember Kawakami: This is a premature proposal anyway, because we have to really see what is going to be generated by the general excise tax and see

how we are going to spend that money. In the future, we may revisit it, but I want to be clear that the last statement as far as the general excise tax surcharge—at the legislature, we were lobbied heavily by certain Members of the Council to be allowed to have this. So now to go back and say, “Oh, it is regressive and this is not the right way to do it,” when it was being pushed for is where we start confusing the public. When I say that as leaders, as elected officials, it is incumbent for us to speak on the truth of the matters. Let us not get confused and misspeak on what happened in the past, because it was lobbied heavily by the previous speaker to allow the Council to approve this. I just want to bring clarity to the issues so that the public that is watching this does not get confused by our statements. Thank you, Mr. Chair.

Council Chair Rapozo:

Councilmember Yukimura.

Councilmember Yukimura: Yes, the reason I lobbied for the general excise tax option is to be able to expand the bus, and in cities across the country, the general excise tax is being used to expand public transportation system, because that helps the people that a regressive tax hurts. So it is very logical to use those moneys to expand the public transit system. Also, as we just learned at the Smart Growth Conference that several of us attended, a public transportation system really helps the economy. It helps enterprise because it allows the movement of goods and services and people in a more efficient way. It takes cars off the roads so that people who need the road to drive on the cars, like the construction workers and others, have a free-flowing road to drive on, and that is the reason I lobbied for the excise tax. We need to do that to implement our Multimodal Land Transportation System, which is really the most effective way of reducing traffic congestion, rather than just building more roads. When we expanded two (2) lanes to four (4) lanes to Kaua‘i Community College (KCC), that cost us eighty million dollars (\$80,000,000). As you all know, we got a free-flowing road for about two (2) years and now it is congested again and there is talk to expand the road to four (4) lanes to the Tree Tunnel at the cost of three hundred million dollars (\$300,000,000).

Council Chair Rapozo:
back home.

Okay, Councilmember Yukimura, bring it

Councilmember Yukimura: That is not going to work. It is more money than we can afford or that we can get from the federal government. So my proposal for the general excise tax was so that we could implement our Multimodal Land Transportation Plan, which depends on a really strong public transit system.

Council Chair Rapozo:

Councilmember Kagawa had his hand up.

Councilmember Kagawa: I just wanted to clarify for the public, because we get confused as to, “Why was the excise tax passed?” But the reason why the excise tax was even offered to Kaua‘i, the one-half percent (0.5%) was because of rail and the City and County of Honolulu got rail funding approved with the one-half percent (0.5%) and the legislature also cut Kaua‘i County’s portion of the Transient Accommodations Tax (TAT) in the amount of thirteen million dollars (\$13,000,000) per year, estimated. For the past five (5) years, you multiply that by thirteen million dollars (\$13,000,000) times five (5) and that is sixty-five million dollars (\$65,000,000)

that this County has been shortchanged to fix infrastructure. That thirteen million dollar (\$13,000,000) cap will continue forever. Every year it continues to add to the sixty-five million dollars (\$65,000,000), thirteen million dollars (\$13,000,000) more every year, and that is part of the reason why we have fallen behind and part of the other reason why has just been neglect by the Administrations of the past, but we do not want to go there because I need more than five (5) minutes to talk about that. I think what we need to remember is that there was no choice whether the legislature wanted to offer...there was no lobbying by any particular Councilmember as far as why we got offered the chance to tax the one-half percent (0.5%). It was automatically determined that the legislature cannot give only Honolulu the opportunity to raise the tax for transportation purposes; it was offered because they had to offer it to the other counties. The other counties like Maui and Hawai'i Island, I believe, have rejected it and Kaua'i is the only county that has determined that, "Hey, in order to make up that thirteen million five hundred thousand dollars (\$13,500,000) that we are missing every year, this is a way that we can fix what we say is a backlog of repairs and I think the backlog of repairs, to me, a lot of it is just pure neglect and we put it off. Hopefully, when we have a new mayor soon, he will have that funding and let us hope that the new mayor does the necessary repairs to these roads that are heavily used and are really getting in bad shape and hopefully the next mayor will push out those repairs to those roads and bridges that are falling and get it down. Time will tell. If the next mayor does not focus on those repairs, then we will continue to hear the word backlog, kicking cans down the road, and what have you. Thank you, Chair.

Council Chair Rapozo: Everybody take a breath. If you look at the Resolution, it is about the...I will allow the rebuttals because I do not think it is fair to allow one (1) person to say something and not have rebuttal, but let us try to keep it in line with the Resolution that is on the agenda. Councilmember Kaneshiro.

Councilmember Kaneshiro: Mine was just to make it clear to everybody—we heard that we spent eighty million dollars (\$80,000,000) on the highway, but I wanted to be clear that it was the State that spent the money on the highway. I think a lot of times, people get confused on what is State highways and what are County highways. All of the roadwork that goes on around the island is not only County, there are State highways and County highways and the highway that they did in front of Kukui Grove out to KCC is a State highway. So it did not cost us, the County, eighty million dollars (\$80,000,000). I think we just need to be clear about that, because a lot of times, we get pointed the finger at, "Hey, why are you folks doing that? Why did you not do that? Why are you spending this money?" We have to make it clear to the public what is our responsibility and what is the State's and that is clearly a State road. You can argue that the eighty million dollars (\$80,000,000) costs us through State income tax and some long way, but when we are here, we need to be sure that we control the purse strings on County roads and County roads are our responsibility. That highway was a State highway.

Council Chair Rapozo: Thank you. Councilmember Kawakami.

Councilmember Kawakami: Just to be clear that these funds are also allowed to be used to expand public transportation. So to imply that it will not be

allowed, I think, is another statement that could further confuse the public. This can be used to invest in our Multimodal Land Transportation Plan. Thank you, Chair.

Council Chair Rapozo: Thank you. Last chance, Councilmember Yukimura.

Councilmember Yukimura: Thank you. I have been supporting road repair and the excise tax for that purpose, at least to address the backlog, so it is both. I did not say that it cannot be used for road repair; that is what it needs to be used for. This is about equity and economic justice, that we do not rely on that excise tax to basically maintain our roads because it is a regressive tax and it should be equitably applied, which it is when it is for transit and when road users pay the fuel tax to contribute to the road repair that they caused.

Council Chair Rapozo: Anymore discussion? It always ends up back at the bus. I do not know how we do that, but it always ends up back at the bus. Let me just say, and I remember, it was not this last session...I do not know about the lobbying this session, but I know two (2) years ago that Councilmember Kawakami is correct that the lobbying was hot and heavy. I just want to make it clear that I was lobbying the opposite way; I did not lobby to increase our general excise tax. Two (2) years ago, all of the four (4) counties agreed that we were not going to accept it, and this year again, I did not support it or vote for it, so I am not sure why you would support it and then call it an "evil tax." But it is what it is and we have that now and we just have to take the best advantage of those funds. Like Councilmember Kawakami, I questioned the number. I know we have been told twenty-five million dollars (\$25,000,000) but that is yet to be seen. I have talked to a couple of experts that number is not a definite number, so I will be curious to see what that will generate in 2019.

The motion to receive Resolution No. 2017-74 for the record was then put, and carried by the following vote:

| | | |
|-----------------------|---|------------|
| FOR RECEIPT: | Brun, Chock, Kagawa, Kaneshiro, Kawakami, Yukimura, Rapozo | TOTAL – 7. |
| AGAINST RECEIPT: | None | TOTAL – 0, |
| EXCUSED & NOT VOTING: | None | TOTAL – 0, |
| RECUSED & NOT VOTING: | None | TOTAL – 0. |

Council Chair Rapozo: Motion passes, next item.

Resolution No. 2018-05 – RESOLUTION ESTABLISHING CROSSWALKS ON MAHEA ROAD AND MEHANA ROAD; ESTABLISHING STOP SIGNS ON MEHANA ROAD, AND REPEALING A STOP SIGN ON MAHEA ROAD, COUNTY OF KAUA'I: Councilmember Chock moved for adoption of Resolution No. 2018-05, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: Any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Roll call.

The motion for adoption of Resolution No. 2018-05 was then put, and carried by the following vote:

| | | |
|-----------------------|---|------------|
| FOR ADOPTION: | Brun, Chock, Kagawa, Kaneshiro, Kawakami, Yukimura, Rapozo | TOTAL – 7, |
| AGAINST ADOPTION: | None | TOTAL – 0, |
| EXCUSED & NOT VOTING: | None | TOTAL – 0, |
| RECUSED & NOT VOTING: | None | TOTAL – 0. |

Council Chair Rapozo: Motion passes. Next item.

Resolution No. 2018-06 – RESOLUTION URGING THE UNITED STATES TO CONDUCT DIPLOMATIC TALKS WITH NORTH KOREA, WITH THE GOAL OF SIGNING A PEACE TREATY: Councilmember Chock moved for adoption of Resolution No. 2018-06, seconded by Councilmember Yukimura.

Ms. Fountain-Tanigawa: Chair, we do have one (1) registered speaker.

Council Chair Rapozo: Okay. Councilmember Yukimura, did you want to have some time upfront before we go to public testimony? Did you want to do the public testimony first?

Councilmember Yukimura: I will say a few words. Thank you. The Resolution was prepared prior to the false alarm about the missile attack several weeks ago. However, the experience we all went through due to the false alarm made very vivid for all of us the lack of viable options in the event of a nuclear attack. Even if one were to escape immediate destruction, what kind of survival could you expect in a world of contaminated air, water, soil, and natural systems, with a half-life of radiated substances such as plutonium, is two thousand (2,000) years. So it is clear that nuclear attack is not an option for humanity whether made offensively or defensively. It really is “MAD” to think about it as a reasonable option; “MAD” standing for “mutually assured destruction.” Therefore, this Resolution is urging our leaders to exert all efforts towards diplomatic talks, which will hopefully and ultimately result in the signing of a Peace Treaty and an agreement for nuclear disarmament. That is the reason it has been requested for introduction and I have been happy to introduce for very concerned citizens and I hope that we can pass this and make it a collective expression for a peaceful path to the future of our world and our island.

Council Chair Rapozo: Councilmember Kagawa.

Councilmember Kagawa: I have a question for Councilmember Yukimura. Do you not think that the United States government is currently trying to do exactly what your resolution is asking?

Councilmember Yukimura: I think parts of the government are and I think it is really good for us to support positive and good action by our federal government.

Councilmember Kagawa: Would you say that the leader of North Korea, Kim Jong-un is a reasonable person to have diplomatic talks with?

Councilmember Yukimura: Whether he is reasonable or not, we need to strive for some talks because we need to try that path and not leave a stone unturned in that path.

Councilmember Kagawa: And you think this Resolution will make a difference?

Councilmember Yukimura: Yes.

Councilmember Kagawa: How?

Councilmember Yukimura: You never know what a difference you can make. I know it will not make a difference if we do not pass it. When we take a stand, it can make a difference and it can inspire others to take a stand and a lot of voices together can make a difference.

Councilmember Kagawa: I do not think we need to take a vote here at this Council to know that the whole country agrees that a peaceful solution to the North Korea crisis is something that is wanted. I think if you took a poll of every United States citizen, we would prefer that we spend less on military defense towards North Korea's actions and have a peaceful resolution. However, I think a lot of presidents have gone through this routine and have been unsuccessful in dealing with Mr. Jong-un. I just think that your Resolution is true, but I think it is already being performed and I do not see the purpose of having this redundancy when efforts are already being made. I think it is trying to rile up something for no reason. I think the President, Defense Minister, and Secretary already know that this is really what is wanted and needed, but if you dealing with Kim Jong-un, I do not think it is as simple as that.

Councilmember Yukimura: Thank you, Vice Chair. I think we have been elected to represent the people of this County and by speaking as the legislative body, we are doing our job to represent them. I think it is an important message to send to the State and the federal government.

Council Chair Rapozo: Councilmember Brun.

Councilmember Brun: I had the same questions as Councilmember Kagawa; is it worth the staff's time or everybody's time to even do this? You have

President Trump on one side and the North Korean President on the other side—he is probably going to rip this paper in half as soon as it gets to him. Is it even worth doing? Do you think it is really worth really doing this and sending it there?

Council Chair Rapozo: The only name that is missing is the North Korean President. That is the only one that really should get a copy of this thing. With that, let us take public testimony. I will suspend the rules. Did we get registered speakers?

Ms. Fountain-Tanigawa: Yes. The first registered speaker is Joan Heller.

There being no objections, the rules were suspended to take public testimony.

JOAN HELLER: My name is Joan Heller. This is testimony by Koohan Paik: “*Aloha* Honorable Members of the Kaua’i County Council. The news is filled with botched missile alerts and eminent nuclear war. What we do not hear about are the efforts of the peacemakers. For this reason, I am deeply thankful to all of you for your consideration in passing this Resolution. Today, we are the peacemakers, blessed are the peacemakers. The risk is real. The largest non-nuclear bomb in existence is called “The Father of All Bombs.” It weighs thirty thousand (30,000) pounds and was originally designed to destroy underground nuclear facilities in Iran. It is now being ready for use in a preemptive strike against North Korea. If the United States goes forward with this foolish plan, the repercussions are unthinkable. Tens of thousands, or more likely, hundreds of thousands of people in Japan and South Korea will be killed in retaliation. China and Russia will get involved. “Nuclear Winter” has never been more possible. “Nuclear Winter” is when the Earth is covered with a shroud of radioactive fallout that blocks out the sun for decades. Without light or warmth, everything dies, including crops. The fallout hovers over and above the clouds, so it cannot be washed away by the rain. The right to make such consequential decisions should not be the exclusive purview of the executive office with no congressional oversight. We cannot stand by silently and fearfully. Thankfully, people are not standing silent. Word has gotten out on today’s peace resolution. Friends on O’ahu are also planning to propose a similar peace resolution in Honolulu. I also heard that a group of Korean-Americans in New York have been inspired by Hawai’i. Now, they too are making plans to propose one for their municipality. This is the kind of proactive, grassroots organizing it takes to save us from doomsday, community by community. Just this morning, Liberato Bautista E-mailed me. Liberato is my Filipino colleague who represents the International Methodist Church at the United Nations. As we meet here today, Liberato is also discussing this peace resolution with Reverend Jesse Jackson. If all goes well, we will have started a trend. I wish to thank Councilmember Yukimura for sponsoring this Resolution and thank you to all the Councilmembers. Please pass this Resolution so that true *aloha* can emanate from Hawai’i to influence the rest of the world.” That was from Koohan Paik. For myself...

Council Chair Rapozo: Thank you. You can come back a second time and you will have another three (3) minutes if you want. Next speaker.

Ms. Fountain-Tanigawa: That was the only registered speaker.

Council Chair Rapozo: Okay. Anyone else? Ken.

KEN TAYLOR: Chair and Members of the Council, Ken Taylor. I want to thank Councilmember Yukimura for bringing this forward, and I think you all should be supporting it. In the old days, wars were fought on battlegrounds and the people that suffered were the ones that were on the battlegrounds, but with nuclear war, the potential for widespread devastation is unbelievable. We saw some of that at the end of World War II, which was really unfortunate, because as I understand it, the Japanese were, two (2) days before the bombs were dropped, were ready to surrender, but the military went ahead and made the decision to drop the bombs anyway. If you look at the history from World War I to present, every war that we have been brought into, we have been misrepresented as to why we were going into them. I think this is the kind of thing that needs to be more publicized and this Resolution is strictly asking for people to use common sense. Let us negotiate peace and work it out. I think it can be done, but we get people with strange ideas saying, "Oh well, we will never be able to do this and we cannot move forward with discussions. I have heard many times on the news that, "We will sit down at the table to negotiate, but here is the conditions that we will do it in. When you want to negotiate peace, you do not put roadblocks in the way to get that peace taken care of. You say, "We are going sit down at the table; the table is clean. You are on this side. I am on this side. We move forward with discussion." This is a simple, simple thing to pass and move forward with. It is very important for the well-being of all of us, because if one of those things, even if he gets one up in the air with an atomic head on it and we shoot it down, we are still going to have a terrible disaster. Think about it. Ask for peace in negotiations. Thank you.

Council Chair Rapozo: Thank you. Next speaker, please.

ALICE PARKER: Alice Parker, for the record. I commend Councilmember Yukimura for this Resolution because the Administration needs to hear from the people, and we are the people. It is not just one (1) person up there negotiating with North Korea. We are very vulnerable here. We need all the peace we can get. So please follow Councilmember Yukimura's recommendation and vote to approve. Thank you.

Council Chair Rapozo: Thank you. Mr. Sykos.

Mr. Sykos: For the record, Lonnie Sykos. I agree with Councilmember Kagawa that this is an item that we would be wise not to spend a lot of time on and be fiscally responsible. However, we pay lobbyists to be in Washington, D.C. to go and solicit money for us. We have people that we pay to go get Highway Funds, Housing Funds, and this and that. Since we constantly lobby the federal government, why should we not have an issue like this? What better represents the culture of Hawai'i than peace? I am totally in favor of this, but I am not totally in favor of a long discussion about this. It is just simplistic. We should vote for peace.

Council Chair Rapozo: Thank you.

Mr. Sykos: Thank you.

BRUCE HART: For the record, Bruce Hart. I saw this on the agenda and I was somewhat surprised, but I will say that I welcome this kind of discussion about these kind of issues. I do think that the people of America have a right to speak out on national issues and I believe that it is an appropriate platform or body through our legislators. Having said that, I am also in agreement with Councilmember Kagawa and Councilmember Brun. I am not sure where this is going to go and I am taking kind of a cautious position at this time to see what the public has to say. Of course, I am for peace, but not peace at any cost. I am also for supporting our elected representatives at every level. They represent the people. I believe in my following of this on the news that for the first time in many years, I saw the diplomatic head representing South Korea and the diplomatic head of North Korea meeting. So somebody is doing something right at the top because that has happened and that was very heartening to me. Again, I think we should all be cautious. I am not at this time for the government of North Korea, but I am for the people. I am not for the government of Iran, but I am for the people. I am for the people all over this world and if we can send a message without getting into a lot of rhetoric and using this Resolution as a platform for vitriol against our elected representatives and have a mature discussion, then I am for it. Thank you.

Council Chair Rapozo: Anyone else? Second time?

Ms. Heller: Joan Heller. I was a messenger at first, but I am speaking for myself now. I want to thank you Councilmember Yukimura because I am part of the public and I need this as a tool to get this discussion going in my community, because I did see that it was difficult to even bring this up with anyone within my family. I think it is important because I will tell you that everything we are here today discussing, whether it is the General Plan, whether it is the other agenda items, it is going to pale...it just pales to the issue of a nuclear blast. The one that we had an alert, the false alert, the next one is not. If and when an accident happens, all I am trying to tell you that this is an important issue, and to me, everything else pales. So that is why I am grateful for Koohan Paik and for Councilmember Yukimura. Thank you.

Councilmember Yukimura: I have a question.

Council Chair Rapozo: Go ahead.

Councilmember Yukimura: Joan, is it true that the County Council of Hawai'i Island passed this Resolution unanimously?

Ms. Heller: Last October.

Councilmember Yukimura: Okay. Thank you.

Council Chair Rapozo: Anyone else wishing to testify?

SANDRA HERNDON: Sandra Herndon, for the record. Good morning and *aloha* to all of you. Please support this Resolution for diplomatic negotiations between North Korea and the United States with a goal of finally establishing the long-delayed Peace Treaty, which at this point is sixty-five (65) years overdue, according to the terms of the armistice agreement. We need to remember that "*aloha*" is more than just a word adopted by the Hawai'i Tourism Authority. It is a way of life that is based on compassion, mercy, respect, heart-centered, and honesty. It is how most of us try to live here on Kaua'i. You need to make a statement on behalf of our County, recommending the principles of *aloha*. Set the tone for these negotiations with the Koreans. The fact that the United States government has used this political situation with North Korea to expand their presence in South Korea, destroying the home and culture of the Jeju islanders. That is an example. I find it very difficult to excuse some of those actions. It is reminiscent of the ruthless way, in my opinion, that Hawai'i became the 50th State. It has occurred for many of us on Kaua'i with recent events that the presence of the Pacific Missile Range Facility (PMRF) has virtually painted a bull's eye on our island home. There are those who prefer to think otherwise, but I am at an age where December 7, 1941 is a reminder of our vulnerable proximity to Asia and Korea. This is an age when nuclear weapons are a horrific reality. Hawai'i, and Kaua'i in particular, is in a key position to support the Korea-United States peace process by enacting this Resolution. I ask you to step out of the box and into a stronger role, that of peacemakers. We have a vested interest. *Mahalo*.

Council Chair Rapozo: Thank you.

Councilmember Brun: I have a question.

Council Chair Rapozo: Go ahead.

Councilmember Brun: I see and hear "*aloha*" and peace, and you mentioned principles of *aloha*...

Ms. Herndon: I am sorry?

Councilmember Brun: You said earlier in your speech about principles of *aloha*; what do you mean by that? What are the principles?

Ms. Herndon: It stems from love and I believe that when you are coming from that place of love, you are not at the same time in fear and I think that the principles of *aloha* take you to a place where you are more open and more respectful. That is what I mean.

Councilmember Brun: Thank you.

Ms. Herndon: You are welcome.

Council Chair Rapozo: Thank you. Anyone else wishing to testify?
Ken.

Mr. Taylor: Chair and Members of the Council, Ken Taylor. The Korean War took place prior to most of you being born. Here we are some seventy (70) years later and there has never been a resolution passed to end the war. Check the records. It is time to sit down at the table and time for you, as our elected officials, to move a resolution forward to help with this process. Seventy (70) years and no resolution to solve even the war that took place that we were even brought into under false premise. We sit here today worrying about what could happen. As I said, if he put an atomic warhead up in the air and we were able to shoot it down, even if it does not hit here, we are all gone; it is history. So it is very important for you folks to do the right thing and move this Resolution. Thank you.

Council Chair Rapozo: Anyone else? Ms. Parker.

Ms. Parker: Alice Parker, for the record. Ken brought up a good point about missile defense. There was a practice about a week ago from the missile range out there to intercept a ballistic missile and it did not work. We always need the peace we can get, but do not depend on the missile defense system. Thank you.

Council Chair Rapozo: Anyone else wishing to testify? Seeing none, I will call the meeting back to order. Let us address the amendment.

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

Councilmember Yukimura: Thank you, Chair. It is almost a technical amendment, thanks to the sharp eyes of our County Attorney and his background in Hawaiian, that we would change the definition of "*aloha*" or the translation of "*aloha*" to "friendship."

Councilmember Yukimura moved to amend Resolution No. 2018-06 as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 1, seconded by Councilmember Kagawa.

Council Chair Rapozo: Let us take care of the amendment first.

The motion to amend Resolution No. 2018-06 as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 1 was then put, and unanimously carried.

Council Chair Rapozo: Motion passes. Councilmember Kawakami.

Councilmember Kawakami: Thank you, Mr. Chair. I would like to thank the introducer of this Resolution, and just to be clear to the public, a resolution is a message from this body and really holds no legal weight, but it does send a message of where we are coming from as a county and I think we all strive for peace. Nobody wants war. Let us be clear that we are dealing with a madman, a man that has been accused of war crimes about starving his prisoners and starving his own people and killing his own relatives. Let us be clear on that that we all strive for peace, but this

is a type of individual that we are dealing with. There is hope. They are going to be fielding a team to enter into the Olympics with South Korea, so there is movement towards peace, so we can be optimistic. I would like to say that as we go through this Resolution, the most important phrases in my opinion are the “be it resolved” sections. Usually at the end of the resolution, it is “be it resolved” and this is where we transmit to certain individuals, certain leaders who are going to be receiving this Resolution from this County, and I see one glaring omission, and before anybody laughs at this, give me a chance to explain why I see one glaring omission of an individual—where is Dennis Rodman? You may laugh at this, but in December 11, 2017, a Washington Post article has Dennis Rodman pleading with President Trump to send him out to North Korea to begin peace talks. To be honest with you, this is the reality. There is only one (1) person that I can speak of that has friendship in both North Korea and the President, and it is Dennis Rodman. He is the only individual who has been able to go North Korea and build this friendship. He is the only United States citizen that has the ear of the President of North Korea. People may laugh and I leave it to the introducer of this Resolution of whether she should accept this amendment, but he is the only one, and I am being perfectly honest. I will tell you what he is trying to do right now. Guam has been a target for North Korea and you may recall President Trump’s fear, fury, and raining down hell on North Korea if they ever target Guam—right now, Dennis Rodman is trying to organize a basketball game between North Korea and Guam to bring peace. These are all realities. There is hope and with that being said, I hope that introducer would entertain that little idea.

Council Chair Rapozo: Introducer? I would assume that would be a friendly amendment that would not be objected to. It does sound funny, but he is exactly right. Of course Rodman is not very far from the Korean President; they are alike in many ways. That is how it works in this negotiation game; you find someone that can...in a hostage negotiation, you do not send the cop that the person in the building hates, you send someone that he can talk to and maybe Dennis Rodman is the man. Maybe he is the next Martin Luther King, Jr. of American history. I am not saying that to be funny because it makes a lot of sense. I do not have a problem putting it on there. We can send it to Dennis through the North Korean President and he can hand-deliver the letter or the Resolution. Councilmember Yukimura.

Councilmember Yukimura: I have no objections to adding the name of “Dennis Rodman” to receive this Resolution. I think sports has always been a way for international peace, that is a common ground, universal ground. I think that would be a wonderful thing. We have to remember that it was Richard Nixon who opened the doors to China, which was totally unexpected. We have to be ready for unexpected channels to peace. I really believe that.

Council Chair Rapozo: That might be the ticket. Rocky did it against Ivan Drago many years ago. It works. Anyone else.

Councilmember Yukimura: If I accept it as a friendly amendment, then it would be part of this Resolution, which we will vote on as amended. Okay.

Councilmember Kagawa: I will second that.

Council Chair Rapozo: Okay. Any other discussion? Councilmember Kagawa.

Councilmember Kagawa: I kind of feel like this Resolution is a classic example of the County Council stirring up the public, getting people upset. We saw Ken getting upset and everybody is upset about the situation. It is barking up the wrong tree. This County Council does not deal with getting peace movement between the United States, North Korea, South Korea, and what have you. It is the job of our Congressional Delegation and the President and I feel like this Resolution is a bit of disrespect to our Representatives and Senators currently there, like Representative Gabbard, Hanabusa, the late Mark Takai, Senator Schatz, and Senator Hirono. I have the utmost respect for them. I consider them friends and I have visited with them and talked to them and I feel like the passage of this Resolution is telling them, "Hey, you are not doing enough in this area," and frankly, I believe they are. Their character, their upbringing, and their experiences in the military—I believe they are doing all that they can. To pass this Resolution and say, "Well, Kaua'i County Council believes that you need to do more and you are not doing enough towards peace. We, on Kaua'i, want peace." They want peace as well. They got elected by you, the public, to serve and bring us better lives, peace, and unnecessary spending. I really feel like this Resolution is unnecessary and it should not be on this Council floor. There are other ways to promote peace from Kaua'i. You can organize meetings and have meetings directly with our Congressional Delegation and ask them what more can we do as the people to bring other congressional members the same feeling of *aloha* and striving for peace that we desire. I think our job here on the County Council is to try and work with our Congressional Delegation. Give them solutions and options, things that they do not see in Washington and the need to improve the people of Kaua'i's lives. As far as peace, they see it. They work for it. We do not need to tell them that they are not doing enough in this area by a resolution. I think it is the wrong place; however, I will not let a resolution like this pass 6:1. I respect our other members of this body and I can see where my friends are going, my colleagues, and I will support this Resolution. But I do not believe we should continue the practice of riling up the people of Kaua'i and bark up the wrong tree. We have enough issues here at this County Council that we are not dealing with. Let us deal with the issues that need our attention and let us focus our efforts in other areas that do not belong here in other ways. There are other ways to do it and this is not the way. Thank you, Chair.

Council Chair Rapozo: Thank you. Anyone else? Councilmember Kaneshiro.

Councilmember Kaneshiro: I have very similar feelings. I will be voting for the Resolution, but as far as our time and what impact this Resolution will have on peace talks with North Korea, I think it does give a little bit of sense of false hope, because we got a lot of E-mails on it supporting the Resolution, almost making us feel like this is the piece of paper that is going to create the Peace Treaty between us and North Korea. For me, I think the Resolution has very little impact on what is going to happen between the United States and North Korea. I think we all agree with the Resolution, we all want peace. I am just afraid that it provides false hope to people

that this Resolution is going to be more impactful than what it really is and that is the only thing I want to communicate to people as far as this Resolution goes. We spent a lot of time talking about this. We could probably argue it on the floor on what should be changed, but in the end, I do not think the impact is going to be there. With that being said, I am going to be supporting the Resolution.

Council Chair Rapozo: Thank you. Councilmember Chock.

Councilmember Chock: I will be supporting this Resolution as well. I just will say that I understand the comments about it taking up our time, certainly does. We have limited oversight over this. Chances of us making a difference here is—I think the false alarm has made things very real for this community and the residents and I think what this does do is it starts to say for our community and our residents that our leaders are thinking about it and they understand that there is concern and they are willing to speak to it. I think that unified message around it...I do not think there is anything wrong around that, especially bringing clarity to what it is we want, which is solidarity and peace in this case. I appreciate the introducer for speaking to it and giving us a little bit of time. We spend a lot of time doing other things on this body and we put our names to a lot of things, and with certificates recognizing people; this is just a message in my opinion. When we do not say things, sometimes it can be assumed or the wrong assumption could be made. It is what it is in terms of its power, but I thank you for bringing a message forward for all of us. Thank you.

Council Chair Rapozo: Thank you. Anyone else? Councilmember Yukimura.

Councilmember Yukimura: I want to say that there is nothing in this Resolution to evaluate or criticize any official at all. It is just a simple request in support of swift action toward diplomatic talks and I think that is something we all want. As our Congressional Delegation works on this, this is a resolution that they can point to and say, "Look, the people of Kaua'i support what I am doing." We know a lot of Korean War veterans, like Jimmy Oyadomori sits downstairs volunteering every meeting. I think a peaceful settlement would be a huge tribute to them and the lives that were lost toward the desire for peace. I think in all ways, this is a positive message to send on behalf of the people of Kaua'i.

Council Chair Rapozo: Anyone else? If not, thank you very much. I will be supporting the Resolution. I think everybody is correct that everybody wants peace. Everybody is afraid of the threat. That false alarm was a miscue...I do not know if it created a bigger threat for us...I think it raised a lot of awareness and made a lot of people afraid, but I do not think it raised the threat. Back in the '80s and '90s, I spent quite a bit of time in South Korea, not in North Korea, obviously...I would love to have gone, but they would not let me. While I was in the military, we spent a lot of time deploring to South Korea and in one of those deployments, we were just twelve (12) miles from the DMZ and we were doing exercises that are still going on today that the North Koreans are still upset about. In fact, they do not want to even enter into negotiations unless we stop those exercises, which I do not support. I do not support stopping the exercise. I think that we have to maintain that military

presence and military strength in the southern peninsula because of the threat. They are not very reasonable...I should not say “they,” but the leadership...I think Mr. Hart brought up a very valid point that it is not about the leadership, it is about the people. Those people are not born into hating Americans; they are taught that and there is a lot of people struggling. In all of these war-ravaged countries, these kids are victimized, and obviously, peace is always the solution. I look at this Resolution as a policy statement saying that we all want to strive for that. The fact that sports...Councilmember Kawakami kind of made fun of it, but yet that might be the solution. It might be the basketball game with Guam or the Winter Olympics coming up. It may be Dennis Rodman being able to get through this person’s head. Who knows? It will not be two (2) presidents claiming that they have a bigger button. That is not going to solve the problem. I also agree with Mr. Hart that we should not be using this Resolution or this intent of the resolution to go after the existing leadership at the White House. Whether you like it or not, I think we need to get the message out that we have to strive for peace throughout the world, not just North Korea. Whether this has any impact or not or whether he rips it in half and throws it in the rubbish can, that is for them to decide. That is his choice. I appreciate the comments that I heard around the table because we spent some time on this, but I do not think it is a loss. I think when we have these open discussions and talking about peace, I think it is worth it. Whether or not I believe this is going to end it for the world and all of a sudden have the North Korean President come and show us a “shaka” and say, “Hey, we are good,”—I highly doubt that. Will it change? I do not know...that is yet to be seen. Obviously, I will be supporting it. Thank you, Councilmember Yukimura. Roll call.

The motion for adoption of Resolution No. 2018-06, as amended to Resolution No. 2016-06, Draft 1, was then put and carried by the following vote:

| | | |
|-----------------------|---|------------|
| FOR ADOPTION: | Brun, Chock, Kagawa, Kaneshiro, Kawakami, Yukimura, Rapozo | TOTAL – 7, |
| AGAINST ADOPTION: | None | TOTAL – 0, |
| EXCUSED & NOT VOTING: | None | TOTAL – 0, |
| RECUSED & NOT VOTING: | None | TOTAL – 0. |

Council Chair Rapozo: Motion passes. Next item. Let us take care of the two (2) First Reading Bills, and then we will go to a caption break.

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2688) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2017-821, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2017 THROUGH JUNE 30, 2018, BY REVISING THE AMOUNTS IN THE LIQUOR FUND (*Department of Liquor Control – Radio Equipment - \$26,000*): Councilmember Kagawa moved for passage of Proposed Draft Bill (No. 2688) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for March 14, 2018, and referred to the Budget & Finance Committee, seconded by Councilmember Brun.

Council Chair Rapozo: I believe we have an amendment.

Councilmember Kaneshiro: Council Chair, I would like to amend to increase the amount stated in the Bill from twenty-six thousand dollars (\$26,000) to thirty-five thousand dollars (\$35,000) and this came from the Administration.

Councilmember Kaneshiro moved to amend Proposed Draft Bill (No. 2688) as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 2, seconded by Councilmember Brun.

Council Chair Rapozo: That is simply due to the increase in cost for the radios.

Councilmember Kaneshiro: This is coming from the Liquor Fund, it is not coming from the General Fund.

Council Chair Rapozo: Any discussion on the amendment?

The motion to amend Proposed Draft Bill (No. 2688) as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 2 was then put, and unanimously carried.

Council Chair Rapozo: We are back to the main motion. Any further discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion for passage of Proposed Draft Bill (No. 2688), as amended, on first reading, that it be ordered to print, that a public hearing thereon be scheduled for March 14, 2018, and referred to the Budget & Finance Committee was then put, and carried by the following vote:

| | | |
|-----------------------|---|------------|
| FOR PASSAGE: | Brun, Chock, Kagawa, Kaneshiro, Kawakami, Yukimura, Rapozo | TOTAL – 7, |
| AGAINST PASSAGE: | None | TOTAL – 0, |
| EXCUSED & NOT VOTING: | None | TOTAL – 0, |
| RECUSED & NOT VOTING: | None | TOTAL – 0. |

Council Chair Rapozo: Next item, please.

Proposed Draft Bill (No. 2689) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 23, SECTION 23-3.1, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO PEDDLING AT COUNTY PARKS, PLAYGROUNDS, OTHER FACILITIES, AND BEACHES: Councilmember Kagawa moved for passage of Proposed Draft Bill (No. 2689) on first reading, that it be ordered to print, that a

public hearing thereon be scheduled for March 14, 2018, and referred to the Public Works / Parks & Recreation Committee, seconded by Councilmember Brun.

Council Chair Rapozo: Thank you. Councilmember Kagawa.

Councilmember Kagawa: I would like to have Lenny come up. I know that there was a newspaper article this morning that came out and when I read it, it was kind of different from what I thought it was. I did not spend much time on it because it is only on first reading and I am the introducer only by request of the Administration, so I wanted to have Lenny to have some time. If the article in *The Garden Island* is correct, then just reiterate what it said or if it is incorrect, please explain what this Bill is really about in a nutshell. We will spend a lot of time in the Committee on it.

Council Chair Rapozo: Thank you. I will suspend the rules. I received an E-mail this morning from a constituent who asked about the farmers markets. I have not read the article, so I do not know what the article says, but apparently, the person thought that it meant that we were going to do away with the farmers markets. Thank you for being here this morning, Lenny. Can you just state your name and give us an overview of the Bill.

There being no objections, the rules were suspended.

LEONARD A. RAPOZO, JR., Director of Parks & Recreation: For the record, Director of Parks & Recreation, Lenny Rapozo. Like all of you, what a nice way to come to work and one of your employees said, "Did you see *The Garden Island* article this morning?" It was in big, bold letters, "Bill Could End Park Peddling." That is far from the truth. How could somebody from *The Garden Island* put something like that out in big, bold letters, send us an E-mail late yesterday afternoon, and expected us to respond, which we could not and we did not, and come out with an article like this? Terrible. This has to stop. *The Garden Island* has to stop creating problems that this body and the Administration try to work to make things better in our operations. So the basis of this amendment to this Ordinance is...I believe when Chair Furfaro was here, we came to this body because there was a sunset on the Bill. This is about Spouting Horn vendors, that it was going to sunset, I believe in 2013, and we came and we discussed it and we believe it is a good thing and we believe it provides money in the 209 account to continue to do park maintenance, so we took the sunset off. Now in our last budget, we came before this body and we said that we are going to reinvest in what we have at Spouting Horn. So we have gone through the process of getting a consultant, redoing the kiosk...this kiosk is very old, and we are going to redo the design so that it is a better flow and make it more appealing to attract more people. The Chair and I both know that there have been other entities that wanted to do something similar in other parks—Manōkalanipō Park—and we have held steadfast to protect these vendors so that they have a better chance of succeeding as opposed to what was happening. We made these efforts and we are at the point of permitting to construction of the new kiosks. It was brought to our attention from Planning in the permitting process and the County Attorney that in the purpose part of the Ordinance, it is outdated, it was not stricken when we came to amend. So this Bill is to amend the Ordinance to continue

to have peddlers or to have concessionaires at Spouting Horn. That is all it is to it. Normally on first reading, we are kind of quiet, but after coming to work and seeing what was on the front of *The Garden Island*, I have to sit here before you, and for the record, that is not right. We had seven (7) vendors over there—can you imagine?

Councilmember Kagawa: Yes, so the article was absolutely false.

Mr. Rapozo: Absolutely false, no basis.

Councilmember Kagawa: So the opposite is, in fact, happening—we are not shutting down the vendors, as been the practice for the past forty (40) years; we are continuing to allow that practice.

Mr. Rapozo: Yes.

Councilmember Kagawa: Thank you.

Mr. Rapozo: We want to encourage it and make it better for them.

Councilmember Kagawa: I was totally thrown off with that article because my understanding was what you had just told me, that we were actually cleaning it up because the old language was insufficient and we wanted to clean it up to continue the practice. When I saw the article, I was like, “Wow, it is opposite.”

Mr. Rapozo: Imagine me coming to work and the person that monitors the vendors is saying to read the paper.

Councilmember Kagawa: Well, I can say from experience that “monkeys fall from trees,” let us get them to correct the article. I think that is all we can do at this point.

Mr. Rapozo: Well, I hope they do, Councilmember Kagawa, and I hope it is on the front page, like this is on the front page, and on the second page there is a little correction that they normally do.

Councilmember Kagawa: If they refuse to print it, I would say they should change their name to the “Kaua‘i Inquirer.” Thank you.

Council Chair Rapozo: Councilmember Kawakami.

Councilmember Kawakami: Thank you, Mr. Chairman. Thank you, Director Rapozo for the clarification. I immediately take everything I read with a grain of salt. People do make mistakes, it happens. I can fondly remember in 2008 when I first came onto the Council and one of the first things that we took action on was to allow vending back on to Spouting Horn, because I think at the last meeting, in the 2007 Council, the majority of Councilmembers voted to return Spouting Horn to a place of peace and tranquility so they phase-out vendors, which later on became known as perhaps a mistake in the making. Public spaces like this do create economic

development and we should be generating revenue in places that are appropriate. Spouting Horn is a visitor destination. Locals do go to enjoy it, but I would say for my experience when I go up there, a majority of the visitors that are enjoying that park are visitors, so why not generate revenue in places that are appropriate? I do believe that Spouting Horn is an appropriate place. I do also know that the previous Council had tried to urge vendors to be more "Kaua'i made-oriented" and I can support that as well. Things are rough in the business world on Kaua'i and in the State of Hawai'i, so I can see where we want to allow them some latitude to operate in whatever mean they see fit. I can recall you coming and asking the Council in 2008 saying, "Hey, we had phased it out, we are losing some revenue. Perhaps we can revisit this thing." We have and I think it brings a tremendous value to the visitor experience. With that being said, I am glad that you are here to clarify the facts on this issue and I am glad to hear that you are looking to enhance that experience, rather than to take it away. Thank you.

Mr. Rapozo:

Thank you.

Council Chair Rapozo: I want to go back and just talk about the Council before that Council, because yes it is true, and Councilmember Yukimura was here as well, that there was a lot of abuse down there by the vendors. Tony Kunimura, when he made that happen, wanted that to be an opportunity for vendors to sell Kaua'i products, not necklaces from the Philippines or China, or not shells from Indonesia, but from Kaua'i. He also designated one spot in the middle for a nonprofit to be able to sell goods, drinks, nonalcoholic drinks, pupus or whatever, and use that money to help them with their travel for whatever it was, football or baseball. We had departed from that and I think that Council back in 2006 to 2007 kind of wanted to tighten up the strings. We remember that quite vividly where we asked for our tax returns. Remember that, Councilmember Yukimura? You are getting a public facility at a very cheap price and not even honoring, what we believed at the time, was the requirement to sell Kaua'i products. I think the Council prior to Councilmember Kawakami coming on in 2008 was very concerned about the abuse and I agree that it would be probably a bad thing to remove that, and you folks did a great job with tightening it up, reissuing contracts or leases, and I think it is appropriate now that we take care of it. I wanted the public to understand that prior to 2008, there were some concerns down there. People are making a lot of money selling stuff that is not even from here and I know this because I went down there undercover. "Made in Philippines" and "Made in China"—really? "Where is this from?" "From Ni'ihau." Really? You should take off the tag first. Councilmember Yukimura.

Councilmember Yukimura: Basically, Lenny, this is a technical...

Mr. Rapozo: Clean-up.

Councilmember Yukimura: Clean-up amendment?

Mr. Rapozo: Yes.

Councilmember Yukimura: It is just making the law consistent with the removal of the expiration date.

Mr. Rapozo: Yes.

Councilmember Yukimura: Okay. I think there was some talk about what should a park be and some memories by local people about being able to go there for some quiet space, which is no longer possible, but the Council has established the policy that the majority wants and I think you have been implementing that policy. I am sorry there was such do to about nothing. Thank you.

Mr. Rapozo: Thank you.

Council Chair Rapozo: The Council also created a 209 account with the Administration back then to utilize the profits or the revenues from Spouting Horn to go right back into the funds to take care of Spouting Horn. That was another good thing that came out of that. Any other questions? If not, thank you.

Mr. Rapozo: Thank you.

Council Chair Rapozo: Do we have any registered speakers? Come on up.

ALICE PARKER: Alice Parker, for the record. On the peddling, I think it should be local people and I think it should be 501(c)(3), not for profit. I think they also should have a Department of Health license. Thank you.

Council Chair Rapozo: Thank you very much.

JANEE MARIE TAYLOR: Janee Marie Taylor, representing Kaua'i Foundation. I actually came for another issue which comes later today; however, in hearing this discussion on Spouting Horn, I was personally not involved at the time, but I was a packer up there for four (4) years. It was a great job and you could do things in the meantime. All of that was going on. My question now is, here in 2018, am I hearing that you are going to re-allow a nonprofit status up at the Spouting Horn? Would you be reinitiating that? I am aware of the former troubles; however, the Kaua'i Foundation was involved and a vendor up there under the former nonprofit at the end. We were allowed three (3) months and we felt it was a very good opportunity. All of these years have passed and now I am listening to this and the tourists love it. Will be you reevaluating and opening up a nonprofit status to sell Kaua'i products?

Council Chair Rapozo: This will open up the door for discussion of a lot of things.

Ms. Taylor: Well, put us down as the number one inquiry if you should allow that sometime in the future.

Council Chair Rapozo: I would chat with the Parks Director right there on your way out. Councilmember Kagawa, do you have a question?

Councilmember Kagawa: I was just going to direct her during the break to have a chat with Lenny and he could answer some of her questions.

Ms. Taylor: We have met. We have done adopt-a-park since 2006, quite active in giving back to the community. We care.

Council Chair Rapozo: Thank you. Next.

Mr. Taylor: Chair and Members of the Council, Ken Taylor. I am opposed to doing away with the vendors, not only at the Spouting Horn...

Council Chair Rapozo: Ken, I just want you to know that we are not doing away with the vendors.

Mr. Taylor: I am sorry?

Council Chair Rapozo: We are not doing away with the vendors. I think Mr. Rapozo just clarified the paper.

Mr. Taylor: Well, this document says that doing away with them within five (5) years, "The purpose of this section is also to develop a guideline for the next five (5) years at Spouting Horn and to phase-out all commercial concessions..."

Council Chair Rapozo: Ken, that is why he was up here. That is being deleted, that is the amendment. We are removing part that we overlooked the last time. That is what he just said that he spent quite a bit of time saying that is not the case. We are cleaning up the language because there was a conflict in the comments or in the text that says it was being removed, but it is not.

Mr. Taylor: Okay.

Council Chair Rapozo: So that part you just read is being removed from the Bill.

Mr. Taylor: I think the vendors had a nice touch for the visitors. Every time I have taken people out to Spouting Horn, we would just go in and watch Spouting Horn and get in the car and go. "No, we have to come over here," and they end up buying things. I also have a friend that weaves hats and baskets and all kinds of stuff and is probably one of the illegal vendors, but he makes his livelihood on it. Several times when I had been visiting with him and he is sitting there weaving hats or baskets, the tourists come up and they are asking all kinds of questions and they are very interested in watching the process and how it goes. You cannot get that experience in many shops that I am aware of on the island. I think there are some real benefits to the tourist industry from this activity. Thank you.

Council Chair Rapozo: Thank you, Ken. Anyone else wishing to testify? If not, I will call the meeting back to order. Any further discussion? Councilmember Kaneshiro.

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

Councilmember Kaneshiro: I do not know how many times we can repeat it, but the amendment in front of us takes out any language that speaks about the intent to phase-out commercial operations at Spouting Horn. So I hope it is clear that any language in the past document that talked about phasing out commercial operations is what is being taken out right now in this amendment. That is what it is.

Council Chair Rapozo: Anyone else? It is confusing when you read the Bill because that area that we just talked about is in brackets and if you did not see the bracket, then you would not know that it was being removed and I can understand the confusion. At the end of the day, anything within brackets in a draft bill is to be removed. That is exactly what caused the problem with the newspaper. With that, the motion is to approve on first reading. Roll call.

The motion for passage of Proposed Draft Bill (No. 2689) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for March 14, 2018, and referred to the Public Works / Parks & Recreation Committee was then put, and carried the following vote:

| | | |
|-----------------------|---|------------|
| FOR PASSAGE: | Brun, Chock, Kagawa, Kaneshiro, Kawakami, Yukimura, Rapozo | TOTAL – 7, |
| AGAINST PASSAGE: | None | TOTAL – 0, |
| EXCUSED & NOT VOTING: | None | TOTAL – 0, |
| RECUSED & NOT VOTING: | None | TOTAL – 0. |

Council Chair Rapozo: Motion passes. With that, we will take a ten-minute caption break and be back at 10:40 a.m.

There being no objections, the meeting recessed at 10:27 a.m.

The meeting reconvened at 10:43 a.m., and proceeded as follows:

Council Chair Rapozo: The meeting is called back to order. Next item.

Ms. Fountain-Tanigawa: Chair, the next item is on page 7.

BILLS FOR SECOND READING:

Bill No. 2666, Draft 1 – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 7, ARTICLE 1, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE UPDATE OF THE GENERAL PLAN FOR THE COUNTY OF

KAUA'I (ZA-2017-3): Councilmember Yukimura moved to approve Bill No. 2666, Draft 1, on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Chock.

Council Chair Rapozo: It looks like we have two (2) amendments today, so what I would like to do is entertain one of the amendments now, and then we will take public testimony on that amendment. Then we will introduce the second amendment and take testimony on that second amendment. When we are back at the main motion, I will open it up for community members that want to speak on the General Plan itself. Councilmember Chock.

Councilmember Chock: Just for clarification, Council Chair—so does that mean that the community can speak three (3) times on this?

Council Chair Rapozo: If they want to testify on every amendment.

Councilmember Chock: Thank you.

Council Chair Rapozo: It is not like we are dealing with one hundred (100) of them. We only have two (2) and I just want to get the amendments out of the way as they are introduced, and then we will have the community speak. Unless you have a burning desire on the amendment, which both amendments are technically...I will not say "housekeeping," but it is non-substantive in the sense that it makes clarification on some items. I will make that one opportunity for the amendment and then we will go back to the normal routine when we get to the main motion. With that, Councilmember Yukimura, did you want to introduce your amendment first?

Councilmember Yukimura moved to amend Bill No. 2666, Draft 1, as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 3, seconded by Councilmember Chock.

Councilmember Yukimura: May I explain while it is being passed out?

Council Chair Rapozo: Please.

Councilmember Yukimura: This is kind of something that was an oversight on my part in not addressing during our committee process. It changes one of the action items under housing from the existing wording, "expand and preserve existing affordable housing stock through methods such as rent stabilization and rent control policies" to a more general wording, "find ways to insulate affordable housing units from the market, whether rentals or for ownership to preserve the affordability of units." There are more than one way...more than rent stabilization or rent control and there has been a lot of problems, which I think we discussed in the committee about rent control, but we all share the goal of controlling the rent prices and there are other ways of doing it, such as limited equity, co-op, and community land trusts.

Council Chair Rapozo: Okay. Any discussion or questions for the introducer? Anyone in the audience wishing to testify?

There being no objections, the rules were suspended to take public testimony.

EVAN PRICE: Evan Price. In general for homelessness and rent control, I lived in California during a period where Santa Monica introduced rent control and it ended up being a very devastating, well-intentioned bill and it got out of hand in the black market economy, resulting of people paying a key fee under the table and those fees got all way up to ten thousand dollars (\$10,000). So a black market economy can...or real market forces undermine good intentions, so the policies that the master plan and this body considers would be wise to tilt towards letting private homeowners and people that rent out property, property managers...I guess to summarize, really my intention is rent subsidies for poor single parents, working families tend to be the best way to help with homelessness and rent control. Having a lottery system where someone gets a full house, and ninety-nine (99) people do not get any rent subsidy is what I would like to encourage you not to move towards. Private market where people can maintain their houses because of getting a decent amount of rent unit is, in my opinion, the best way to proceed. Just as a general comment, be careful of well-intentioned rent control policies that slide down a slippery slope. Thank you.

Council Chair Rapozo: Thank you, Evan. That is what this amendment does. It removes that specificity to rent control programs. Any other members wishing to testify? You have to raise your hand so that I can see. Thank you. I do not want to ignore anyone, but I have to be able to see you.

ANA MOHAMMAD DESMARAIS: Sorry, you are right about that. I also have to learn to speak louder. It is so nice to see all of you. I did not prepare to speak on this. My name is Ana Mo Des. I appreciate this amendment. I also wanted to consider not just for the amendment for the General Plan, but just on the record, conversation to speak to real estate agents since they are the driving force in what makes the home the value and the price that they are setting it on the market for. I will speak a little bit more intentionally on another matter on the agenda to further exacerbate this point. I wanted to just mention it now that this is part of the control that the County has in order to being affordability to homes. I honor everything that Rupert Rowe said when he was testifying before you on the General Plan beside the point that he said that we cannot control affordable housing, as if it would be a joke. It is not just something to consider as the County providing homes in an affordable way, but to make the market be in compliance with our capitalist ethical practices in capitalism. I just wanted to say that in a very general way. Thank you so much.

Council Chair Rapozo: Thank you very much. Anyone else? Seeing none, I will call the meeting back to order. Any further discussion on the amendment?

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

The motion to amend Bill No. 2666, Draft 1, as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 3 was then put, and unanimously carried.

Council Chair Rapozo: Motion carries. Next amendment, please.

Councilmember Kagawa moved to amend Bill No. 2666, Draft 1, as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 4, seconded by Councilmember Kaneshiro.

Councilmember Kagawa: This is an amendment regarding Hokua Place. We heard testimony from the developer on ways to improve the parcel so that it can be more attractable and doable to fit the affordable housing demand that we are looking at with this project. As you know, that area is sloping and not just a flat piece and to limit the challenges and costs. Again, I am introducing on behalf of Chair Rapozo. I am sort of co-introducing, he has more knowledge on the amendment and the reason why this amendment was not ready in the last committee meeting was that we had only heard on the day of the vote as far as how this was going to be a hindrance on the project as the plan going forward. Chair, I do not know if you wanted to add anymore comments.

Council Chair Rapozo: I think Mr. Agor, the architect, testified and the designer that, in fact, because of the terrain, it may increase the cost to condense the structures within the proposed space so that was really the impetus for the amendment. I did send this over to the Planning Department and they concur and does not have a problem with it. That is why it is here for our discussion today. Councilmember Yukimura.

Councilmember Yukimura: What does it mean "the walkshed surrounding neighborhood centers"?

Council Chair Rapozo: If you look at the definition of "walkshed," it talks about quarter mile to one-half mile and the text on page number 56 limits it to quarter mile. The definition in...I forget what page...the definition for "walkshed" is anywhere from quarter to one-half mile.

Councilmember Yukimura: But the map shows the whole property, not just the walkshed?

Council Chair Rapozo: Correct, because they had to adjust the size of the color/shading. It is being restored to what it was in the existing General Plan.

Councilmember Yukimura: But that does not correspond to the walkshed of one-half mile.

Council Chair Rapozo: No, the shading is not the walkshed shading. The shading is the "Neighborhood General" designation.

Councilmember Yukimura: My understanding was that it was going to be extended from the quarter-mile to the one-half mile walkshed, but this wording says...the map shows it going beyond the walkshed, as I understand it. Can we have Planning come up? The map does not seem to match the wording.

Council Chair Rapozo: I will suspend the rules. Planning.

There being no objections, the rules were suspended

MICHAEL A. DAHILIG, Planning Director: Chair and Members of the Council, Mike Dahilig, for the record.

Council Chair Rapozo: Go ahead, Councilmember Yukimura.

Councilmember Yukimura: My question is does the map match the walkshed?

Mr. Dahilig: In general, when we looked at it, we were very strict in coloring the specific walkshed initially, but given the fact that none of this is, in fact, a hard and fast rule, as well as there needs to be consideration on things like terrain and how the ultimate master develop layout of the whole property is going to look. We believe it is generally in a walkable state at this point, so we are fine with this.

Councilmember Yukimura: Is the answer not no?

Mr. Dahilig: If you look at this...this is just our hard drawn map and we can circulate it around. The difference between what was initially in the plan presently now without this amendment and what it is in terms of the one-half mile walkshed, this blue line here is what it is. So these very minute areas on the most *mauka* section of the parcel are just outside of it. Again, this is with a presumption that it is a strict one-half mile. It is not to say that these cannot be designed to be walkable within that range as well. We do not have any concerns.

Councilmember Yukimura: Okay, can we show that on that map on the overhead?

Mr. Dahilig: Yes.

Councilmember Chock: I have a follow-up.

Council Chair Rapozo: Councilmember Chock.

Councilmember Chock: So that map is not going to be published, the one that you have?

Mr. Dahilig: Yes, it is an analysis map.

Councilmember Chock: So you are okay with this map as it is, even though it does not outline the quarter versus one-half?

Mr. Dahilig: No. That was part of our analysis essentially.

Councilmember Yukimura: Where do you measure from the town center? Do you measure from the nearest boundary of the town center?

MARIE WILLIAMS, Long Range Planner: That walkshed radius, the quarter mile and the one-half mile are measured directly from the roundabout, which on the draft future land use map is outlined in the orange, the neighborhood center.

Councilmember Yukimura: Is that the rule that you follow in determining all walksheds?

Ms. Williams: Yes. When we were applying the walksheds, that is where the walksheds extended from, the boundary of the neighborhood center areas.

Councilmember Yukimura: So from the boundary of the neighborhood...okay, so we are not talking about the neighborhood center that is the community facility. You are talking about the neighborhood center that is...you cannot see it on this map. But it is the neighborhood center that is the orange. Is it from that corner is closest? What point of the orange do you measure the walkshed from?

Ms. Williams: We measure the walksheds from the outside border of the neighborhood center.

Councilmember Yukimura: Okay. That is how you do it...that is how you do it in applying form-based codes and developing walksheds?

Mr. Dahilig: Generally, yes.

Councilmember Yukimura: There is a standard process by which you determine walksheds?

Ms. Williams: It is done through a GIS analysis, so we simply extend the radius out either one-quarter mile or one-half mile.

Councilmember Yukimura: Okay. You do not take into account topography or anything, so it might take more than ten (10) minutes to walk?

Ms. Williams: It is literally as the crow flies, and again, the General Plan Future Land Use Map is more conceptual and high-level and not as specific as a zoning map would be where you would actually consider those constraints.

Councilmember Yukimura: What happens if you consider the zoning map, and then you would actually follow a walkable...when you do the zoning maps, you would actually follow a walkable walkshed so that you create the entitlements accordingly?

Mr. Dahilig: I am not sure if I understand the question. In terms of when we actually go through the zoning process that we would further take it...I am trying to understand your question...I am sorry...

Councilmember Yukimura: It may be that I do not understand how you apply walksheds, but my understanding of walksheds is that you give entitlements according by plan, according to where they are in the walkshed, because your form-based code and smart growth says that you start with intensity in the center and then you move outward. The one-half mile is supposedly the neighborhood edge and has different densities than the Neighborhood General. So that is what I am asking. How do you apply it to zoning?

Mr. Dahilig: I think that is where we end up going through a community process to determine form, character, and connectivity. This is a "Greenfield" development and at the end of the day, the gradation of where it comes from intensity in the neighborhood center and radiates outward is not at a level that we really get into in this plan. That comes as a process of the coding that will engage the community. So what we are hearing is is that addition of small areas beyond what is a hard and fast one-half mile radius okay to be put into the Neighborhood General designation, and again, these are not hard and fast lines. They are things that need to be flexible, and in that consideration, we are not, from a *mauka* standpoint extending the boundary to a point where we believe it is unreasonable to consider that as possibly being a walkable radius.

Councilmember Yukimura: Even though you are doing that in Hanapēpē?

Mr. Dahilig: I believe the question here is concerning this, so...

Councilmember Yukimura: Well, I am talking about how we apply walksheds and I do not think that they vary from area to area, depending on who the landowner is, etcetera.

Mr. Dahilig: If there is a concern concerning the walk radiuses as applied in other areas, I believe our position from the department has been brought up many times regarding Hanapēpē and 'Ele'ele and if there is a specific concern, we are happy to address it. But in generally, Councilmember, respectfully, it is hard for me to draw parallels while understanding what you are pointing to.

Councilmember Yukimura: Okay. How does this map compared to what the map is in the draft or before us?

Mr. Dahilig: Again, generally outside that dashed blue line that says "0.5 mile," it is little pieces of the most *mauka*...pretty much you are talking about areas like this and areas like this. That is pretty much what you are talking about.

Councilmember Yukimura: Basically, that outer blue dash line...

Mr. Dahilig: Yes, up to the where the property boundary is...there is a little bit here. If I am just using an eyeball estimate, you are talking probably not even five hundred (500) feet more *mauka*, which if you are looking at that, that is about one hundred thirty (130) steps.

Councilmember Yukimura: So it is urbanizing a portion of what was initially identified as agricultural lots?

Mr. Dahilig: I cannot speak to the base layer on what this is saying here. This came from Mr. Allan and Mr. Allan was trying to make a point concerning comparative product, so we are just simply going off of the boundary of the property and showing where the current areas and what is being expanded. Again, we see it as a pretty de minimis change at this point.

Councilmember Yukimura: Okay. Thank you.

Council Chair Rapozo: I know the amendment says "expand the size" but it is really "restore" the size to what it was.

Mr. Dahilig: Yes. This mimics the 2000 General Plan that has it as Urban Center.

Council Chair Rapozo: Yes, I know the "expand" gets people nervous, but in reality, it is really to restore what was already there.

Councilmember Yukimura: Would you accept a friendly amendment to just say "restore"?

Council Chair Rapozo: Yes. In fact, I was going to ask for that.

Councilmember Yukimura: Okay.

Council Chair Rapozo: Is there any opposition to changing the term "expand" to "restore"?

Councilmember Kagawa: No.

Council Chair Rapozo: Okay.

Councilmember Yukimura: So it will be...

Council Chair Rapozo: So that is not in the Bill.

Councilmember Yukimura: That is not in the Bill? Thank you.

Council Chair Rapozo: Thank you.

Councilmember Kagawa: So no amendment necessary?

Council Chair Rapozo: No, that was the explanation of the amendment, but when I saw the underline, I assumed it was in the Bill, so we are good with that. It is not the expand, it is to restore. Mike, so you do not have a problem? I think I hear Councilmember Yukimura's concern that the text might be in some conflict with the map, but you are saying that it is a miniscule problem?

Mr. Dahilig: Again, these are all conceptual planning areas, so the flexibility here, I think is...we are fine with the degree of flexibility between the map and the text.

Council Chair Rapozo: Anyone else have questions for Planning?
Councilmember Kawakami.

Councilmember Kawakami: I do not know if the question has been asked, but in the restoration of the original proposal, how much additional units does this add to the project?

Mr. Dahilig: It is hard for us to say because we have not created a base code to prescribe what density would be in that area that has to be implemented via an additional ordinance. Similar to how South Kua'i has form-based code densities assigned to Kōloa near the roundabout in Kukui'ula and in Kalāheo, it would be at that time the additional density would be assigned, so it is hard for us to gather what it would be considering that there is also a slope to this property. So the ability to look at the amount of density you could put per square foot on a flat surface versus a sloping surface is different as well, it is less. So given that, from an acreage standpoint or just a side standpoint, it is pretty, in our minds, de minimis considering everything else.

Councilmember Kawakami: I have another quick question, Mr. Chair.

Council Chair Rapozo: Go ahead.

Councilmember Kawakami: With that being said, even though the developer does have a proposed plan, does this provide any entitlements to the project?

Mr. Dahilig: No.

Councilmember Kawakami: Does any of this stuff in the General Plan provide any entitlements to any project?

Mr. Dahilig: It allows you to come in and apply for entitlements.

Councilmember Kawakami: Thank you.

Council Chair Rapozo: The way I understood it was that...and this may have to be clarified at the time of the application in the future is that the units was not...were not going to be increased. In fact, it was a mechanism where the

existing number, that their current plan and proposal is set at, would be able to be built cheaper because they would have more room...spending the money on construction rather than building retaining walls and so forth. I want to say that for the record that, in fact, the intent is not to increase density for this project. Any other questions for Planning?

Councilmember Yukimura: It is going to increase density...it is going to increase numbers by increasing the lot size. I am not saying whether I agree or disagree, but in terms of the impacts, by adding to the map and the Neighborhood General area or restoring it, you are increasing the number of units that are possible on the land, right?

Mr. Dahilig: Again, it comes as a consequence of first, this still needs to go through a Land Use Commission approval, and that is where they are now right now, they are with the Land Use Commission. The Land Use Commission may not concur whether or not the whole area is going to be put into Urban designation. It is a hypothetical question that is really hard for us to answer with the degree of specificity that you are asking because it is a jurisdictional issue with the State Land Use Commission. What we see as the crux of this particular proposal, it is meant to facilitate flexibility given some of the topographical constraints that are on the property. We do not find an issue with that, and as you know, as you are building on a slope, there is additional items that need to be put into play when it comes to infrastructure that could take up surface area in the area. I cannot give you a "yes" or "no" answer to that question, Councilmember.

Councilmember Yukimura: So is it not a fact though that the Land Use Commission will take notice of what the County has designated in the General Plan for the intended use of the General Plan?

Mr. Dahilig: Absolutely.

Councilmember Yukimura: Okay. Is it not true that you, the Planning Department, are a party to the Land Use Commission proceedings?

Mr. Dahilig: By law, we are.

Councilmember Yukimura: Yes, by law, but you could either sit there as a log or you can actually participate in shaping the deliberations of the Land Use Commission, right?

Mr. Dahilig: We are required and very zealously represent the interests of the County during those proceedings and the policies that we put forth are consistent with whatever General Plan is active at that time.

Councilmember Yukimura: Correct. So whatever the General Plan is trying to say is what we are trying to understand and we have very handicapped by not having those correlated densities that come with form-based codes so we know what we are possibly enabling by designating it in the General Plan. It is very difficult when you say, "If we already had that for the community, we would be much

better able to determine what the nature and density of the proposed development would be, given the General Plan Designation.”

Mr. Dahilig: As stated by the Chair previously, this is not an entitlement. So anything that regards density is a consequence of entitlement. This allows them to apply and ask for entitlement, and at that time, it is within the prerogative of both the State Land Use Commission, as well as this body to determine the appropriate zoning for the area, which will include the amount of density for this parcel. So the presumption that this presupposes a density by its inclusion in the plan, I believe is not a correct statement.

Councilmember Yukimura: What was that?

Mr. Dahilig: That is not a correct statement.

Councilmember Yukimura: What is not a correct statement?

Mr. Dahilig: That this presupposes density by the inclusion of an area, because there still has to be a zoning process that will define the density for it. For example, it could range anywhere from R-4 through R-20 or even form-based code that has higher density beyond that, but that is still within the province of the Council to adopt by ordinance and instruct the Planning Department to apply. We cannot again, respectfully give you a specific answer as to the density impact of this thing.

Councilmember Yukimura: That is exactly what I am saying that because we are not able to presuppose a density, it is hard for us as the public or as the decision-maker to determine what we are allowing by putting the General Plan Designation, whatever it may be. If there were a community plan that did specify the nature of the community and how that particular parcel fits into the community plan, we would have a much better idea.

Mr. Dahilig: Is there a question?

Councilmember Yukimura: No, it is just a response that I am not presupposing anything. I am defining the lack of presupposition as a problem.

Council Chair Rapozo: Any other questions for Planning? Thank you very much. Any other discussion? Any public testimony? Seeing none, I will call the meeting back to order. The motion is to approve the amendment. Councilmember Yukimura.

There being no objections, the meeting was called back to order, and proceeded as follows:

Councilmember Yukimura: When I spoke with the developer, Mr. Allan...was it yesterday or Monday...anyway, I did hear his concerns and I did not have any objections to it. The wording did confound me I do not think it actually is the map and the walkshed as defined does not really jive, but it is a small

discrepancy. I can see that. With that clarification, I will be voting for the amendment.

Council Chair Rapozo: Anyone else? Right after we do the amendment, we are going to have public testimony. We are on discussion. Somebody from the public said that they was going to speak when I called for public testimony, so I am going to let her come up now. With that, I will suspend the rules.

There being no objections, the rules were suspended to take public testimony.

GABRIELA TAYLOR: My name is Gabriela Taylor. I live in Kapa'a. As you know already, I am very concerned about the quality of life that is being threatened by this development. First of all, it is about a forty-five (45) minute walk from downtown Kapa'a to the entrance where you would have to walk...when you talk about walkshed, I think you talk about people walking, right? To go around toward the entrance where Hokua Place is going to have a road would take about forty-five (45) minutes to get up there. There is no sidewalk on the bypass road and it is very dangerous. It is not something that somebody is going to be walking or riding a bike along. There are cars whipping past. With that said, I would really like to say something about the pricing. I found an updated 2017...

Council Chair Rapozo: Gabriela, this is just the amendment. You will have an opportunity to speak on the General Plan in general.

Ms. Taylor: Well, this is about Hokua Place.

Council Chair Rapozo: This is about the restoration of the map.

Ms. Taylor: Okay, so I cannot apply some other reason for...

Council Chair Rapozo: Go ahead.

Ms. Taylor: What I would like to say is that these houses, according to what Greg, the developer, said last time, the lowest price was going to be two hundred thousand dollars (\$200,000) for a townhouse. So the County has a list of what they provide here as a guideline, not only a guideline, but the law that they cannot charge more than a certain amount. I am going to hand this in for testimony because you will be shocked when you see the difference that what you would get for two hundred thousand dollars (\$200,000) here compared to...if this is supposed to be affordable, it is not affordable is what I am saying. In other words, a studio for eighty percent (80%) income, which is seventy-nine thousand two hundred dollars (\$79,200) would be one hundred eighty-four thousand eight hundred dollars (\$184,800). Eighty percent (80%) is quite a bit of money...that is quite a large income. For one hundred percent (100%), it would be two hundred twenty-two thousand two hundred dollars (\$222,200) that would be allowed by the County. I think people need to realize that what they are going to charge for these has to match what affordability is for the County. So I am turning this in. I gave you one before that is outdated. This is the latest one. Thank you.

Council Chair Rapozo: I will call the meeting back to order. Further discussion?

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

The motion to amend Bill No. 2666, Draft 1, as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 4 was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. We are now back to the main motion. Before we open up for public testimony, is there any comments? If not, I will suspend the rules. First speaker.

Ms. Fountain-Tanigawa: The first speaker is Wayne Souza, followed by Jean Souza.

There being no objections, the rules were suspended to take public testimony.

WAYNE SOUZA: Good morning. My name is Wayne Souza. I am testifying on behalf of the Hanapēpē/‘Ele‘ele Community Association. We are testifying in opposition to the land use designation of certain lands in the *ahupua‘a* of Wahiawā and in the *‘ili* of ‘Ele‘ele as provisional agriculture. We are appalled by the eleventh hour disclosure of transforming Hanapēpē/‘Ele‘ele into a second city of Kaua‘i. The Kaua‘i General Plan Update public input went through a discussion phase, a Planning Commission phase, and now the County Council phase, and it is only now, a meeting before the final decision is to be made, it is disclosed that there is a plan to transform Hanapēpē/‘Ele‘ele into a second city. That is not right. The eleventh hour disclosure has, in fact, denied all of our community residents, land owners, and businesses in fully discussing and having a direct say in these transformation of degree of change to our community. This is not right. Saying that a community can decide this matter during the upcoming community plan is not the same. The reality is that only a few members of the community will be deciding this issue, those appointed to the Citizens Advisory Committee. All others will essentially be relegated to being observers. This also is not right. Bring transparency and trust in government back. Correct this injustice and do not reward those who wait until the eleventh hour to disclose their intentions. Amend the current draft of the Kaua‘i General Plan Update by removing the provisional agricultural land use designation and return it back to agriculture. Thank you.

Council Chair Rapozo: Next speaker.

Ms. Fountain-Tanigawa: Jean Souza, followed by Maka‘ala Ka‘aumoana.

JEAN SOUZA: Good morning. Jean Souza of Hanapēpē. The previous speaker has expressed my sentiments also. I would like to add that the Neighborhood General land use designation of hundreds of acres east of the ‘Ele‘ele

solar farm to Wahiawā Gulch should similarly be designated Agriculture. The second city proposal described by Alexander & Baldwin (A&B) at the last meeting of the Planning Committee has not been discussed publically with the residents. In addition, the glaring and consistencies of the proposed General Plan policies was previously enumerated by Wayne Souza. Having decades of professional planning experience, I know firsthand that both of these Provisional Agriculture and Neighborhood General designations benefit the landowner significantly. These designations now prejudices the future community plan discussion at the community level and they help the landowner as it pursues additional land use approvals. At the last Planning Committee Meeting, the County Attorney indicated that any future decisions related to the upcoming community plan does not change the General Plan designation. There is no provision in the law that will do so. Please do not continue to sell seeds of false hope that the community's sentiments have the final say on these General Plan land use designations. Thank you.

Council Chair Rapozo: Thank you.

Ms. Fountain-Tanigawa: Maka'ala Ka'auomoana, followed by Ken Taylor.

MAKA'ALA KA'AUMOANA: *Aloha.* Maka'ala Ka'auomoana, speaking on behalf of the Hanalei Watershed Hui. I take this opportunity to appreciate the good work of our community, local organizations, County Planning Department, and this Council to update our County General Plan. Overall, this is a good plan and is a useful guide for the next twenty (20) years on Kaua'i. Because we are a watershed organization, we want to be very sure that our experience and interest are accurately represented in the watershed section of this document. We certainly had concerns in the initial draft, and although most of them have been appropriately addressed, we do want to emphasize the following points. It is important that this plan include the upper watersheds as part of our County, but there is no County jurisdiction in the area except for the County Department of Water which apparently participates in the Kaua'i Watershed Alliance (KWA). I say "apparently" because the KWA is a closed organization that does not announce, nor invite public participation. Since the Hanalei Watershed Hui began, as the Hanalei Heritage River program in 1999, we have never had any communication with KWA and I have attached to my testimony the KWA membership list as provided by Allan Rietow. A review of their 2012 plan shows that most of their efforts are in removing invasive, some aerially, whatever that means, and the construction of fences. All of this work is apparently done by the Nature Conservancy and a link for that plan is attached to my testimony as well. There is a public request for proposal (RFP), but much of the criteria would only be known to a member of alliance. If we are using the KWA as an example of how we care for our forest; is that is the example we want to provide? It is our intent in this testimony to clarify the role of the KWA and to make it clear to all that it is neither a watershed council nor a public process in which any watershed group can participate. The Hanalei Watershed Hui fully appreciates the acknowledgment of our efforts to support community-based resource management, thanks the Council for including recognition of our organization's work in this plan. It is important to note that a key objective of our work is to share what we learn and export our model of open planning, which we do on Kaua'i and throughout Hawai'i. Page 13, item

(b)(4), “Utilize best practice watershed management plans such as the Hanalei Watershed Action Plan as examples for other communities to employ”—I am citing that it needs to be corrected to “our best management practices are in our Watershed Management Plan,” not our Watershed Action Plan; those are very different documents. Both are available on our website. The second amendment I would like to see if on page 13, item (g)—we fully support the establishment of community-based watershed councils on Kaua‘i and while our organization is by no means the only model for such councils, we would enthusiastically provide support for such councils. In closing once again, I offer Gandhi: “What you do for me but without me, you do against me.” *Mahalo*.

Council Chair Rapozo: Thank you. Next speaker.

Ms. Fountain-Tanigawa: Ken Taylor, followed by Anne Walton.

KEN TAYLOR: Chair and Members of the Council, Ken Taylor. I am opposed to adopting this ordinance at this time since you have not done an economic study of what it is going to cost the community. I do not believe that the community is prepared to pay taxes, an increase of five hundred sixty-five dollars (\$565) to eight hundred dollars (\$800) a year more in their taxes. We talk a lot about affordable housing, but you add five hundred dollars (\$500) to eight hundred dollars (\$800) a year of taxes on properties...that does not make things even more affordable. Also, we have a traffic problem on the island and the band-aid approaches that have been put in this document are not going to solve our problem. In the Kapa‘a area itself, we have got three (3) major projects that have already been approved or in the process of approving, which is going to add a tremendous amount of traffic on our highways, and along with the increase the we are seeing in tourism, we are digging ourselves deeper and deeper in a hole. There should be no agricultural rezoning on the island until we can resolve the problem. We have plenty of properties out there that are currently available for development. It just does not make any sense to keep digging deeper and deeper and we have ignored the traffic problems on the island for the last forty (40) to fifty (50) years. Now, we have to do some catch-up and the sooner we start that process, the better off we will all be. It just does not make any sense to approve this plan the way it is laid-out until some of these things are addressed. You have to take care of the local business and the local people and how they move around the island. It is just not happening in a timely manner and the only way to stop it at this point is to say, “No projects to be approved that are larger than ten (10) units” and move on and try to do some catch-up. By approving this plan at this point in time is not going to solve any problem, it is only going to increase the problem. Thank you.

Council Chair Rapozo: Thank you, Ken.

Ms. Fountain-Tanigawa: Anne Walton, followed by Ana Mo Des.

ANNE WALTON: *Aloha* Chairperson Rapozo and County Councilmembers. This is Anne Walton. I first want to thank those of you who fully participated in the dialogue that we have been having on the General Plan since October 2017. I feel that it has deepened all of our understanding on the complexity of the issues, provided an opportunity to learn from mistakes of the past, and opened

our eyes to new opportunities and approaches for addressing some of the most challenging issues we are faced with in our small island community. Having said that, and after having studied one more time the whole of General Plan for which your approval is being sought, I think we still remain in a state of denial. It is time to tell the truth about the increasingly complex island we are living on. It is time to tell the truth, to face the truth, and to respond truthfully to the whole community's needs and desires; not just for our own sake, but because we bear the responsibility for future generations as well. At this time in this island's history, we cannot afford to respond to these complex issues in the same way we have in past. Rigidity in the face of complexity is toxic to our whole community. We turn our heads away from and/or put band-aids on failing and obsolete infrastructure, traffic problems, and consideration of public trust responsibilities. We allow developers to dictate or land use policies while they exacerbate the very issues we are desperately seeking to address. We create new growth centers at the expense of struggling town centers, while destroying the last vestiges of a rural way of life; all of this exemplifying the destructive power of denial. At the same time, we send four (4) County Councilmembers and countless other County employees to a Smart Growth Conference in California; how, after that experience, can you continue to sit here before us in denial? Do you think the tools approaches and processes that you were exposed to over the past week do not apply here on Kaua'i? You no longer have an excuse for remaining in the state of denial. Let us show that we have learned from the mistakes of the past and successes of other communities and make a course correction in County planning before we lose the opportunity to do so. Sound, forward-looking, collaborative, and visionary planning is the last bargaining chip we have to make Kaua'i a better place. I hope you will show the courage to move beyond denial and take to heart some of the important models of practice you learned about last week. Until that time, I urge you not to sign-off on this General Plan, at least in its current state. Thank you for your time.

Council Chair Rapozo: Thank you.

Ms. Fountain-Tanigawa: The last registered speaker is Ana Mo Des.

Ms. DesMarais: Hello everyone. My name is Ana Mo Des, for the record. I actually think you have all done an amazing job with this plan. The last time I spoke on it, I left you my trust because I feel that you have all deserved it and it really does feel that it came forward. You brought the community's desires through the amendments and the Planning Department was excellent. Councilmember Yukimura's amendments were wonderful as well. The ones that did not get approved about land use designation for the provisional agriculture—it seems like it is more broad than just the developer that was coming forward from all of the developments that are going on in that area. Because of the Charter's express desire for incremental growth, that is a very broad subject. But the developer, I admire the fact that was sitting during all of the Planning Commission testimony, and spoke at the end, stating that he would do it bit by bit and that he honored the fact that the community was stepping forward in such a way and that he would do it little bit by little bit. I hope that would be honored and I feel that there is an opportunity to establish something since it is in a conceptual phase. I feel the same way for Mr. Allan that has stepped forward and shown face that this is a conceptual way to

solve a huge problem on the island. Now, it needs to be affordable to the fact that all of the blue-collar workers that were there in the Planning Commission that could not even wait to testify—one (1) person testified and they all had to leave to go back to work—that all of these men that have families that need to provide for would be able to have a home that they feel secure in. This is beyond measure the most important ability of having these developments take the land that everyone is sadly experiencing the loss of. I do want to state that I saw a postcard where it was the island before anyone arrived on it with a voyager ship saying “The Good Old Days.” We all get to live here now and we have to have sustainability in mind. What is the effect of our life on this island and to be able to do it as a community and to honor that? I appreciate Wayne Souza’s testimony perfectly in three (3) minutes and just speaking on the incremental fact that that does need to be honored since it is part of our County Charter. We need to work together into the future these twenty (20) years to come. Thank you.

Council Chair Rapozo: Thank you.

Ms. Fountain-Tanigawa: Chair, there are no further registered speakers.

Council Chair Rapozo: Anyone else wishing to testify?

LONNIE SYKOS: For the record, Lonnie Sykos. Time being money and there are lots of speakers, I am opposed to approving this today in this form. Tip off the hat to Ms. Walton there for her excellent work and her observations. I do not believe that the document as it is currently written provides us with a suitable guide for the future. Thank you.

Council Chair Rapozo: Thank you. Next.

SANDRA HERNDON: Sandra Herndon, for the record. I really honor what Lonnie Sykos has just said and also I want to reiterate my feelings in regard to Anne Walton’s testimony. I have testified about the opposition to the rezoning of the agricultural lands for the neighborhood center to accommodate Hokua Place to be cited near the Kapa’a Middle School for many reasons: the fact that it is not affordable, the fact that the infrastructure is not in place to handle the issues that we already have, and the fact that we really need to keep our agricultural lands doing agriculture so that we can continue to feed our people, because that is what we need to do. I just urge you to look at the testimony that has been put forth to consider changing to not approve this in its written form and to consider making amendments that really speak to the community itself. Thank you.

Council Chair Rapozo: Thank you.

Councilmember Brun: I have a question.

Council Chair Rapozo: Councilmember Brun.

Councilmember Brun: I asked this question about a month ago to somebody else, but I am going to ask you the same question. You just stated about changing this agriculture land because we need to keep land in agriculture. So right now as it stands, you are telling me that we have way too much farmers and not enough land?

Ms. Herndon: No, I think that was me that you put that question to and we do not have enough farmers. What we need to do as a County is to create more opportunities for people to get on the land, because there are not farmers now, not because they do not want to be farmers; it is too hard to get into those areas that are being leased by large landowners and if we were able to get people on the land farming, we would be able to feed ourselves.

Councilmember Brun: So that land up in Kapa‘a is prime agriculture land...right now, there is a lot of open land and a lot of vacant land, so much land open.

Ms. Herndon: Yes. Instead of building more houses, let us get more farmers into the fields.

Councilmember Brun: Thank you.

Ms. Herndon: Thank you.

Council Chair Rapozo: Anyone else?

Ms. Parker: I used up a whole minute getting here. Alice Parker, for the record. No more plans put in order for building. We need roads, roads, roads, and transportation. We cannot get to these places. Thank you.

Council Chair Rapozo: Anyone else? Mr. Mickens.

Mr. Mickens: Thank you, Chair. For the record, Glenn Mickens. I really applaud Gabriela Taylor and Anne Walton for all of their efforts with stopping this Hokua Place development. Anne, as you know, is a professional planner and I hope you Councilmembers will listen carefully to her words of wisdom. We are lucky that she is here gratis and not charging big bucks for it. Anyway, I really appreciate that. I totally agree with all of them and Ken Taylor that this project does not belong in the proposed area. Our major problem now is traffic, traffic, and traffic. And we are going to put a project up there by that middle school? We come by that middle school continually...you go by there when they are going to school and it takes you five (5) to ten (10) minutes just to get down to the roundabout by the school. Imagine another five hundred thousand (500,000) vehicles coming in and out of that area—where are they going to go? Why are we not demanding that they put the infrastructure in place before we even talk about this? Their primary reason was, “Give us affordable housing.” As Gabriela pointed out, she has that list from the County. What are we talking about...three hundred thousand dollars (\$300,000) or two hundred thousand dollars (\$200,000) for a studio? Who is going to be able to afford these kind of places? It is not for the local people. Ken said that there are

places all over this island that has area that will not have the problems...you are going to have jamming things up there. I know the Land Use Commission is probably going to have to rezone that and I hope in their wisdom that they keep it in agriculture and this cannot be built. For me, it is just absolutely insane to be able to even think about putting something up there that is going to jam up this area, when again, the people scream and scream about traffic on this island. Realistically, where are they going to go? To the bypass road? The bypass road is going to come onto Kūhiō Highway? You back all the way up now from the roundabout to Kūhiō Highway just to get on there. Anyway, it is a wrong place, a wrong time, and it should not happen. Thank you.

Council Chair Rapozo: Anyone else?

Mr. Price: Evan Price. Not being a great public speaker, I am going submit written comments, but I just would like to emphasize the concept of incremental development being a wise tenant of smart, slow growth development. There was a comment a month ago about the idea of building out what is already entitled so that low-income housing would come online more quickly, and while I agree with the idea that we need more low-income housing, to accelerate build-out of entitled projects actually is not what we want to do. We want to incrementally and slowly provide jobs over ten (10), fifteen (15), and twenty (20) year spans, not spike employment while the economy is super hot anyway. We bring over workers from O'ahu and the mainland and then when the economy softens and we are in a downturn, we end up subsidizing those people with safety net type of programs. The idea with slow, smart growth would be incrementally phased projects that are entitled. The master plan should have wording ideally supporting a slow, steady, incremental growth and phased in projects that helps smooth out the economic peaks and valleys that are destructive to families and proper economic planning. Thank you.

Council Chair Rapozo: Thank you, Evan. I saw a hand back there. Please come up.

Ms. Taylor: Janee Taylor, for the record. *Aloha*. First of all, I want to acknowledge the speakers before me on this issue. This came up suddenly also, sort of beyond the eleventh hour and we were able to submit it yesterday afternoon. It was actually started in response to A&B's communication to the Council this week. The subject is "Deference of the Kaua'i General Plan Update": *Aloha*. In order to ensure that good decisions are made for Kaua'i into the future, Kaua'i Foundation is suggesting to the County Council a deference of the General Plan Update for ninety (90) days in order for the Kaua'i Foundation to review, research, and consider Mayor Carvalho's newest educational mission titled 'Kaua'i's Nui Kuapapa,' which is designed to understand the former Kaua'i *ahupua'a* system of sustainability. This project will unlock information to be shared with the community, developers, and governance to help us make good decisions in the future. The Mayor's concept of Nui Kuapapa fits perfectly as it provides an incredible resource of information of where we come from and how we operated and identified with our surroundings when we were, in fact, living a sustainable lifestyle on this island. This vision offers opportunity for all organizations, businesses, residents, and

visitors on Kaua'i to be part of creating an island that is sustainable, values our native culture, has a thriving and healthy economy, cares for all *keiki* and *kūpuna*, and has a responsible and user-friendly local government. Based on expected deference of the General Plan Update, a research group sponsored by Kaua'i Foundation will submit findings and suggestion within ninety (90) days to the general public and the County Council for review. *Mahalo* for your consideration.

Council Chair Rapozo: Thank you. Anyone else wishing to testify? If not, I will call the meeting back to order. Councilmember Chock.

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

Councilmember Chock: Chair, I have a request for some housekeeping amendments because of testimony and I would like to introduce at least one of them at this time if possible.

Council Chair Rapozo: Sure.

Councilmember Yukimura: Do you have them ready?

Councilmember Chock: I have one (1) ready and staff is working on the other one.

Council Chair Rapozo: How many do you have?

Councilmember Chock: This is a request from staff and Planning, so I will introduce this one first.

Council Chair Rapozo: Go ahead.

Councilmember Chock moved to amend Bill No. 2666, Draft 1, as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 5, seconded by Councilmember Kaneshiro.

Councilmember Chock: This is based on Maka'ala's testimony and the correction of from action to management. I thought we had caught it earlier, but I guess it was not included.

Council Chair Rapozo: Any discussion?

The moved to amend Bill No. 2666, Draft 1, as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 5 was then put, and unanimously carried.

Council Chair Rapozo: Next amendment.

Councilmember Chock: Chair, I am sorry, the staff is preparing the amendment. I have no idea what the amendment is.

Councilmember Yukimura: I wanted to ask for a five-minute recess because I wanted to confirm with you on a procedural manner. Can we just do that and dovetail both?

Council Chair Rapozo: Let us take a ten-minute caption break and then we will take care all of the amendments that are being drafted, get them sent out to the public as well, then we will come back and wrap up the amendments. Thank you.

There being no objections, the meeting recessed at 11:50 a.m.

The meeting reconvened at 12:05 p.m., and proceeded as follows:

Council Chair Rapozo: The meeting is now called to order. Anymore amendments?

Councilmember Chock: Yes, I have one more amendment.

Councilmember Chock moved to amend Bill No. 2666, Draft 1, as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 6, seconded by Councilmember Kaneshiro.

Councilmember Chock: Thank you. This amendment is really another housekeeping measure, first to taking out Chapter 2 under "Definitions and Vision" because it conflicts with the first General Plan as Chapter 2. It has been agree to by Planning and by our staff that that is probably the best thing to just take it out and keep it general.

Council Chair Rapozo: Thank you. I do not suspect there is any opposition from the community, so any further discussion?

The motion to amend Bill No. 2666, Draft 1, as circulated, and as shown in the Floor Amendment, which is attached hereto as Attachment 6 was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. Anymore amendments? If not, I want to wrap up the discussions, take the vote before lunch, break for lunch, and then come back. Councilmember Yukimura.

Councilmember Yukimura: Are we in final comments on the General Plan, as amended?

Council Chair Rapozo: Correct.

Councilmember Yukimura: At the beginning, I wanted to ask you to exercise your discretion as-is allowed under the rules, this final commentary of mine is longer than the five (5) minutes that we are usually allowed and I would like to ask if I could speak longer because it is such a critical issue. We allow members of the

public to speak for six (6) minutes, I would like as an elected official, who has been elected by thousands of people, to be able to speak longer on a crucially important subject.

Council Chair Rapozo: I will exercise with discretion and give you two and a half. I am kidding. I thought about this and like we do in the budget, I think we owe the public a little more time to explain. I have no idea where the votes are going to go on this. I am going to allow leniency to the members if they want to speak and I would ask for your courtesy as well. Ten (10) minutes, to me, would be sufficient. That is fine. I just want to make sure that every member has an opportunity. We covered a lot of stuff in the last several months and I want to make sure that the members have the opportunity to share their position and their justifications to the public. Did you want to start?

Councilmember Yukimura: I will.

Council Chair Rapozo: Okay. Go ahead.

Councilmember Yukimura: Thank you. I want to start by acknowledging the three (3) positive aspects of the General Plan draft, which is before us today for adoption. They include the overarching goals, which are spot-on, the initial land use recommendations from the Planning Department, one of which was saved by the community when the Planning Department stepped back, and many amendments that were made in the Planning Committee. So *mahalo* to the Planning Department for their work, responding to the various proposed amendments. *Mahalo* to Planning Committee Chair Chock, and Council Staff, especially Jenelle Agas, for enabling the amendments and empowering our community. *Mahalo* to you, Chair, the County Clerk, and Deputy Clerk for supporting Committee Chair's vision of a robust examination and discussion of the plan and *mahalo* to my Council colleagues for honoring the process. Bravo and thank you to the many residents who read and studied the plan through its many drafts and to the community leaders, especially Anne Walton and team, Mehana Vaughan and team, and Jean and Wayne Souza, who informed and rallied their respective communities. Despite the great work, there are three (3) serious problems with the General Plan Update that cannot be ignored. First, the plan is structurally disorganized to have policy statements separate from the policy discussion objectives and actions weakens the guiding power of the plan and lessens the chance of reaching our goals. Second, actions in any effective plan need to be strategic, not a laundry list of possibilities that have not been carefully vetted. The main purpose of a plan is to focus and coordinate efforts and resources in order to get the greatest bang for the very scarce buck. A great example of excellent planning is KIUC's strategic plan. KIUC's accomplishment say it all—in nine (9) years, KIUC went from six percent (6%) renewables to thirty-six percent (36%) and it expects to reach its goal of seventy percent (70%) renewals by 2030, a decade before Hawai'i State target deadline. You see here that it has...these are its strategic goals and actions and there are eleven (11) of them. They are specific, strategic, measureable...and few generate at least seventy percent (70%) of electricity, manage technology and price so that generation sources that no more than twenty percent (20%), hold controllable costs below the actual level of inflation, establish a rate structure, maintain safe, diverse, well-trained, competitively compensated and

motivated workforce, etcetera. The third and most offensive violation of good planning and the reason that I will be voting against approval of the General Plan is the sudden inclusion of Provisional Agriculture and Neighborhood General designations for eight hundred forty-four (844) acres of A&B lands east of existing urban footprint of Hanapēpē/‘Ele‘ele. The magnitude of the potential impacts and the way the map changes were done at the last-minute without explanation or discussion in the plan itself and little or no mention throughout the three (3) years of the update process makes the General Plan draft a travesty that makes me sad for Kaua‘i. The single, last minute change is the largest proposed urbanization in the General Plan draft, and yet there, is not a second word of discussion and explanation in the General Plan text and nothing about a second urban center, which is what the landowner is explicitly proposing. Where is the transparency and the full disclosure? The two (2) pillars of democratic decision-making that make good public planning? It is not a satisfactory answer to refer the matter to the Hanapēpē/‘Ele‘ele community, because it is not just a community matter. It is a crucial decision for the whole island and precisely the kind of major proposal that should be handled at the General Plan level. Consider the dilemma caused by a second city on O‘ahu where the rail goes miles to Kapolei, but not to Waikīkī and the University of Hawai‘i. See what kind of battle for resources a second city creates? The audacity of the maneuver can be seen by comparing what the map proposes to what the text of the General Plan draft says. The text contains many statements about the importance of locating new growth in existing town areas, such as Old Hanapēpē Town. Instead of allowing growth to sprawl on agricultural lands, yet the Provisional Agriculture and Neighborhood General designations here and here are all on agricultural lands and would constitute sprawl. The text talks about incremental change being the best kind of change for Hanapēpē/‘Ele‘ele, but development on A&B’s ‘Ele‘ele lands will almost double the existing urban footprint of Hanapēpē/‘Ele‘ele and at least double the population, hardly incremental in nature. The plan also says that growth should be focused in Līhu‘e for the reasons shown in the chart above. Can we put the chart up? As you can see, the General Plan also says that affordable housing should be located next to job centers and if you look at this chart with our multimodal land transportation, which shows jobs and housing in each of the communities, you can see jobs in Līhu‘e, houses in Līhu‘e; on the west side, jobs on the west side and housing on the west side—no wonder the Planning Department did not approve a definition of “job center.” You can see from the chart that Hanapēpē/‘Ele‘ele is not a job center. The proposed map changes are a direct contradiction to the written policies of the General Plan draft, a huge disconnect, and a demonstration of ineffective policy. Within the plan itself, we have not even begun to apply the plan into the future. The so-called “second urban center” will cause major impacts throughout the island that will move us away from the stated goals of the General Plan Update, a way from protecting the things that the community is asking us wholeheartedly to protect, such as the rural character of Kaua‘i and the uniqueness of our towns. The increased traffic congestion will make the commute to Līhu‘e and Po‘ipū from the west side even longer. Kalāheo Town is already a commuter bottleneck and citizens already deal with long waits in just turning out of side-streets and driveways. The additional traffic will necessitate choosing between unbearable traffic or widening the highway through Kalāheo, which will destroy its unique character and the businesses that presently serve the community. West side traffic could become comparable to Kapa‘a, if not worst, with the needed expansion of west side highways competing with scare Department of

Transportation and State resources that are already for Kapa‘a/Wailua needs. On top of all of this, local government will be expected to develop new infrastructure to make the huge new A&B development functional, more school facilities, new bus routes, expanded sewage treatment, more roads, expanded water infrastructure, more police, and other County services—all competing for limited revenues and adding pressure to raise taxes. I recognize that after the three-year process and the countless hours spent on the update, there is great pressure to finalize it; however, it is the County’s duty to approve a General Plan that will serve the public interest and the public trust; especially when there is abuse of process, slipping in at the last minute, such a major change, we must draw the line and take a stand. I understand that any plan of this size and complexity is going to have strengths and weaknesses, and to that end, I have endeavored throughout this process, along with many others, to provide constructive amendments; yet, when our community process is circumvented by sneaking in an entire new urban center, I say that line has been crossed and this body is the last line of defense to protect against planning by politics rather than planning by principles. For this reason, I must vote “no” and in the interest of the integrity of our community process and to protect the island, I urge my colleagues to do the same.

Council Chair Rapozo: Perfect timing. Thank you. Councilmember Kaneshiro.

Councilmember Kaneshiro: I do not know where to start. I guess in general, let me say this, and I have said before and I will say again—this General Plan is the “general plan.” When you look at the General Plan, for me, it is the forty thousand (40,000) foot view of where we want to see Kaua‘i in next twenty (20) years. It is not an exact plan, it is not entitlement, it is not a law, it is not an ordinance, but it is a “general plan,” exactly what the name says it is; forty thousand (40,000) foot view. We hear a lot of talk about, “What is next?” Next, we have the community plan, which I think the community plan would be the twenty thousand (20,000) foot view. The community plan focuses on a certain community, like the South Kaua‘i Community Plan, Lihu‘e Community Plan, and future plans to come up will be the West Side Plan, North Shore, and Kapa‘a. That is a lot more focused; that is the twenty thousand (20,000) foot view. Then you have the ten thousand (10,000) foot plan, which are our policies, our ordinances, our laws, and everything that we need to follow. Then you have the ground-level, which is implementation. That is us. How do we implement this whole plan, this forty thousand (40,000) to twenty thousand (20,000) to ten thousand (10,000), to ground-level—how do we implement it? That is how I looked at the General Plan; we had a lot of amendments to change words, do this and do that. For me, I was opposed to a lot of the changes, because again, we start wanting policy, we start wanting laws in the plan, which that is not what the plan is for. The plan is a forty thousand (40,000) foot view. Some of the amendments I saw, I kind of relate it to making chicken soup because everybody loves it when they are sick. It is a great combination of chicken, carrots, and celery, but when you start digging in and you say, “I like carrots with ranch dressing, so let me add ranch dressing to this.” It does not really make the whole chicken soup, which would be the General Plan, really make sense. “I love celery and celery is in the soup, let me eat it with peanut butter, so I will add peanut butter.” That is why I really took a step back and said, “What is a General Plan? What is our intent?” We went through an

entire presentation and I think it took over one (1) week going through every single section and you really step back and say, "Does this make sense? Is this the right direction?" Is every single detail...did I add too much pepper or salt? No, because some people will want more salt and more pepper. In general, how is this plan looking? For me, I was comfortable with it and that is the way my votes reflected. Some things I felt that should be added and that it will make it better and some things I thought, "It should not be in there." That is just my view on the General Plan. I think the thing that gets me is hearing things like "sudden inclusion," "snaking in," "planning by politics," and "last minute change"—I do not think that can be any closer than the truth. The plan came to us from the Planning Commission and a lot of these provisions were in from the Planning Commission, so we have had a lot of the stuff that we were talking about in the plan for three (3) months. We did not have anything "snaked in" when we were here. How long was it in the Planning Commission? I do not know, I would have to go back and look in their notes. Again, what is "snaking in" and "last minute?" It did not come in through the Council's side. If we added something substantive today, then I would say, "Yes, that is snaking in. We snaked in something or we put something in last minute." Many of the things we have talked about have been in the plan the entire time we have looked at it and it has been in the plan when we had the entire presentation on the entire plan. I want the public to know that you hear these words and I really cannot agree to hear those type of words that it has been "snaked in" and it has been...

Councilmember Yukimura: "Sneaked."

Councilmember Kaneshiro: "Snaked in," "sneaked in." "Put in last minute." I want to remind everybody what provisional...we hear the word "provisional" all the time. We had Ka'āina here answering it for over an hour and a half when we had the General Plan. We heard about it for hours and hours here and I just want people to read what the definition of "provisional area" is. For the record, I am going to read it again so that everyone knows what "provisional area" is. "Provisional area" is "an area on the land use map to be defined and designated via a future community planning process due to the sensitivity of its potential regional impact. The regional community planning policy, once adopted by ordinance is considered consistent with the plan." Again, that is what everyone is saying and the conversation keeps going around in a circle, "No, we do not want provisional because we have not had the chance to discuss it." That is exactly what "provisional" says. "Provisional" says that "this is an area that we did not get consensus on and the community needs to come back and decide what they want." Does it mean that there is going to be a new city center? No, I do not see city center in this entire plan. Do I see provisional agriculture? Yes, I see provisional agriculture. What does that mean? That means that the community is going to address it when they address their community plan. Again, going back, this is not an entitlement. Everything in here is not entitled. It is a plan. To get entitled, they need to go through the Land Use Commission, the Planning Commission, and to the Council, so nothing in this document is entitled. I do not know where this fear is coming from on the word "provisional." I have been comfortable with it from the very start. I know what the definition is. We have heard about it for a long time and we still hear people saying, "No, it is an entitlement. This is what the development is going to be." That cannot be further from the truth. With that being said, I think there has been a lot of

amendments. I did not agree with all of them, but I will be voting for the General Plan. This has been a very long process and I think it has been over two (2) or three (3) years worth of information and meetings. I think my dad sat on the previous General Plan and he was so proud of it and he said, "Yes, we passed the General Plan ten (10) years ago." I told him, "Yes, but you folks did not have Facebook and all this type of technology that we have reached out to everybody on now in this day," and I think there has been a lot of work done to reach out to the community as far as talk-story sessions and coffee hours. I think the Planning Department has gone above and beyond on it and not everybody can get what they want in it, but I still think it is a good General Plan.

Council Chair Rapozo:

Anyone else? Councilmember Kawakami.

Councilmember Kawakami: Thank you, Mr. Chairman. I will try to avoid repeating too much, but I would like the record to reflect in the minutes that the previous accolades to the Chair of the Planning Committee, to the staff that worked tirelessly on this General Plan, I would like the record to reflect that my feelings and thankfulness and gratefulness to everybody, and especially to our team here at Council Services for their hard work. I would like that to be recognized. I have to tell you that we are tasked with measuring so many different community needs and we are tasked with being visionaries, and not just looking at things within our lifetime, we are tasked with these things. We are tasked with accounting for realities, like the aging of our baby boomers and the lack of assisted living facilities. Where do we put our *kūpuna*? Each one of us campaigns on the *keiki* and the *kūpuna*. In 1912, my grandfather (inaudible) landed at Port Allen at the age of twelve (12) to seek a better future to be with his brother and said "goodbye" to his mom and dad in Japan and landed at Port Allen. West Kaua'i has given the Kawakami family so many opportunities and we have been blessed. We hope that we have been able to give back to this island that has given so much and we strive to do that every single day. We take into account, "What do we do with our *kūpuna*?" I want to bring up a "Blue Zone" philosophy that brings about nine (9) principles that our community should strive for, and the Blue Zone philosophy studied these different places in the world that had the longest life expectancy and the most (inaudible) and they discovered that there were common denominators: one, they had the ability to move naturally. They were not subscribing to gym memberships or going on diets. Just the way that the built environment was created allowed people to walk freely and bike safely, to get from "Point A" to "Point B" without a vehicle. Two, these communities gave people a sense of purpose, a sense of belonging. Three, all of these communities had the ability to downshift, recreation, quiet places, open spaces, and parks. Four, they had the eighty percent (80%) rule, and I do not know how they do this...I am trying to figure it out, but when people eat, they eat until they are only eighty percent (80%) full. I do not know how you do that. Five, their diets were plant-based. Six, they all enjoyed wine at five...every single day, these communities enjoyed in moderation a glass of wine and a social setting. Seven, they had a sense of belonging. They said, "Faith-based communities," and I am not singling out any single faith-base, but just the ability to belong to a community that had a faith in some higher power extended their life expectancy. Eight, belonging to the right tribe, like-minded people, extended their life expectancy. Nine, family first. Let us be clear and let us be honest with our intention; it has been clear that certain members want everybody to live in Līhu'e,

and I agree, that this is where we should grow, but the fact of the matter is that we still have aging parents and when you look at the studies, it is always proven to be healthier if their children and their grandchildren can remain close to help out with their aging families. We do not have a “Plan B” right now. Like I said, a lack of assisted living facilities as of today. The Regency at Puakea has fifty (50) people that can afford to get in that are on the waiting list. What do we do with our *kūpuna*? It is proven that grandchildren that are being watched over by their grandparents have a higher life expectancy and less likely to lead a life of crime and more likely to be successful. We are tasked with taking all of these things into account, we are tasked at reaching out to the kids, to the young families. Take a look at the people behind the department that have put this plan together—majority of them are millennials, the next generation, their vision. I am old enough to be some of their dads, in fact. Here we are and we continue to say, “Let us build a better Kaua‘i for the next generation” and we are accusing these folks of working tirelessly, this younger generation that is concerned about live, work, and play on Kaua‘i. I believe that it is not a perfect plan, but I think it is a great plan as far as creating a framework. Let us be truthful about this that this does not give any entitlements to anybody. We should be clear and honest and we know, because we enact ordinances to fall in line with this General Plan. It gives us guidance and points us in the direction that as a Council we supported and envisioned. I would like to just say that I know this type of plan will not make everybody happy, but in general, I can support this plan. I think that it gives and lays out a good framework. Let us be honest about this situation—we are held to a higher degree of honesty as to what the situation is. Thank you, Mr. Chair.

Council Chair Rapozo:

Anyone else? Councilmember Kagawa.

Councilmember Kagawa: Thank you. Did you know that in 1984, the graduating class of Waimea High School graduated two hundred twenty-five (225) students? Last year, do you know how much the graduating class was? One hundred twenty (120). It is a shrinking community. Now one can say, “Well, traffic is bad coming in. Let's wait.” Wait for what? Wait until Waimea High School shuts down?” It has already lost its enrollment by double or half. I think leaving it in the plan as provisional is a placeholder for the future Hanapēpē/‘Ele‘ele group, as well as the rest of the west side groups, to decided, “Hey, we need to look at something else for the future, not for now.” Certainly, “second city”—I think that word is getting blown up a little bit. We do not have one million (1,000,000) people, we are not going to have a second city that is successful, like another Līhu‘e in Port Allen? Are you kidding? With seventy thousand (70,000) people? Honolulu has over one million (1,000,000) people. Of course they need more than one (1) city. They have several second cities, like Kāne‘ohe. I think it is a far way’s away, but do we accept to have that land area for the future to decide? Of course. We are going to have nothing for the next twenty (20) years and then in twenty (20) years, we are going to decide, “Maybe we need to designate a spot of land.” The millennials will be dead by the time that thing happens. So I cannot be more disappointed in Councilmember Yukimura’s comments and vision about the west side. We can continue to agree to disagree, but she is from Līhu‘e and I am from Hanapēpē. I can have my opinion, too. Do not paint the picture as what you see is what is best for the west side people, especially to me. My family and friends...do you think I am going to cut a deal with A&B that leaves my family,

friends, and all the people I have grown up with all in the dark because I am selfish and I want what is best for me? You do not know me if you think that. To say that, to me, is disrespectful. For Mr. Parachini to state what he stated in the newspaper is disrespectful. Where are you from? Let us get real over here. I think creating this animosity and lies is not going to work...it is not going to work for me, at least. Let us move on. Let us agree to disagree that our future is a big question mark and we need to have options, at least some of us see the need for options. When I grew up in Hanapēpē, I was blessed. I wrote down just a list of six (6) stores that I could go to the buy groceries and snacks: Victory Market, The Shopperette, Nishimura Fish Market, Yoshiura Store, Big Save, and Nigawa Drug Store. I had two (2) theaters that I could go to: Aloha Theater or Jardin Theater. I could watch the best martial arts movies and I could watch the best new incoming movies. I was blessed. I was not of age to drink yet, but we had six (6) well-known bars in Hanapēpē and they were busy. We had four (4) gas stations; today, we have one (1). Four (4) in Hanapēpē and 'Ele'ele. My mom owned a restaurant, Sue's Snack Shop. I do not know if many of you go to visit that. It closed in the '80s. She struggled, she had high rent, but she worked hard. We are very connected to the community there because of that restaurant. What else did we have? We had a lot of good saimin stands. Do you think Hamura's is good? Man, we had some good ones on the west side as well, like Saimin Corner and Charlie's Saimin. The memories go on and on. We have people on the Planning staff that worked on the General Plan with deep roots like me that worked hard on this plan and I do not want to criticize the plan because their heart and soul was in it as well. There is no ill-will towards Hanapēpē or 'Ele'ele. Believe me. There is love. Whether you disagree or agree with the plan, let us respect each other through the process. I think this animosity is really bringing back flashbacks of Bill No. 2491 and I do not want to go back there. I want to thank the Planning staff, as well as our staff, and I open my door to work together with the Hanapēpē/'Ele'ele community and let us get the best decisions going forward, as long as I am on this seat, to make sure that the General Plan does not push forth its goals upon the community. The community will come first as far as I am concerned. Thank you, Chair.

Council Chair Rapozo:

Thank you. Councilmember Brun.

Councilmember Brun:

Thank you, Chair. First of all, I would like to thank everyone who worked on the General Plan. Thank you to our staff and thank the Chair for all of his hard work, Jenelle, our whole staff, and everybody who put this together. It was a long process, and yes, there was a lot of stuff introduced, a lot of stuff put in, a lot of happy people, and a lot of angry people. Not everybody is going to be agree. We look at it, and everybody knows that I am from the west side, born and raised in Kalāheo and now I live in Waimea. I was a big supporter of Lima Ola. We got that passed. I think that whole "second city" thing is being blown out of proportion right now. That was brought up by one (1) person and it was said that it was brought up by our Planning Department and everybody else, which is false. We looked at the minutes on it and it is nowhere to be found. So that was not said; that was said by one of our developers. That kind of stuff is taken out of proportion, and then with this whole provisional agriculture thing, this one person that I really respect called me about it and I voted the other way and I seen the person again today and I guess the lies that are being told out there about this whole thing, that is what

is hard to swallow. What is being told to the community is different from what is actually true and Councilmember Kaneshiro read the whole statement on it. What is happening is if what you want does not get passed the way you want it, you just keep on going and say things to make it look bad on the rest of us and it looks bad on us, because it is not true at all and I take exception to that. There is just all of those false things that was spread out there. For the west side, we need growth. Councilmember Kagawa was on point. When I look at this stuff, and I am a sports person and I look at the sports teams—look at Waimea High School's football team, there are only twenty-two (22) kids on the varsity team. That is crazy. Why? Because we do not have growth and we do not have enrollment. Youth sports, like Kekaha Pop Warner almost shut down because there were not kids over there. Hanapēpē Pop Warner is thriving right now because there is a lot of people, a lot of these young families that are willing to live with their parents to stay in the Hanapēpē area, waiting for these houses to be built. They want to stay there and live there. They do not want to go to Līhu'e. Līhu'e is booming with kids...they have hundreds of kids. Kapa'a has hundreds of kids in pop warner, plus they have Kaua'i Youth Football (KYF) running. There is not a shortage of houses and families on the east side. What about the west side? We always are forgotten on the west side. It comes back and you never heard me bring it up, but it is the same thing when we had the hurricane. We took it deep out there on the west side, because it hurt. We stick together and we made it through by ourselves. We were forgotten out there on the west side. We had to fend for each other, for ourselves. We made it and we did the best we could. It feels like the west side is being forgotten, and with this General Plan, it kind of helps us out. This is not in stone...it is not set...it is still going to go through many more processes to get it approved. There is still a lot more to do on this and a lot more approvals before you can build anything. I just wish the lies would stop and just look at it for what it is and leave it at that. That is my comment. I will be voting for the General Plan. Thank you.

Council Chair Rapozo:

Councilmember Chock.

Councilmember Chock: Thank you, Chair. First, I would like to thank everyone who has participated in this process, like our staff, Planning's staff, especially. I have actually spent the last week with them and one of the things I learned was really how committed and dedicated they are to the work that they are trying to accomplish. So those things are validated, if anything, in my learning in the past few days. I want to thank the members, especially the idea to have everyone be part of the Committee, I think, came from Councilmember Kawakami, and I think that really did help us. I thank Chair and Councilmember Kaneshiro for jumping on the party, because I think has helped to expedite the process and get all of our interests and concerns out on the table, rather than doing it twice. This has been a long process, three and a half (3.5) years, almost four (4) months in this committee in itself. Like it was said earlier, it is not a perfect plan and I will just state some of the things that I see as lacking in the plan, and most of it is in format and structure. While I really appreciate the presentation of the plan and I think it is very easy to read and it walks through really easily for me and I think we have done a good job of identifying what the people's interests and wants are. It does lack clarity in some areas. Some of the areas that I feel like I would have liked to see more attention to is in prioritization of at least our action items, so that it would give us a little more

direction as leaders and policy-makers as to what we should be focusing on first. Also, in the area of evaluation and implementation, I felt like we could have worked a little bit more on measurements, establishing measurement and tools that we could actually go back to, to ensure that we are on track with the plan so that we can adapt and realign if necessary. Some of the policy statements I thought could have been clearer, maybe more descriptive in some areas. Certainly, there were specific land use issues that came up that are being talked about now. I had some issues with the new planning designation of Provisional Agriculture, mostly because I thought it did set a precedent and I was unclear about what the implications would be in the future if applied to other agricultural parcels. I did not have a criteria in order to really understand how it is I would apply it in the future. The flipside of that is that I actually appreciate that the landowner is coming forward and saying, "Look, these are what my plans are." To call it out and inform the community that that is there intention, I think, is being upfront, honestly, and I think that is a good thing. The concern with that also stems to the comment I heard about the declining at the school, I think is really tough in the west side community not being looked at and there are needs out there. We know there are housing needs around the whole island, and to me, when I look at what are the things that it is going to attract creating a new town or establishing or reestablishing a town like Hanapēpē that was booming is the economy. We have to have the right industries and jobs out there in order and establish first in order to plan to have the housing that we need to support them. I think we have talked to death about how we have to diversify agriculture and that we have to do more in order to get more farming occurring. To me, I am still dedicated to that. I think that will help determine the kind of housing and the needs for housing for our people out there. Here is my take on plans—from my perspective, they are, like Councilmember Kaneshiro said, high-level and broad looking, but they represent a vision for this island and what the community wants to see in the future. I think they are meant to be living. I think the biggest criticism that I said before is that we have had a plan, but what happened to it? How are we implementing how we are following through on it? Rather than taking this approach to that, which is a lot of the criticism that I have heard, is like, "Take the plan back. Do not approve it after three and a half (3.5) years," and I do not think you are going to get another process and I just do not think it is feasible to expect that another process for this General Plan is going to happen. We could, all at this table, all seven (7) vote against it, but how much further would we get if it went back to the Planning Commission is the question that I have? My approach from the very beginning has been, "Let us try to approve the plan as best as we can. Let us do as much amending or whatever we can structurally in order to achieve the things that we were seeking or the gaps in the plan." We have done so. Not everything has been passed and a lot of things failed, but a lot of things did get through. This is the process that we have. So I think again, the issues with the majority of the people that I am hearing with the plan says to refer it and get it back are structural, just of the format of the plan, how it is being laid out and what is missing in that format. Quite frankly, that is a new plan. It is getting rid of this plan and doing a new plan. That is something I am not willing to do. Because of that, obviously, I will be supporting the hard work that everyone has put into it. I would also like to say that one of the things that I did learn at the Planning Conference was that there are tools out there. I attended one session that talked about how to evaluate general plans; how to track them; how to identify strengths and weaknesses; and how we might be able to improve upon it. This is

where all of these things should be worked on to help continue. I think the worst thing that could happen out of this plan is that we stop looking at the plan, but instead that we look at it on a daily basis and act on those things. That is our job. Our job is to now look at the zoning ordinances and the housing ordinances to actually make those changes that people have talked about they want to see in this plan. Anyways, I just want to end with the idea that this plan should and needs to be flexible in that sense and that we need to continue to collaborate what we have started to do here. Thank you.

Council Chair Rapozo: Anyone else? Go ahead.

Councilmember Yukimura: Can I have the map up? I think at the higher-level that Councilmember Kaneshiro talked about this is the vision that we are saying we want for the island, urbanization up to Numila. That is what we are saying and while it is not an entitlement, the wording and the definition of provisional sends it on the path to entitlement, because in the definition of provisional, it gives it an automatic General Plan designation once it is put in the community plan. If we did not have provisional defined that way, once the community made the decision, then the developer would have to get a General Plan amendment and would have to do an Environmental Impact Study (EIS) and everybody would have the information. This is incredibly significant what is being done here and I do not appreciate people putting words in my mouth. It is not about everyone living in Līhu'e or no options and no growth for the west side—I am in favor of growth on the west side. I want to see housing in Waimea and was working on it, in fact, because yes, then kids can walk to school and I want to see if we did away with this, there would be huge amounts of growth already, four hundred (400) units here in the Hawaiian Home Lands, and Lima Ola, five hundred (500). There are huge amount of growth. If we start to build infill in Hanapēpē Town to help the businesses and all of that in that area, we will be able to help. That is growth. You know how Līhu'e Town died when Kukui Grove and Walmart opened up? That is what is likely to happen in this core area if you start having a new town center and things here. That is how significant it is. There is a lot of room for growth. If there are lies being spread, then please address specifically what those lies are and correct them right here instead of just alluding to lies and not identifying what you think are being lies.

Council Chair Rapozo: Councilmember Yukimura, can you wrap it up?

Councilmember Yukimura: Thank you. This is a huge issue that is going to affect the island and it is a major impact, not insignificant.

Council Chair Rapozo: Councilmember Kawakami.

Councilmember Kawakami: Thank you, Mr. Chair. I would like to just say that actions speak louder than words and I can tell you that every project so far in that area has been opposed. So when I say actions speak louder than words, we have comments that were said on this floor that it should be in Līhu'e. To displace west side families away from where they grew up from their parents. The nine (9) principles I spoke about in Blue Zones... we have to get A&B to the table and have

them give their vision to the community. They have to do their part and they will do their part and we are going to hold them accountable to that. Those nine (9) principles are all included in that plan. Do not compare this...it was a wrong choice of words on Tom Shigemoto to say "second city." We do not have a city. By definition, it is just a large town. So do not be afraid of words. That is what the definition of a city is, "a large town." So it is a large town and it is what it is. It is a large town. But do not compare Kapolei to this. What happened in Kapolei is that they put other housing and they did not put any jobs so that is why people are still driving in and that is why it is a big mess. They brought me to the table during this process because as the President of 'Ele'ele Associates, the owners the 'Ele'ele Shopping Center, they brought us to the table because it is going to hurt our families business. When they opened up Port Allen Shopping Center, they took tenants away from us. So they brought our family to the table to let us know what their plans were, and you know what we did...we went back home as a family and we discussed that this is going to hurt us. But our roots are on the west side and for the greater good of the west side community, we put our personal differences aside and said, "Hey, their first phase of job creation is going to hurt us," but for the greater good of the people on the west side, which has always been forgotten, it is a good thing. We cannot even forecast. We went to the closure of the sugarcane industry and luckily we had agriculture to come in and provide jobs. What happens if God forbid one day those jobs disappear? What happens then? That is what I am saying when we have to be visionaries. We have to look beyond our lifetime. I am sure there are people that do not want to see this, but we have the hard job of factoring all of these things that could happen and account for them. Thank you, Mr. Chairman.

Council Chair Rapozo: Thank you. It has been a journey and thank you obviously to Councilmember Chock for chairing this committee and of course the staff, Jenelle and everyone else here. Much *mahalo*. Also, thank you to the community for being an active participant. I will be honest that I was not really satisfied with the time allotted for the communities during the Planning Commission process, and no disrespect to the Commission, but I just felt that we needed more time and involvement from the community. I will say that eighty-five percent (85%) to ninety percent (90%) of this plan, I think, we are in a much better spot than we were before. I have to believe that. I think a lot of good came out of this plan and a lot of the discussions. There are a few elements...provisional agriculture...I would have never guessed that would have been a hang up. I did not like the term for one reason, because it confused people. That is why I wanted it out. It confused people and I really did not want it in there. Hokua Place and 'Ele'ele—that is the hang up. Out of the years of discussion, I think we have come down to a point where we have less than a handful of issues. For that, some members want to say, "Let us defer" or "let us kill" and I respect everybody's position on what they want to do. I was telling Councilmember Yukimura several years ago...I was so upset about one (1) item in the budget, so I voted against the whole budget, just because I was angry. Yet, there was so much good in the budget, but because I was so angry, I voted against the budget. I threw the baby out with the bathwater. I think what has come out of this process is that we have a whole lot more good than not so good. The General Plan, I think Councilmember Kaneshiro said that it is a forty thousand (40,000) foot view and I would agree. This is the plan. As we see it today, it is subject to change. Twenty (20) years. Do we do things today as adults the same that we did twenty (20) years

ago? When we were twenty (20) years younger, we saw things differently for whatever reason and I think the same applies to the General Plan. We see things differently. Who are we to determine what should happen ten (10), fifteen (15), twenty (20) years from now? There is going to be a County Council sitting here at some point and there is going to be a community filling up the Chambers at some point to determine what they want. It could be a second city, a skyscraper, an airport out at Princeville accepting mainland flights—we do not know. Scary. My point is that it is going to be their decision at that time, not ours today. We set the generalities and the broad direction, but at some point, decision-makers and the communities—Councilmember Kawakami talked about the millennials—are going to have a key role. They think differently than we do. I do not know if you know them. If you do not know a millennial, go meet one. Go have coffee with them, go to Hā Coffee, they all hang out over there. To talk about agriculture, do not develop agriculture...we should put food on that agriculture lot—who are we to tell the landowner, “You are not building houses, you are going to grow crops.” That is not going to happen. The alternative is to convert these agricultural lots into agricultural subdivisions for homes for the rich and famous. I do not want that...I definitely do not want that. I think we have to get off of that myth that the fact that we tell A&B, Greg Allan, or whoever owns these agricultural parcels that, “Hey, we are not going to let you build houses because we want you to farm”—that is not going to happen. That is not our call. The laws are in place today to allow agricultural landowners to develop agricultural subdivisions. I thank Greg for having the patience, because if it was me, I would say, “Screw it, I am going to CPR this thing and sell these lots to millionaires and take my money, take the best lot, and just relax for the rest of my life,” and he has chosen to at least try to help. I know we talked about the cost of the homes and all of that, but we do not know what it will be. All we know is what his proposal and what his commitment is to the community of Kaua’i today. It is our job and the job of the future Councils and Administrations to hold into it, also Planning Commissions. Three (3) of us are leaving next term, we are going to have three (3) new Councilmembers here and this whole thing could change again. It is a snapshot in time, it is basically what the information we have been provided that we act on. Yes, I am not very happy with some of the things in this plan and I am sure the community is not as well, but I am happy with a lot of what is in this plan. I think we have made a lot of headway in the last four (4) months. This basically comes down to a plan that resets the baseline. The baseline has now been reset or will be reset and from this moment forward, the County, the community will have an opportunity. General Plans can be amended if need be. At this moment in time, I believe it is probably the best plan we will get. I do not think it will change much, whether we defer it or send it back to the community; I think we are at the point where it is as good as it is going to get in my opinion and I obviously will be supporting it. Going down the road, I hope that the processes as we go forward will be more inclusive like we just did from the beginning in the Planning Commission and a lot of these issues can be addressed at that time.

Councilmember Yukimura: I just want to say that I am not advocating sending it back. I am just saying that I am not able to vote for it because of a really fundamental problem with it. Also, with agriculture, what you said about agricultural land and agricultural subdivisions does not apply to A&B’s situation,

because there is an active agricultural company...the land is in cultivation right now. It is not vacant.

Council Chair Rapozo: Thank you, but the General Plan should not be specific to specific owners and developers. Unfortunately, this process has taken us there. With that, roll call.

The motion to approve Bill No. 2666, Draft 1, as amended to Bill No. 2666, Draft 2, on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and carried by the following vote:

| | | |
|-----------------------|---|------------|
| FOR APPROVAL: | Brun, Chock, Kagawa, Kaneshiro, Kawakami, Rapozo | TOTAL – 6, |
| AGAINST APPROVAL: | Yukimura | TOTAL – 1, |
| EXCUSED & NOT VOTING: | None | TOTAL – 0, |
| RECUSED & NOT VOTING: | None | TOTAL – 0. |

Council Chair Rapozo: Motion carries. With that, we have a 1:30 p.m. public hearing. We are going to take a forty-five (45) minute lunch break for the staff. I think that is what we have to give them. Please be back at 1:45 p.m. for our public hearing. Thank you.

There being no objections, the meeting recessed at 1:00 p.m.

The meeting reconvened at 2:03 p.m., and proceeded as follows:

(Councilmember Brun was excused.)

Council Chair Rapozo: Can we have the next item, please?

(Councilmember Yukimura was noted as not present.)

Bill No. 2678 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2017-821, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUA‘I, STATE OF HAWAI‘I, FOR THE FISCAL YEAR JULY 1, 2017 THROUGH JUNE 30, 2018, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Kapa‘a Armory & Hanalei Substation Roof Repairs - \$550,000.00*): Councilmember Kaneshiro moved to approve Bill No. 2678 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Kagawa.

Council Chair Rapozo: Thank you. Any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Roll call.

The motion to approve Bill No. 2678 on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and carried by the following vote:

| | | |
|-----------------------|---|------------|
| FOR APPROVAL: | Chock, Kagawa, Kaneshiro, Kawakami, Yukimura, Rapozo | TOTAL – 6, |
| AGAINST APPROVAL: | None | TOTAL – 0, |
| EXCUSED & NOT VOTING: | Brun | TOTAL – 1, |
| RECUSED & NOT VOTING: | None | TOTAL – 0. |

Council Chair Rapozo: Motion carries. Next item.

Bill No. 2679 – A BILL FOR AN ORDINANCE AMENDING SECTION 5-1.1, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE COUNTY FUEL TAX: Councilmember Kaneshiro moved to receive Bill No. 2679 for the record, seconded by Councilmember Chock.

(Councilmember Brun was noted as present.)

(Councilmember Yukimura was noted as present.)

Ms. Fountain-Tanigawa: Chair, we do have one (1) registered speaker.

Council Chair Rapozo: Thank you. With that, I will suspend the rules.

There being no objections, the rules were suspended to take public testimony.

Council Chair Rapozo: Glenn, did you want to testify? These Bills are being received, so it is not happening. I just want to make sure that you understand that before you start beating people up. It is being received or killed.

Mr. Mickens: For the record, Glenn Mickens. You have a copy for my testimony and I will read it for the viewing public: “For many years, I have complained to Councilmembers and Mayors about taxes, gas, weight, property, and any other taxes we raised. Before millions of dollars in our system is being found from waste and eliminated with nobody willing to look into my accusations, I have shown all of you how we have been cheated in the asphalt concrete put on our roads, pave for material we did not get until Larry Dill came along as our Engineer in 2010. This was fraud and yet no one stepped forward to either find out what was going on or show that I was wrong. I showed you how we build and rebuilt two (2) bridges. The Olohena and the Kilauea Bridge for four million eight hundred thousand dollars (\$4,800,000) and twelve million dollars (\$12,000,000), whereas the Acrow Co. would have done both of these jobs for about one million dollars (\$1,000,000) and still no investigation. In 2014, Councilmember Rapozo sent a request to our Transportation Agency asking for an update on the buses acquired from the City & County of Honolulu with a list of questions to go with the request. We spent six thousand five hundred twenty-two

dollars (\$6,522) just to have those four (4) buses shipped to Kaua'i, and to ever get them operational would cost thousands of dollars, and would be a fiasco to see them on our narrow highways. It was estimated at the time about five (5) years ago that it would take about a year to have them in service and they are still sitting—more ready, fire, and aiming and total waste in the system. In her defense, I believe that Celia is doing a fine job trying to make an eight million dollar (\$8,000,000) million deficit job workable, but by our County's own multimodal plan, the statistics show that only one point three percent (1.3%) of our people will use the bus by 2020, and even by 2035, only three point six percent (3.6%) will use them, whereas about eighty percent (80%) will still be using their vehicles. Buses, bikes, and walking will not get the mass of people out of their vehicles, with the County's facts proving it; not my numbers, theirs. At last week's Committee Meeting, I was extremely pleased to hear Vice Chair Kagawa say that do we need an audit to find out where funds designated for specific projects, like our roads, are going. We are taking in about seventeen million dollars (\$17,000,000) for roads and transportation from two (2) sources that they are designated for. But only spending one million two hundred thousand dollars (\$1,200,000) for the paving. Like the multiuse path and the other projects I brought up, we desperately need an audit to be done. Again, I appreciate you bringing that up, Councilmember Kagawa, and I just hope that we will push forward with it and that it will not take years to find out. Thank you.

Council Chair Rapozo: Anyone else? If not, I will call the meeting back to order. Further discussion? Councilmember Kagawa.

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

Councilmember Kagawa: Glenn, I actually said that we may need an audit, but there are a lot of audits that I think we need. To fire a thirty million dollar (\$30,000,000) missile defense thing the other day that missed the mark—is it really worth thirty million dollars (\$30,000,000) to fire something to try to hit North Korea's potential missile? I think that is a lot of money that could help a lot of local families. There are a lot of audits that need to be done. The fact of the matter is that regarding infrastructure repairs, bridge repairs, governments all over the nation, including Kaua'i and the State of Hawai'i, are struggling with keeping up with the infrastructure due to funding. I think the only one that I actually visually see keeping up with a lot of things is Las Vegas because they have a lot of gambling money to fix things. Their schools are good and they have a lot of computers, but they have their problems, too. I do not think gambling is a good thing, but it sure helps to bring in a lot of revenue to fix infrastructure needs. Regarding our fuel tax, I think, like you said, there is a lot of money that is collected. It is frustrating. I think our residents go and every year they go to renew and pay their registration, which includes the fuel tax and everything. I get so much complaints about, "Hey, why is this year higher? This is seventy dollars (\$70) more." They show me last year's bill. They are frustrated, because like you, they are saying, "You are collecting more on my car every year and the road is still the same. Wherever I drive, the road is still the same as it was last year and it did not get better." Yes, it is frustrating. We do not get the answers that we want, but like I said earlier, there is a new sheriff coming to town, the new mayor will come onboard soon. Let us hope the next mayor can do a better job. That is my

hope. With the funding that they will have the General Excise Tax (GET) and everything, I hope that people will feel a little more comfortable seeing the results. Like I said, it gets frustrating paying more each year on your vehicles that you own and when it goes up from the prior year, the question is, "Hey, where is the extra going to?" Is it for nothing? That is why I agree that we have to finally do an audit, because when you collect fourteen million dollars (\$14,000,000) and you pave zero, it is hard to believe that the whole fourteen million dollars (\$14,000,000) just goes to clean road shoulders, trimming trees, or what have you. Thank you.

Council Chair Rapozo: Anyone else? If not, I will call the meeting back to order. Let me try to address three of the things that I wrote down from Mr. Mickens' testimony and I will try to answer this again. I think we have gone over this enough times, but Glenn talked about the thickness of the pavement when Larry Dill came over and we never said you were wrong; in fact, you were right and Mr. Dill acknowledged that, they changed the process, and redid the process to pave roads. He acknowledged it should have been two (2) inches back then, so that is what it is. What would an audit show? I am not sure. You keep asking for an audit, but what would that show? They acknowledged that it should have been two (2) and they did it an inch and a half (1.5) and now it is back at two (2). I supported Acrow—you know that, Glenn. We went until 4:30 in the morning, and in fact, Councilmember Yukimura was a swing vote. For whatever reason, the Administration chose the route that they did. They did not want an Acrow. They did not believe that Acrow was a permanent solution. They said it was a temporary bridge, even though everyone else in the country uses them. But that was their prerogative and that is what they chose. What is an audit going to prove? An audit is going to prove that the Administration chose to go with the traditional bridge versus Acrow. It is what it is. It was on the table, we voted, and the Council supported going that way. You do not need an audit. I am telling you exactly what happened. It was the same thing with the buses—that was foolish. They bought Honolulu's scrap. They saved Honolulu money from scrapping buses that we cannot use on this island and it is sitting in the back there rotting, but what is an audit going to prove? That they made a bad call? I am not sure I understand what an audit is going to prove because it is open, it is out there. They saw an opportunity that they thought, even though they were asked, "Will these buses work on Kaua'i?" "Yes." "Are our people trained to drive these buses?" "Yes." "Are our mechanics trained to fix these buses?" "Yes." The buses came, "Oops, our drivers are not trained; oops, our mechanics are not trained." The buses sit there rotting and we paid for the shipping. Bad decision. What is an audit going to prove? You do not need an audit. I just told you what happened. I want to put these issues to rest, Glenn. I appreciate your bulldog style, but I do not know how else to answer those questions. That is what happened and I am not happy about it, but what is an audit going to show? An audit is going to show exactly what I told you, except that we are going to spend eighty thousand dollars (\$80,000) for an accountant or an auditor to tell us. You are right on all three (3) items, you are correct. I support you and I agree with you, but let us kind of put that to rest already because we are not going to change the past. We just have to learn from that as we move forward. You are right, Glenn, on all three (3) accounts, on target. Any other discussion? Let us do a roll call.

The motion to receive Bill No. 2678 for the record, was then put, and carried by the following vote:

| | | |
|-----------------------|---|------------|
| FOR RECEIPT: | Brun, Chock, Kagawa, Kaneshiro, Kawakami, Yukimura, Rapozo | TOTAL – 7, |
| AGAINST RECEIPT: | None | TOTAL – 0, |
| EXCUSED & NOT VOTING: | None | TOTAL – 0, |
| RECUSED & NOT VOTING: | None | TOTAL – 0. |

Council Chair Rapozo: Motion carried. Next item.

Bill No. 2680 – A BILL FOR AN ORDINANCE AMENDING SECTION 5-2.3, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO MOTOR VEHICLE WEIGHT TAX: Councilmember Kaneshiro moved to receive Bill No. 2680 for the record, seconded by Councilmember Chock.

Ms. Fountain-Tanigawa: We do have a registered speaker, Glenn Mickens.

Council Chair Rapozo: I will suspend the rules. Glenn.

There being no objections, the rules were suspended to take public testimony.

Mr. Mickens: For the record, Glenn Mickens. All I am asking these taxes before we raise tax, which is obviously their easy way out, right? Across the street, just raise the tax? All I am asking is before we raise any tax, go back and find out what we did wrong before. You have to look at the past. If there are millions being spent—no, Councilmember Kaneshiro? You do not think so? Millions are being wasted, so go back and find out where the waste is going. We will not raise our taxes. That is the point. Council Chair, going forward, like I said, that is what I am looking at. We have to look at the past to see why we are not going forward. Like in the General Plan Update, did we go back and see what the other general plans would do? No, we did not. Why did we not go back and say, “This worked, so let us bring it forward.” If it did not work, do not go and do it again in a general plan, but let us find these things out. I realized, like you are pointing out, that you cannot cure what happened, but by not looking at what happened to an audit or a 3.17 Investigation, which we can do on any item we want, you folks can, let us go ahead and use these methods by taking the waste out of stuff. We are continually ready, fire, and aiming—always. Then we have to go back and correct what we did wrong instead of looking at it with a big picture in the first place, and then go ahead and do it right. Thank you.

Council Chair Rapozo: Thank you. Anyone else wishing to testify? I will call the meeting back to order. I guarantee you that if they come up asking for three (3) more buses from Honolulu, I will promise you that this Council is not going to say “yes.” With the Acrow brige fiasco, I bet we might consider Acrow. I think we will learn from our past mistakes. Councilmember Kagawa.

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

Councilmember Kagawa: I was going to support this one as well. I want to thank Councilmember Kawakami for introducing it. I fully understand that he is pulling it knowing that the votes were not there to pass. I kind of almost laugh when people at this table say, "Let us raise the tax on the businesses that can afford it with the big trucks and everything. Let them pay. They are the ones breaking it." But the fact of the matter is that when you raise the cost on the businesses, those costs just get passed down to our residents. It just flows through. The businesses do not feel it. They just raise the cost of their service to the public. It brings up the cost of housing and the cost of building your business. So to say, "Well, tax them, they can afford to pay," but actually our residents are paying, we are paying. They pass it through. The reason why I was ready to support this was I had local businesses telling me that the costs were high and that they were going to have to raise their rates on the public. For me, the bigger kicker was that the condition of our current roads...we keep talking about not paving, way past its due date—with the conditions of our roads, how can we charge customers market rate? How can we say, "You owe more, because your vehicle is damaging the roads," when the road is already damaged? Let us charge them after we fix the road. Let us fix the roads first, and then let us raise the rates on the vehicle weight tax, because they will be driving on a road that is smooth and not driving on roads that are unreasonably bad with potholes, etcetera. I think it is in that way that I support the vehicle weight tax reduction because the roads are bad already on what the vehicles are driving on, so it is a guarantee that they are paying more for maintenance for tires, engines, suspension, and what have you. Let us fix the roads first, then let us increase the vehicle weight tax. To me, that makes more sense. Furthermore, like I say, it just passes through the middle class and the poor. The rich people can afford anything you increase anyway. We do not need to worry about them. The businesses are going to keep on doing business. They are just going to pass it down to the middle class and the poor. Again, thank you for the proposal, Councilmember Kawakami. I will support it anytime you bring it up again. Thank you, Chair.

Council Chair Rapozo: Anyone else? Seeing none, the motion is to receive. Roll call.

The motion to receive Bill No. 2680 for the record was then put, and carried by the following vote:

| | | |
|-----------------------|---|------------|
| FOR RECEIPT: | Brun, Chock, Kagawa, Kaneshiro, Kawakami, Yukimura, Rapozo | TOTAL – 7, |
| AGAINST RECEIPT: | None | TOTAL – 0, |
| EXCUSED & NOT VOTING: | None | TOTAL – 0, |
| RECUSED & NOT VOTING: | None | TOTAL – 0. |

Council Chair Rapozo: Motion carried. Next item.

Ms. Fountain-Tanigawa: Chair, this brings us to page 8, Executive Session.

EXECUTIVE SESSION:

ES-939 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), on behalf of the Council, the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing, discussion and consultation regarding the Quarterly Report on Pending and Denied Claims. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

ES-940 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4) and (8), and Kaua'i County Charter Section 3.07(E), the purpose of this Executive Session is to provide the Council with a briefing regarding Charles A. Rapozo vs. County of Kaua'i, et al., Civil No. 17-1-000136 (KNAW) (Fifth Circuit Court), and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

ES-941 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4) and (8), and Kaua'i County Charter Section 3.07(E), the purpose of this Executive Session is to provide the Council with a briefing regarding the First Amendment to Agreement to Finalize Consolidation and Resub-division for properties identified as Tax Map Key No.(s) (4) 5-5-001:002, 033, 034 and 049, and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

Council Chair Rapozo: Before we make the motion to convene into Executive Session, we have a request from the County Attorney for ES-939. I will suspend the rules.

There being no objections, the rules were suspended.

MAUNA KEA TRASK, County Attorney: *Aloha.* For the record, Mauna Kea Trask, County Attorney. The Office of the County Attorney would like to request a deferral for ES-939. First Deputy Attorney Matt Bracken had to go to the mainland for a family matter, so he is not here today. We would like to ask for a deferral for two (2) weeks.

Council Chair Rapozo: That is enough time, right?

Mr. Trask: Correct.

Councilmember Yukimura moved to defer ES-939, seconded by Councilmember Kaneshiro, and unanimously carried.

Council Chair Rapozo: On ES-941, I just have a question. I am curious to know why this is in Executive Session. The posting is kind of vague. What part of Section 92 does this qualify for?

Mr. Trask: It is just to give you a briefing and my opinion on certain things. I think you may have some legal questions about it.

Council Chair Rapozo: What was this one about? I cannot remember.

Mr. Trask: This is for an offer to settle. It is related to some pending cases.

Council Chair Rapozo: So it is tied to some litigation?

Mr. Trask: Yes.

Council Chair Rapozo: Okay, got it. That is all I needed. Thank you very much. I will call the meeting back to order. Is there anyone in the audience wishing to testify? I know there are some people who have been waiting here all day.

Ms. Fountain-Tanigawa: Chair, we do have registered speakers for ES-940. Let us get a motion go to into Executive Session for ES-940 and ES-941.

Councilmember Chock moved to convene into Executive Session for ES-940 and ES-941, seconded by Councilmember Yukimura.

Council Chair Rapozo: Thank you. With that, I will suspend the rules. Who is the first speaker?

Ms. Fountain-Tanigawa: The first speaker is Arlene Liechty, followed by Lonnie Sykos.

Council Chair Rapozo: Thank you for your patience. Can you just state your name? You will have three (3) minutes, so the light will be green. When it goes to orange, you have thirty (30) seconds. When it goes to red, the seat will drop. Go ahead.

There being no objections, the rules were suspended to take public testimony.

ARLENE LIECHTY: My name is Arlene Liechty. I came here today because I am concerned about the issue regarding Charles Rapozo, on many levels. First and foremost, I am concerned about him and the way he has been treated. When I read the article in the newspaper about what was going on, quite frankly, I could not believe it. I drove down to meet him and see for myself. What I would like to learn today is what happened? Who is responsible? Who is accountable? That is really all that I have to say.

Council Chair Rapozo: Thank you. To answer your question, that is why we are having it here today. Next speaker.

Ms. Fountain-Tanigawa: The next speaker is Lonnie Sykos.

Mr. Sykos: For the record, Lonnie Sykos. Fiscal responsibility again. The last time I was here...what has it been...roughly a year ago that Chucky was on the agenda...and I believe my final comments were, "I hope that the Administration would not engage in retaliatory actions against him for bringing the asbestos issue to the forefront." But we do see that retaliatory actions appear to have been taken against him, an extraordinary waste of our human capital to have him sit in his pickup truck for a year, roughly. It is absolutely stunning that whatever supervisors were involved, managers were involved in the decision for him not to be reassigned to another place to do productive work, but to sit in his pickup truck; and as well as Human Resources managers have not been already fired. This is a joke. If we were in any other government organization, if we were in private enterprise, there would be managers out the door already. There would have been managers out the door a year ago. This is all business as usual in this County. Nobody cares. We were here a year ago with his issue and now we sit a year later, after he sat in the parking lot for ten (10) to thirteen (13) months, however long it has been, this is utterly absurd. The idea that any manager deserves a pay raise...right there...none of our managers deserve pay raises, even the ones in departments that have nothing to do with this. The reason is total dysfunction. This is totally dysfunctional. We are one (1) 'ohana? Our family has a father who is a crack attic and a mother who is a heroin attic. That is the family dysfunction that we are witnessing here with the way he has been treated, and he is not the only one. The County Attorney, I am sure, is fully aware in his files of how much money we have spent through the years paying off our employees because we willfully violate labor law and their civil rights, as well as the public civil rights. So it is not that we need to resolve this for Chucky, which we do; we need to resolve this for everybody who works for the County, and the question is what is it going to take to end the County taking retribution against employees doing their job? Thank you.

Council Chair Rapozo: Thank you. Next speaker.

Ms. Fountain-Tanigawa: The next speaker is Gabriela Taylor.

GABRIELA TAYLOR: Gabriela Taylor. I am a retired health educator by profession. When I read that article in the newspaper, I was like, "That man did the County a favor by calling this health hazard to their attention, and yet, he is being punished for it." It seemed incredible. I was thinking, "What is going on?" Then because I have been coming here testifying, I met Chucky and he told me from his own personal standpoint what happened, which matched what it said in the newspaper. The retaliation, as somebody has spoken about already, is just horrible to think that he would be put into that demeaning situation. That is just uncalled for and it needs to be amended. He needs to have that time that he had to sit in the parking lot as a persona non grata that needs to be changed to honoring him for calling this very dangerous situation to the County's attention. I would like to see the Council take action on this. Thank you.

Council Chair Rapozo: Thank you. Next speaker.

Ms. Fountain-Tanigawa: Chair, we have no registered speakers.

Council Chair Rapozo: Anyone else wishing to testify?

CHARLES RAPOZO: Charles Rapozo, for the record. Everything that happened to me was after the fact. What happened in the parking lot is real. I was out there for thirteen (13) months. I was punished, retaliated against, and ostracized. By the Administration, I took this personal to a personal level. My duties out there was I used to pick up human feces in the parking lot from the homeless and cigarette butts and my protective gear was leaves. That was all I had. That is how bad it was. I used leaves so that I do not get sick. In two (2) days that I come here, since I came here, it was like I got out of prison, like I got out of a cage. I want to thank this staff for all of their professionalism and for the kindness and their smiles and always saying thank you to me. I was tortured, that was inhumane, illegal, and criminal by the County Administration. In two (2) days, I come here and had all of my protective gear. I had a flashlight, safety glasses, earplugs, boots, a rain jacket, and a space suit to take out the toxic things. I was trained to protect you folks from the homeless and the sickness from bathrooms in two (2) days from my supervisor Betty and my other working supervisor. They check on me three (3) times a day and call me up if I am all right, if I need help, and if everything is okay. A lot of people knew that I was in the parking lot. It was not a secret. Some of the Councilmembers knew and even the County Attorney knew. Everybody knew. It is a joke. I just cannot say too much more. Everything was after the fact, so I am okay. I want to thank you folks for everything and for putting me over here and taking me out of the cage. That is all I have to say. Thank you very much.

Council Chair Rapozo: Thank you.

FAITH RAPOZO: Hi Council. My name is Faith Rapozo and I am Charles Rapozo's daughter. I wanted to speak and to talk to you folks, on behalf of my family and the Rapozo *'ohana*, and share my thoughts with you folks. I just wanted to say that I am very disgusted with what has been happening with my father. Not only was his life put at-risk and other people's lives as well and he did not even get the proper equipment that he needed. But besides that, they left him in parking lot for over a year. I cannot even sit in a classroom for more than an hour-and-a-half doing nothing; I could not imagine sitting in a parking lot for eight (8) hours every single day and he had to wake up at 4:00 a.m. every morning and he still went to work because he still needed to put food on the table and to help me pay for my tuition. If I had the money and I did not make ten dollars (\$10) an hour, I would say, "Go home, Dad." He was only relocated after the article was posted in *The Garden Island*. What took so long? Over a year. I also wanted to say I put together suicide awareness group that I had started with my little sister and there is a like a handful of students from high schools around the island and some adults that I have befriended and meet with, and part of suicide awareness is knowing the warning signs of suicide. I have lost family and I have lost friends before, and I never told my dad this, but I see warning signs in him. I see the depression and he is not the same as he was before. My little sister and I have dreams of losing our dad to suicide. I had a dream once that he hung himself on the tree where he stood every single day for the past year. Nobody cared. No amount of money...there is nothing that could ever compare to my father. I want to know who is going to bring back his peace and his spirit, because he is not the same. He used to laugh and had a joyful spirit all of the time and that

is not the same person I see anymore. I am tired of waiting around for answers. We need answers already. What example does this set for everyone? That it is okay to treat your workers like this? I am majoring in Hospitality and Tourism Management and one day I am going to be a manager and make sure my employees are safe no matter what, because their safety should be first. I will not let this slide. I will not let this go, not on my watch. Thank you.

Council Chair Rapozo: Anyone else?

Ms. DesMarais: Thank you, Council. My name is Ana Mo Des for the record. I met Chucky in the parking lot briefly and I am educated now hearing everyone's testimony as to what has happened. I do recall when this matter was before the Council and it was a difficult subject and not really able to even mention the asbestos issue. I just want to say to the family that this clarity, peace, and full-circle comes when people step forward and state the truth. So if it took an article and if it took one year, it is your sacrifice for the island for all of us to know that it is worth saying the truth no matter how hard or how uncomfortable, and retribution for you and your family will be received and your father will be fully restored, because it is about the community coming together, the fact that the Council is open and aware and excepting in full heart of this situation. This is the healing time now and my heart hurts for the year that needed to happen this way, but I am so grateful that it is out in the open and it is being spoken honestly and purely so that justice can be received, and so that we correct all matters moving forward and that we understand the importance of employee morale, safety, and everything that makes our democracy work. I really do not feel that you are all an example of that. I really appreciate this entire experience and for everyone's motivation to step forward and say the truth. To be vulnerable, this is extremely important and may it never happen again. Thank you.

Council Chair Rapozo: Anyone else? Lonnie.

Mr. Sykos: For the record, Lonnie Sykos. This is not my first ride at this rodeo, and not Chuck's issue, but local governments, businesses, and Human Resources Management. The simplistic thing for the Administration to do would be to take his supervisor over to the Kaua'i War Memorial Convention Hall (KWMCH) and fire him and throw him under the bus. But he is not the problem. I have no personal insight other than that I am sixty-three (63) years old and it is inconceivable to me that his supervisor over at KWMCH was the person responsible for telling him not to go back in the building and to not reassign him to productive employment. When they throw...not if...when they throw his supervisor under the bus, we are going to get sued by this supervisor and his supervisor is going to prevail. This is a systemic rot, a systemic problem that the Administration views the only problem as people like Chucky's speaking up and people like me speaking up that we are the problem, not them. This is a systemic problem that needs to be addressed. You want money for housing? You want money for the homeless? You want money to pave roads? You want money for elderly programs, like Meals on Wheels? How about we quit spending so much money paying our County Attorney to protect us from us shooting ourselves in the foot all of the time. This is an extremely serious matter. It is so serious that even though I am one of the taxpayers who is going to

foot the bill, I hope Chucky's attorney does not settle and this goes to trial. I hope it goes to trial because only in trial will the details of what occurred inside the Administration that made this go on so long become public. Settling out of trial means that everything is kept in secrecy and will never learn the truth of it, and the truth is what is required to fix our broken system. Fix our system or bankrupt us. That is what we are faced with. These things go to court and they keep adding zeroes onto the settlements the longer this goes on. I am fifteen (15) years here on Kaua'i and it was like fourteen (14) years ago that we gave one of our employees seven hundred thousand dollars (\$700,000) or eight hundred thousand dollars (\$800,000). Every couple of years, we are giving employees big bucks.

Council Chair Rapozo: I have to stop you there. Thank you.

Mr. Sykos: Thank you.

Council Chair Rapozo: Anyone else? If not, I will call the meeting back to order. Any discussion? Councilmember Kagawa.

Councilmember Kagawa: I just want to say that what happened in this whole fiasco I think was unfortunate and we should have done better. I have seen a lot of settlements come through in the five (5) years now that I have been here. Some is because of a person called another "fn" whatever or the other kind was where they did not get promoted because it was biased against. That kind of stuff is big bucks and big settlements. In this one, this is about a person's health. Asbestos is a real killer. It is well-documented in Hawai'i and in the nation. I had an uncle that passed away from asbestos. My aunty ended up getting a settlement, but she and her family has never been the same. She never remarried or anything. You cannot replace a life. In hindsight, we have to do better and treat our employees with respect, especially when it comes to health. I might look like a mean person when I speak, but when it comes to people suffering, I am not a mean person. I think we should all make sure we remember that everyone has lives. Thank you.

Council Chair Rapozo: Councilmember Yukimura.

Councilmember Yukimura: What we just heard was extremely disturbing and I am very, very sorry for the family of all the suffering that you had to go through. It is hard to imagine that this County has allowed that kind of situation to occur and I guess we will get briefed today, because we are now in a legal context, but I think what members of the public have said who have forth to speak also in favor of the family, which says a lot about our community, is that the truth is what is required. From there, proper response to in terms of responsibility and accountability. I hope that we will, through the process, get to that end.

Council Chair Rapozo: Anyone else? Mauna Kea is probably going to jump all over this, but it has been in the papers and the lawsuit is public record. Let me just apologize to the family on behalf of this County. This is probably one of the most embarrassing times I have ever had in fourteen (14) years. We knew about this last year, the Council knew about this. Chucky actually came up to me and told me what was going on and I spoke to the Mayor, and I do not really care if this hurts us

in court, because the truth needs to be told and the reality is that Chucky came to see me, I spoke to the Mayor face-to-face and said, "We have a problem, Mayor. There is asbestos at..." "Yes, I know, Chucky talked to me." I asked, "What are we going to do? They are treating him like an animal." He said, "You go take care of the asbestos issue with the Department of Parks & Recreation and I will take care of the personnel matter." Chucky knows this because I called Chucky right after and told him, "I talked to the Mayor. I am putting it on the agenda." It showed up on the agenda on February 1, 2017 where we had this discussion; it was emotional and we were shocked. Yet, the County Administration tried to convince us that there was in asbestos. "No, we had it checked." All the while, Chucky said, "No, I spoke to..." It is asbestos. That man took some samples of this tile and sent it away and had it analyzed and it came back positive. Again, I communicated with the Administration; now what? The E-mails are there and it is going to be in court. What are you guys doing now? I am frustrated, because I heard the woman say that we do not care and I took that kind of personal, like this body does not care, because we do care. Maybe I did not have it on the agenda, but that did not stop this body from moving forward with communications to the Administration. This body cannot do anything over there. If it was up to me, I would fire people because of this. Everything that Lonnie said happened. You put the person in the parking lot and let him sit in the truck for eight (8) hours a day and give him a satisfactory evaluation—this is not only embarrassing, but this is despicable. We had a lot of time, and I know this because I spoke with the Administration on numerous occasions, "What are you doing with Chucky? Why do you not send him to the Historic County Building? We can use him here." "We are looking into it. Do not worry, Chair, we will take care of it. It is under control." Then we get sued. Now, the newspaper writes an article and everybody gets pissed off with the newspaper—why? So the newspaper comes out and all of a sudden, never mind the Council kept on pounding and never mind the public kept on pounding, because a lot of the public was calling the Mayor's Office as well about this. A lot of people knew about this. "Let them go. Chucky is going to go away." No, Chucky is not going to go away. I do not care the personality...it does not matter who that person working or what. The bottom line is that we had an employee that called out for help and he got sent to the parking lot. I am embarrassed and I know that the apologies is not enough, but now we got sued and now because the egg is on the face of the Administration and the Council, all of a sudden, "Chucky, we will move you to the Council." February 1st is when it made its first appearance on this body's floor with some very harsh direction that we had wanted to see. We talked about audits and 3.17 Investigations several times today. I do not know what we are going to get briefed on today, but I am so inclined to do an open investigation on this matter right here on this floor. Really, people need to be held accountable. Who allowed this to happen? One hundred thousand dollar (\$100,000) a year employees allowed this to happen. It is unacceptable. Please accept our apologies on behalf of this County, I apologize for those people across the street as well, because what they did was wrong and what they did not do was unacceptable. My time is up. We are going to have the briefing and we will figure out what we do next as far as this side of the street. Any further discussion? The motion is to go into Executive Session for ES-940 and ES-941. Roll call.

The motion to convene into Executive Session for ES-940 and ES-941 was then put, and carried the following vote:

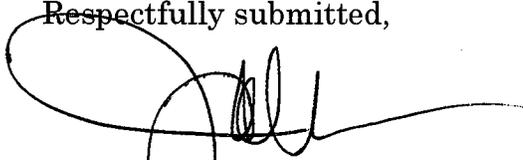
| | | |
|----------------------------|---|------------|
| FOR EXECUTIVE SESSION: | Brun, Chock, Kagawa, Kaneshiro, Kawakami, Yukimura, Rapozo | TOTAL – 7, |
| AGAINST EXECUTIVE SESSION: | None | TOTAL – 0, |
| EXCUSED & NOT VOTING: | None | TOTAL – 0, |
| RECUSED & NOT VOTING: | None | TOTAL – 0. |

Council Chair Rapozo: Thank you. We will reconvene into Executive Session.

ADJOURNMENT:

There being no further business, the Council Meeting adjourned at 2:51 p.m.

Respectfully submitted,



JADE K. FOUNTAIN-TANIGAWA
County Clerk

:ct

(February 7, 2018)

FLOOR AMENDMENT

Resolution No. 2018-06, Relating to Urging the United States to Conduct Diplomatic Talks with North Korea, With the Goal of Signing a Peace Treaty

Introduced by: JOANN A. YUKIMURA

Amend Resolution No. 2018-06 by amending the sixth paragraph to read as follows:

“WHEREAS, Hawai‘i’s culture is centered around the concept of “*aloha*” [peace] (friendship) and is a crossroads of east and west, which gives it a unique role in its authority to call for peace between the U.S. and North Korea; and”

(Material to be deleted is bracketed. New material to be added is underscored.)

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(February 7, 2018)

FLOOR AMENDMENT

Proposed Draft Bill (No. 2688), Relating to the Operating Budget of the County of Kaua'i, State of Hawai'i, for the Fiscal Year July 1, 2017 through June 30, 2018, By Revising the Amounts Estimated in the Liquor Fund

Introduced by: ARRYL KANESHIRO (By Request)

Amend Proposed Draft Bill (No. 2688) in its entirety to read as follows:

“SECTION 1. That pursuant to Sections 19.07B and 19.10A of the Charter of the County of Kaua'i, as amended, Ordinance No. B-2017-821, as amended, relating to the Operating Budget of the County of Kaua'i, State of Hawai'i, for the Fiscal Year July 1, 2017 through June 30, 2018, be hereby amended as follows:

The sum of [~~\$26,000.00~~] \$35,000.00 by revising the amounts estimated in the Liquor Fund from the following account:

| | |
|---|------------------------------|
| 204-0000-272.00-00 Equity / Fund Balance - Assigned | [[\$26,000.00]] |
| <u>\$35,000.00</u> | |

Be and is hereby appropriated for the following purpose:

| | |
|--|---------------|
| 204-5001-591.89-01 Department of Liquor Control, | [\$26,000.00] |
| <u>\$35,000.00</u> Equipment, Radios | |

SECTION 2. Approval of this Ordinance shall be considered Council approval of the aforementioned equipment pursuant to SECTION 21 of Ordinance No. B-2017-821 relating to unbudgeted equipment in excess of \$25,000.00.

SECTION 3. This Ordinance shall take effect upon its approval.”

(Material to be deleted is bracketed. New material to be added is underscored.)

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(February 7, 2018)

FLOOR AMENDMENT

Relating to Amendments to the General Plan Update Booklet (Kaua'i Kākou - Kaua'i County General Plan (Planning Commission Draft (June 2017)) and Appendices), as amended December 13-14, 2017 and January 25, 2018, as referenced in Bill No. 2666, Draft 1, A Bill For An Ordinance To Amend Chapter 7, Article 1, Kaua'i County Code 1987, As Amended, Relating To The Update Of The General Plan For The County Of Kaua'i (ZA-2017-3))

Introduced by: COUNCILMEMBER JOANN A. YUKIMURA

| AMENDMENT | PLANNING DEPARTMENT'S POSITION (INFORMATIONAL ONLY) |
|---|--|
| <p>1. Amend Bill No. 2666, Draft 1, by amending the booklet entitled "Planning Commission Draft" dated "June, 2017," including all Appendices, as amended December 13-14, 2017 and January 25, 2018 by amending page 115, item B.1. as follows:</p> <p style="padding-left: 40px;">"1. [Expand and preserve existing affordable housing stock through methods such as rent stabilization or rent control policies.] <u>Find ways to insulate affordable housing units from the market, whether rentals or for ownership, to preserve the affordability of units.</u>"</p> | <p>Support</p> |

2. If any provision that is amended is also found elsewhere, such language is hereby amended to provide consistency.
3. If more than one amendment to a same section is adopted on this date, all amendments shall take effect to the extent there is no conflict. If there is a conflict, the latest amendment shall be controlling.

(Material to be deleted is bracketed. New material to be added is underscored.)

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(February 7, 2018)

FLOOR AMENDMENT

Relating to Amendments to the General Plan Update Booklet (Kaua'i Kākou - Kaua'i County General Plan (Planning Commission Draft (June 2017)) and Appendices), as amended December 13-14, 2017 and January 25, 2018, as referenced in Bill No. 2666, Draft 1, A Bill For An Ordinance To Amend Chapter 7, Article 1, Kaua'i County Code 1987, As Amended, Relating To The Update Of The General Plan For The County Of Kaua'i (ZA-2017-3))

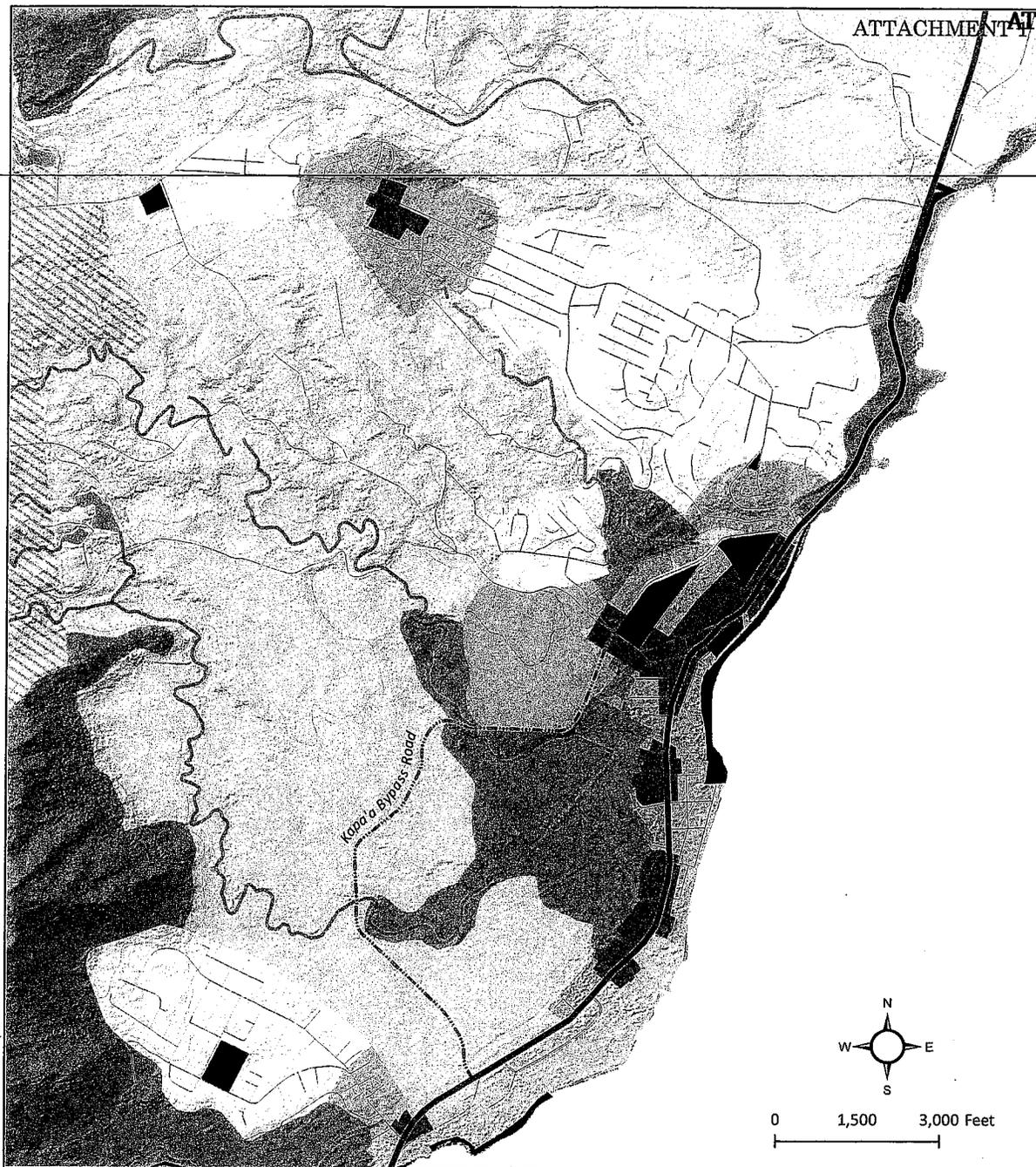
Introduced by: COUNCILMEMBER ROSS KAGAWA (By Request)

| AMENDMENT | PLANNING DEPARTMENT'S POSITION <i>(INFORMATIONAL ONLY)</i> |
|--|---|
| <p>1. Amend Bill No. 2666, Draft 1, by amending the booklet entitled "Planning Commission Draft" dated "June, 2017," including all Appendices, as amended December 13-14, 2017 and January 25, 2018, <u>to expand the size of the Neighborhood General designation for "Hokua Place" to its previous size (half-mile walkshed),</u> by amending all of the following:</p> <p>a. Amending page 56 (Neighborhood General) as follows:</p> <p style="padding-left: 40px;">"The Neighborhood General designation applies to [areas within a quarter mile, or five-minute walk, from Neighborhood Centers.] <u>the walkshed surrounding Neighborhood Centers.</u>"</p> <p>b. Amending page 84 (Land Use Map Changes for East Kaua'i) as follows:</p> <p style="padding-left: 40px;"><i>Urban Center</i> The previous Urban Center designation on and surrounding the Kapa'a Middle School has been updated to Neighborhood General [and refined to be located within a 1/4-mile of the Neighborhood Center designation near the roundabout]."</p> <p>c. Amending page 235 (Figure 5-6 East Kaua'i Land Use Map), and make all other corresponding graphical changes, as shown in Attachment 1.</p> | <p>Support</p> |

2. If any provision that is amended is also found elsewhere, such language is hereby amended to provide consistency.
3. If more than one amendment to a same section is adopted on this date, all amendments shall take effect to the extent there is no conflict. If there is a conflict, the latest amendment shall be controlling.

(Material to be deleted is bracketed. New material to be added is underscored.)

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**Proposed Amendment to Revise Draft GP Land Use Map Designations
East Kauai Planning District**

Proposed amendment by Council Chair Rapozo to increase Neighborhood General Designation in area referred to as "Hokua Place"

Legend

- | | |
|---|---|
|  Agriculture |  Neighborhood Center |
|  Homestead |  Neighborhood General |
|  Industrial |  Parks and Recreation |
|  Natural |  Residential Community |
| |  Resort |

(February 7, 2018)

FLOOR AMENDMENT

Relating to Amendments to the General Plan Update Booklet (Kaua'i Kākou - Kaua'i County General Plan (Planning Commission Draft (June 2017)) and Appendices), as amended December 13-14, 2017 and January 25, 2018, as referenced in Bill No. 2666, Draft 1, A Bill For An Ordinance To Amend Chapter 7, Article 1, Kaua'i County Code 1987, As Amended, Relating To The Update Of The General Plan For The County Of Kaua'i (ZA-2017-3))

Introduced by: COUNCILMEMBER MASON K. CHOCK (By Request)

| AMENDMENT | PLANNING DEPARTMENT'S POSITION <i>(INFORMATIONAL ONLY)</i> |
|---|---|
| <p>1. Amend Bill No. 2666, Draft 1, by amending the booklet entitled "Planning Commission Draft" dated "June, 2017," including all Appendices, as amended December 13-14, 2017 and January 25, 2018, by amending all of the following:</p> <p style="padding-left: 40px;">a. Amending page 99, item B.2. as follows:</p> <p style="padding-left: 80px;">"Utilize best practice watershed management plans, such as the Hanalei Watershed [Action] <u>Management</u> Plan, as examples for other communities to employ."</p> | <p>?</p> |

2. If any provision that is amended is also found elsewhere, such language is hereby amended to provide consistency.
3. If more than one amendment to a same section is adopted on this date, all amendments shall take effect to the extent there is no conflict. If there is a conflict, the latest amendment shall be controlling.

(Material to be deleted is bracketed. New material to be added is underscored.)

(February 7, 2018)

FLOOR AMENDMENT

Relating to Amendments to the General Plan Update Booklet (Kaua'i Kākou - Kaua'i County General Plan (Planning Commission Draft (June 2017)) and Appendices), as amended December 13-14, 2017 and January 25, 2018, as referenced in Bill No. 2666, Draft 1, A Bill For An Ordinance To Amend Chapter 7, Article 1, Kaua'i County Code 1987, As Amended, Relating To The Update Of The General Plan For The County Of Kaua'i (ZA-2017-3))

Introduced by: COUNCILMEMBER MASON K. CHOCK (By Request)

| AMENDMENT | PLANNING DEPARTMENT'S POSITION <i>(INFORMATIONAL ONLY)</i> |
|--|---|
| <p>1. Amend Bill No. 2666, Draft 1, as amended January 25, 2018, by amending the following Definition in Section 7-1.3:</p> <p style="padding-left: 40px;">““Vision” means a preferred future as described in <u>Chapter 2 of</u> the text of the General Plan.”</p> | <p>Support</p> |

2. If any provision that is amended is also found elsewhere, such language is hereby amended to provide consistency.
3. If more than one amendment to a same section is adopted on this date, all amendments shall take effect to the extent there is no conflict. If there is a conflict, the latest amendment shall be controlling.

(Material to be deleted is bracketed. New material to be added is underscored.)