

## COUNCIL MEETING

JUNE 13, 2018

The Council Meeting of the Council of the County of Kaua'i was called to order by Council Vice Chair Ross Kagawa at the Council Chambers, 4396 Rice Street, Suite 201, Līhu'e, Kaua'i, on Wednesday, June 13, 2018 at 8:49 a.m., after which the following Members answered the call of the roll:

Honorable Arthur Brun  
Honorable Mason K. Chock  
Honorable Arryl Kaneshiro  
Honorable Derek S.K. Kawakami  
Honorable JoAnn A. Yukimura  
Honorable Ross Kagawa

Excused: Honorable Mel Rapozo

### APPROVAL OF AGENDA.

Councilmember Yukimura moved for approval of the agenda, as circulated, seconded by Councilmember Brun, and carried by a vote of 6:0:1 (*Council Chair Rapozo was excused*).

### MINUTES of the following meetings of the Council:

May 22, 2018 Public Hearing re: C 2018-120  
May 30, 2018 Public Hearing re: Bill No. 2710 and Bill No. 2711

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

Council Vice Chair Kagawa: It has been moved and seconded to approve. Is there any discussion? Is there anyone from the public wishing to speak on the Minutes?

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 (*Council Chair Rapozo was excused*).

Council Vice Chair Kagawa: Motion carried. Next item, please.

INTERVIEW:

SALARY COMMISSION:

- Kenneth N. Rainforth – Term ending 12/31/2020

Council Vice Chair Kagawa: Thank you. Ken, thank you for all of your service in the past and in the future. You can begin with an opening statement, or do you just want questions? It is up to you.

KENNETH N. RAINFORTH: No, I am okay.

Council Vice Chair Kagawa: Alright.

Mr. Rainforth: When I was asked to serve, usually, I would say “no.” It has been nine (9) years since I retired and after being someone in the County for so many years, you start to feel irrelevant after a while in your retirement. When Paula asked me if I wanted to be on the Salary Commission, I thought, “Well, why not?” It is something that I think I can understand and assist with, so I am offering my services to the County.

Council Vice Chair Kagawa: Thank you, Ken. Are there any questions for Mr. Rainforth? Councilmember Yukimura.

Councilmember Yukimura: I actually know Ken so well that I do not have any questions, but I want to really acknowledge Ken. You will see on his application that from 1979 to 2009, he was with the Kaua‘i County Housing Agency. I believe it is Ken’s steady leadership throughout that time that has actually put the County of the Kaua‘i in the limelight as perhaps having the best County housing program throughout the Counties. Thank you, Ken, for that.

Mr. Rainforth: Thank you.

Councilmember Yukimura: It is a huge contribution that you made. I also want to acknowledge that even in his nine (9) years of retirement, he was diligently part of the Affordable Housing Advisory Committee that I had convened for the purpose of developing amendments to Ordinance No. 860. While that has not come before this body yet, the analysis and work that was done was really instrumental in helping us think through the problems. Thank you. I know, Ken, that you are extremely familiar with the County and its operations and have an amazing commitment to the purpose of the County, the mission, and work of the County. I really appreciate your willingness to serve.

Council Vice Chair Kagawa: Is there any more praise for Ken—I mean, questions for Ken? Ken, I am going to fully support your nomination. Thank you for being willing to serve and I know you will do well. Seeing nothing else, you are done.

Mr. Rainforth: Thank you.

Council Vice Chair Kagawa: Consent Calendar.

CONSENT CALENDAR:

C 2018-129 Communication (05/29/2018) from the Director of Finance, transmitting for Council information, the Period 7 Financial Reports – Statement of Revenues, Statement of Expenditures and Encumbrances, Revenue Report, and Detail Budget Report as of January 31, 2018, pursuant to Section 21 of Ordinance No. B-2017-821, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2017-2018: Councilmember Kaneshiro moved to receive C 2018-129 for the record, seconded by Councilmember Chock.

Council Vice Chair Kagawa: It has been moved and seconded to receive. Is there any discussion? Is there anyone from the public wishing to speak on this?

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 2018-129 for the record was then put, and carried by a vote of 6:0:1 (*Council Chair Rapozo was excused*).

Council Vice Chair Kagawa: Motion carried. Next item, please.

JADE K. FOUNTAIN-TANIGAWA, County Clerk: Council Vice Chair Kagawa, on page 2, we have C 2018-130 and its companion Proposed Draft Bill (No. 2687), which Councilmember Kawakami has recused himself from the discussion.

(*Councilmember Kawakami was noted as recused.*)

COMMUNICATIONS:

C 2018-130 Communication (05/11/2018) from Michael A. Dahilig, Clerk of the Planning Commission, transmitting the Planning Commission's recommendation to amend Chapter 8, Section 8-2.1(A) and Section 8-4.2(A), and Chapter 10, Section 10-5A.7(A), Kaua'i County Code 1987, as amended, Relating to the Comprehensive Zoning Ordinance and Lihu'e Town Core Urban Design District, to increase the upper limit of Residential Zoning District designation for the Rice Street Neighborhood Design District from R-20 to R-40: Councilmember Kaneshiro moved to receive C 2018-130 for the record, seconded by Councilmember Brun.

Council Vice Chair Kagawa: It has been moved and seconded to receive. Is there any discussion? Councilmember Yukimura.

Councilmember Yukimura: Maybe for the sake of the Planning Department, can we have them up now?

Council Vice Chair Kagawa: Yes. Since Councilmember Kawakami stepped out, we may as well do all of the questions right now.

There being no objections, the rules were suspended.

KA'ĀINA S. HULL, Deputy Planning Director: Good morning, Council Vice Chair Kagawa and Members of the Council. Ka'āina Hull on behalf of the Planning Department.

Council Vice Chair Kagawa: It is a Bill for First Reading. We can have as much discussion as we want, but let us all be aware that we have a long process to go through and there will be other opportunities for more questions. With that, Councilmember Yukimura, do you have any questions?

Councilmember Yukimura: Thank you. Ka'āina, just for the sake of the public because we are going to be scheduling the public hearing today, can you just summarize what the proposal is?

Mr. Hull: Essentially, the proposal is to increase the density in the special planning area designated for the Rice Street planning area in the Līhu'e Town Core. Currently, the residential density for this area is R-20, which means you can construct at a ratio of the twenty (20) units per acre. Now if you have smaller lots, half (½) acre lots, it means you get ten (10) dwelling units and if you have a quarter (¼) acre lot, then you get five (5) dwelling units at that R-20 ratio. The proposal is quite simple. It proposes to increase it from R-20 to R-40, so it is looking at doubling the density for this area.

Councilmember Yukimura: Is this an effort to implement the plans for the Līhu'e Town Core?

Mr. Hull: The Līhu'e Town Core does not specifically call out this area to be increased in density. Essentially, there have been a number of discussions that we have had with those in the business of providing housing and looking at areas of Kaua'i that need to have increased density in order for them to make their bottom-line and just to provide more housing opportunities for Kaua'i. I know there is a lot of concern that the proposal would only be able to be done if we increased the height. There is no discussion with Councilmember Brun, the introducer of the Bill, the Planning Department, and the Planning Commission to increase the height whatsoever. There is also an example currently on Rice Street that is actually the Līhu'e Townhomes, that was built pre-Code that is actually built at a density of roughly R-60, in fact, and they are able to do it within the fifty (50) feet envelope that Kaua'i has. In fact, they are a few feet under that. I believe it is at forty-four (44) or forty-three (43) feet in height. So that essentially, is it in a nutshell, of what we are proposing.

Councilmember Yukimura: What is the height limit for the area that is being proposed for R-40?

Mr. Hull: It has been fifty (50) feet and under the current proposal, is it to be maintained at fifty (50) feet.

Councilmember Yukimura: Fifty (50) feet, okay. Can you describe the special planning area for which this is...

Mr. Hull: I actually have a map, if you would like to put it up.

Councilmember Yukimura: Okay.

Mr. Hull: Sorry, I did not make copies. I did not know if the projector would be running.

Councilmember Yukimura: It is not attached, right?

Council Vice Chair Kagawa: Ka'āina, I have a follow-up on her question.

Mr. Hull: Yes.

Council Vice Chair Kagawa: The current one that we have, how many stories is that?

Mr. Hull: With fifty (50) feet, you can put roughly four (4) stories.

Council Vice Chair Kagawa: The one in Līhu'e, what is it called?

Mr. Hull: Līhu'e Townhouse.

Council Vice Chair Kagawa: Līhu'e Townhouse. Is that four (4) stories?

Mr. Hull: It is a four (4) story condominium. I also have a picture of that.

Council Vice Chair Kagawa: I see it every day because it is close to my house, but it looks higher than four (4) stories. Is it four (4) stories?

Mr. Hull: It is four (4) stories, yes.

Council Vice Chair Kagawa: Okay. Follow-up? Councilmember Chock.

Councilmember Chock: We do not have to go into detail now. I just wanted to put it on the table, Ka'āina. I am a little bit concerned. I was wondering about "(8) Hotels and motels not to exceed RR-10 density." In terms of what the goal is here, are we looking to allow hotels and the expansion of hotels with this inclusion? It is something that we might be able to discuss moving forward and how it fits the character, form, and intent that we are looking for.

Mr. Hull: Sorry, Councilmember Chock. What Section?

Councilmember Chock: Section 4, number (8).

Mr. Hull: Oh, okay. The inclusion of that is just the inclusion of existing ordinance as it is. Currently and for decades since the adoption of the Līhu'e Town Core Urban Design Plan in 2005 as well as the overall permitted uses in Commercial General, which this has been for decades, they have always had that provision of hotels/motels. Councilmember Brun's bill and what was reviewed at the Planning Commission is not introducing ability to do hotels and motels in this area. It has always had that ability.

Councilmember Chock: So with the inclusion of number (8), it does not increase the ability to, is just remains status quo, basically?

Mr. Hull: It remains status quo for hotels/motels, correct.

Councilmember Chock: Thank you.

Councilmember Yukimura: I have a follow-up.

Council Vice Chair Kagawa: Councilmember Yukimura.

Councilmember Yukimura: The RR-10 density is essentially twenty (20) units per acre, right?

Mr. Hull: I should say twenty (20) motels units. A motel unit does not have a kitchen. The RR-10 is a reference to the Resort zoning designation and at a RR-10 or a Resort zoning designation, you can have a kitchen unit or timeshare, so to speak. But in a hotel/motel room, you cannot have a kitchen, so it actually doubles it under the Resort zoning. For hotel/motel units, you are correct, Councilmember Yukimura, it is twenty (20) units at the RR-10 density for one (1) acre and it would not be reduced or increased under the proposal.

Councilmember Yukimura: Right. Can you now show us the district?

Mr. Hull: Yes. The district is outlined in red here, essentially. The special planning area for the Rice Street Special Planning Area is all of that red.

Councilmember Yukimura: Ho'olako Street at the bottom right is the road that goes to the stadium, right?

Mr. Hull: Correct.

Councilmember Yukimura: So it goes from Kaua'i Ace Hardware & Crafts...

- Mr. Hull: here. Yes. Kaua'i Ace Hardware & Crafts is down here.
- Councilmember Yukimura: Yes.
- Mr. Hull: All the way up.
- Councilmember Yukimura: Does it take Kalapakī Villas into account?
- Mr. Hull: Yes.
- Councilmember Yukimura: And Līhu'e Court?
- Mr. Hull: Līhu'e Townhouse is here.
- Councilmember Yukimura: housing... Right. Okay. Rice Camp Housing is elderly housing...
- Mr. Hull: Sorry, I got this off of Google.
- Councilmember Yukimura: This is a dated map.
- Mr. Hull: has not been updated since the Rice Camp development went in. Yes. This is off of Google Earth. Google Earth
- Councilmember Yukimura: could you update the photo? Before this Bill comes back to Committee,
- Mr. Hull: aside from that, we just have to see what... I can see what we have on pictometry, but
- Councilmember Yukimura: build-out. What is the density of Rice Camp? Yes. It would be good to see the current
- Mr. Hull: R-30 or R-35. It went beyond the R-20 cap and they did that via the use permit process. I believe Phase I went at a density of roughly
- Councilmember Yukimura: through a special permit that is over the density? Okay. We actually have something that is
- Mr. Hull: Yes.
- Councilmember Yukimura: Courts and Kalapakī Villas? Do you know what the densities are for Līhu'e
- Mr. Hull: get that information for you. I believe they are lower than R-20, but I can

Councilmember Yukimura: Could you? Then, it goes up. I guess that is Līhu'e Christian Church and follows the valley brim up to Haleko Road, including the old Eggberts commercial property, but it does not include 'Eiwa Street and Umi Street or the Līhu'e park.

Mr. Hull: Yes. That is its own special planning area, but it is not included in this proposal.

Councilmember Yukimura: Okay. Who defined this special planning area?

Mr. Hull: It is defined under the Līhu'e Town Core Plan.

Councilmember Yukimura: Town Core Plan?

Mr. Hull: Yes.

Councilmember Yukimura: As the Rice Street Special Planning Area District?

Mr. Hull: Yes.

Councilmember Yukimura: Okay. I guess the question is how do we propose to handle—I am generally in favor of this because it will enable housing and mixed-use in that area, so that is good. How are we thinking of handling parking and traffic?

Mr. Hull: The parking requirements are still established under the Līhu'e Town Core Plan as having to do two (2) parking stalls per dwelling unit. There can be reductions made if they are close to public transportation, but that can only be reduced to one point five (1.5) per unit, so they still have to meet that requirement of providing off-street parking.

Councilmember Yukimura: How is that going to be solved, because if we put developers in an impossible situation, then it will be an obstacle to development to the issue of the parking? It is good that now you can get forty (40) units per acre, but if you do not have the parking for those units, then you cannot develop.

Mr. Hull: Yes. That is something that is essentially, for the private sector to plan for in their proposal, whether or not they are doing shared parking with another facility, or they are providing underground parking per se, or being able to just meet it on their property. That is ultimately for the developer to handle in their proposal.

Councilmember Yukimura: That is pretty expensive. Is there any coordination with the Transportation Agency? In the Short-Range Transit Plan, there is a discussion about a circulator or a shuttle in the Līhu'e/Puhi/Hanamā'ulu area. Indeed, I think, we have plans for a major transportation center here, right?

Mr. Hull: Yes.

Councilmember Yukimura: Is there any planning going on in coordinating the transit with the zoning?

Mr. Hull: In our discussions with the Transportation Agency for this proposed bill, their response is essentially, should this be adopted, any project that is reviewed and approved under this new R-40 standard, they would like to have regulatory review and oversight to determine whether or not the respective project should be providing a transportation site or a bus site, I should say.

Councilmember Yukimura: Okay, but that is really not going to address the problem in terms of—I mean, if you talk to the riders now, the Līhu‘e shuttle is really—people have to wait, there are all kinds of the configurations, and they have to go here before they get to where they need to go. I am talking about in a more concerted coordination between transit and land use.

Mr. Hull: Aside from what they provided, I cannot say any more. Indeed, there are discussions, long-range overall, between Planning and the Transportation Agency, which is a bigger discussion than just this R-40 proposal.

Councilmember Yukimura: Well, you have a Transportation Planner. Is he not looking at this issue of how to address it?

Mr. Hull: For the R-40 project?

Councilmember Yukimura: Yes.

Mr. Hull: Well like I said, for just this specific proposal, what their response was that they would like to look at the various projects that come under it to determine whether or not a bus site is necessary.

Councilmember Yukimura: Yes, and...

Mr. Hull: If you are talking about overall land transportation systems intermingling better, I think that conversation can be had. But as far as the pertinent to this specific R-40 proposal, they have provided those comments.

Councilmember Yukimura: Well, those comments do not address the question I am asking. I thought the reason why a Transportation Planner was put into the Planning Department was so that there could be coordination between land use and transportation.

Mr. Hull: What I am saying, Councilmember Yukimura, is there is. What I am saying is for this particular draft proposal, that was their response. If you would like more from them, I think at the Committee level, we can have the Transportation Agency with us.

Councilmember Yukimura: I am looking for a response from the Planning Department, not from the Transportation Agency.

Council Vice Chair Kagawa: Alright. We need to take a break from this area.

Councilmember Yukimura: I am saying that...

Council Vice Chair Kagawa: He is saying that they submitted what they submitted as the Planning Department. You are not satisfied, but it is okay. You have to agree to disagree.

Councilmember Yukimura: I am not disagreeing. I am just...

Council Vice Chair Kagawa: You are disagreeing. You are telling him the Planning Department should be doing more, and they are saying that they can perhaps do more later after at the Committee Meeting. We can discuss it and we can see if they can come up with a compromise. You are saying that you are not...

Councilmember Yukimura: It is not a compromise. It is not a compromise that I am asking for. I am asking for some planning.

Council Vice Chair Kagawa: And they are doing planning. That is their job.

Councilmember Yukimura: Well, if they are, then they would have some answers to my questions.

Council Vice Chair Kagawa: They have answered.

Councilmember Yukimura: Okay.

Council Vice Chair Kagawa: It is just that his answers just does not satisfy you, but everyone else can see what is going on. I do not know what the problem is.

Councilmember Yukimura: I would like to ask that by the time this matter comes to Committee, the Planning Department have a response about the coordination between transit and the land use that is being proposed for this area, because without it, the developers will still be facing many obstacles and just doing individualized parking may not get us to the optimum solution.

Mr. Hull: Okay.

Councilmember Yukimura: Thank you.

Council Vice Chair Kagawa: Councilmember Brun.

Councilmember Brun: Thank you. Thank you, Ka'āina. For this proposal, it is about bringing more housing, yes, but everyone is talking about revitalizing Rice Street. We are trying to do something to revitalize Rice Street.

Please do not tell me that you folks have in your plans that we are going to shut down all vehicles and only run buses through Rice Street.

Mr. Hull: No.

Councilmember Brun: Okay. We talk about transportation this and that. We all talk about housing, but now we are trying to put housing and find faults with parking. Yes, we are going to need the parking. It is not an option, but we are trying to revitalize Rice Street. Everyone is talking about redoing the entire Rice Street. This will help. I believe this will help, and that is why we went ahead and introduced this. This will bring more people to Rice Street. We can iron this out, we can go off about our transportation, and maybe we should bring Celia in here the next time if we want to do that. We are going to beat a dead horse with transportation with multimodal, or whatever you call it, and they will never be on-board. We heard them at the last meeting. They are not ready to move forward on a lot of things. Are we going hold up housing because we do not have an answer to putting a bus stop? That is where I am kind of struggling. Thank you, Ka'āina. I think it is a great plan. It is campaign season. Everyone knows that it is campaign season. Everyone is running for something, and everyone's...

Councilmember Yukimura: Is there a question?

Councilmember Brun: ...things is going to be about housing, housing, housing.

Council Vice Chair Kagawa: Do you have a question?

Councilmember Brun: And now we have this. Thank you.

Council Vice Chair Kagawa: Councilmember Chock, do you have something?

Councilmember Chock: No.

Council Vice Chair Kagawa: Anyone else?

Councilmember Yukimura: I have discussion.

Council Vice Chair Kagawa: Alright.

Councilmember Brun: Thank you, Ka'āina.

Mr. Hull: Thank you, all.

Council Vice Chair Kagawa: Ka'āina I have one (1) question.

Mr. Hull: Yes.

Council Vice Chair Kagawa: We have the map there. I was wondering when we hit Committee, if we had any areas such as targeted areas that we feel that may be possible—because we never know whether the private people are going to have the funding and backing to maybe knock down that old warehouse and turn it into housing. I would hope that we have some targets that says that this area could possibly have some takers or whatever. It is a vacant building. I think there are some out there like the Crest Building. I do not know what is going on with that. It seems like they have trouble renting it out. I do not know if you folks have some points of targets and if we look at the acreage and the maximum, we can see how many units are actually possible, and then we can talk to developers out there that, “Hey, we have this new bill going through and these are possible areas that maybe you can work on.” We have to push it from our side because a lot of times the developers are saying that our zoning and whatnot does not make it affordable for them to try and put some investment in. But this may create some opportunities.

Mr. Hull: Definitely, Council Vice Chair Kagawa. We can identify both vacant lots as well as existing buildings that could be revamped. I can say that I was just reminded this morning...

Council Vice Chair Kagawa: Yes, just shade them or something.

Mr. Hull: Yes. I was just reminded this morning that Ma’s Café is being renovated and their application was originally for eight (8) units. I think there is a plan for it to be elderly units, which means it does not have to have all of the parking requirements, but we had to deny them because under R-20, it only qualifies for three (3). They adjusted it so they would have three (3) units and three (3) potential office rental spaces. But their desire was to do more housing and under the R-20, we had to deny them. So, should something like this pass, the malls on that particular lot could increase to six (6) micro elderly units.

Council Vice Chair Kagawa: It sounds good.

Mr. Hull: But we can shade those particular areas that have buildings that are possible, as well as vacant lots or parking areas that could have new buildings on them.

Council Vice Chair Kagawa: Thank you. With that, is anyone from the public wishing to speak? Bruce.

Mr. Hull: Thank you.

Council Vice Chair Kagawa: Thank you, Ka’āina.

BRUCE HART: For the record, Bruce Hart. I have no objection to this specific increase in density for the area that is proposed. It makes sense to increase density. Some people like town living and I do see that there is a possibility that the type of person that is going to live in these units may not need as much parking as some other areas. But having said that, please Council, make sure there is enough parking for the people that live there. I think we should remember

that these are single-family residences. Meaning no disrespect to anyone including Planning, but when you require two (2) parking spaces and assume that the unit is going to have two (2) cars, and this is all over the island, where do the visitors park? Are we just assuming that these people do not have visitors? Where do their guests park if they have guests? One other thing, please consider noise. As you increase density, you inherently increase noise. Thank you.

Council Vice Chair Kagawa: Thank you. Anyone else? Seeing none, meeting called back to order.

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

Council Vice Chair Kagawa: Is there any discussion? Councilmember Chock.

Councilmember Chock: Thank you. I am supportive of this measure because I think the intent is there for us to look at what I understand as the primary goal of providing housing. It is what is slated for this area. I look forward to having a discussion. I do have a couple of concerns. I do think the parking question is a concern, just from the perspective of the ability to actually build. It is a question that I hope we can tackle, look at, and come to some agreement and maybe even get some insight from potential developers. The second question that I have and I put it on the table already, is really trying to get the perspective of the Planning Department with the inclusion of hotels and motels. While I realize that it is sort of taking back and just keeping in place what we have had previously, I just want to ensure that it is consistent with the Līhu'e Town Core Plan. My fear would be that it moves away from the intent of the Bill to provide local housing. I think what we have experienced in the past and what we see across the nation is sometimes you get a proliferation of things that you do not want. I just want to be sure that we are making sure we are in alignment with that because we know that hotels and motels are attractive for potential developers. I think if we need to look at a cap on that or revise it somehow just so that we are encouraging the kind of development that we want, which my understanding is affordable housing, then that is what I want to do. Thank you, Council Vice Chair Kagawa.

Council Vice Chair Kagawa: Councilmember Yukimura.

Councilmember Yukimura: I just have a question for Councilmember Chock so I can understand his concern. Are you concerned that by giving R-40, we will be increasing the potential density possible for hotels or motels?

Councilmember Chock: It sounds like it is not a bit of an issue because they will still be along the same guidelines that they were previously. My concern is that we would see more of that kind of development rather than housing development occur if we are not careful in understanding if there is a cap to that kind of development.

Council Vice Chair Kagawa: You may continue.

Councilmember Yukimura: Okay. Thank you.

Councilmember Chock: My question is really just to make sure that it is consistent with what we have already decided with the Līhu'e Town Core Plan. I just want to see that correlation in order for us to move forward.

Councilmember Yukimura: Thank you. I would like to say something. I really do not appreciate people putting words into my mouth. I am not talking against this proposal, in fact, I have said that I am very favorable to it. But I am wanting to make sure that we do not have any unintended consequences, which is the role of Planning. I think we need to address how people are going to come into Līhu'e and get around Līhu'e, whether it is to live in Līhu'e or to come and go to patronize the businesses. I am asking my questions because I want to make sure that this R-40 is going to work better. I want to see it, but I want to make sure that it works well. I know that at the Rice Camp elderly project, because we felt they were elderly and would not need as many cars, the parking requirement was reduced. If you go and talk to the tenants now, they are having all kinds of the parking problems. So just kind of making believe there will not be a problem does not work. We need to find real solutions. In urban planning, often part of the solution, and this is to actually enable and make it better for car drivers, part of the solution for increased density is transit because then you do not need a car, you do not have to park a car, and you can just come in and out very easily. I think that would be a good thing to look at and that is why I am asking Planning. I believe that was the original vision of the Transportation Planner, that they would make more connections because we were failing to make connections between land use and transportation. I hope that Planning will provide some insights and solutions in terms of this very progressive, proactive bill, and just to make sure that it can all work well.

Council Vice Chair Kagawa: Is there further discussion? Councilmember Kaneshiro.

Councilmember Kaneshiro: I cannot remember when we had this discussion before, if it was the General Plan, but I know we had this exact conversation. I am in favor of it. You look at a lot of things we talk about as far as infill and putting housing where infrastructure is. Maybe my one (1) question is, do we have the infrastructure in place to accommodate additional density? That will be a question in Committee. Are our water and sewer lines able to accommodate this? If not, who is going to bear the burden of that? Again, I think for housing, the cost is the cost. The cost to build a house, get sewer, get water there, for materials, and for labor is a hard cost. Unfortunately, when you add up all of those costs, a house does not become affordable. The house becomes four hundred thousand dollars (\$400,000) or five hundred thousand dollars (\$500,000). I think any way you can try to subsidize that amount, whether through government credits or through the government helping with infrastructure is a way to kind of the reduce the price on it. We cannot say, "Our infrastructure is not there. Developer, you are going to pay to upgrade the infrastructure, you are going to put up housing, and you are going to sell it cheap." I do not think that calculation is going to work. Ultimately, it comes down to the numbers. How do you get that number down? I do not know if it might take some government intervention to upgrade our infrastructure along the road. It would be

nice when we do Transportation Investment Generating Economic Recovery (TIGER) grants if we could get infrastructure, too, and redo the roads, sewer, and water in the area at the same time. But I know that is passed. In the future, if we can concentrate on infrastructure also. Again, R-40 sounds scary. We are doubling the density, but the reality of it is if you look at a one (1) acre parcel and try to fit forty (40) units on it, if you are doing apartment style units or rental unit that are all combined, it is not that big of a facility. I think the last time, I tried to bring up the example of a commercial property that was about five thousand (5,000) square feet. A five thousand (5,000) square foot property could provide four (4) one thousand (1,000) square foot units individuals condominiums or individual houses, but based on our density, you could only put one (1). Even with R-40, if you think about it. If you have a five thousand (5,000) square foot commercial building, you could still only put one (1) or two (2). If it is four thousand (4,000) square feet, you can put—because it is one-tenth (1/10), maybe my calculation is off. You could put four (4) now. Prior, you could only put one (1) unit. I think it helps as far as economy of scale and being able to do a project and have it make sense. I am in favor of it. Again, I do want to hear a little bit more about what our current infrastructure can handle.

Council Vice Chair Kagawa: Councilmember Yukimura.

Councilmember Yukimura: Thank you. I want to piggy-back on what Councilmember Kaneshiro just said because actually, the transit transportation issue is part of the infrastructure question, but I think it is well-advised to look at that. The other part of infrastructure is parks. We have that wonderful postage stamp park at Kalena, which is maybe the most used park in the community. But we will have to think about the increased density and what it means in terms of green space and places where people can walk and exercise. That is also an issue as part of the infrastructure question.

Council Vice Chair Kagawa: Is there further discussion? Certainly, I am more favorable to supporting something like this rather than a Charter Amendment to take three percent (3%) of our projected property taxes and put it into a Housing Development Fund. To me, this will bring more results and open up more options rather than just putting a pile of money. If you are putting a pile of money on the side with no plan, land, or anything, it is not a bad thing. However, I think when we do something like this, we spur the private sector to try and help us fill the gap in most important thing that going on right now, which is the need for local families to have affordable housing. It is going to continue to be a problem. We have a lot more kids going to school, returning home, and parents are worried out there. Every day I talk to parents, they are worried. They are not in the same boat as we were. How do we tackle this problem of the having opportunities for our children to own a home some day in Hawai'i? It is just crazy. Unless you buy lava rock on Hawai'i Island, you can probably do it. But if you want to do it on any other island in any other area, frankly, it is nearly impossible right now for our children. I think we have to open up more options. Regarding parking, I totally agree with you, Bruce. I have two (2) daughters that have lived in two (2) different areas. At first, they were living in Makiki where the housing there does not have adequate parking. What you have is these streets that are just packed with cars. As a parent when your daughter has to have a question mark as to where she has a parking spot, it is crazy to pay that kind

of the rent you are going to pay there and then you have to worry about those things. We have to do it right. Regardless of whether people use the bus or walk to work, they are going to still have a car. You still need a car to get around. I would say at minimum, you need two (2). Like Ka'āina said, maybe one and a half (1½) if we are really trying to cut costs for developers and make this work. Maybe one and a half (1½), but I think two (2) is the more reasonable number at least. I think we have to be cognizant that maybe this plan is not right. Maybe we have to go higher to R-60 or whatever if costs is not going to let this work. Right now, we are going double the capacity with this Bill and we are going to see if there is interest. I think that is a great beginning. We are not taking a small step. We are doubling it. I think it is a big step, but it is a big problem. I do not know how else you solve something without being bold and taking big steps. I do not know how you solve a big problem that no one can solve. It is happening on all islands. Hopefully, we can do it the right way. I want people to walk and ride the bus. We are going tackle all of that, but I think for now, Ka'āina folks are trying their best to tackle the issues. Hopefully, during Committee they will have a little bit more detail as to what their foresight is going forward. Councilmember Yukimura.

Councilmember Yukimura: Thank you, Council Vice Chair Kagawa. I want to say that the proposed Charter Amendment that would set aside three percent (3%) of the real property taxes could be used to provide some of the infrastructure to pull down the cost of building these units, because as Councilmember Kaneshiro pointed out, when you add up the infrastructure and everything, the cost is about four hundred fifty thousand dollars (\$450,000). By doubling the density, you can bring it down some because you have concentrated infrastructure. But it is still hard to get it to an affordable price, so that is where you could have several factors coming together to make affordable housing possible.

Council Vice Chair Kagawa: I understand your want to have the County commit a certain percentage. For me, I know that the Federal and State government takes most of our tax money. The County real property taxes are a very small portion. I think the State and Federal governments should be kicking in money. They have all of the tax money to help solve this problem. Why are we going to put the majority of money when they take all of the tax? It just does not make sense to me. I guess it is just a philosophical difference of where funding should come from. I believe it should come from the Federal and State governments. We need to fight harder for it. With that, this is a voice vote.

The motion to receive C 2018-130 for the record was then put, and carried by a vote of 5:0:1:1 (*Council Chair Rapozo was excused; Councilmember Kawakami was recused*).

Council Vice Chair Kagawa: Motion carried. Can we have the Bill for First Reading, and then we will call Councilmember Kawakami back in?

There being no objections, Proposed Draft Bill (No. 2687) was taken out of order.

BILL FOR FIRST READING:

Proposed Draft Bill (No. 2687) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8, SECTION 8-2.1(A) AND SECTION 8-4.2(A), AND CHAPTER 10, SECTION 10-5A.7(A), KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO THE COMPREHENSIVE ZONING ORDINANCE AND LIHU'E TOWN CORE URBAN DESIGN DISTRICT: Councilmember Yukimura moved for passage of Proposed Draft Bill (No. 2687) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for July 11, 2018, and referred to the Planning Committee, seconded by Councilmember Brun.

Council Vice Chair Kagawa: It has been moved and seconded to approve on first reading. Is there any discussion? Does anyone from the public wishing to speak on this?

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 Vice Chair Kagawa: We already had discussion. Roll call, please.

The motion for adoption of Proposed Draft Bill (No. 2687) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for July 11, 2018, and referred to the Planning Committee was then put, and carried by the following vote:

FOR ADOPTION:	Brun, Chock, Kagawa, Kaneshiro, Yukimura	TOTAL – 5,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Rapoza	TOTAL – 1,
RECUSED & NOT VOTING:	Kawakami	TOTAL – 1.

Council Vice Chair Kagawa: Shall we will take a short break or is he right here? Okay. Welcome back, Councilmember Kawakami.

*(Councilmember Kawakami was noted as present; Councilmember Brun was noted as not present.)*

Council Vice Chair Kagawa: Next item, please.

C 2018-131 Communication (05/22/2018) from the Executive on Aging, requesting Council approval to receive and expend Federal funds, in the amount of \$279,762.00 for Fiscal Year 2018, to be used by the County of Kaua'i, Agency on Elderly Affairs for the provision of Title III services of the Older American Act, which includes information and referral, outreach, legal assistance, in-home fall prevention, congregate meals, home-delivered meals, evidence-based programs like EnhanceFitness or Better Choices, Better Health, and caregiver support services, and to indemnify the State

Executive Office on Aging: Councilmember Yukimura moved to approve C 2018-131, seconded by Councilmember Kaneshiro.

Council Vice Chair Kagawa: It has been moved and seconded to approve. Is there any discussion? Are there any questions of the Administration? None. With that, there is no one here from the public to speak.

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 2018-131 was then put, and carried by a vote of 6\*:0:1 (*\*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Brun was noted as silent (not present), but shall be recorded as an affirmative for the motion; Council Chair Rapozo was excused*).

Council Vice Chair Kagawa: Motion carried. Next item, please.

C 2018-132 Communication (05/22/2018) from the Acting County Engineer, requesting Council approval to apply for, receive, and expend State grant funds, in the amount of \$160,000.00, to be used by the Department of Public Works, Solid Waste Division, to support Electronic Waste Recycling for this Fiscal Year and to indemnify the State Department of Health: Councilmember Chock moved to approve C 2018-132, seconded by Councilmember Yukimura.

Council Vice Chair Kagawa: It has been moved and seconded to approve. Are there any questions?

Councilmember Yukimura: Yes.

Council Vice Chair Kagawa: You may begin, if you want.

Councilmember Yukimura: Okay. Thank you. Good morning, Allison.

There being no objections, the rules were suspended.

ALLISON FRALEY, Solid Waste Program Development Coordinator: Good morning, Allison Fraley, County Solid Waste Program Coordinator.

Councilmember Yukimura: Just to clarify, this is grant money and it is not an expenditure of any County moneys, right?

Ms. Fraley: Correct. The State is going to grant us one hundred sixty thousand dollars (\$160,000) to support electronic waste (E-waste) recycling.

Councilmember Yukimura: It comes from the Department of Health, but in reading the document, it looks like the money actually comes from the manufacturers. Is that correct?

Ms. Fraley: Actually, yes, because they collect fees from the manufacturers under the State electronic waste law.

Councilmember Yukimura: So, it is this whole concept that whoever creates materials that become waste has to take care of waste.

Ms. Fraley: Yes. They are responsible for making sure they get recycled.

*(Councilmember Brun was noted as present.)*

Councilmember Yukimura: How does this protect the environment?

Ms. Fraley: Well, electronic waste is very toxic and so even though it is a voluntary program that we have that is free to residents and businesses, this allows an option for people to recycle their televisions, which can be very toxic, and other electronics. We also accept peripherals like keyboards, cords, and things of the nature.

Councilmember Yukimura: So it keeps those things out of the landfill?

Ms. Fraley: Yes.

Councilmember Yukimura: And it allows us to reprocess the toxic waste so that it is not in the environment here on Kaua'i?

Council Vice Chair Kagawa, the Presiding Officer, relinquished Chairmanship to Councilmember Kaneshiro.

*(Council Vice Chair Kagawa was noted as not present.)*

Ms. Fraley: Correct. The E-waste gets shipped out to Oregon where it dismantled and recycled. All of the component parts are recycled.

Councilmember Yukimura: Thank you.

Councilmember Kaneshiro: Are there any further questions? If not, thank you.

Ms. Fraley: Thank you.

Councilmember Kaneshiro: Is there any public testimony? Bruce.

Mr. Hart: For the record, Bruce Hart. I am happy to see the grant come forward. I approve of the program that the manufacturers should at

least compensate some to get rid of their waste. I just have a question on that. Where would the distribution sites be, because I would really like a distribution site in Kapa'a? Other than that, I have no comments. I just hope there is more than one (1) distribution site. Thank you.

*(Council Vice Chair Kagawa was noted as present.)*

Councilmember Kaneshiro: Allison, if you want to come up and say where the distribution sites are.

Councilmember Kaneshiro returned Chairmanship to Council Vice Chair Kagawa.

Ms. Fraley: E-waste does require some special permitting and good space to be able to palletize everything, put it in a shipping container, and properly manage it. We do have in Puhi an E-waste recycling at Puhi Metals Recycling facility that is six (6) days a week. So that is Monday through Saturday. We do realize that just one (1) location is not as good as having more, so we are having periodic collections in Kilauea and Hanapēpē to be able to hit the north shore and west side. We are hoping those can be monthly next fiscal year. Right now, we started off last month with one (1) in Kilauea and that is behind the Kaua'i Miniature Golf and Botanical Garden. The next Hanapēpē event is going to be Sunday the 24<sup>th</sup>, and that is going to be at the base yard next to Hanapēpē Transfer Station. We are promoting those. Part of this grant money is used for promotions to make the public aware of not only the six (6) day a week program, but the mobile collections that we are hope doing once a month.

Councilmember Yukimura: So, it is once a month for the rest of the year?

Ms. Fraley: Yes. For the rest of this fiscal, we have every other month.

Councilmember Yukimura: Oh, okay.

Ms. Fraley: We are working on every month at both those locations next fiscal year starting probably in August when we can get everything going and rolling. We are promoting it as we go. So, those event dates are in the newspaper, on the radio, and on our website.

Councilmember Yukimura: Okay. Thank you.

There being no objections, the meeting was called back to order.

Council Vice Chair Kagawa: Thank you, Allison. Is there any discussion?

The motion to approve C 2018-132 was then put, and carried by a vote of 6:0:1  
*(Council Chair Rapozo was excused).*

Council Vice Chair Kagawa: Motion carried. Next item, please.

Ms. Fountain-Tanigawa: Council Vice Chair Kagawa, the next item is C 2018-133, which we have a request to defer, as well as on page 5, the companion ES-951.

C 2018-133 Communication (05/23/2018) from the First Deputy County Attorney, requesting authorization to expend additional funds up to \$250,000.00 from the Claims and Judgments account to satisfy County of Kaua'i's self-insured retention limit concerning the litigation of Mark N. Begley vs. County of Kaua'i, et al., Civil No. CV16-00350, and related matters.

There being no objections, ES-951 was taken out of order.

ES-951 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council, to provide the Council with a briefing on the litigation of Mark N. Begley vs. County of Kaua'i, et al., Civil No. CV16-00350, 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.

Councilmember Brun moved to defer C 2018-133 and ES-951, seconded by Councilmember Kaneshiro, and carried by a vote of 6:0:1 (*Council Chair Rapozo was excused*).

Council Vice Chair Kagawa: Motion carried. Next item.

C 2018-134 Communication (05/23/2018) from the Director of Economic Development, requesting Council approval to receive and expend State funds in the amount of \$145,000.00, and approval to indemnify the State of Hawai'i, Hawai'i Tourism Authority Ho'okaulike program, for Safety and Educational signage in five of the six *moku*: Kona, Puna, Ko'olau, Halele'a, and Nāpali: Councilmember Brun moved to approve C 2018-134, seconded by Councilmember Kaneshiro.

Council Vice Chair Kagawa: It has been moved and seconded. Are there any questions?

Councilmember Yukimura: Can we have Nalani?

Council Vice Chair Kagawa: Can we have the Administration come up? I will suspend the rules. You can ask your question, Councilmember Yukimura.

There being no objections, the rules were suspended.

Councilmember Yukimura: Thank you, good morning, Nalani. As you know, I am very much supportive of this program. I think that it is a wonderful way to incorporate history and culture into our landscape. Can you just give us an update on where we are and maybe a little bit more specifics in terms of what that money will be used for?

NALANI BRUN, Operations Manager/Economic Development Specialist IV – Tourism: This money kind of fell into our laps a little bit, so we are in a rush to get it done. I have teams getting together to try to figure out where this specific money is going to go. We are hoping to make sure it continues the efforts that we are already doing. As long as the Hawai'i Tourism Authority (HTA) agrees to that, then we should be fine. We are looking to continue the interpretive signage program and we are also looking to purchase *pūlo'ulo'u* signs, which are kind of in-lieu of the old *kapu* signs that people used at *heiau*. They will be used across the island at the different *heiau*. That is kind of where we want to go with those. A few interpretive signs, and I am meeting with Water Safety and Kaua'i Police Department (KPD) soon to determine if they have safety issues that need to be addressed by signage, because that is one of the requests that HTA has as we look at signage. They actually wanted us to do ninety (90) signs and I felt that was just too many for this island. We already have enough signs. They brought it down to fifty (50) and we just want to make sure that where we put those signs are okay with the community and it actually providing a service in a way that we have kind of been moving towards versus just sticking a sign up somewhere.

Councilmember Yukimura: Okay. Thank you. I am glad that there is a lot of thought into how we are doing this.

Ms. Brun: Definitely.

Council Vice Chair Kagawa: Are there any further questions? Seeing none, thank you.

Ms. Brun: Thank you.

Council Vice Chair Kagawa: Is there anyone from the public wishing to speak on this?

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

Council Vice Chair Kagawa: Seeing none, is there further discussion?

The motion to approve C 2018-134 was then put, and carried by a vote of 6:0:1 (*Council Chair Rapozo was excused*).

Council Vice Chair Kagawa: Motion carried. Next item, please.

Ms. Fountain-Tanigawa: On page 3, we have a companion Executive Session (ES) for C 2018-135. The next item is C 2018-136.

There being no objections, C 2018-136 was taken out of order.

C 2018-136 Communication (06/01/2018) from the Director of Finance, requesting Council approval to accept and expend Emergency Use funding from the State of Hawai'i via Act 12 of the Regular Legislative Session 2018, in the amount of

\$25,000,000.00, to assist with the April 2018 flood relief efforts: Councilmember Yukimura moved to approve C 2018-136, seconded by Councilmember Kaneshiro.

Council Vice Chair Kagawa: It has been moved and seconded to approve.

Councilmember Yukimura: Are we getting our Director of Finance?

Council Vice Chair Kagawa: He is coming over. Can we move to the next item?

#### LEGAL DOCUMENT:

C 2018-137 Communication (05/11/2018) from the Acting County Engineer, recommending Council approval of the conveyance of Easement W-1 by the County of Kaua'i to the Board of Water Supply, for the Offsite Construction Plans for the County of Kaua'i Adolescent Treatment and Healing Center, Tax Map Key (TMK) No. (4) 3-8-018:012, Līhu'e, Kaua'i, Hawai'i, for reading of water meters and for the construction, installation, re-installation, maintenance, repair, and removal of potable water pipelines and related meters, valves, and other associated waterworks facility improvements and appurtenances.

- Grant of Easement

Councilmember Brun moved to approve C 2018-137, seconded by Councilmember Kaneshiro.

Council Vice Chair Kagawa: It has been moved and seconded to approve. Is there any discussion? Are there any questions of the Administration?

The motion to approve C 2018-137 was then put, and carried by a vote of 6:0:1 (*Council Chair Rapozo was excused*).

Council Vice Chair Kagawa: Motion carried. Next item, please.

#### CLAIMS:

C 2018-138 Communication (05/31/2018) from the County Clerk, transmitting a claim filed against the County of Kaua'i by William K. Pu'ulei, for damage to his property, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2018-139 Communication (05/31/2018) from the County Clerk, transmitting a claim filed against the County of Kaua'i by William Asing, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

Councilmember Yukimura moved to refer C 2018-138 and C 2018-139 to the Office of the County Attorney for disposition and/or report back to the Council, seconded by Councilmember Brun.

Council Vice Chair Kagawa: It has been moved and seconded to refer to the Office of the County Attorney. Is there anyone from the public wishing to speak on this?

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 Vice Chair Kagawa: Seeing none, is there any further discussion?

The motion to refer C 2018-138 and C 2018-139 to the Office of the County Attorney for disposition and/or report back to the Council was then put, and carried by a vote of 6:0:1 (*Council Chair Rapozo was excused*).

Council Vice Chair Kagawa: Motion carried. Next item, please.

#### COMMITTEE REPORTS:

#### PUBLIC WORKS/ PARKS & RECREATION COMMITTEE:

A report (No. CR-PWPR 2018-06) submitted by the Public Works/ Parks & Recreation Committee, recommending that the following be Received for the Record:

“PWPR 2018-05 Communication (05/30/2018) from Council Chair Rapozo and Council Vice Chair Kagawa, requesting the presence of the Acting County Engineer, to provide a briefing on the County’s role in floodplain management, including applicable floodplain management laws and rules,”

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

Councilmember Kagawa: It has been moved and seconded to approve. Is there any discussion?

The motion for approval of the report was then put, and carried by a vote of 6:0:1 (*Council Chair Rapozo was excused*).

Councilmember Kagawa: Motion carried. Next item, please.

#### BUDGET & FINANCE COMMITTEE:

A report (No. CR-BF 2018-27) submitted by the Budget & Finance Committee, recommending that the following be Approved as Amended on second and final reading:

“Bill No. 2703 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 23, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO TAXICABS,”

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

Councilmember Kagawa: It has been moved and seconded to approve. Is there any discussion? Is there anyone from the public wishing to speak on this?

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 carried by a vote of 6:0:1 (*Council Chair Rapozo was excused*).

Council Vice Chair Kagawa: Motion carried. Next item, please.

#### COMMITTEE OF THE WHOLE:

A report (No. CR-COW 2018-02) submitted by the Committee of the Whole, recommending that the following be Approved on second and final reading:

“Bill No. 2711 – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 14 BETWEEN JULY 1, 2017 AND JUNE 30, 2019,”

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

Council Vice Chair Kagawa: It has been moved and seconded to approve. Is there any discussion? Is there anyone from the public wishing to speak on this item?

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 carried by a vote of 6:0:1 (*Council Chair Rapozo was excused*).

Council Vice Chair Kagawa: Motion carried. Let us go back to Ken. I will suspend the rules. This is the twenty-five million dollars (\$25,000,000).

C 2018-136 Communication (06/01/2018) from the Director of Finance, requesting Council approval to accept and expend Emergency Use funding from the State of Hawai'i via Act 12 of the Regular Legislative Session 2018, in the amount of \$25,000,000.00, to assist with the April 2018 flood relief efforts.

There being no objections, the rules were suspended.

*(Councilmember Yukimura was noted as not present.)*

Council Vice Chair Kagawa: We can go through it quickly if we can.

KEN M. SHIMONISHI, Director of Finance: *Aloha* Councilmembers, Ken Shimonishi, Director of Finance. We are asking for the Council's approval. I think you are all aware that the State Legislature put forward an aid bill to the island of Kaua'i of approximately one hundred million dollars (\$100,000,000), or not to exceed one hundred million dollars (\$100,000,000). We are requesting Council's approval to accept and expend because we did not actually apply for it, but this was due to the generosity of our Legislators, including Senate President Ron Kouchi, Representative Nakamura, and others as well.

*(Councilmember Yukimura was noted as present.)*

Mr. Shimonishi: Again, we are just seeking Council approval for the twenty-five million dollars (\$25,000,000) to use towards the flood relief efforts and other improvements as we see fit going forward.

Council Vice Chair Kagawa: Do you have any presentation or a breakdown of your projected expenses?

Mr. Shimonishi: We did not prepare a presentation. We included in our Communication, the actual signed letter of agreement between the Governor and the Mayor, as well as a list of projects and potential improvements. I want to be sure that everyone is clear that when we were presented with this bill or funding source, it was really a rough estimate of where we were at the time and to include various other items that may not be directly related to the actual emergency response, but other areas that we could use part of the moneys for. We made it clear that this was really a rough estimate of a list of things that we had shortly after the flood event, and we presented that as a draft to the Governor's Chief of Staff as well as our Senator and Representatives and their staff members. Subsequently, there was a request to use this as a supporting document to initiate the twenty-five million dollar (\$25,000,000) transfer of the funds, which has occurred. So that is kind of like the basis of where this document came from of how we gathered the information from our various Departments to give us a rough idea, basically, of some of the costs that we will likely incur.

Council Vice Chair Kagawa: Now that some time has passed since we did the rough estimates, are we preparing better numbers? Are we preparing a priority list of what we are going to attack first? I think it would be helpful if we have assurance that we are not just doing Rail like the Honolulu Authority for Rapid Transportation (HART) did.

Mr. Shimonishi: Correct.

Council Vice Chair Kagawa: We want to make sure. That is the word that I get out in the public, "Hey, I know we are getting a lot of money coming down and

let us not waste it. Can you folks watch that and make sure we are not wasting moneys that are needed to fix things that should be fixed?"

Mr. Shimonishi: Yes. The process currently, is that we have engaged with the Federal Emergency Management Agency (FEMA). The Departments are making contacts or had at least an exploratory call on a list of damages that they have incurred, costs incurred, and so on. There is going to be a follow-up scoping meeting where they really start to define these damages, including measurements, all of that, and costs kind of firming up the cost estimates. Obviously, we are going down that road with FEMA money first for those eligible costs. We intend to use this twenty-five million dollars (\$25,000,000) to make up the County's match of what is not covered, typically twenty-five percent (25%), of eligible costs, as well as any costs incurred thus far directly related to the event. Now, anything that happens outside of that, we are working on approval procedures to get through our Managing Director as well as myself before we actually expend any of those moneys.

Council Vice Chair Kagawa: If FEMA approves of a certain project, they pay seventy-five percent (75%) and we pay twenty-five percent (25%)?

Mr. Shimonishi: Typically, yes.

Council Vice Chair Kagawa: Thank you. Are there any further questions?  
Councilmember Chock.

Councilmember Chock: Thank you, Ken. My first question is about how it is we are leveraging other programs to maximize, as the Council Vice Chair Kagawa has said, the community is saying, "How can we maximize these dollars that we have," because we want to ensure that we can get as much work done as possible. As it relates to Natural Resources Conservation Service (NCRS) funds, Community Development Block Grant (CDBG) funds, hazard mitigation funds, and all of these that are available, I would like to know what effort we have been doing in terms of applying and attributing some of those funds to make up the differences that may not be covered or that we can use. Have we moved on any of these?

Mr. Shimonishi: I know there has been some initial contacts going on, especially in our Department of Public Works with NCRS and the like. But I would just ask that be set as another agenda item because right now, again, we are asking for approval to accept and expend the State twenty-five million dollars (\$25,000,000) knowing that we have this FEMA contact going on. That is kind of like our prudent approach to obviously get these funds that we can from FEMA, which we are eligible for, and then utilize the State aid as well as seek other outside sourcing if available. I think if the Council is looking for a more comprehensive view of where we are with each area, then we should put that as a separate item to be discussed as a follow-up.

Councilmember Chock: Understood.

Mr. Shimonishi: Also note that we are required to provide a report back to the State on how these funds were expended. I will say that the general

guidance has been that the County use these funds in accordance with its own guidelines. Some of the concern was what kind of strings or requirements may have been put on directly from the Governor or that side of the equation, but really, the bottom-line has been that it is the County's use according to its guidelines. We are somewhat thankful of that.

Councilmember Chock: What I am seeing here is our County related and infrastructure needs that the twenty-five million dollars (\$25,000,000) is looking to support. My question is, where are we in terms of collaborating and integrating some of what the community and public has voiced as priorities that have arisen out of it? Is that a consideration within the twenty-five million dollars (\$25,000,000)? I know that there has been a request directly to the Governor for the community needs. I just wanted to see who is making that connection, how are we moving forward on it, and is that another agenda item that we need to look at separately?

Mr. Shimonishi: I think right now, again like I said, we are looking at this rough number of various projects that we came up with related to our own infrastructure and whatnot. I know that there have been conversations about getting the State to directly fund to nonprofits on the north shore to help with a kind of like a get back to work program grant through a nonprofit. That side of it is taking a more direct route and not directly coming through the County, and we have not actually put that as a line item in our initial request, at least.

Councilmember Chock: Okay. It is not included. Is the Administration entertaining—because I do not know if the community is going to get any leverage unless the County is part of that discussion. Maybe I just want to know is we are taking a stance on it. Are we going to support something like that discussion? I understand, Council Vice Chair Kagawa, that this might be a separate question. When we are talking about one hundred million dollars (\$100,000,000), we are going use twenty-five million dollars (\$25,000,000). We know at least sixty-five million dollars (\$65,000,000) from the State is going to be used for the roads and so forth. I just want to be clear about where we are as a County supporting some of the needs that are coming from the community.

Mr. Shimonishi: I think definitely from the Administration's standpoint, we support that. I think we need to be careful on getting involved in actually becoming an organization that looks like it is hiring people, even if it is through a grant process, and that would be on a case-by-case basis. If the Council feels that you need further clarification, then again, I would ask that a communication be sent over on any specific project that you may be concerned about.

Councilmember Chock: Thank you. I will send that communication over. I think you are absolutely right. I just want to make sure that the message is being properly sent to the community as to what—because people are asking for help. If the answer is “no,” because it is not the right fit, then that is the very least that we should be doing. Thank you.

Council Vice Chair Kagawa: Councilmember Yukimura.

Councilmember Yukimura: As a follow-up, Ken, this money is not restricted to just public works and costs?

Mr. Shimonishi: No.

Councilmember Yukimura: It can be used for individual assistance?

Mr. Shimonishi: Um...

Councilmember Yukimura: Whether you use it or not, is not the other issue. It actually can be used in terms of the wording, the legislation...

Mr. Shimonishi: The legislation, the wording on the Bill is very broad. It does not restrict it to only infrastructure, parks, or disaster. It is general language included in the bill and as I mentioned earlier, I know that there have been conversations between Representative Nakamura and some of the nonprofits outside to have this money, not the twenty-five million dollars (\$25,000,000) that has been given to the County, but part of the remaining one hundred million dollars (\$100,000,000) to go directly to nonprofits for work type of programs to hire people on that side of the landslides to help with the debris removal and things of that nature. Again, that is where I was trying to be clear that from the County's perspective, we want to be careful and if that can be addressed directly from the State, that would be the method we would prefer.

Councilmember Yukimura: Okay. The wording does not restrict the twenty-five million dollars (\$25,000,000), but it is the Administration's intention to use the twenty-five million dollars (\$25,000,000) as outlined in your submittal on page 1, for public infrastructure repairs as well as disaster recovery costs?

Mr. Shimonishi: Correct, right.

Councilmember Yukimura: Okay. You have given us rough estimates. When do we get more specifics?

Mr. Shimonishi: I think as we get the projects approved through FEMA and as we actually start applying these funds towards those projects as well as making approvals on any non-eligible FEMA costs that we want to apply these funds, that would be part of a monthly reporting to the State for which the Council could get a copy of.

Councilmember Yukimura: Okay. Alright. Thank you very much.

Council Vice Chair Kagawa: Thank you. Are there any further questions for Ken? Seeing none, thank you, Ken. I will call the meeting back to order.

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

Council Vice Chair Kagawa: Is there any further discussion Members? Councilmember Brun. Oh, Bruce, do you want to testify on this? Sorry. The rules are suspended.

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

Mr. Hart: Again, Bruce Hart, for the record. Twenty-five million dollars (\$25,000,000) is a lot of money. I am ignorant of what you all probably know. Where will the money be? Where does it sit? How long do we have to spend it? Is there any time limit on spending it? If it is going to sit there for a while, are we leveraging it? Are we making any money? Twenty-five million dollars (\$25,000,000) is a lot of money. We could make tens of thousands of the dollars if it is going to sit there for months. Those are just some questions that came to my mind. Thank you.

Council Vice Chair Kagawa: Councilmember Yukimura.

Councilmember Yukimura: Can we have Ken back? I think the question of where the interest on the twenty-five million dollars (\$25,000,000) is going is a good one, or is it even available because it has to be purely liquid?

Mr. Shimonishi: One of the things that our Treasurer has asked me to pass on to our Department Heads is to give us some type of idea of how the spend-down would occur based on the projects that we have so that we can invest the money within three (3) months or increments and so on.

Councilmember Yukimura: Okay.

Mr. Shimonishi: Whatever interest is earned obviously, comes back to the County. We still have yet to try to fine-tune those areas, but that is typically how it works, what is the expected spend-down, which would then drive how investments could be made.

Councilmember Yukimura: Then, the second question is how can that interest be expended? Does it have to go back into the purpose of this fund or is it for general purposes of the County?

Mr. Shimonishi: I am not entirely sure, but I do not believe it is a restriction that it has to go back specific towards this use.

Councilmember Yukimura: Okay. We would like to do a follow-up question to get that clarified.

Mr. Shimonishi: Okay.

Councilmember Yukimura: And also know what the Administration's plan is, because if we can use it for any purpose, we still could redirect it as a policy, back into disaster relief, right?

Mr. Shimonishi: True.

Councilmember Yukimura: We will send that as a follow-up. Thank you.

Council Vice Chair Kagawa: Thank you. I will call the meeting called back to order.

There being no objections, the meeting was called back to order.

Council Vice Chair Kagawa: Members, is there further discussion?  
Councilmember Kaneshiro.

Councilmember Kaneshiro: I just want to commend State for stepping up and helping us and getting us this one hundred million dollars (\$100,000,000). The twenty-five million dollars (\$25,000,000) is a step in the right direction. We are lucky to have the Governor, our State Representatives, and everyone provide us with this opportunity and money to address a very disastrous event on our island. I am just very thankful for it.

Council Vice Chair Kagawa: Councilmember Kawakami.

Councilmember Kawakami: Thank you, Council Vice Chair Kagawa. I would like to echo that sentiment as well. That is one of the things that we have to be mindful of. Our Kaua'i Delegation and the Governor is working very hard once again, to come to our aid. Also, we should be cognizant of the fact that this one hundred million dollars (\$100,000,000) came from all of the districts. All fifty-one (51) House Districts and twenty-five (25) Senate districts chipped in to help us dig ourselves out of the mud. Much *mahalo* to the entire State of Hawai'i.

Council Vice Chair Kagawa: Is there further discussion? Councilmember Chock.

Councilmember Chock: I want to add my appreciation. I think just really jumping in there and having the foresight to support this island and its needs—I just wanted to make that acknowledgement. Moving forward, I think when we are given a gift and an opportunity such as this, we need to be very responsible and not squander it. My request is for more detail. I understand that as we move through the process, we will receive some of that, but I also believe it requires some forward looking and planning in terms of how it is we best utilize the funds and match them up with existing funds that we can take advantage of. I look forward to that. I will send some supporting questions and follow-up questions on my thoughts about how we might be able to achieve this. Thank you.

Council Vice Chair Kagawa: Councilmember Brun.

Councilmember Brun: I also want to thank our Delegation and the Governor on O'ahu because I know we had a lot of things recently that were on them about this and that. When we really needed help, they came through with the one hundred million dollars (\$100,000,000). What the Administration did on the north shore in the time of flooding—Mike Tresler and Mike Dahilig were sleeping out there. Great job to the Administration. I just hope we spend the money wisely. That is the

main thing because I am seeing some numbers in here that are kind of alarming. We will talk about it later when you come back. Thank you.

Council Vice Chair Kagawa: Councilmember Yukimura.

Councilmember Yukimura: Ditto to what everyone has said. We are very grateful to the State, the Governor, and the Legislature for this help. We do have a responsibility to use that money well to make sure our residents get restored to their homes and well-being.

Council Vice Chair Kagawa: Again, thank you to Senate President Kouchi and Representatives Morikawa, Nakamura, and Tokioka. I think it is due to their leadership and relationships that they have with the Legislature, that they got the full support very quickly to give the County some relief that we knew that we had these moneys coming down. Like everyone said, let us use it wisely, let us make sure that we do not have any misspending going on, and let us fix everything that needs to get fixed as soon as possible. The disaster has brought an alertness to us that we need to hurry. We need to light the fire and get going out there, work hard, and get the north shore restored as quickly as possible.

The motion to approve C 2018-136 was then put, and carried by a vote of 6:0:1 (*Council Chair Rapozo was excused*).

Council Vice Chair Kagawa: Motion carried. Next item, please.

#### BILLS FOR SECOND READING:

Bill No. 2703, Draft 1 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 23, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO TAXICABS: Councilmember Yukimura moved to approve Bill No. 2703, Draft 1, on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Brun.

Council Vice Chair Kagawa: It has been moved and seconded to approve. Is there anyone from the public wishing to speak on this?

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 Vice Chair Kagawa: Seeing none, is there any discussion?  
Councilmember Yukimura.

Councilmember Yukimura: I just want to say that I think we did achieve some consensus among the taxicab drivers. It has been a while since they have received an increase and it is comparable in the area of what the existing rates are on other islands.

Council Vice Chair Kagawa: Is there any further discussion? This really is a measure to tackle the problem of Lyft and Uber versus the taxicabs. The Honolulu City Council just passed a measure that has basically led Uber to threaten possibly doing away with business in Honolulu because of the Bill that they recently passed. I believe this battle will continue. However, I think we took a positive step to keep the taxicabs at least on a better playing field where they feel that they can make a go again based on the amount that we are giving. When they are at the point where Uber and Lyft puts hardships on them, then I think we have an unfair advantage because the taxicabs were here first, not saying that fair competition is not good. However, the level of things that the taxicabs need to do compared to what Lyft and Uber needs to do are apples and oranges as well, and that is why I think this measure was necessary. I think we did what we could to tackle this problem. Has it solved the problem? No. I do not think so. When we have apples and oranges, it is very hard to come up with that silver bullet. But I think possibly in the future taking these types of measures may be necessary in continuing to make sure that we can get everyone at least not really satisfied; however, at least operating because again, I do not know. I think this Uber, Lyft, and taxicab issue is really something that needs to be dealt with holistically at the State or national level. Councilmember Kawakami.

Councilmember Kawakami: Thank you. I think the bigger issue with this transportation policy is that from my understanding, the amount of the taxicabs that are allowed on this island is based on the number of hotel rooms and accommodations. I think the big argument was these taxicab companies were capped as well, but these ride-sharing companies were able to come in and go against that policy. The discussion has been, did we take into account the amount of the transient vacation rentals into that cap and whether or not it is allowable. I think moving forward, I am not sure how much usage these ride-sharing companies are getting. I know that they are more popular in urbanized areas, but I would not know what the numbers are. I do know that one of the things that I have brought up in the past is that if we really want to level the playing field, we should at some point, get back to the discussion as to whether the County should be regulating what they can charge and what the history was. I have no idea what the legislative history was for the County to be able to control their pricing and what they can charge. In my opinion, we are in direct competition with taxicabs and ride-sharing. We have our public transportation system. We control how much we charge and if it is a real free market society, we need to get back to that fundamental question as to do we control their pricing structure, or should we be just ensuring that that they are properly operating as a business, meaning that they have the training, insurance, background checks on the drivers, and really collecting the fees for them to operate. Thank you, Council Vice Chair Kagawa.

Council Vice Chair Kagawa: Councilmember Yukimura.

Councilmember Yukimura: Based on my discussions with the taxicab drivers, this Bill does not address their concerns about Uber and Lyft. They are concerned about background checks for the Uber and Lyft drivers, insurance, and those issues that this Bill does not address. I understand another Councilmember is working on that issue. I hope that we will see such legislation because I think that will be the bigger issue in terms of this new form of ride-sharing and maybe at that

time, we can look at the issue that Councilmember Kawakami has raised about the present system of regulating taxicabs. I will leave it at that.

Council Vice Chair Kagawa: Is there any further discussion on this? Seeing none, roll call.

The motion to approve Bill No. 2703, Draft 1, 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, Yukimura	TOTAL – 6,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Rapoza	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes.

Bill No. 2711 – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 14 BETWEEN JULY 1, 2017 AND JUNE 30, 2019: Councilmember Yukimura moved to approve Bill No. 2711, on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Brun.

Council Vice Chair Kagawa: It has been moved and seconded to approve. Is there any discussion? I said previously, in the previous agreement when we moved the lifeguards into Bargaining Unit 14 under the Hawai'i Government Employees Association (HGEA), it came with a significant pay raise. Our lifeguards now make a lot more under the new contract than they did in the past. They got a huge jump and now they are getting another jump. For me, it is a little bit difficult because they already had a big jump two (2) years ago and then now to get another jump like everyone else, the regular jump, yes, on paper it seems fair. However, again, the significant jump was already incurred. We are seeing salaries just get out of hand and it is difficult because when you need to do more with less but the salaries keep going up, what is the end result? You either have to cut non-discretionary things like overtime, travel, or what have you; or raise taxes. When you cannot get the cuts during budget here around this table, that leaves you only with raising taxes. While I am going to be supporting this because I know that I am the only one who probably has deep concerns about them having that big jump a couple of years ago, I do have some reservations because like I said, when you already have a big jump previously, I think there should be period where maybe on your next one, you just stay status quo because we are struggling right now. The County is really struggling right now and I cannot see taxing people more on their property taxes, because next to California, we are already the second highest State in the nation in taxes and that is pitiful. With that, is there further discussion?

Councilmember Yukimura: Council Vice Chair Kagawa, as you know, I share your concerns about rising costs in terms of increased salaries, and I have expressed it. I want to say though with respect to the lifeguards, that they actually

are in the category of public safety. One of the reasons that they got a jump is because they were really left behind when the other public safety units; police and fire, got major raises. As you know, my stance—so I support this because I think they need to come up to the public safety category, but I have expressed the concern about the continuous increase in public safety category vis-a-vis our other employees in the County. I do agree that we need to look at that because we cannot, as you say, keep going at this rate, especially as the disparity grows between the other workers in the County and State, and then the other workers in the private sector. I think we do have to address that responsibly.

Council Vice Chair Kagawa: We have a new Fire Chief coming on-board soon. Our current one is planning to retire. I think I would like to see some innovation going forward whether I am on the Council or the next Council, of utilizing the Fire Department in a more efficient manner. I think perhaps instead of doing more cardiopulmonary resuscitation (CPR) training or permits that could be done by clerical type of positions. I think we can utilize those firemen into lifeguard positions or what have you. I think it gives us the opportunity. We are struggling and I think we need to see the Fire Department become more efficient and tight as far as what they do and when they do it. When we have them doing things that, to me, are not essential fire services like doing voluntary CPR training or installing fire alarms in people's houses three (3) at a time, I think at eighty thousand dollars (\$80,000) to one hundred thousand dollars (\$100,000) per year, it is a high cost for that service. If they are really public safety, let us keep it to rescues and emergency types of situations. Let us deal with the other things with lesser salaries, perhaps. That is a discussion that we can have later with the next Chief as far as where we go forward with the Fire Department budget because like I said, I do not see us being sustainable with the Fire Department just expanding the way it is. Councilmember Brun.

Councilmember Brun: I understand and agree with some of what you both said. It is too bad that the lifeguards got left behind when they were here. That is a dangerous job. It is the ocean. You can never tell what is going to happen. These people are out there putting their lives on the line, and I have no problem supporting this for them. I really appreciate what they do out there. At any day, they might not come home to their families. The salaries went out of hand, but it is not their fault it went out of hand. I think this is our time to give back some to them. Thank you.

Council Vice Chair Kagawa: Councilmember Kawakami.

Councilmember Kawakami: Thank you, Council Vice Chair Kagawa. I am going to support the increase. A large part of the reason why they were being left behind is lifeguards, sheriffs, and corrections officers were formerly bucketed in a bargaining unit that had white-collar clerical workers. So it was really apples and oranges in one (1) bucket. I was part of the origination of Bargaining Unit 14. I had introduced the original measure that eventually got passed. Because of those reasons, it was to give them a bargaining unit and representation at the table that was more reflective of the jobs that they were actually doing. I whole-heartedly agree that when you take a look at the statistics; the numbers of the preventions, save, and rescues; and what they are doing out there, our Water Safety Officers and Lifeguards are extremely busy. I get to see them firsthand every time that I am out in the water.

I would like to say that even when they do not know they are being watched, and I see them, they are extremely professional. They are very patient. I have seen them talk to visitors that are in over their heads in a respectful way. Even the visitor is argumentative, I have seen them be very professional. I would like to bring that to everyone's attention because often times, we do not see what they are actually doing out in the ocean. I see them on their roving patrols constantly up and down the coast making sure that everyone is safe. With that being said, I will support this. Thank you, Council Vice Chair Kagawa.

Council Vice Chair Kagawa: Is there further discussion? Councilmember Kaneshiro.

Councilmember Kaneshiro: Yes. I will be in support of this. I think when we look at collective bargaining units, Bargaining Unit 14 has historically probably been one of the lower bargaining units we have seen, maybe a United Public Workers (UPW) type of bargaining unit also. I remember when we did put lifeguards into this unit. If I remember correctly, I think lifeguards were getting paid around thirty thousand dollars (\$30,000) or maybe a little less than that a year. You talk about are these people able to survive? They are working full-time as a lifeguard. Are they able to survive on Kaua'i saving people's lives? Last week, we heard that there were three (3) people who were rescued at the same time by the lifeguard, and we are paying them twenty-eight thousand dollars (\$28,000) a year or something like that. When we put them in, it was to be a little fairer. Yes, they are not getting paid like a fireman or something like that. But for the responsibility that they have and of course I am not even going to get into the issue of liability and who is liable if something happens when they rescue someone. I think for the job that they do, I think it was well-deserved for them to be put into a bargaining unit like Bargaining Unit 14. A lot of times these are the bargaining units that are probably the lowest bargaining units we have as a County. I am supportive of this increase.

Council Vice Chair Kagawa: Is there any further discussion? Councilmember Yukimura.

Councilmember Yukimura: I want to say to someone who supported the change in collective bargaining categorization, that I do believe they are a public safety category. It was the right move to take them out of the white-collar group, and they still have all of those issues that we have to juggle in terms of the overall impact on the County and how we are going to be able to sustain County operations. But it was the right move to move them.

Council Vice Chair Kagawa: Again, I will just close with this because I know people wonder where I am coming from with some of my comments. But for me, let us pull up the percentages of what Hawai'i State Teachers Association (HSTA) ranks, I think they are 49<sup>th</sup> in the nation compared to what fire, police, and lifeguards make. If you see the numbers, the disparity in what our teachers are paid, then you will see where I am coming from. We have no problem underpaying the teachers. The State has no problem, none whatsoever. But we are going to pay all of the other ones high and feel bad? So that is where I come from and what I am looking for is

more parity with our tax moneys. Having said that, the motion is to approve. Roll call.

The motion to approve Bill No. 2711, 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, Yukimura	TOTAL – 6,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Rapozo	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Vice Chair Kagawa: Next item, please.

EXECUTIVE SESSION:

ES-945 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council, to provide the Council with an additional briefing update and request for authority to settle the case of Klaus H. Burmeister, et al. v. County of Kaua'i, CV 16-00402 LEK-KJM (United States District 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-952 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing in the litigation of Michael Sheehan Kocher, Sr., vs. Kaua'i Police Department, et al., Civil No. 16-1-0108 (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.

Councilmember Yukimura moved to convene into Executive Session for ES-945 and ES-952, seconded by Councilmember Kaneshiro.

Council Vice Chair Kagawa: It has been moved and seconded to go into Executive Session. Is there anyone from the public wishing to speak on this?

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 Vice Chair Kagawa: Is there any discussion? Seeing none, roll call.

The motion to convene into Executive Session for ES-945 and ES-952 was then put, and carried by the following vote:

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

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Vice Chair Kagawa: Is there any further business? We will go into Executive Session and come back out.

There being no objections, the meeting recessed to convene in Executive Session at 10:25 a.m.

The meeting reconvened at 10:55 a.m., and proceeded as follows:

Council Vice Chair Kagawa: Clerk, next item, please.

Ms. Fountain-Tanigawa: Council Vice Chair Kagawa, it brings us to the last item of the day on page 3.

C 2018-135 Communication (05/29/2018) from the First Deputy County Attorney, requesting authorization to expend additional funds up to \$150,000.00 from the Claims and Judgments account in the litigation of Michael Sheehan Kocher, Sr., et al. vs. Kaua'i Police Department, et al., Civil No. 16-1-0108 (Fifth Circuit Court), and related matters: Councilmember Yukimura moved to approve C 2018-135, seconded by Councilmember Brun.

Council Vice Chair Kagawa: It has been moved and seconded to approve. Is there any discussion? Seeing none, when we have well-intended officers going out, it stresses the need to be quick and swift, but whatever can be prevented—we need to learn from these measures. I think when we see these types of lawsuits before us, it is even more important that we know that even though it is not purposefully, the taxpayers really end up on the hook for a lot of money. Again, I think all we can say is that as long as we learn from these mistakes, we try and do better the next time because even unintentional mistakes, really hurt our taxpayers and at all costs, we want to try and avoid these types of situations. With that, the motion is to approve.

The motion to approve C 2018-135 was then put, and carried by a vote of 6:0:1 (*Council Chair Rapozo was excused*).

Council Vice Chair Kagawa: Motion carried. Next item, please.

Ms. Fountain-Tanigawa: That is it.

Council Vice Chair Kagawa: There is no further business. We have no further business. This Council Meeting is adjourned.

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 10:57 a.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jade K. Fountain-Tanigawa', written in a cursive style.

JADE K. FOUNTAIN-TANIGAWA  
County Clerk

:aa