

## SPECIAL COUNCIL MEETING

JUNE 24, 2020

The Special Council Meeting of the Council of the County of Kaua'i was called to order by Council Chair Arryl Kaneshiro at the Council Chambers, 4396 Rice Street, Suite 201, Līhu'e, Kaua'i, on Wednesday, June 24, 2020 at 8:31 a.m., after which the following Members answered the call of the roll:

Honorable Mason K. Chock  
Honorable Felicia Cowden  
Honorable Luke A. Evslin (*via remote technology*)  
Honorable Ross Kagawa  
Honorable KipuKai Kualii  
Honorable Arryl Kaneshiro

Excused: Honorable Arthur Brun\*

Council Chair Kaneshiro: Today's meeting will be conducted pursuant to Governor Ige's Supplementary Emergency Proclamation dated March 16, 2020, Sixth Supplementary Emergency Proclamation dated April 25, 2020, and Seventh Supplementary Emergency Proclamation dated May 5, 2020.

Council Chair Kaneshiro: The first item is the approval of the agenda.

### APPROVAL OF AGENDA.

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

*(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)*

Council Chair Kaneshiro: Any discussion on the agenda from the members?

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

Council Chair Kaneshiro: The motion is carried. Next item please.

LEGAL DOCUMENT:

C 2020-171 Communication (06/09/2020) from the Acting County Engineer, recommending Council approval of an Issuance of a Management and Construction Right-of-Entry Permit and the indemnification provision contained therein, by and between the County of Kaua'i and the State of Hawai'i Department of Land and Natural Resources, for a parcel located at Tax Map Key (TMK) No. (4) 4-6-015:021, 022, and 023, Kawaihau, Kapa'a, Kaua'i, to allow for the County's contractor to proceed with the improvements as designed in the Kawaihau, Haua'ala, and Mailihuna Roads Complete Streets & Safety Improvements project.

- Issuance of a Management and Construction Right-of-Entry Permit

Councilmember Kualii moved to approve C 2020-171, seconded by Councilmember Chock.

*(No written testimony was received and no registered speakers requested to testify regarding this agenda item.)*

Council Chair Kaneshiro: We will have Troy briefly explain what this item is and then if we have any questions, then we will ask him the questions and take our vote.

There being no objections, the rules were suspended.

TROY K. TANIGAWA, Acting County Engineer (*via remote technology*): Michael Moule is also here. He has a lot more information and detail if needed, but basically this Right-of-Entry Permit is needed for our right-of-way certification. The right-of-way certification is a document that is issued by the Department of Transportation and is part of the requirements needed to satisfy our Plans, Specs, & Estimates (PS&E) to encumber the funds for the project. That date is quickly approaching; in early July, so approval of this Right-of-Entry Permit is critical to this project being able to advance to construction. This Right-of-Entry Permit is for a parcel that is located just *mauka* of Kapa'a High and Elementary Schools. The exhibit on page 7 of the document that was submitted for the agenda item shows the location. It is right above the new roundabout that is going to be constructed. The Department of Land and Natural Resources (DLNR) parcel has components of the roundabout in it where they need to be constructed, so the County definitely needs approval to enter the DLNR property to conduct the project. I will open it up to any questions.

Council Chair Kaneshiro: Are there any questions from the members?  
Councilmember Cowden.

Councilmember Cowden: Thank you. What is the size of the parcel?

Mr. Tanigawa: I do not have that information, but Michael Moule is standing by and he can provide the detail.

MICHAEL MOULE, Chief of the Engineering Division (*via remote technology*): Good morning, Council Chair and Members of the County Council. Michael Moule. Thank you for taking the agenda item today. As far as the overall size of the parcel, I am looking that up right now, but just to explain a little bit...the page that Troy mentioned shows a pretty grainy image of it. I can bring up a cleaner image if you need that. As far as the parcel size...let me just look that up. This parcel is a large, triangular parcel that is bounded by four (4) roads: Kawaihau Road, Haua'ala Road, Mailihuna Road, and Kolohala Road. The vacant grassy parcel that is up in that corner, across from Kapa'a High School, had been transferred through Executive Order (EO) to the County from the State for many years. We went to the State Board of Natural Resources to change the EO and this allows us to do the work prior to everything being finalized by EO. The original EO stated that it is only for park purposes and we worked with the State to change the EO to make it for park and transportation purposes, so that we can put a portion of a couple of roads...I am trying to look up the entire parcel size, but we are not using the entire parcel for the road, I should point that out. Let me just pull up the parcel size real quick. Please give me a second here.

Councilmember Cowden: The reason why I was asking is...

Mr. Moule: The overall parcel size—point six two (.62) acres is from the County of Kaua'i Real Property information, there is a multiple abandoned...there is another small parcel—point zero four (.04) acres, of what used to be an irrigation ditch. I guess point six six (.66) acres total, but we are only using a small fraction of that. Not even one tenth (1/10<sup>th</sup>) of an acre for the road. The rest will remain as grassy open space intended for park purposes, but without any specific park structures.

Councilmember Cowden: Thank you. I went by and looked at it again this morning and I was just trying to make sure that I understood the area. That is what I would have guessed, maybe one-half acre. It sounds like a little more, so I saw the right spot.

Mr. Moule: Yes.

Council Chair Kaneshiro: Are there any further questions from the members? Councilmember Kagawa.

Council Chair Kagawa: Across from that lot that you are talking about, there is a dirt road entrance to the backside of the Kapa'a High School gym. I

had worked with Representative Nakamura and we have funding in place to repave the parking lot and driveway, the backside of the gym, which is currently a dirt road. Across from that parcel, that dirt road entrance to the backside of the gym, there is a County culvert under that road and it is smashed, from what I heard. I have talked to people from the Department of Accounting and General Services (DAGS). Is the plan to do these complete streets and fix these types of things, like the culverts that is damaged so that we catch everything one time?

Mr. Moule: Councilmember Kagawa, very good question. We are fixing that. The project includes a sidewalk along the County property line, along Kapa'a High School, so that people can walk to Kapa'a High School, back to the roundabout, and throughout the neighborhood. As part of that sidewalk construction, we are reconstructing the driveway, the portion that is within the County right-of-way and we have heard that the State's plan is to pave that lot. We are starting to coordinate with them on the construction calendar once we and they know exactly when that will take place, so that we do not conflict with each other. Our plan is to actually move that culvert. That culvert was part of that old ditch system that I mentioned earlier. It used to carry a lot of water when it had water, which was technically piped in from reservoirs. Now that that culvert is not going to be necessary...there are cracks in Mailihuna Road, in this area, a low point towards Kawaihau Road, towards the roundabout, where it will capture water with a swale and then water flows the other way, down towards the highway from that point. So, there really is no need for a culvert. We are putting in a slight swale in the area, which is a pretty standard concrete driveway, where you go down a little bit and then go back up to the sidewalk and the school property.

Councilmember Kagawa: Okay, thank you. I taught at Kapa'a High School for sixteen (16) years and I appreciate the fact that you folks are doing the walkway for the students, because there is heavy walking traffic, especially the Kawaihau Road residents; they walk to school. They are not within the mile radius for school bus service, so there is a lot of foot traffic going to the elementary and high school, so thank you folks for these improvements.

Council Chair Kaneshiro: Councilmember Chock.

Councilmember Chock: Thank you, Mike. I understand that you probably need to get a few more right-of-entries in order to begin this project. When do you anticipate securing those right-of-entries in order to begin? When is the start date? How long will the project run until? And then the last piece of that was, do you anticipate any delays given the amount of activity/construction happening in the area and school coming back?

Mr. Moule: Those are all good questions. There are several right-of-entry agreements. We are working with the Department of

Education (DOE) because we are working directly adjacent to their property and we will have to do a little bit of—we are not putting any of our sidewalk improvements directly onto their property, but there are areas where we have to transition from our sidewalk improvements to their existing property, so it is just a matter of backfill and connecting to the existing walkway on their property and making sure the grades work. We are working with DOE on that and DAGS is likely involved as well, because typically they work with DOE parcels. We have several private property landowners who we are also getting right-of-entry agreements with. We have some of those, we are working on the rest. Our deadline for having everything ready, and to be on schedule for this item, is July 6<sup>th</sup>. One of the things that does not have to be fully ready are the right-of-entry agreements. They just need to be ready before we go to construction. We have talked to the State about this to make sure we are all set for the federal funding we need. Everything is on track to be submitted by that July 6<sup>th</sup> date. The right-of-way certification may not include every single right-of-entry agreement, but that is okay. The certification allows that to be processed and approved and we will get those in there soon thereafter. We might get them all in time, but as usual we are working between County organizations, State organizations, and everything needs to be reviewed. A lot of it is mostly done, but we are still waiting on a final response from the Department of Education (DOE) for the signed Right-of-Entry Agreement for the two schools.

Council Chair Kaneshiro: Mike, we are losing you a little bit. Looks like he is frozen. Mike, can you hear us? Your screen is frozen.

Mr. Moule: Can you hear me now?

Council Chair Kaneshiro: Loud and clear now.

Mr. Moule: I just switched to my computer. My phone dropped it. Can you hear me now?

Councilmember Cowden: A little.

Council Chair Kaneshiro: It is coming in a little patchy.

Mr. Moule: Let me try going back to the phone. Is that better?

Council Chair Kaneshiro: Yes, the phone is much clearer.

Mr. Moule: Okay. (Inaudible).

Council Chair Kaneshiro: You are breaking up again.

Councilmember Cowden: Maybe turn the video off and just talk.

Council Chair Kaneshiro: We cannot hear you at all, Mike.

Mr. Moule: I am back on my computer. Is that better?

Council Chair Kaneshiro: Yes.

Mr. Moule: Okay. As I was saying, we normally have six (6) months from the application date of mid-July to mid-September...the notice to proceed. We just found out in the last month that HDOT wants to accelerate that because the funds will be coming to the State potentially for COVID-19, so typically from the Notice to Proceed (NTP) date to the actual construction is about two (2) months. Our earliest start date would be roughly mid-January, latest start date would be late May or early June and it would be dependent on how fast we can get everything out, when they allocate the funds first off, and then how fast we can get everything through procurement with the contractor and all of that. Sometime in the first six (6) months of next year; if I had to predict, I would say approximately April for the actual start date.

Councilmember Chock: Do we have a traffic mitigation plan for school activities and other local traffic?

Mr. Moule: Hold on. What was the question again?

Councilmember Chock: Given the heavy construction in the area and the prolonged period, can we share with the public anything that will need to be diverted or how do you intend to address the traffic issues?

Mr. Moule: I reviewed the traffic control plan in detail. There are numerous different phases, construction pieces here and there, which are necessary to maintain that intersection being open to traffic. There will be no times, I believe, when Kawaihau Road is closed in both directions, we might be flagging traffic on certain times of the day, there will be times when the Haua'ala Road approach going down from Kawaihau Road towards the highway will be closed, there will be times the other side of Haua'ala Road will be closed, and there will be times when Mailihuna Road will be one-way traffic for a bit. A few of those phases will be recommended to be done when school is not in session. There will be short-term closures of small neighborhood streets, Pelehu Road and Nunu Road, making the connections there. Again, some of these we recommended to not take place when school is in session, because of the impact they would have, but there are a lot of different detour plans, it would be hard to share in detail today. I reviewed them all and they indicate that we can make the project work. It is complicated because building roundabouts at an intersection you have to do small pieces at a time because

of the complexity of keeping traffic moving. We cannot just close the intersection, obviously. It is complicated, but it does work. We will obviously do press releases before road closures, as usual.

Councilmember Cowden: Thank you.

Council Chair Kaneshiro: Are there any other questions from the members? If not, thank you. Is there any final discussion from the members?  
Councilmember Cowden.

The meeting was called back to order, and proceeded as follows:

Councilmember Cowden: I just want to express gratitude for what is happening. I think it will make that entire area safer for the kids, that is a convergence of three (3) schools right there. It can be really busy and we have beginner drivers racing up and down through that area. The more we can do to have a traffic calming device and sidewalks to keep it safe, also to keep the dust down, so I am happy to know that it is going to happen.

Council Chair Kaneshiro: Councilmember Kagawa.

Councilmember Kagawa: I would like to thank the State and the County personnel for all of the improvements, from the main highway to Mailihuna Road to Kawaihau Road. There is a lot of traffic congestion. There are a lot of bad accidents on the main highway, turning up to Kapa'a High School, so I think the roundabouts will make things a lot safer. We are also improving some of the sidewalks. There is a lot of foot traffic, as I said before. It is a very good project and I really appreciate the work of the State and the County to address the concerns, this is a long overdue project, actually. Thank you.

Council Chair Kaneshiro: Councilmember Kualii.

Councilmember Kualii: I just want to add my voice to say it is a long time in the making and it cannot happen fast enough. Thank you all for your work in making this come to be. Thank you to all of the folks in the past who have helped with the planning, like Get Fit Kaua'i and the parents and kids who did the Safe Routes to School walks. Thank you.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: I just want to express my appreciation also. Kapa'a High School is such a perfect location for a walkable school and this project will make it possible to enable kids to safely walk to and from school. When I was at Kaua'i High School, I walked to the canoe club almost every day, and we would be

risking our lives walking down the road there. I am hoping that we can do a similar project near other schools as well to make sure kids can walk safely. Thank you to the Department of Public Works, Troy, and Michael Moule folks. I appreciate the work that you folks are doing.

Council Chair Kaneshiro: Is there anyone else? If not...

The motion to approve C 2020-171 was then put, and carried by a vote of 6:0:1\*.

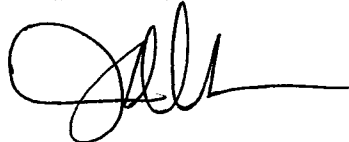
Council Chair Kaneshiro: The motion is carried.

ADJOURNMENT.

Council Chair Kaneshiro: This concludes our Special Council Meeting. Not seeing or hearing any objections, this meeting is now adjourned. Thank you.

There being no further business, the Special Council Meeting adjourned at 8:54 a.m.

Respectfully submitted,



JADE K. FOUNTAIN-TANIGAWA  
County Clerk

:dmc

\*Beginning with the March 11, 2020 Council Meeting and until further notice, Councilmember Arthur Brun will not be present due to U.S. v. Arthur Brun et al., Cr. No. 20-00024-DKW (United States District Court), and therefore will be noted as excused (i.e., not present).