COUNCIL MEETING
MAY 5, 2021

The 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, Lihu‘e, Kaua‘i, on Wednesday, May 5, 2021 at 8:30 a.m., after which the following Members answered the call of the roll:

Honorable Bernard P. Carvalho, Jr.
Honorable Mason K. Chock
Honorable Felicia Cowden
Honorable Bill DeCosta
Honorable Luke A. Evslin
Honorable KipuKai Kuali‘i
Honorable Arryl Kaneshiro

Council Chair Kaneshiro: Good morning. Today’s meeting will be conducted pursuant to Governor Ige’s Supplementary Emergency Proclamations with the most recent relating to the Sunshine Law being his Nineteenth Supplementary Emergency Proclamation dated April 9, 2021.

APPROVAL OF AGENDA.

Councilmember Kuali‘i moved for approval of the agenda, as circulated, seconded by Councilmember Chock.

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

Council Chair Kaneshiro: Are there any questions or is there any discussion from the Members?

The motion for approval of the agenda, as circulated, was then put, and unanimously carried.

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

MINUTES of the following meetings of the Council:

April 21, 2021 Council Meeting
April 21, 2021 Public Hearing re: Bill No. 2820 and Bill No. 2821

Councilmember Kuali‘i moved to approve the Minutes, as circulated, seconded by Councilmember Cowden.
Council Chair Kaneshiro: Are there any questions or is there any discussion on these items from the Members?

(No written testimony was received and no registered speakers requested to testify regarding these agenda items.)

The motion to approve the Minutes, as circulated, was then put, and unanimously carried.

Council Chair Kaneshiro: The motion is carried.

CONSENT CALENDAR:

C 2021-106 Communication (01/26/2021) from the Director of Finance, transmitting for Council information, the Period 1 through 5 Financial Reports – Statements of Revenues (Estimated and Actual), Statements of Expenditures and Encumbrances, Revenue Reports, and Detailed Budget Report for the period July 1, 2020 through November 30, 2020, pursuant to Section 21 of Ordinance No. B-2020-866, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2020-2021.

C 2021-107 Communication (04/13/2021) from the Director of Finance, transmitting for Council information, the Third Quarter Statement of Equipment Purchases for Fiscal Year 2020-2021, pursuant to Section 17 of Ordinance No. B-2020-866, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2020-2021.

C 2021-108 Communication (04/27/2021) from Councilmember Kuali'i, providing written disclosure of a possible conflict of interest and recusal relating to Bill No. 2818, the Mayor's Proposed Operating Budget for Fiscal Year 2021-2022, regarding the appropriation to Transit Outreach Programs under Transportation Agency – Administration, as he is the Director of Operations for the YWCA.

Councilmember Kuali'i moved to receive C 2021-106, C 2021-107, and C 2021-108 for the record, seconded by Councilmember Chock.

Council Chair Kaneshiro: Are there any questions or is there any discussion from the Members?

(No written testimony was received and no registered speakers requested to testify regarding these agenda items.)

The motion to receive C 2021-106, C 2021-107, and C 2021-108 for the record was then put, and unanimously carried.

COMMUNICATIONS:

C 2021-109 Communication (04/07/2021) from Council Chair Kaneshiro, requesting the presence of United States Senator Brian E. Schatz, to provide an
update on Federal and COVID-19-related funding opportunities that could possibly affect the County of Kaua‘i.

Councilmember Kuali‘i moved to receive C 2021-109 for the record, seconded by Councilmember Chock.

Council Chair Kaneshiro: We received no written testimony. With that, I would like to welcome Senator Schatz to our meeting. I will give him time to say what he needs to, and we can ask questions thereafter. He received our questions ahead of time, so I know he will be addressing those in his presentation. With that, I will suspend the rules. Senator Schatz, you have the floor.

There being no objections, the rules were suspended.

BRIAN E. SCHATZ, United States Senator (via remote technology): Thank you very much, Council Chair Kaneshiro, Councilmembers, Staff, and County of Kaua‘i residents. Thank you for the opportunity to discuss the American Rescue Plan (ARP). What I thought I would do, with your permission Mr. Chairman, is to go through the questions that you submitted in writing. I will read out the question, and give you my summary answer. If there is additional time, we can entertain live questions. Does that make sense to you, Mr. Chairman?

Council Chair Kaneshiro: Yes, that sounds good. Senator Schatz needs to leave by 9:00 a.m., so keep that in mind, Councilmembers.

Senator Schatz: The first question I have is from Councilmember Eveslin. 1) When will the Small Business Administration (SBA) restaurant grant go live? It went live on Monday, May 3rd. A positive surprise is that the feedback we are getting from individuals and organizations that are in this space, they are finding it to be a little easier to navigate than some of the other SBA programs. They have a new vendor. People are finding the website easy to navigate. I feel I will “bachi” it by saying that, but so far, so good. We had a few complaints, but people have found themselves capable of submitting their grant application. I think the bigger problem is that it may end up being oversubscribed. So many restaurants across the State and Country need this help. Although we appropriated billions of dollars, it is likely not to be enough, and we would need to replenish those funds.

The second question also from Councilmember Eveslin. 2) Can the County of Kaua‘i use its Reserve Fund and refill it with ARP funds? Let me say two (2) things on this. First, I am not giving you legal advice as to how you may or may not be able to use the money. You need to rely on Treasury guidance as it relates to that. I will say that the ARP is fundamentally different from the Coronavirus Aid, Relief, and Economic Security (CARES) Act. It is designed to alleviate budget shortfalls. The kind of thing that is being contemplated by Councilmember Eveslin is the kind of thing we intended to be allowed. We are trying to give you fiscal relief, but also fiscal flexibility, so that you do not need to do anything too tricky to make your budget balanced. Again, you need to wait for Treasury guidance if you want to present them with a specific fact-pattern and determine whether you are eligible. Just because I
think it ought to be eligible, that is certainly not binding from the standpoint from
the Executive Branch of the Federal Government. However, I think you are on the
right track.

3) When will the County of Kaua’i receiving ARP funds? If it has not been
received in the last couple of days, you will receive it by May 10th. That is the
drop-dead date for the first tranche. It should be one-half by May 10th, and the other
one-half within a year. The funding will remain available through the end of 2024.
These dollars are more flexible than the CARES Act dollars.

4) Will the American Jobs Plan pass in its current form? The truth is the most
important answer is, not, it will not. The American Jobs Plan is not even a bill yet.
It is a framework of a proposal from the Executive Branch. That is an important step
in the legislative process. As you all know, the Executive proposes and the Legislative
disposes. To give you an example, the Child Tax Credit, which I consider to be one of
the signature pieces of the ARP, was not originally proposed by the Biden
Administration. The Congress is going to work its will over the next couple of months
to determine the actual contours of the package. I think President Biden has laid out
a visionary framework and gave us topline numbers to shoot for and categories of
things to work on; but in the end, we are going to write the bill. As we described the
American Jobs Plan, we should think of this as an opportunity for me to hear from
you and your constituents about what you think I should be prioritizing. The ARP is
done, it is law. Now, we need to maximize the benefit. The American Jobs Plan is
not yet written, and I am very anxious to hear what all of you think I should be
prioritizing.

From Councilmember Kuali’i. 5) Would the Congressional delegation be willing
to fight for the repurposing of any unexpended COVID-19 relief / stimulus rental
assistance and mortgage assistance funding to go to local governments to construct
and operate transitional housing and affordable rental housing? I do not have any
objections to that except that I think it is very unlikely that there will be leftover
resources. I do not know if it differs necessarily on Kaua’i, but what our staff has
been hearing, these rental assistance programs get snapped up pretty quickly. As we
all know, some people are recovering economically, but some people are in a very dire
situation especially if they are in the hospitality industry.

Also from Councilmember Kuali’i. 6) What are all the potential sources of
Federal funding and support available to go after transitional housing? Funding for
transitional housing and affordable rental housing is going to come through United
States Department of Housing and Urban Development (HUD) for the most part. You
have your low-income housing tax credits, which is done by the Treasury, but this is
mostly HUD. The ARP appropriated five billion dollars ($5,000,000,000) for the
HOME Partnership Program. Think of this as your normal programs where the
County receives funding or where the State receives funding for priority areas got
more resources. It is not that we invented new programs. Because of the limitations
of what we did with the Bill to avoid having to meet a sixty-vote threshold, we did it
through the process of reconciliation. This means we could not initiate or authorize
a new program, we could only “plus-up” ones that currently exists. All of the normal
streams of revenue through HUD are where you should look for “plus-ups” of money, and we can get you details on how much the County of Kaua‘i should expect.

7) What would the American Jobs Plan mean for funding on Kaua‘i for affordable housing, repairing bridges and roads, and the new bridge across Wailua River. This question was asked by Councilmember Kuali‘i. The purpose of the American Jobs Plan is physical infrastructure, including ports, airports, roads, bridges, bus service, et cetera, but also understanding modern infrastructure includes a grid that works well. I know the Kaua‘i Island Utility Cooperative (KIUC) folks and all of you are on the “cutting edge” of integrating renewable energy into a grid in a responsible and economically-sound fashion. We could certainly use some help for battery storage or better broadband to monitor the intermittent energy on the grid.

There are lots of opportunities here. Think of the American Jobs Plan as an infrastructure bill, but it also should be a visionary infrastructure that helps to build the infrastructure not just what we need right now...certainly we should fix what needs to be fixed, but also building the kind of infrastructure that causes us to be healthy and prosperous thirty (30), forty (40), fifty (50), or even one hundred (100) years from now.

Our next question is from Councilmember Chock. 8) What are the parameters/criteria for infrastructure and direct funding? Many local businesses and nonprofits are inquiring on the possibility of receiving direct funding. In the previous bill, the American Rescue Plan, you have the Paycheck Protection Program (PPP) program, you have the Restaurant Revitalization Fund (RRF) program, you have the so-called Indirect Assistance (IDA) programs...those are direct assistance for small- and medium-sized businesses. Of course, there are many programs that provide direct assistance to individuals. In the American Jobs Plan, it is more likely to be physical infrastructure that everyone gets to enjoy as opposed to direct subsidies to institutions and small businesses. There is a possibility of that if you are in the business of building infrastructure. Think of this as...the American Rescue Plan is what it sounds like. It was designed to get us through this darkest economic period during COVID-19. The American Jobs Plan is designed to be sort of amortized over the period of building something. It is not emergency funding and therefore is less likely to be cash assistance or cash relief, and more likely to be those kinds of things that we need to do over a very long period of time.

Councilmember Chock also asked, 9) How might the Great Outdoors Act funding be applied for properties on Kaua‘i? We permanently reauthorized the Land and Water Conservation Fund (LWCF) which was a really big bipartisan achievement. The reason the LWCF matters from the standpoint of Hawai‘i and Kaua‘i, in particular, is that is usually the match money that the Federal matches with either private-sector moneys or Legacy Lands money, which is controlled by the Board of Land and Natural Resources, to identify those projects that are most likely in danger of either being developed inappropriately or need extra conservation resources. This is a real positive sign. There is going to be a steady flow of Federal
funding. I would also just point out that if the Council in its collective wisdom identifies a couple of projects or parcels on Kaua'i that are worth protecting, there is a pretty good appetite between the Trust for Public Land, the Nature Conservancy, the Department of Land and Natural Resources (DLNR), and the Federal Government to try to set aside these areas where there is consensus. The tendency is not to weigh-in where there is a project that some people want and some people do not. This is really about setting aside those legacy lands. That was the original legislation.

Councilmember Carvalho asked, 10) Please provide any ideas on possible funding sources for the Electric Vehicle Bus Program to support providing additional infrastructure in the County to support EV buses. The Federal Transportation Administration's (FTA) Low- or No-Emission Vehicle Program is likely to see a significant increase. The Environmental Protection Agency (EPA) has a Diesel-Emission Reduction Program that will also likely see an increase as the administration has pledged to replace fifty thousand (50,000) diesel-transit vehicles.

The next question is also from the former Mayor. 11) What is Senator Schatz's position on the HDR-H Missile Defense Agency project and its location near the Pacific Missile Range Facility? I am supportive. I believe it is important. I believe it is essential for the defense of the entire United States of America, but in particular to shore-up our defenses in case we become a target primarily from the Democratic People's Republic of Korea (DPRK) or from elsewhere. I understand the Department of Defense is evaluating various sites. The discussion originally around the Pacific Missile Range Facility (PMRF) was causing folks to worry, because the site they had contemplated at PMRF was going to conflict with the current mission of PMRF, which is to be the premier testing range. Now they think they have worked that out, where they can have HDR-H on the PMRF campus and not interfere with the core mission, and therefore not interfere with the employment opportunities at PMRF. No decisions have been made, but I am in contact with the Department of Defense, DLNR, and the Office of the Mayor as we shepherd this through. I think it is essential for our safety.

Those are all the questions that I had that were submitted. I would be happy to answer any other questions.

Council Chair Kaneshiro: We did have one (1) more question. It was, “12) Please provide any ideas on possible funding sources to support rivers and streams maintenance and managements tied to watershed management, non-native tree debris removal, etc.”

Senator Schatz: I do have that question. I am so sorry, I skipped right over that one. That one really depends on the nature of the program. If there is a specific project, I think the best idea would be to let us know exactly how it is set-up, whose land it is, what kind of partnership it is, et cetera. It might be
the United States Geological Survey (USGS), it might be the United States Fish and Wildlife Service through their Wildlife Grants Program, or it could theoretically be the National Fish and Wildlife Foundation which is a 501(c)(3) nonprofit. We could sort of steer you in the right direction and try to be an advocate, once we know what the specifics are regarding any proposal.

Council Chair Kaneshiro: Thank you. We have about ten (10) minutes left. Are there any questions from the Councilmembers?

Councilmember Kuali'i: I have a follow-up.

Council Chair Kaneshiro: Councilmember Kuali'i.

Councilmember Kuali'i: Aloha, Senator Schatz. Thank you so much for coming before us and giving us all of this information. Just to follow-up briefly on my question about fighting for the ability to spend the Rental Assistance moneys in a different way. I know that in the first round with the amount that the State allocated to us, we were not able to get it all out there. I am a little worried that in the second round where we have even more, approximately twenty-two million dollars ($22,000,000)...I think we only distributed approximately five million dollars ($5,000,000) in the first round, maybe more...that indeed we may not be able to do that. I know a lot of people are in different situations out there, where they do not technically pay rent. They pay a household contribution to a family member for the garage extension and they are not on paper a landlord or tenant. They are affected and they lost their income because they are unemployed, but they are not going to be able to get this kind of assistance. I think there are a lot of people that are not going to be able to take advantage of it in that way, so we may indeed have funding that would be great if we could still help our housing shortage problem in this way. I just do not know if it is even possible, but I am hoping you could fight for that.

Senator Schatz: I will follow-up on that. Let us get my staff on the phone with you about the particulars and maybe the County Administration as well on where they expect to land in terms of a fund balance and by what time. Then let us figure out how much flexibility exists in the law and whether we need to push Treasury or anyone else to provide you with that flexibility. Obviously, we want to push out as much of this money as we can, but I know there was a little bit of a challenge on O'ahu as well with people with unique landlord-tenant situations.

Councilmember Kuali'i: Thank you.

Council Chair Kaneshiro: Council Vice Chair Chock.

Councilmember Chock: Thank you for being here. I appreciate your time. This is in regards to the Infrastructure Bill. I wanted to clarify if you see sewer expansion or aspects of sewer expansion being included in this. Our
colleagues have been looking at the looming 2050 transition for cesspools and looking for opportunities on how we can expand housing as well.

Senator Schatz: Yes, that is very much on everyone's mind. This cesspool problem is certainly a County of Kaua'i issue, but it is also other neighbor island counties as well. Frankly, it is all across the country. This is a real issue. I do think that we need to pencil out how much it is going to cost to get into full compliance nationwide and decide collectively whether that is really going to be the goal. Municipal water systems in areas where there are just not many people living, it is not a very economical way to do this kind of a thing. There are disruptive technologies, and I am trying to...without going too fast, and without rejecting the idea that we do need sewer infrastructure, I want to explore for those really far-flung places where you have to drive a half a mile from the main road to get to three (3) lots, that is going to be a really hard thing to justify to use government money to lay down a sewer line to connect three (3) homes. We have to think creatively and frankly be honest without ourselves about what is economical or not. My best analogy for this is when people were talking about connecting people who lived in Africa to telephones, they were originally contemplating laying down all this telephone wire, then the cellphone showed up and everyone got their phone. There may be a leap we can all make to a new technology that provides the kind of sewer capacity that individual homes need, without laying down tens of billions of dollars worth of sewer infrastructure. I was talking with some folks from the not-for-profit community on Zoom who think that they have figured out a distributed system for sewer infrastructure, so I am very interested in that. I think there are two (2) pieces to this. One is the funding. The other part of this is trying to figure out what is the right solution for certain communities and not assuming that everyone needs what Honolulu has, which is a several hundred millions of dollars worth of taxpayer-funded sewer capacity every year.

Councilmember Chock: Thank you.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: Thank you, Senator Schatz, for being here and thank you for all of your work on the ARP, CARES Act, and all of these vital stimulus measures. I would also like to thank you and your staff for your E-mail newsletter and your website. It has been an amazing source of Hawai'i-centric information regarding these funding programs. As a quick follow-up to Council Vice Chair Chock's question and your answer to it, more specifically, I know that the ARP allows for infrastructure moneys for sewer. I have seen some speculation saying that sewer might be applied broadly to mean other wastewater. Do you know by chance if the ARP moneys could be used for other forms of wastewater or is it just for sewer?

Senator Schatz: Are you talking about the Bill we have
already enacted called the American Rescue Plan?

Councilmember Evslin: Yes.

Senator Schatz: I will say what I said earlier, again. Sorry to be redundant. The first caveat is that you have to check with your Corporation Counsel to figure out what is allowable. The way we wrote the law was if you want to use it for sewer, you can use it for sewer. If you want to set-up a vaccination site, you could use it for that. If you want to plug a budget hole, you could do that. It is designed to be entirely flexible and entirely within your discretion within the context of County ordinance, State law, and Federal law. This is entirely flexible money. The one caveat which is a crisp prohibition is that it cannot be used to enable a reduction in tax rates. On the spending side, there are very few restrictions. I would double-check that through your lawyers, but my very confident understanding is that the idea was that could not get in to it with thousands of counties across the country, fifty (50) states, and multiple territories, we could not get into refereeing what is allowed and what is not allowed. We just operated under the assumption that you know best how to provide resources to your county’s residents in an emergency. That is how the bill is written.

Council Chair Kaneshiro: We have about five (5) minutes left. I am going to try and take one (1) question from each of the Councilmembers. I will not ask a question. Councilmember Cowden, Councilmember DeCosta, then Councilmember Carvalho.

Councilmember Cowden: I will try to be very simple. Transitional housing, is a really big issue for us. We are in the process of closing the houseless encampments that we have had for this past year. I was at Lydgate Beach Park and there are so many people down there. There is a lot of concentration. We really do not have a plan on where to send them. We are working hard on that. It would be really nice to have some help being able to find a location to create a place where they could have an encampment like that. Special Management Area (SMA) permits, Environmental Impact Statement (EIS), and a lot of different challenges that happen that create barriers. It is less than building a house. I will call your attention to that. I do not know if there is any way where you see us being able to address that with what you have.

Senator Schatz: I agree with you that it is a challenge. I think if the County came up with a plan for a specific project or a way to address transitional housing needs, the ARP moneys are absolutely appropriate for that. If there is a Federal nexus as far as land use or any other piece, I would be happy to work with you. Generally speaking, I know the HUD and the new Secretary is very interested in this area. I would be happy to work with you on making the appropriate connections.
Councilmember Cowden: Thank you.

Council Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: Good morning, Senator Schatz. Thank you so much for all that you do in representing our state. My question is going to be simple. It is a no-brainer that world leaders like China are trying to control the shipping lanes and become more prevalent in becoming the global leader. I believe our constituents here on Kaua‘i believe that our PMRF base is a protection facility. I am a little worried that we are only a test facility. You made that clear. Will we ever become an operational facility so that we can protect our state and our people? Is that something that is in the pipeline?

Senator Schatz: That is a really good question, Councilmember. You are right, PMRF is for testing. That is a really important mission, because essentially hitting a bullet with a bullet or a rocket with a rocket takes a fair amount of high-tech work and testing in making sure that all of our missile defense systems are adequate to the task. I am not the technician here. As it has been explained to me, Councilmember, you do not necessarily need to be operational in the place that you are protecting. These radars have coverage. You have short-range discriminating radars closer to North Korea, then you have other systems that are at sea, and you have Fort Greely in Alaska and the ground base interceptors. It is a system across the Pacific. We should not think that we are unprotected just because the things that protect us are physically located someplace else. Actually, if we put the Ground-Based Interceptors (GBIs) here, they could not do any good for us. We are very well protected. We do want an extra layer of protection to have that short-range radar HDR-H situated either on Kaua‘i or O‘ahu. The site selection has not been determined yet. I would not worry too much that PMRF is a test facility and think in terms of having to build up all of our defenses physically in the islands. Our defenses are located across the Pacific and even to the north of us and it is a system that has, over the last ten (10) years, proven itself to work a lot better than it did in the past.

Councilmember DeCosta: Thank you.

Council Chair Kaneshiro: If you have the time, we will take one (1) last question from Councilmember Carvalho. Please let us know whenever you need to leave.

Councilmember Carvalho: Senator Schatz, mahalo and aloha.

Senator Schatz: It is nice to see you.

Councilmember Carvalho: It is nice to see you, too. In follow-up to the transportation question. I just wanted to thank you for the support in the past for the Transportation Investment Generating Economic Recovery (TIGER) grant that
helped to support our infrastructure and upgrades to our roadways and bikeways. Are there opportunities in the future where we can talk story about how to follow that same footprint to manage upgrades to our roadways and pathways?

Senator Schatz: It has been an incredible partnership between the Federal Government and the County of Kaua‘i on that TIGER grant on that main street project that you initiated and that the new Mayor has continued. We have continued to get resources from the Federal Department of Transportation. You can see the transformation. Anything that I can do to help that along...I do not know if there are additional resource needs in Līhu‘e Town or whether you have new projects that you want to start considering. First of all, it worked, and secondly, I thought it was a really cool partnership between business, conservation-types, and everyone was for it. Third, a lot of these TIGER grants ended up going to these urban areas. I was especially proud that we were able to secure those resources for the County of Kaua‘i and made sure that cities across the country do not suck up all the resources.

Councilmember Carvalho: Thank you.

Council Chair Kaneshiro: I think we finished right on time. I just wanted to thank you, Senator Schatz, for taking the time to speak to us. I know you work very hard in Washington D.C. for Hawai‘i and Kaua‘i. You always come prepared and is very concise. You are very informative. Your home office, Malia and Paul, they are always open to us as far as any questions we have. If we do have further questions from this meeting, we will send it over via E-mail.

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

Council Chair Kaneshiro: Is there any further discussion from the Members? Councilmember Cowden.

Councilmember Cowden: I just have gratitude. Thank you so much for being here.

Council Chair Kaneshiro: From all of the Councilmembers, we express our sincere gratitude. Unfortunately, we have not been able to fly up to Washington D.C. for the National Association of Counties (NACo). Your office is extremely welcoming. You are always there to greet us and to talk to us about Federal programs or anything that affects Hawai‘i. I just want to thank you for all of the outreach that you do for the Councilmembers and Kaua‘i. Any last words?

There being no objections, the rules were suspended.

Senator Schatz: Thank you, Councilmembers. It is always a pleasure to see you all. Hopefully, we will be able to see each other in-person soon. Let us keep the vaccinations going. We are doing great. Thank you everyone.
The meeting was called back to order and proceeded as follows:

Council Chair Kaneshiro: Is there any final discussion from the Members?

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

The motion to receive C 2021-109 for the record was then put, and unanimously carried.

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

C 2021-110 Communication (04/13/2021) from the Acting County Engineer, requesting Council approval to indemnify the State of Hawai‘i as outlined in Condition No. 2 of the State of Hawai‘i Department of Land and Natural Resources’ (DLNR) Conservation District Use Permit (CDUP) KA-3856 letter for the ‘Aliomanu Road Repair and Revetment Project for erosion control along the damaged section of ‘Aliomanu Road located in Anahola, Kaua‘i, Hawai‘i, Tax Map Key (TMK) Nos. (4) 4-8-018:028 and 029, and seaward.

Councilmember Kuali‘i moved to approve C 2021-110, seconded by Councilmember Carvalho.

Council Chair Kaneshiro: Are there any questions from the Members on this? I will let Troy explain this item for us, before we open it up for any questions.

There being no objections, the rules were suspended.

TROY K. TANIGAWA, Acting County Engineer (via remote technology): Good morning. Could you repeat the last question? I had some technical difficulties on this side.

Council Chair Kaneshiro: We are on Communication C 2021-110. We just wanted a brief overview of the item and the purpose of this item.

Mr. Tanigawa: I do not have the agenda in front of me right now.

Council Chair Kaneshiro: It is the ‘Aliomanu Road Repair and Revetment Project for erosion control.

Mr. Tanigawa: We have Michael Moule on the line. He has a lot of the technical information on that. I will open and say that we have the CDUP that we are coming to the Council for approval for. There is an indemnity clause that is a part of it. It came up before and this is a renewal. There are actually two (2) items on today’s agenda that is related to this. There is the CDUP for a permanent repair and there is a CDUP for a temporary repair. These are two (2) separate items. I will
just say that the temporary repair is coming up again because the erosion has been expanding. It has been moving further east from the prior erosion area that has been fortified with sandbags. There is an additional approximately seventy-five (75) to one hundred (100) feet of erosion area that we want to have protected with these temporary measures before the permanent solution can be implemented. That is pretty much the broad brush description of what those CDUPs are for.

Council Chair Kaneshiro: Again, this is just to indemnify the State of Hawai‘i for the repair work. Councilmember Cowden.

Councilmember Cowden: I am certainly going to approve indemnifying the State for this repair. I walked it yesterday with some of the people from the neighborhood. That is a big challenge. I know we had looked at cutting it a bit more in the mauka direction. When I read through this, we are going to just keep it at one (1) lane, is that correct? I see the sandbags are really torn up and all over the place. It looks like there is a seawall that might be a part of the problem. Can Michael explain the plan and how we are going to keep that road? I am curious what your perspective is.

Mr. Tanigawa: The design went through a review with the community there. The accepted design is going to be a one-lane road through that section.

Councilmember Cowden: How are we going to keep that one (1) lane even there? It looks like it is really digging away pretty hard, right? What do you mean by “revetment”? What are we going to do to it?

Mr. Tanigawa: Go ahead, Michael.

MICHAEL MOULE, Chief of Engineering (via remote technology): Good morning. The proposed revetment is a sloped revetment, not a wall. The idea behind that is to provide the best balance between protecting the road and not creating erosion down the shoreline. We are well aware that vertical seawalls are very problematic with respect to that. A sloped revetment acts somewhat more like a natural beach although it is obviously not a natural beach. It is intended to reduce the erosion. That is the plan for the permanent solution, which is what this first item is. There are more details to it. I do not know how much more details you are looking for. I think that addresses the initial question you had, Councilmember Cowden.

Councilmember Cowden: Okay. Are you going to be putting rocks there? What are you going to put there? What are you going to do? What is that revetment made out of?

Mr. Moule: It is made out of boulders that are going to be sourced largely from the beach right there. That is the proposal. It is a slope revetment made out of boulders supporting a road that has some concrete behind it. What you will see is that the surface of the slope will be natural stone boulders.
Councilmember Cowden: Okay. I see they rolled all around there...I think those were all pulled out. You will be putting those boulders back there?

Mr. Moule: Right.

Councilmember Cowden: Okay.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: Thank you for being here and thank you for providing that overview. I have not been down there for years. I apologize. I should probably visit that area soon. Is the current erosion that sounds like it is adjacent to the existing sandbags, do you think that erosion was caused by those current sandbags? Or would that have occurred anyway?

Mr. Moule: It is hard to say. I think this whole area has been eroding, even areas that have not been protected. I would not be able to say for sure that the sandbags are causing that. We are aware that sandbags can do that and cause erosion nearby. The whole area has been eroding over time. We are looking at having this permanent revetment put in so we do not have that take place in the future.

Councilmember Evslin: One of the requirements for the permit is that it cannot cause flanking erosion or if it does you need to mitigate that in some capacity. What does happen if the new revetment ends up causing more erosion on either end? How do you end up solving for that without just expanding the revetment indefinitely?

Mr. Moule: I do not know if I have an answer to that question. Honestly, ocean erosion is not one of my areas of primary expertise, which is why we have consultants working on this. My understanding here is that we have areas of erosion not far from areas of accretion where you are seeing land actually forming. At some point, there will be a limiting factor with what is happening naturally with the circulation of the water in the bay. That is something when we ask for permits and we go to the Office of Conservation and Coastal Lands (OCCL) for these permits, they are actually reviewing these permits and they will not give us these permits if they do not feel it is a reasonable solution to the problem.

Councilmember Evslin: I feel like this project is a specter that keeps coming back to us every few months on the Council floor. I think we will see more of this over time. Because we are also coming on the heels of the bike path where we had a prolonged discussion where there was no intention to save that path and we would probably not even be able to legally put up a wall to save the path if it is at-risk, how does the State distinguish when we can put a wall or revetment and when we have to abandon an area.

Mr. Moule: Again, I would have to say that is outside of area of expertise. Honestly, I cannot answer that question.

Councilmember Evslin: Okay, thank you, Michael.
Council Chair Kaneshiro: Are there any further questions from the Members on this item?

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

Council Chair Kaneshiro: Does anyone else have any final discussion? Councilmember Cowden.

Councilmember Cowden: I think we are going to get more and more of these challenges. I believe our engineers said the same. I did choose to drive around the area and there are relatively fresh expensive houses on that little strip of remaining road. We see where I think it was Hurricane ‘Iniki that took out the bridge that broke ‘Aliomanu in half. I think about Hanalei Hillside where we have these roads that are shot. That is the problem right there. I appreciate what is happening. I am using this moment to say it is really worthy to go and look how much of these places wash away. When I see the sand collapsing, you can tell that is fresh collapse. That area has had fresh collapse. I appreciate our Engineering Division with their struggle of having to repair that area. Those existing sandbags are pretty much torn up and the fabric is stretched out. The old boulders have all been ripped out. The ocean is powerful right there. My guess is this will be a temporary fix. I just wanted to put that first-eye view there. That was supported by people I walked along the shoreline with who lived there pretty much their whole lives.

Council Chair Kaneshiro: Is there any other discussion from the Members? Councilmember Evslin.

Councilmember Evslin: I think this does keep coming back. Michael and Troy have made it clear over time that this is the least bad of a bunch of bad possible solutions. There is no good answer. I am confident that they have looked at alternatives to try to move the road. It is cost prohibitive and there are other barriers to that. Like Councilmember Cowden, my ongoing concern here is that you inch-by-inch end up protecting more and causing greater issues on the flank. That is obvious. As Councilmember Cowden, I am not as familiar with the area so I cannot say, if not this area then another where we protect something. There is a high-end house on the other side which is causing erosion in front of that house and they are going to have to have the legal justification to pursue a wall in front of their house, because the County caused erosion in front of their house. We are going to end up tumbling into all of these tremendous problems over time with sea level rise that are inevitable. It is an overwhelming problem. I support this as a potential “not terrible” solution.

Council Chair Kaneshiro: Does anyone else have any comments? Councilmember Kuali‘i.

Councilmember Kuali‘i: I was just watching on the news the other night regarding the lava situation on the Big Island and how the county there or State are looking at purchasing some of the land so people no longer build there. Going forward, as we talk about climate change and everything, we obviously have to address the idea of these places, we probably should think twice before we build mansions along the coast and then expect the County or the State to continue to provide the roads. Just like
Senator Schatz mentioned regarding the sewer and how it is not cost effective to make a line go out to three (3) houses in a remote area; it is a big issue that we have to address.

Council Chair Kaneshiro: Does anyone else have any comments?

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

The motion to approve C 2021-110 was then put, and unanimously carried.

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

C 2021-111 Communication (04/13/2021) from the Acting County Engineer, requesting Council approval to indemnify the State of Hawai‘i as outlined in Condition No. 2 of the State of Hawai‘i Department of Land and Natural Resources’ (DLNR) Emergency CDUP KA-21-08 to install emergency sandbags along the damaged section of ‘Aliomanu Road located in Anahola, Kaua‘i, Hawai‘i, Tax Map Key (TMK) Nos. (4) 4-8-018:028 and 029, and seaward.

Councilmember Kuali‘i moved to approve C 2021-111, seconded by Councilmember Chock.

Council Chair Kaneshiro: This is very similar to the last item. This is to allow the County to install emergency sandbags on ‘Aliomanu Road while we are getting the emergency work done. Are there any questions from the Members on this?

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

The motion to approve C 2021-111 was then put, and unanimously carried.

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

C 2021-112 Communication (04/21/2021) from the Director of Economic Development, requesting after-the-fact Council approval to apply for and receive technical assistance from the Department of Energy’s Energy Transitions Initiative Partnership Project, which provides technical assistance to remote and island communities around the United States to bolster their energy infrastructure, reduce the risk of outages, and improve their future energy and economic outlook.

Councilmember Kuali‘i moved to approve C 2021-112, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Nalani, would you like to give us a brief overview of this item?

There being no objections, the rules were suspended.
NALANI K. KAAUWAI BRUN, Director of Economic Development (via remote technology): Without further ado, I will turn it over to Ben Sullivan. He is our Sustainability Coordinator and he has all the knowledge on this project. Mahalo.

BEN SULLIVAN, Economic Development Specialist IV: Energy/Sustainability Coordinator (via remote technology): Thank you, Nalani. Good morning, Councilmembers. The Energy Transitions Initiative Partnership program is something we applied for in February. I would like to take responsibility and apologize to you that we did not get you notice of this ahead of time. This was something that came to our attention at the last minute and at the time, it was not clear how much support we might be able to get from a technical support standpoint. We saw it as a good opportunity and we applied for it. The intention of the technical support is to help us to provide an islandwide infrastructure plan for electric vehicle (EV) charging. That is one objective. Another objective is to help us plan for a mobility data system for the island so that we can provide data on how people are moving around. As you recall, we had this discussion before and we are very interested in tourist hotspots and other mobility information that we would like to try to collect. We are hoping to get technical support for that. Lastly, we hope that the National Renewable Energy Laboratory will be able to give us technical support in looking at how emerging transportation technologies overlay with our existing transportation plans and how it might be utilized to better affect us. That includes an array of technologies including shared-vehicles, autonomous vehicles, shuttles, et cetera. We are really trying to get a sense of whether these tools are appropriate for us and would they work in certain locations to help us solve problems that we are aware of and that are articulated in our existing plans. I am happy to answer any questions if you have any. Thank you for the opportunity to discuss this.

Council Chair Kaneshiro: Council Vice Chair Chock, then Councilmember Cowden.

Councilmember Chock: Ben, thank you. I know it is a little late, but I am glad that you did apply for it and received this. How much is this grant for? Is it only for technical hours or is there an amount?

Mr. Sullivan: It is technical assistance only. There is not a definitive number, because there is no money changing hands. What we were told from our project support team, which includes the Hawai'i Natural Energy Institute is that the overall program is funded at three million dollars ($3,000,000) and there are eleven (11) recipients. If you do the math on that it is somewhere south of three hundred thousand dollars ($300,000) per recipient. That is a rough approximation and that includes all program administrative support and other aspects of whatever the Federal government has to do to administer this program.

Councilmember Chock: Thank you. The reason why I ask is to get a sense of the scope and how much work we can expand on. I think it is properly targeted with our transportation energy resilience goals. I am curious in terms of new technologies how far we will be able to get to. I was on a call by request the other day on a project that might be occurring on Hawai'i Island regarding carbon neutral jet fuel and being able to look at a smaller model. I am curious if you are aware of it and if that
might be something that could be included in this scope. I can talk to you more about it offline. It looks very targeted in what you wrote.

Mr. Sullivan: I am not sure we can modify the scope at this point, but we are certainly always interested in learning more about what is happening and welcome your information on what Hawai‘i Island is looking at with regards to jet fuel.

Councilmember Chock: Okay, I will send you that information. Thank you.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: Thank you, Ben. Did you write up this document here with the questions? The application?

Mr. Sullivan: Yes, everything is a team effort. I was the primary point of contact for this, but certainly had a lot of good review internally with the team to make sure that we were providing the best response we could.

Councilmember Cowden: I just want to say that your team did a very good job. I really appreciated reading this. I like very much a holistic approach like this. There were many aspects of it that I felt really good about. Just for the viewing public, I think when you are targeting the congestion on our roads and the high use of rental cars, you are spot on on something that I think will make a difference day-to-day in everyone’s lives. It will make an economic difference relative to how much we have to invest in roads. I loved all of that. I give you a bunch of stars for this. When I look at the Department of Energy’s support of eleven (11) remote and island communities transitioning to resilient clean energy solutions, I was very pleased to see the range...everyone of these different eleven (11) towns or projects, they all bring needed ideas to the country. I am proud that Kaua‘i will be bringing things forward. I had a question. Actually, I have a whole bunch of questions, because I love so much of this. One area where we are talking about automated vehicles, we do not have to necessarily automate vehicles, right? We can look into that, but we could also have drivers for those vehicles. Would that be correct?

Mr. Sullivan: That is absolutely correct. This is an investigation as to how appropriate the technology might be. I will also add that most pilots around the country with autonomous vehicles do have personnel onboard. They actually take advantage of using those personnel to give cultural education and other things since they are not preoccupied with having to drive the vehicle.

Councilmember Cowden: Okay. We want to have jobs for our people and all of those people tend to be ambassadors for our island in educating people. Whether they are driverless and there is someone in the car helping or not, I support that. At the last Council Meeting, we talked about the satellite or 5G, I think for driverless vehicles, you would need that kind of technology in the sky. I believe. I do not know. Do you know?
Mr. Sullivan: That is a great example of the kind of conversation that we would try to elevate to understand better. We want to understand what all the requirements might be for deploying this type of project on the island. I do not have a specific answer. That is a part of the scope.

Councilmember Cowden: Okay. Maybe you could look into that. What we do know is that with or without automated vehicles, having these shuttle buses that help to avoid the need for so many cars can happen with or without automation. Great job. I could talk to you for hours on this. There is a lot of very good work in here. Thank you for a holistic approach to a needed pressure on our community. I think it will be very helpful if we can pull this off.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: Thank you, Ben and Nalani. This is pretty exciting stuff. I read it. I was jumping for joy at every sentence of that grant proposal. There is a lot of exciting stuff in there. Just to echo Councilmember Cowden a bit, I think one especially important thing is the holistic nature of it. It is so clear throughout that document that in trying to solve and manage our congestion crisis, we are using the same tools as trying to solve our climate crisis, while ensuring equitable access to transportation. The entire thing is woven throughout there. Also, we are trying to prepare for and harness emerging technologies is obviously very critical. There was a timeliness component to this and the Department of Transportation is expanding significantly their rental car parking lot near the airport. It sounded like part of this document is to try and look at...before we double-down on rental cars that we look and try to harness these other technologies. Given that, is the Department of Transportation at the table in some capacity with this grant or will they be in trying to work with these technical experts?

Mr. Sullivan: The Department of Transportation is definitely at the table. As a matter of fact, we have had recent communications with Larry Dill, so State Highways is at the table. We continue to work with them and hope to have State Airports at the table as well. We also believe that is critical component as articulated in the application.

Councilmember Evslin: Great, thank you.

Council Chair Kaneshiro: Councilmember Kuali’i.

Councilmember Kuali’i: Aloha Ben and Nalani. Thank you so much for this. This is very exciting. I thought the same thing as I was reading through it all. It is great to see the Energy Secretary, Secretary Granholm, the former Governor of Michigan, in the article. Thank you for sharing that article which also highlighted Senators Schatz and Hirono as well. In the article it says, “Through this project, Kaua‘i will explore alternative and autonomous mobility options for its residents and tourists to move away from fossil fuel-powered single-occupancy vehicles and towards a modern, clean transportation system.” I know we have been working on this already. It would be great to learn how to get further faster with this. With this three million dollars ($3,000,000) for the total budget, I think it is two hundred seventy-two thousand
dollars ($272,000) if you were to divide it by eleven (11) recipients. I would guess that we might be getting a smaller amount than one-eleventh. Does this mean that they will be sending an expert to come and work with us for a while? Will they cover the cost of this person? Do they pick this person and just send them to us? What will actually happen?

Mr. Sullivan: Yes, that is a great question. Our understanding is that we are receiving technical assistance from personnel at the National Renewable Energy Laboratory (NREL). They have quite an extensive bench of people who have diverse expertise and experience. Our job is really going to be to try to facilitate that use in the most effective way for the things that we need the most on the island. As we articulated earlier, it was the three (3) items that we really want to focus on and we are still in the scoping phase at this point to determine who the right personnel are. We have the support of the Hawai'i Natural Energy Institute on O'ahu to help us to get there as well. They are the local contact partner for NREL. Does that answer your question?

Councilmember Kuali'i: Yes. Is a person or maybe (2) were to come to us, do we have the space to accommodate them? How would that work?

Mr. Sullivan: I do not know that they would sit here in a permanent way. The intent is to meet virtually and hopefully perhaps in-person should circumstances allow over the next several months to help scope the project. They would then basically go away and start doing a lot of the analysis and documentation needed to create these plans. They would be constantly coming back and forth with us for revisions. A key part of this is going to be the front end in making sure we understand what the best direction is and that we get the appropriate input from the partners cited in the document.

Councilmember Kuali'i: When you listed the three (3) points about planning for electrical vehicle charging, collecting data, and looking at emerging technologies, I would imagine that is where they could help us with the emerging technologies. On the work that we have been doing already, is there still some kind of pilot program...obviously it probably was shut down with COVID-19...maybe it will be starting up again, with the hotels having a rental car at the hotel that is shared by the guests as opposed to all of them renting cars separately? Obviously that would be great in our most concentrated tourist areas like Princeville, the Royal Coconut Coast, and Po'ipū. We not only have a problem with cars, but in Honolulu, the bike-share program Biki...have we thought about that for those same areas for the tourists? I know we have been improving the sidewalks, so that is helpful. I see people walking the goat trail in the Kapa'a area to get from the old Sheraton where the new Longs Drugs is to get into town. Lastly, what are we doing to make our path more useful as transportation. Obviously it is very successful as a recreational path, but we have to have it fully connected so people can get from point “A” to point “B” if “A” is their work and “B” is their home...and ride their bikes. A lot of people do not want to ride their bikes on the busy highway. There is a lot of work to do and this is really exciting. Please keep us posted every step of the way.

Mr. Sullivan: Thank you, Councilmember.
Council Chair Kaneshiro: Councilmember Carvalho.

Councilmember Carvalho: Thank you for all the work that you are doing. How does this tie into the North Shore Shuttle? Is that option still on the table? Does this help to support that effort and shuttles in general? I know we are trying to get people out of their cars and in the shuttle to visit the North Shore area. Does this tie into that? I am hoping it does.

Mr. Sullivan: Absolutely. I do not want to oversell this, because it is technical support to help us understand how these systems might interact. Both on your comments and on Councilmember Kuali‘i’s comments, what we hope to better understand is how a shuttle system or the bus system could interact with other components that might be placed in a particular region, whether it might be the North Shore, South Shore, or otherwise and whether there is enough traffic, volume, and use to justify an economic deployment of those systems. Because they are new technologies they have not necessarily surfaced in our plans in the past. As you all know, the challenge of this is like a “chicken and egg” situation where we want people to get out of their cars, but they have to have all these choices once they get to their destination or else they really cannot do that in a viable way. We are really trying to ask the question about what are the key moves that are really going to open up this transformation. We definitely see autonomous shuttles as part of the conversation, but certainly beyond that, shared vehicles like cars and biking mobility at various locations. As you know Councilmember Carvalho, the scooters is an example of something we have looked at with you in the past. What are all those different ways that people might be able to get around and how might we be able to deploy them is really at the heart of the investigation here.

Councilmember Carvalho: Okay, thank you.

Council Chair Kaneshiro: Councilmember DeCosta, then Councilmember Cowden.

Councilmember DeCosta: Thank you, Ben and Nalani for everything that you do. This is very exciting. I think the number one thing would be to give our tourists less choices... I know that is undemocratic to say that. If we did not give them a choice to rent a car and they had to get on this shuttle, I think it would alleviate a lot of our traffic. That is my “two cents” into this conversation here. Thank you.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I am wondering about partnerships. I imagine that you planned for this. I have three (3) that I think is important. One is with Kaua‘i Community College (KCC). The automotive program there is really incredible. I see where they recycle car batteries. When we are trying to have a green economy, these batteries have a high impact on our economy. At KCC, they take bad cells out of old batteries and put new cells in. I think the more we can engage our emerging generations into ideas like this, I would think they would like to be involved. The Kaua‘i Electric Vehicles nonprofit, I am wondering if they are a part of this effort. It seems like they were asking for something very similar to this. Then, the car rental
companies...I know Enterprise, when I was asking a couple of years ago, they have ideas and ways that the different rental car companies can actually be more efficient. Ultimately, they need to think about their net margin and not their gross margins. If we can help them get their net margin up by efficient uses of their vehicles, that would work well. Ben, I imagine you have partnerships planned, but have you thought about those three (3) partnerships?

Mr. Sullivan: Thank you for those comments and that guidance. We certainly value the partnerships that we have with Gordon and Wes over at KCC, and with the rental car companies and others. Certainly Kaua‘i EV has been a great champion for awareness and education over the years. We have done ride and drives with them as well. I will also point out that Nalani has been very careful to make sure that we partner with the Hawai‘i Tourism Authority and our recent Destination Management Area Plan (DMAP) looked closely at how they help and support partnerships around the transportation challenges and we have had some good conversations with them as well. We hope that they can broker this conversation with entities like the rental car companies and the hotels in a way that we would not necessarily be able to do because we do not have the same relationships. We are really looking forward to that as well. Thank you for your insights about who to reach out to.

Councilmember Cowden: Excellent, thank you.

Council Chair Kaneshiro: Are there any further questions from the Members on this item?

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

Council Chair Kaneshiro: Does anyone else have any final discussion.

Councilmember Evslin: Great job on getting this grant. To reiterate again for the people listening...eleven (11) municipalities around the country got this competitive grant. As far as I can tell, we are the only ones looking at ground transportation, which is obviously so important on Kaua‘i. On Kaua‘i and statewide we have a 2045 clean energy goal, which is going to be so hard for us to achieve for our ground transportation and much easier to achieve for electrification or our energy generation. It is great that this is focusing on ground transportation. What makes this partially so exciting for me is that with autonomous vehicles, there are potentially two (2) futures...one where everybody owns their own autonomous vehicle and it ends up exacerbating our current infrastructure and congestion issues or it could be totally transformative in the way that we get around and could be a tool for us to potentially eliminating congestion. Which path we choose will largely be dependent on proactive policy to try to encourage shared ownership and shared use of autonomous vehicles. This is a really important first step here. I appreciate all of the work that the Office of Economic Development is doing on this front.

Council Chair Kaneshiro: Councilmember Cowden.
Councilmember Cowden: I am very excited about this. I like when we work with proactive ideas that are holistic. In my mind, I like us branding Kaua‘i as clean, green, and safe. I feel that this hits all of those goals. I like that it gives us an opportunity of role modeling and having national leadership as Councilmember Evslin was saying on new methods of road transportation. I think many, many...like more than half of the communities could benefit from what we would be learning. It not only solves congestion and road costs, but also two (2) other things that are really big issues, including our abandoned and derelict vehicles. If we are more efficient with our vehicles and there are more vehicles that are managed, I think we would have a lot less abandoned vehicles. When we are trying to help affordable living for parts of our community, there are templates from decades ago in Europe where people who have less money are able to be in a car share program. I think that could really help. The other piece is waste and recycling. All these cars that come over here eventually have to get crushed and put in a little square cube and sent away to be thrown away somewhere. The less vehicles that we can use and the better off we will be. I am very excited about multiple gains and really moving forward with what I believe is not only the national goal, but the international goal...and our tiny little spot in the middle of the Pacific Ocean can be a shining star on that front. I think if we look at how we are transforming tourism, when we can role model something like this, people might come just to see good behaviors. It becomes a whole new market and a whole new type of visitor who comes really consciously. I think you hit the ball out of the park with getting this grant. Congratulations.

Council Chair Kaneshiro: Is there any other discussion from the Members?

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

The motion to approve C 2021-112 was then put, and unanimously carried.

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

LEGAL DOCUMENT:

C 2021-113 Communication (04/13/2021) from Jodi A. Higuchi Sayegusa, Deputy Planning Director, requesting Council acceptance and approval of a Dedication Deed, from B&D Properties, LLC, Historic Plantation Center, LLC, and Kilauea Shops, LLC, to the County of Kaua‘i, Lot B and Lot E, for roadway purposes, Tax Map Key (TMK) No. (4) 5-2-23:031 and TMK No. (4) 5-2-23:032:

- Dedication Deed

Councilmember Kuali‘i moved to approve C 2021-113, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Are there any questions from the Members on this?
Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: Thank you, Jodi. I am excited that this is going to happen. Was this a mistake that this was not dedicated prior to this?

There being no objections, the rules were suspended.

JODI A. HIGUCHI SAYEGUSA, Deputy Planning Director (via remote technology): I am sorry, what was the question again? Was it the reason why it was not dedicated before?

Councilmember Cowden: Yes. Kilauea is going to be very excited to have this completed. This has come up at multiple Kilauea Neighborhood Association meetings over the last two (2) years. What was the problem?

Ms. Higuchi Sayegusa: I am not sure what caused the delay. Most recently, what we found was that there was a minor discrepancy on the cover page of the Dedication Deed. There was a little bit of a delay to make sure that the Dedication Deed was accurate and that the accurate lots were identified. That was a part of the delay. I am not sure what else happened in between. I think we are at a point where it is ready and it is just a matter of bringing it before the Council for acceptance. We will then take care of the transmittal to the Bureau of Conveyances and the condition of approval will be completed.

Councilmember Cowden: When this is dedicated, can we put the roundabout in and do the other improvements on the roadway? I think that is what has held that back.

Ms. Higuchi Sayegusa: Right. I believe there are certain other requirements by way of Subdivision 2013-20 related to the connection points. Michael Moule is on the line for the technical aspects of the other additional requirements. It might be best that he answer those questions.

Councilmember Cowden: Okay. Thank you, Michael. I know we do not have the funding yet for the road up to the highway. Right now we have seven (7) parking lots or roads coming together at one spot. You have presented to the Kilauea Neighborhood Association this roundabout idea. Are we ready for that or is that still a ways off?

Mr. Moule: Was that a question for me?

Councilmember Cowden: Yes.

Mr. Moule: We had proposed installing what is called a mini roundabout in a pilot manner. It is a little smaller and has a central island. We call it, "lighter, quicker, and cheaper." Rather than using significant concrete curbs and redoing everything, we would do it by using signs, markings, and some rubber curbs to create a pilot or temporary mini roundabout at the intersection of Kilauea Road, Keneke Street, and Ala Namahana Parkway. Indeed, the reason we had planned to do
that...the timing on that has shifted with COVID-19. I think it was a year and a half ago that we planned to do that. I cannot even remember the exact date, because everything changed with COVID-19. I can look that up. We did not do it, because we found that we did not own this property yet. We could not make this change and it was too difficult to make that all happen in the time that the funds that were available to do this temporary treatment. Even though it is lighter, quicker, and cheaper than a full roundabout would be, it still costs money. We were not able to do it at that time. We would now be able to do this sort of temporary treatment; however, at the moment, we do not have funding to do that. We do not yet have a plan to do this tomorrow. This does give us the opportunity to potentially identify funds. I understand that the funds we used last time may potentially be coming up again in the future where we might be able to do that short-term pilot project for the roundabout. We do also have plans...we are developing a federal aid project in conjunction with the United States Fish and Wildlife Service and others, including the Federal Highways Administration and the State of Hawai‘i Department of Transportation for Kilauea Road, to install the more permanent mini roundabout at this intersection, as well as other improvements along Kilauea Road. That is several years out, but this land is needed for that as well.

Councilmember Cowden: The adjacent piece that is called Kilauea ‘Ohana or Namahana, there is discussion about a potential bike path. We are not going to get that dedicated to us? If that is the case, we should probably stop the bike path idea if that is not going to happen. They are right there near and adjacent to each other. Collectively, not everybody understands little lines on a paper. I want to be able to give a good report. Can we get those other easements on the adjacent parcels and can we think about that? I sent a letter out about it. Did you get it? These are adjacent and further down along the road. If we were to put a bike path over there to the Kalihiwai area...

Mr. Moule: I am aware of the discussions that occurred earlier this year about trying to connect...as I think most people are aware, there is a long-term plan to connect Ala Namahana Parkway past the post office around to Kūhō Highway, connecting at the location where the Anaina Hou land is on the ma‘uka side of the highway. There has been a subdivision done to carve up that land. I think that subdivision is complete or is being worked on to eventually have that land dedicated to the County. The long-term plan is to include that connection, as well as the land dedicated to connect the shared-use path from the post office area around to Kalihiwai, as you are suggesting. That is all being discussed. I know there were discussions earlier this year about possibly moving forward with dedicating some of that land, but as I understand it, that is not happening yet. I do not know if those conversations are still ongoing. That is a conversation that I am only tangentially involved with rather than directly involved with. I cannot speak to the exact status of that at this time.

Councilmember Cowden: Is there a reason to not allow it to happen? It is a little bit off the topic. If we cannot continue it, then we will not. People have been waiting for a very long time. The shopping center was not supposed to go in until this happened. At least the simplicity of a bike path that the community can pay for that runs right along in that area on this parcel that we are dedicating now and a little bit beyond. Is there a reason that we are holding back?
Mr. Moule: I cannot answer that question. I am not involved in those discussions directly.

Councilmember Cowden: Okay, thank you.

Mr. Moule: That is a question for the Administration, I believe.

Councilmember Cowden: Thank you.

Council Chair Kaneshiro: Are there any other questions from the Members on this item?

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

Council Chair Kaneshiro: Any final discussion from the Members?

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

The motion to approve C 2021-113 was then put, and unanimously carried.

Council Chair Kaneshiro: The motion is carried. Next, let us read ourselves into Executive Session. We will take our Executive Session at the end of the day.

EXECUTIVE SESSION:

ES-1053 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 a discrimination claim by a Kaua‘i Police Department employee, 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 Carvalho moved to convene into Executive Session for ES-1053, seconded by Councilmember Kualii.

Council Chair Kaneshiro: Are there any questions or discussion from the Members?

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

The motion to convene into Executive Session for ES-1053 was then put, and unanimously carried.
Council Chair Kaneshiro: That concludes the business on our agenda. Not seeing or hearing any objections, this Council Meeting is now adjourned.

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 9:54 a.m.

Respectfully submitted,

[Signature]

JADE K. FOUNTAIN-TANIGAWA
County Clerk