

COUNCIL MEETING

JANUARY 13, 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, Līhu'e, Kaua'i, on Wednesday, January 13, 2021 at 8:35 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 (*via remote technology*)
Honorable Bill DeCosta
Honorable Luke A. Evslin (*via remote technology*)
Honorable KipuKai Kuali'i
Honorable Arryl Kaneshiro

Council Chair Kaneshiro: Please note that we will run today's meetings pursuant to Governor Ige's Supplementary Emergency Proclamations with the most recent relating to the Sunshine Law being his Seventeenth Supplementary Emergency Proclamation dated December 16, 2020.

APPROVAL OF AGENDA.

Councilmember Carvalho moved for approval of the agenda, as circulated, seconded by Councilmember Kuali'i.

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

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:

December 16, 2020 Council Meeting
December 16, 2020 Public Hearing re: Bill No. 2813, Bill No. 2814, and Bill No. 2815

Councilmember Kuali'i moved to approve the Minutes, as circulated, seconded by Councilmember Chock.

Council Chair Kaneshiro: Are there any questions or is there any discussion on this item 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: Next item.

CONSENT CALENDAR:

C 2021-17 Communication (11/20/2020) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Leland K. Kahawai to the Liquor Control Commission – Term ending 12/31/2022.

C 2021-18 Communication (12/21/2020) from the Acting County Engineer, transmitting for Council consideration, a Resolution Authorizing The Mayor And The Director Of Finance Of The County Of Kaua'i To Enter Into An Intergovernmental Agreement With The State Of Hawai'i, Department Of Health For A Loan From The State Water Pollution Control Revolving Fund For The Waimea R-1 Wastewater Distribution System Upgrades, Project No. C150047-09.

C 2021-19 Communication (12/30/2020) from the Director of Finance, transmitting for Council information, the County of Kaua'i Schedule of Fund Balances as of June 30, 2020; pursuant to Kaua'i County Charter Section 19.14.

Councilmember Kualii moved to receive C 2021-17, C 2021-18, and C 2021-19 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 2021-17, C 2021-18, and C 2021-19 for the record was then put, and unanimously carried.

CLAIMS:

C 2021-20 Communication (12/22/2020) from the County Clerk, transmitting a claim filed against the County of Kaua'i, by Monika Mitchell, for damage to personal property, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2021-21 Communication (12/22/2020) from the County Clerk, transmitting a claim filed against the County of Kaua'i, by Rosita B. Fune, for damage to personal property, medical bill, and personal injuries, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2021-22 Communication (12/23/2020) from the County Clerk, transmitting a claim filed against the County of Kaua'i, by Glen Antony Silva, for personal injuries and personal property damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

Councilmember Carvalho moved to refer C 2021-20, C 2021-21, and C 2021-22 to the Office of the County Attorney for disposition and/or report back to the Council, seconded by Councilmember Chock.

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

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

The motion to refer C 2021-20, C 2021-21, and C 2021-22 to the Office of the County Attorney for disposition and/or report back to the Council was then put, and unanimously carried.

Council Chair Kaneshiro: Motion carried. Next item.

RESOLUTIONS:

Resolution No. 2021-08 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE LIQUOR CONTROL COMMISSION *(Leland K. Kahawai)*

Councilmember Kualii moved for adoption of Resolution No. 2021-08, seconded by Councilmember Chock.

Council Chair Kaneshiro: Mr. Kahawai's interview was at the last Council Meeting. Are there any questions from the Members? Is there any discussion before we take a vote? If not, roll call vote.

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

The motion for adoption of Resolution No. 2021-08 was then put, and carried by the following vote:

FOR ADOPTION:	Carvalho, Chock, Cowden, DeCosta, Evslin, Kualii, Kaneshiro	TOTAL – 7,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Resolution No. 2021-09 – RESOLUTION AUTHORIZING THE MAYOR AND THE DIRECTOR OF FINANCE OF THE COUNTY OF KAUAI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF HEALTH FOR A LOAN FROM THE STATE WATER POLLUTION CONTROL REVOLVING FUND FOR THE WAIMEA R-1 WASTEWATER DISTRIBUTION SYSTEM UPGRADES, PROJECT NO. C150047-09

Councilmember Carvalho moved for adoption of Resolution No. 2021-09, seconded by Councilmember Kualii.

Council Chair Kaneshiro: I will suspend the rules. There is a presentation on this item.

There being no objections, the rules were suspended.

JASON KAGIMOTO, Chief of Wastewater Management (*via remote technology*): Good morning. We are here today to seek approval for a loan with the State Department of Health (DOH). This loan is for Clean Water State Revolving Fund (CWSRF) loan; it is a twenty-year loan at one point two five (1.25%) interest. I would like to provide background regarding this project. It is a R-1 water storage, and distribution system. I will explain the process and what we are trying to do.

What is recycled water? It is a valuable water resource that allows for potable water to be conserved, and allow recycled water to be used for irrigation or other purposes in its place. It is regulated by DOH, Wastewater Branch. There are two (2) classes of water, which are R-1 recycled water and R-2 recycled water. R-1 recycled water is the highest classification that DOH allows for. There are various uses for this water. The main purpose in what we are looking for and what we currently do on Kauai is for irrigation. Predominantly, it is used for irrigating golf courses, parks, playgrounds, schoolyards, athletic fields, resort landscaping, et cetera. On Honolulu, it is used for food crops.

Some of the benefits for using recycled water allows for us to conserve potable water. It is a drought-proof source of water being that wastewater is produced twenty-four hours/seven days a week (24/7), three hundred sixty-five (365) days a year, which means we would be conveying and treating that water; therefore we would always be producing water. Whether or not there is rain, recycled water would consistently be produced. Recycled water is commonly used throughout the world. In Hawaii, it is predominantly used for golf courses, schools, and food crops.

With this program, there are framework rules that need to be followed to ensure that the program can be done safely and we are protecting everyone working on this project and the public. There are major safety practices included in the reuse program, 1) to ensure the system has no cross connection with the potable water system, 2) there needs to be appropriate signage to identify that this facility is using recycled water and there are certain aspects to be included in order to protect the

public, 3) hose bibbs need to be located below grade, 4) there will be a color code for recycled water where the pipe and valve boxes will be purple which will help to differentiate recycled water from potable water which is commonly blue, and 5) irrigation system training to ensure both employee and public safety.

Regarding the project, we are looking to build a storage and distribution system. The Wastewater Treatment Plant (WWTP) in Waimea produces two hundred thousand (200,000) gallons per day. We are looking to provide two hundred thousand (200,000) gallons per day of R-1 recycled water. This will allow us to conserve potable water and provide a benefit to the community. We have a unique opportunity with this project. As I previously mentioned, the predominant way that recycled water is used on Kaua'i is for golf courses. The benefit of the golf course is they need and use a lot of water. There is nothing in Waimea that is equivalent to this, so it provided us a good opportunity for us to figure out beneficial use to the community. In our planning process, we discovered that the main benefits to the community will help the Waimea Athletic Field and Waimea Canyon Middle School.

Waimea R-1 upgrades project was completed in 2013, which updated the Waimea WWTP from producing R-2 recycled water to R-1 recycled water. This upgrade was funded by an Environmental Protection Agency (EPA) Grant. The upgrades started with the planning, designing of the project, and in 2019, we were able to upgrade the irrigation system at the Waimea Athletic Field. The Waimea Athletic Field currently uses potable water, but we were able to provide automation...so like "setting up" for when we eventually build the system, we will be able to implement the upgrade. The system is automated to choose the time and area of the field to be irrigated.

The item that we are currently discussing on today's agenda is for the R-1 storage and distribution system. The design for this project was completed last year. We are looking to bid this project out in the first quarter of 2021, or as soon as we get Council approval to accept the CWSRF loan. As I previously mentioned, that is a twenty-year loan at one point two five percent (1.25%).

The project will consist of a four hundred thousand (400,000) gallon storage tank, which will be on-site at the Waimea WWTP. It will be a pressurized storage tank consisting of R-1 recycled water pumping and piping, which will help to pressurize the tank and the piping that will allow us to get to the field. If you look on the aerial on the right side (page 8), that is the alignment that will get us from the Waimea WWTP to Waimea Athletic Field and Waimea Canyon Middle School. It will be straddling the property line in between to easily connect to both systems.

That is an overview regarding this project. It will consist of an onsite storage tank at the Waimea WWTP, pumps to pressurize the system, and a pipeline which will run to the Waimea High School Athletic Field and the Waimea Canyon Middle School. That is all I have regarding my presentation and this project. If you have any questions, please let me know.

Council Chair Kaneshiro: Thank you for the presentation. The Councilmembers have questions. I will start with Councilmember Evslin, Councilmember Cowden, followed by Councilmember DeCosta.

Councilmember Evslin: Thank you, Chair. Thank you, Jason, for the presentation and for pushing this project forward. Where is the water currently produced by this plant?

Mr. Kagimoto: We are currently producing R-2 recycled water which is provided to Hartung Brothers Hawai'i, LLC who is currently growing alfalfa.

Councilmember Evslin: Does Hartung Brothers Hawai'i, LLC pay for the use of the water?

Mr. Kagimoto: No, we are currently paying them to use the water because the County is asking them to use that water.

Councilmember Evslin: Moving forward, is there cost sharing with the State or revenue recovery where they would help to pay for the use of the water? They are saving water costs by not having to buy water from the Department of Water.

Mr. Kagimoto: Yes. Waimea Athletic Field is managed through the County Department of Parks & Recreation. The price is not identified in the County's sewer ordinance, and the price needs to be negotiated or there needs to be less use of potable water. Therefore, it will be less potable water. The Lihu'e WWTP that produces R-1, we do not have a rate that is charged because there are credits made to the Ocean Course at Hokuala for their investment to upgrade our plant. We do not have a base other than we know what potable rates are in Waimea and what the surface water rates are for the Waimea customers.

Councilmember Evslin: In theory, if we are no longer paying Hartung Brothers Hawai'i, LLC to take the County's water, there may be revenue recovery through the State for Waimea Canyon Middle School. This could also help to pay this load down in future, right?

Mr. Kagimoto: Yes. As you mentioned, it will also save the Department of Parks & Recreation and the Department of Water a lot of money, because the rates that they will be paying to irrigate the Waimea Athletic Field will be lower.

Councilmember Evslin: Do you have estimates on the revenue savings from not paying Hartung Brothers Hawai'i, LLC, the revenue savings from the Department of Parks & Recreation, and the potential fee recovery from the State?

Mr. Kagimoto: I would have to look into that and get back to you.

Councilmember Evslin: Without knowing what the fee would be for the State, it would be good to at least know what the savings would be from the Department of Parks & Recreation and Hartung Brothers Hawai'i, LLC. Thank you.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: Thank you, Jason, for your presentation. I have a simple question. Is the County's first R-1 delivery system from the WWTP or is there a system on-island that is already functioning? It kind of focuses on the Wailua Golf Course, is that right?

Mr. Kagimoto: We have four (4) County WWTP, three (3) WWTP reuse water. The only WWTP using R-1 recycled water is the Lihue WWTP, and the County provides recycled water to the Ocean Course at Hokualea.

Councilmember Cowden: We already know that this works fine because we are already doing it.

Mr. Kagimoto: Yes. The Wailua WWTP provides R-2 recycled water to the Wailua Golf Course.

Councilmember Cowden: I was looking at the cost. Your total estimate is under five million dollars (\$5,000,000). On the higher range, it is plus fifteen percent (15%) or five million seven hundred thousand dollars (\$5,700,000), and you also have a low range. When you are asking for six million five hundred thousand dollars (\$6,500,000), it is my guess that you are guardbanding in case the cost is higher than anticipated.

Mr. Kagimoto: Yes. It is only an estimate. We will see the range once the bids come in. Included in this amount is construction and construction management. The cost estimate is only for construction.

Councilmember Cowden: Okay. We are likely to spend that entire amount. If we are anticipating a higher amount, is this loan like a home equity line of credit meaning as we spend the money, we absorb that cost to pay interest down; or, will the County get the six million five hundred thousand dollars (\$6,500,000)? Is the County committed to the entire dollar amount?

Mr. Kagimoto: The details of how it will work out may change. What typically happened in the past is we get Council approval to get a loan and we bid out the contract. The amount of the loan is based on the contract amounts. This amount is to get approval for us to get the loan from DOH. Regarding the repayment of the loan, the County will make payments to the contractor and the construction manager, and the County will invoice DOH, who will repay the County based on the loan amount. The loan payments are not made until the construction amount is completed and the total costs for construction and construction management are determined.

Councilmember Cowden: I appreciate that. It sounds like we are only borrowing the amount that is needed. My concern is that if we got a high amount and sitting on the loan, how do we decide what to do with the excess? It sounds like everything is embedded in an acceptable way. Thank you so much.

Mr. Kagimoto: You are welcome.

Council Chair Kaneshiro: Councilmember DeCosta.
Councilmember DeCosta: Hi, Jason. Good morning.

Mr. Kagimoto: Good morning.

Councilmember DeCosta: I watched you grow up and your father, Ian, was my neighbor in 'Ōma'o. It is nice to see you, you are doing good things for the County, thank you very much. I had a few questions. I find it unique that we pay Hartung Brothers Hawai'i, LLC to use water when most farmers need to buy water to farm, and they sell alfalfa to make a profit. I am not able to comprehend why we pay them, and they should be appreciative to be able to use the water to farm.

Regarding the four hundred thousand (400,000) gallon storage tank in Waimea, would there be enough water to support farmers in this area? Some of the land is designated for agriculture. Can the R-2 recycled water be used for taro fields and is it clean enough? I know the area is a flood zone area. Taro is one of the agricultural products that Westside people enjoy growing. What are your thoughts on that?

Mr. Kagimoto: Regarding Hartung Brothers Hawai'i, LLC, I agree with you and it would be better if we were in a different situation. What makes it hard is that although the Westside is dry and needs a lot of water, through the ditch system, there is readily available water that has less regulations surrounding it. That presents challenges for other places that do not have water. Typically, farmers would be competing to be first in line to get the recycled water. However, for the Waimea area, there is the ditch water that provides an alternative to using recycled water and what the County had or distributed for agricultural land use.

Our options have primarily been to the golf courses, which the setup is sending water to the pond, and they would pull water out from the pond to irrigate the golf course as needed. For this system, this is the first step in a different direction. We are trying to provide water for the community benefit. We are working with customers who are used to using water anytime and not necessarily having to balance the water supply of how much is being stored and how much water needs to be used. The storage tank is four hundred thousand (400,000) gallons and will be storing approximately two (2) days worth of water. The water will be filled up throughout the day and would ideally be used during nonpeak sunlight hours. It will be filling up during the day, and early morning it would be drawn down. Being that it is still being solidified, (what we wanted to make sure is we were not biting off more than we could chew). We began with those two (2) customers and part of it was that it would be most beneficial. Another deciding factor was when we looked at the summer peak water usage for the Waimea Athletic Park and Waimea Canyon Middle School,

they used approximately two hundred thousand (200,000) gallons of water per day. We did not want to over promise water because the end user or customer would have to commit to our water so that there is not any cross-contamination. They would have to physically detach from the potable water system. In the summer, water might be limited, but every other part of the year, we would have more water than we would be able to use.

To answer your question, there should be water or there will be enough water to provide to farmers. I do not necessarily know if it is safe specifically for *kalo*. We can talk to DOH. I know on Honolulu, they use it for banana, tomatoes, et cetera. If there are farmers who are interested in using our water, we would be happy discuss options regarding availability.

Councilmember DeCosta: Thank you, Jason. With the infrastructure going in from the Waimea WWTP to Waimea Canyon Middle School and Waimea Athletic Field, would we include infrastructure for future farmers in the area? Being that we are going to be putting in the infrastructure, we would be able to substitute some of the smaller valves that are purple, and to be included into the future. Was there a cost analysis with taking the R-1 recycled water, which is used for farming, and going into a tertiary system that would be higher to be potable? How much more would we have to invest into this facility to make the water potable? If so and in the future, there may be a livestock farm on the Westside for food security, the water can be used not only for agricultural products, but for agricultural livestock.

Mr. Kagimoto: The County never evaluated treating anything higher than R-1. To my knowledge, there has not been much of a demand for Kaua'i. There is a lot of potable water that is available. Our main goal was to provide water to irrigate the golf courses. This is taking a step in a new direction. As far as WWTP goes, R-1 is already considered tertiary treatment. It sounds like you are interested in reuse on the Westside, I would be happy to meet with you and discuss options. The R-1 recycled water has a lot of options regarding how the water can be reused. I would need to confirm, but I believe R-1 is available to be used for agriculture. I do not think you are able to use it for animals producing dairy.

Councilmember DeCosta: Thank you, Jason. Thank you for your time and effort.

Mr. Kagimoto: You are welcome.

Council Chair Kaneshiro: Councilmember Kualii.

Councilmember Kualii: I appreciate all of the questions from Councilmember DeCosta. They were similar to the questions that I had. You provided the budget breakdown, how much of the budget is being spent for the building of the tank? Is that the biggest expense?

Mr. Kagimoto: I provided a cost estimate. I believe I only provided that to Councilmember Cowden. I do not know the number offhand. I am either able to provide that to you or review it and provide you the answer.

Councilmember Kualii: Okay. You can send it. Thank you.

Mr. Kagimoto: You are welcome.

Council Chair Kaneshiro: Are there any further questions from the Members? Councilmember Evslin.

Councilmember Evslin: Jason, it would be good if you do a cost savings estimate. Can you add in what our estimated annual loan expense is going to be so we are able to see how everything will be balanced? Thank you very much. I appreciate the work.

Mr. Kagimoto: Yes, no problem. Thank you.

Council Chair Kaneshiro: Are there any further questions from the Members? We just received the construction costs. I am comfortable with what we are trying to accomplish with this project and approval of the bond. If not, I will call this meeting back to order.

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

Council Chair Kaneshiro: Is there any final discussion from the Councilmembers? Councilmember Chock.

Councilmember Chock: Thank you, Chair. Jason, thank you to you and your office. I know that you are limited in resources, with only four (4) people in your office. Getting this type of work done is important, and I want to thank you folks for your work. Thank you.

Mr. Kagimoto: Thank you.

Council Chair Kaneshiro: Councilmember Carvalho.

Councilmember Carvalho: Thank you, Jason, for all your folks work going back in time and with all the progress that has happened up to date. On the customer end, they are going to reach the benefits of this wonderful opportunity on the Westside. I know we have it in Līhu'e. Continue this movement and I look forward to seeing positive results, and I look forward to future additions that need to happen along the way. This project is big for the Westside. We need to continue to support this. *Mahalo* for all the work.

Mr. Kagimoto: Thank you.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: Thank you, Chair. I would like to second and respond to your folks work on this. This is incredibly important, and I know that you are strapped for resources and pushing your scouts to do big projects like this. I would

like to share a story. We were camping in Canada years ago. In Canada, they have pristine bathrooms in all the campgrounds. The only time I saw graffiti was when someone wrote on the side of the bathroom stall saying, "Do you ever wonder why we use drinking water in our toilets?" Since then, that has stuck with me. I support any efforts we make here to expand the use of recycled wastewater in any capacity we can. I certainly appreciate this.

There being no objections, the rules were suspended.

Mr. Kagimoto: Definitely. Even if you are only using potable water to irrigate the ground, there are better ways to use that potable water.

Council Chair Kaneshiro: Councilmember Kualii.

Councilmember Kualii: I would like to say *mahalo nui loa* for all the work that you continue to do. This is an exciting project and I am hoping there will be more in the future. The third bullet in your vision says, "provide benefit to the community." I want to ensure moving forward, we are also thinking about the four hundred (400) acres and future park land for the County to be used for housing projects, farmers, et cetera. Thank you.

Mr. Kagimoto: For the four hundred (400) acres, it provides us a unique opportunity being that we want a seat at the table for discussions moving forward regarding how that acreage will be used. Yes, reuse, will be part of those big discussions moving forward.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I would like to add another voice appreciating our Wastewater Management team. Thank you so much, Jason. I want to acknowledge moving into reutilizing R-1 wastewater is in alignment with the County's resilience goals and the 'Aina Aloha Economics Futures. We are walking the talk. Thank you for being a part of this.

Mr. Kagimoto: I would like to acknowledge our operators at the Waimea WWTP. They are members of the community, from the Westside, and they live in Waimea. Being members of the community and with people knowing that they work there, it gives them the added incentive to want to do a good job. They are diligent in their work, they are proud of what they do, and they try to strive to do better every day. They are a big part of this. We can construct and design these projects, but they must operate the WWTP for the next twenty plus (20+) years. Their involvement and wanting to do a good job plays a big part in what we are trying to do.

Councilmember Cowden: Something that I will be looking forward to seeing and something that I have noticed is the Westside becoming greener. It is looking beautiful. I know that the Waimea Athletic Field is one of the parks that we have the no pesticide effort in. It will be nice to see the combined efforts. I do not

know if there is any enrichment left in the water it leaves, but it is the right type of product. Thank you.

Mr. Kagimoto: The reuse water has nitrogen phosphorous in it. What our end-users have found out is that a lot less fertilizer is needed. When I first started with the County eight (8) years ago, the former Director of Parks & Recreation Lenny Rapozo's big goal and push was for us to move forward in finding a way to get the water to the Waimea Athletic Field. He wanted to make the park greener while staying within their budget. With cheaper rates and the addition of nitrogen phosphorous, his vision of making the Waimea Athletic Field look greener will hopefully come to light in the next several years.

Councilmember Cowden: Thank you.

Council Chair Kaneshiro: Councilmember DeCosta.

Councilmember DeCosta: Jason, regarding the development plan on the four hundred (400) acres in Waimea and future residential homes, will the tank that you are installing hold four hundred thousand (400,000) gallons?

Mr. Kagimoto: Yes.

Councilmember DeCosta: Is that tank enough to supply the demand for the future development? Would we need to upgrade this tank in the next ten (10) years if the residential community grows and the tank is too small to provide the water storage needed? Apparently, that Waimea WWTP will have more sewage coming in if we put more residential homes there. I want to know if that is implemented in the plans, and what is your current take on that?

Mr. Kagimoto: We will need to see how the system itself would work. We treat and produce two hundred thousand (200,000) gallons per day. The idea is that we would have two (2) days worth of storage to allow for the intermittent or periodic use to ensure we have ample supply, and we do not have to find alternate ways to use the water because it is too full. Another example would be that the tank is too small and the water is being used quickly where people are trying to irrigate, and water is not available. When the project was designed, the four hundred (400) acres was not part of this discussion being that we started this design three (3) years ago. Once the project is built and people start using the water, we will have a better feel for the demand and supply. There is a possibility that bigger density or other areas needing sewer, we would increase the amount of water being treated at the WWTP, that would mean more recycled water being produced above the two hundred thousand (200,000) gallons above the daily average. There are a lot of factors to weigh. When we are trying to water the park during Phase I, that would give us experience and understanding regarding people's water usage, the water usage during different times of the day, and how that relates to the flow peaks in the morning and the evening. We need to determine the balance by filling up tanks and the water being used. What I am trying to say is that we need to wait and see.

Councilmember DeCosta: I appreciate that. That is my construction mind working. This plan went on not knowing that there was another plan coming. Now that it is in place, the infrastructure that goes underground should be enough for future development. The biggest cost is when you must go back in to redo what you already did. However, if you can include that in the infrastructure to have it ready to go years down the road, we would save the County a lot of money by planning. Thank you.

Mr. Kagimoto: Regarding logistics, the Waimea WWTP is in that quarter of the four hundred (400) acres that is closest to the park. If most of the work on development is going to be either *mauka* or west of the WWTP, that infrastructure would have to be a future project.

Councilmember DeCosta: Thank you.

Council Chair Kaneshiro: Is there any final discussion from the Members? For me, I would like to say thank you. I believe a project like this will provide a lot of opportunities for the future. There is a lot of talk about expanding the Waimea Park. With the upcoming four hundred (400) acres, it opens the door for numerous activities. For example, if we put housing or farming, this water will be able to irrigate the lawns or farms. Ultimately, we need to get rid of that water, so it is a win for everyone. I will be voting in favor of this Resolution. Jason, thank you for the presentation.

Mr. Kagimoto: No problem. Thank you.

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

Council Chair Kaneshiro: With that, we will take a roll call vote.

(Written testimony was received and no registered speakers testified regarding this agenda item.)

The motion for adoption of Resolution No. 2021-09 was then put, and carried by the following vote:

FOR ADOPTION:	Carvalho, Chock, Cowden, DeCosta, Evslin, Kualii, Kaneshiro	TOTAL – 7,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Council Chair Kaneshiro: Motion passes. With that, can we get a motion to go into Executive Session?

EXECUTIVE SESSION:

ES-1038 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 and request for settlement authority in the matter of Trevor Wright vs. County of Kaua'i, et al., Civil No. 19-1-0061 JRV (Fifth Circuit Court). This briefing and consultation involve the consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

ES-1039 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 and request for settlement authority in the matter of County of Kaua'i vs. KAPHA North Shore, LLC, Civil No. 18-1-0031 (Fifth Circuit Court). This briefing and consultation involve the 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 in Executive Session for ES-1038 and ES-1039, seconded by Councilmember Chock.

Council Chair Kaneshiro: We will be taking these items at the end of the day. 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.)

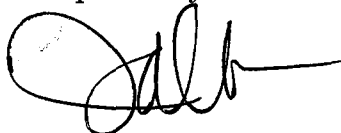
The motion to convene in Executive Session for ES-1038 and ES-1039 was then put, and unanimously carried.

Council Chair Kaneshiro: Seeing no further business and hearing no objections, this Council Meeting is now adjourned.

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 9:20 a.m.

Respectfully submitted,



JADE K. FOUNTAIN-TANIGAWA
County Clerk