

COUNCIL MEETING

DECEMBER 18, 2019

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, December 18, 2019 at 8:30 a.m., after which the following Members answered the call of the roll:

Honorable Arthur Brun (*present at 10:53 a.m.*)
Honorable Mason K. Chock
Honorable Felicia Cowden
Honorable Luke A. Evslin
Honorable KipuKai Kuali'i (*present at 8:32 a.m.*)
Honorable Arryl Kaneshiro

Excused: Honorable Ross Kagawa

APPROVAL OF AGENDA.

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

Council Chair Kaneshiro: Is there anyone in the public wishing to testify on the agenda?

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

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

Council Chair Kaneshiro: Seeing none, members, is there any discussion?

The motion for approval of the agenda, as circulated, was then put, and carried by a vote of 4:0:3 (*Councilmembers Brun, Kagawa, and Kuali'i were excused*).

Council Chair Kaneshiro: The motion is carried. Clerk, next item, please.

MINUTES of the following meeting of the Council:

November 20, 2019 Public Hearing re: Resolution No. 2019-53, Bill No. 2760, and Bill No. 2761

Councilmember Chock moved to approve the Minutes, as circulated, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify on the Minutes?

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

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

Council Chair Kaneshiro: Seeing none, is there any discussion from the members?

The motion to approve the Minutes, as circulated, was then put, and carried by a vote of 4:0:3 (*Councilmembers Brun, Kagawa, and Kualii were excused*).

Council Chair Kaneshiro: Next up are interviews. Our first interviewee is Lori for the Planning Commission.

INTERVIEWS:

PLANNING COMMISSION:

Lori J. Otsuka (*Business*) – Term ending 12/31/2022

(*Councilmember Kualii was noted as present.*)

ELLEN CHING, Boards & Commissions Administrator: Good morning, Ellen Ching, Boards & Commissions Administrator. This being my last meeting for the year, I would like to wish you all Happy Holidays and a super New Year. I would also like to thank you, the Council, for your caring concern and leadership. I would also like to thank your staff, they have been seriously so gracious in their feedback and their guidance; they have been absolutely brilliant. *Mahalo* to you all. This morning I am happy to introduce Lori Otsuka. Lori is a lifelong resident and business woman. She is a graduate of Kaua'i High School and University of Hawai'i (UH) at Mānoa. Her favorite food is buttered popcorn. She enjoys going to the movies and every time she does, popcorn is a must. It is her guilty pleasure. She will even go to the theatre just to pick up popcorn without seeing the movie. I think she would even knock over a small child for popcorn. All kidding aside, she is smart, she is knowledgeable, she is thorough, and she is willing—that is a winning combination for the business position on the Planning Commission. She has never served on any board or any commission and we look forward to her fresh ideas and contributions. At this time, she would like to make a statement.

LORI J. OTSUKA: Good morning, Chair Kaneshiro and Members of the Council. I was born and raised in the sleepy town of Waimea. Seventy-two (72) years ago in 1947, my grandfather started our family business called Kaua'i Beverage. My father Harry Otsuka ran it until his passing ten (10) years ago. It was then passed on to me. I have wonderful memories of playing and napping at Kaua'i Beverage when I was a toddler, and since the age of six, except for college years, the company has been my life for the past forty (40) years. Earlier this year I

loss someone who meant the world to me. For six (6) years, twenty-four seven (24/7), all day, every day, I was a caregiver for someone who was medically challenged. Although I knew nothing about the problems I would face during this time, I was committed and determined to tackle whatever issues came about. In a similar way while I may not know much about zoning and land use, I am willing to learn and dedicate the time and effort to thoroughly study the issues presented. Like all of you who want to contribute to this community, I also want to make a difference. By volunteering, I am hoping to leave a small five and a half (5.5) foot print on this beautiful island we call home. I have to admit that I am not comfortable in this seat. This is extremely stressful and is something I never expected to do, let alone put myself through, I would actually be more at ease having a root canal done. So, why am I here? Well, I think it is just the right time. If I can contribute to future generations, then all the discomfort I am feeling and sweat pouring from my pits will be well worth it. Thank you for your consideration.

Council Chair Kaneshiro: Thank you, Lori. Are there any questions from the members for Lori? Councilmember Cowden.

Councilmember Cowden: First of all, thank you so much for volunteering and you are correct that it really takes a lot of effort and intention. I want to say I am sorry for your losses and the difficult situation that you have been through. I hear that you have learned to really go into four-wheel drive to do things and you are also correct that this makes a big impact making the right decisions. Were you asked to serve? Why are you doing this if it is a...I do not want to traumatize you by having the job?

Ms. Otsuka: I was asked and at first I did not feel I wanted to do this, but I felt if I can make a difference and help the island with my executive decisions, then I wanted to give it a shot, and if you do not mind me saying...actually, my father who passed away ten (10) years ago spoke to me in my head and he said, "Make me proud," and that is when I knew.

Councilmember Cowden: I am sure you do. I see you have forty (40) years of management, so that tells me you are not afraid of *palapala* and you can handle the paperwork.

Ms. Otsuka: Yes.

Councilmember Cowden: We really need you. Thank you so much.

Ms. Otsuka: Thank you very much.

Council Chair Kaneshiro: Are there any further questions from the members? Are there any comments from the members? Thank you. I think sitting at the Planning Commission is harder than sitting in front of us, but maybe you have to ask those folks. It is a pretty tough job, but thank you for anyone that is willing to be on the Planning Commission.

Ms. Otsuka: Thank you very much.

KAUA'I HISTORIC PRESERVATION REVIEW COMMISSION:

Carolyn R. Larson (*History*) – Term ending 12/31/2022

Ms. Ching: Good morning. Taking a walk on the wild side comes naturally to our next candidate; Carolyn Larson was raised in Madagascar, which is about the size of Texas and is the second largest island country. Madagascar is a hot spot of biodiversity and has about ninety percent (90%) of all plant and animal species that are endemic and can only be found in Madagascar, thus is a focus of a lot of preservation efforts. She eventually found her way to Kaua'i after receiving her Undergraduate Degree with Minor's in French and History and a Master's Degree in Library and Information Science from UH Mānoa. Carolyn was the former director of Kaua'i Historical Society. During that time, she oversaw the recovery of collections damaged from Hurricane 'Iniki and worked with the County on post-hurricane list of Kaua'i historical properties. As the chief librarian, now retired, at Līhu'e Public Library, she oversaw the major renovation of this historic library building. With her background and education, Carolyn is an ideal candidate for the Historic Preservation Review Commission. She has never served on a board or a commission. I am thankful for her willingness to serve and contribute her extensive expertise.

CAROLYN R. LARSON: Thank you.

Council Chair Kaneshiro: Carolyn, is there anything you wanted to add?

Ms. Larson: I did not prepare a statement, but hello, everyone and thank you serving on the Council.

Council Chair Kaneshiro: Are there any questions for Carolyn?
Councilmember Cowden.

Councilmember Cowden: Thank you very much. I am really pleased to see that you have been a librarian, the director of the Historical Society, and even a business manager at Stone's Gallery, which handles the arts. I see you live in Līhu'e, so that makes it easy. Do you have a vision for your role in this? What is your inspiration?

Ms. Larson: As a girl, I was interested in history and continued to be. I am also interested in storytelling. Our stories are part of our heritage; what defines us. Buildings help us tell stories. I believe in historic preservation and I feel like I can contribute something from my experience.

Councilmember Cowden: I am going to thank you again and I know it is such a delight having the Historical Society right here in this building, which as a Councilmember, it is a great team there—I really appreciate being able to go over and ask core questions and be shown pictures and things to help me make good decisions. I just want to honor for all our viewers what an important role this is. It is a great asset that we have in our community, so thank you so much.

Council Chair Kaneshiro: Are there any questions or comments from the members? If not, thank you.

Ms. Ching: Chair, at this time I am missing one of my nominees, so if I can move to Patrick Ono?

There being no objections, the Interview for Patrick H. Ono was taken out of order.

SALARY COMMISSION:

Patrick H. Ono – Term ending 12/31/2022

Ms. Ching: Patrick Ono is the manager at Matson, Inc., on Kaua'i. He has traveled a long way to get here just like those Matson containers. Originally from Kāne'ohe, he went to Maryknoll School and the University of Washington where he earned his Degree in International Business and Finance, and UH Mānoa where he earned a Masters of Business Administration (MBA). His work took him to Phoenix, San Francisco, Portland, and Seattle before finally returning to Hawai'i. He loves all kinds of food, but what he missed most while on the mainland was fried fish, fried *akule* or *menpachi*. He also likes to listen to all types of music, but most recent what stands out in his memory is Robert Cazimero at the Kaua'i Museum. Although Patrick assists many organizations, he has never served on a County board or commission. I am thrilled the Salary Commission will benefit greatly from his perspectives and technical knowledge.

Council Chair Kaneshiro: Thank you. Pat, do you want to add anything to that?

PATRICK H. ONO: Ellen that was very kind, thank you. I did not prepare a statement for the Council, but my feeling is that it is just time. It is time for myself to give back to my community and so I appreciate this opportunity, so thank you Ellen.

Council Chair Kaneshiro: Are there any questions for Pat?
Councilmember Cowden.

Councilmember Cowden: Thank you for your willingness to volunteer for this commission. Do you understand what the Salary Commission's main objective is?

Mr. Ono: Yes, I do.

Councilmember Cowden: And for the viewers, to help determine when there are raises for the leadership positions and what we have been seeing, it is very difficult challenge for us and we deal with the inversions. I appreciate your...it looks like at least twenty-five (25), no, more than that, like thirty (30) something years in the maritime industry, so that is fresh. We do not have many of our commission members doing that, but that is certainly going to give you the depth. Thank you so much.

Mr. Ono:

Thank you.

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

Councilmember Evslin: Just a comment on everyone willing to serve today, I think we have an awesome slate of people here, from Lori, Carolyn, Patrick, and I am sure Randall, when he does his interview. We are lucky to have all of you. I think you are all perfectly slated for your particular commissions. Our commissions are empowered with so much important work and it is great to have well qualified people who are motivated to serve on commissions. Thank you for your willingness to volunteer.

Council Chair Kaneshiro: With that, thank you Pat. Thank you for volunteering. Next up is Randy.

LIQUOR CONTROL COMMISSION:

Randall T. Nishimura – Term ending 12/31/2022

Ms. Ching: Randy is also a Kaua'i High School and UH Mānoa graduate with a degree in Business Economics. He is a businessman and has operated Ron's Electric since 1986. Randy is a UH Rainbow Warriors Football fanatic. For those of us that only get to watch the games on television, when the camera pans the audience, do not surprise if you see Randy, because he rarely misses a game. His other passion is yard work. When asked, "Besides your family and pets, if your house was burning down, what is the one (1) thing you would save?" He immediately replied, "My weed wacker." I do not think I have ever gotten that answer before. Having served on other commissions previously, Randy is a seasoned volunteer. We look forward to his technical knowledge and future contributions to the Liquor Control Commission and I am so glad he is here this morning.

Council Chair Kaneshiro: Are there any questions or comments for Randy from the members? Councilmember Cowden.

Councilmember Cowden: Again, thank you. Volunteering for these positions is really important. I am impressed that you have served for six (6) on the Cost Control Commission, the Planning Commission for six (6) years, and the Board of Water Supply for six (6) years, and even the reappointment for the Advisory Board for one (1) year. Thank you so much for the dedication. Each one of those requires a depth of knowledge and the Liquor Control Commission—I go to that occasionally and that is an impressive board that you will be sitting with. It is pretty amazing. Is there a particular area of interest that you want to serve on the Liquor Control Commission at this time?

RANDALL T. NISHIMURA: No, it is just that the Administration has had challenges filling some of the commission posts and when Ellen asked, I could not tell her "no."

Councilmember Cowden: Okay, well I thank you on that and I just want to acknowledge that the Liquor Control Commission does a lot to make sure that the businesses that deal with alcohol stay responsible and good community stewards and so another really important element, so thank you so much.

Council Chair Kaneshiro: Councilmember Chock.

Councilmember Chock: Thank you. This question is for Ellen. I want to back up on the Planning Commission...are we at full capacity or are we in transition for that position?

Ms. Ching: There is one (1) more vacancy and that individual could not make this meeting because they are off island. They will be coming before Council, I believe, in one of the first meetings in January.

Councilmember Chock: Will that make the commission full?

Ms. Ching: Correct.

Councilmember Chock: I want to take the opportunity to thank you as well for the good work that you have done in trying to fulfill all these positions, I know it is tough. I am glad you have a strong arm to get people like Randy back to the table and I do appreciate your descriptive and creative introductions of the people. Merry Christmas to you as well.

Ms. Ching: It is a partnership and I cannot emphasize how much I appreciate all of your support and your staff and how they have really helped to guide me during this...I just made my first year anniversary and made a lot of stumbles along the way, but with your support and guidance, I have been able to walk through it. Thank you.

Council Chair Kaneshiro: Ellen maybe next time we do a roll call for the new year, you can do an introduction for all of us...before we say present, you can say something...Councilmember Kualii.

Councilmember Kualii: I, too, want to say *mahalo nui loa*. Thank you to all four (4) of you this morning. Thank you, Ellen, for doing such a good job with filling all of the vacancies, so keep asking great people like this. Merry Christmas.

Council Chair Kaneshiro: Are there any final comments? Would it be a conflict if I voted "no" so he has time to do my yard?

Mr. Nishimura: Your yard is too big.

Council Chair Kaneshiro: Thank you for your service on all of the boards you served on. We know it is a thankless job serving as a volunteer, but it is much needed, especially here at the County.

Mr. Nishimura:
Council Chair Kaneshiro:

Thank you.
Next item.

CONSENT CALENDAR:

C 2019-264 Communication (11/12/2019) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Stella Bumacod Fujita to the Board of Review – Term ending 12/31/2020.

C 2019-265 Communication (11/19/2019) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Julie Anne Simonton to the Board of Water Supply – Term ending 12/31/2022.

C 2019-266 Communication (11/21/2019) from Councilmember Cowden, transmitting for Council consideration, a Resolution Urging The Legislature Of The State Of Hawai'i To Repeal The Statutory Provisions Preempting Stricter County Regulation Of The Sale Of Cigarettes, Tobacco Products, And Electronic Smoking Devices.

C 2019-267 Communication (12/11/2019) from Councilmember Chock, transmitting for Council consideration, a Resolution Expressing The County of Kaua'i's Support For Use Of Act 35 (2019) Funds For Hydrologic And Hydraulic Analysis.

Councilmember Kualii moved to receive C 2019-264, C 2019-265, C 2019-266, and C 2019-267 for the record, seconded by Councilmember Chock.

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify on the Consent Calendar?

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

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

Council Chair Kaneshiro: Seeing none, is there any discussion from the members?

The motion to receive C 2019-264, C 2019-265, C 2019-266, and C 2019-267 for the record was then put, and carried by a vote of 5:0:2 (*Councilmembers Brun and Kagawa were excused*).

Council Chair Kaneshiro: Motion carried. Next item.

COMMUNICATIONS:

C 2019-268 Communication (11/21/2019) from the Managing Director, requesting agenda time to deliver a presentation on the upcoming 'Ohana Zone project at Pua Loke: Councilmember Kuali'i moved to receive C 2019-268 for the record, seconded by Councilmember Chock.

Council Chair Kaneshiro: Welcome, Mayor.

There being no objections, the rules were suspended.

DEREK S.K. KAWAKAMI, Mayor: Good morning, Chair and Members of the County Council. Thank you for having me here today. Does Ellen Ching not sound like she is introducing pageant contestants? I like that. We need to have her introduce me. Thank you for the opportunity to open up this presentation on our 'Ohana Zone project. As many of you folks know, a little over a year ago, Governor Ige issued an emergency proclamation on homelessness. There were a few things that needed to be set in place in order for us to competitively go after this resource. We really had to take a scientific approach, meaning first we had to ask a question, one, is homelessness a problem on Kaua'i, and that is an easy question to answer. The other question we asked is, with this limited amount of resources who is it that we are trying target, because there is a wide spectrum of why people become houseless. Many of it is mental health issues, many of them are just straight economic issues, but when we asked, "Who is it that we want to target," it became clear based on other work going around the State, specifically on O'ahu and under the work of Duane Kurisu and his Kahauiki Village model, that we should be targeting young local families with children. One, we identified the issue, two, we identified the target market, which is going to be mothers with children or young families with children, and then three, we had to make some observations and that was pretty easy considering that we were not trying to reinvent the wheel in a limited amount of time that we had to move on this money. We went out to observe some of the operations at Kahauiki Village, we set up a number of meetings with Mr. Kurisu, and we took what we were able to learn and formulated a plan built around those first two (2) questions. The other factors that were important in all of this coming together in a relatively short time is we had numerous partners across the spectrum with the Governor's Office, we had to get land transferred over from the Department of Land and Natural Resources (DLNR), we had to get the support from our State Delegation, Representatives, and our Senators, and we had to get support from the private sector to move this along as well as our Housing Agency, and all of the players involved. We identified what we feel is an ideal location and we are well aware that many people have different opinions on it, which we are all mindful of, but when you take into consideration that there are some key components to address houselessness, such as having a safe location, having it near existing infrastructure, having transportation options nearby, as well as employment options, and when you consider that Kaua'i Economic Opportunity (KEO) operates a shelter a stone's throw away and when you also consider that we have a transit-oriented development workforce housing, it became apparent that Pua Loke and that area was a great location for permanent support of housing. With that being said, we did bring the team here this morning to answer some of the detailed questions that you may have, but in a nutshell, this is

the path that we took. We had less than a year to get all of the pieces together and so if it seems like we are moving quickly, it is because we were. In an ideal world, we would be operating with a better timeline, but we are dealt the cards that we are dealing with and to tell you the truth, we are very fortunate to even be at the table to receive those cards and we are moving forward and making it happen. With that being said, Council Chair and Members of the County Council, if you have any questions, I would be happy to answer them, if I cannot, we will pull someone up to the table that can.

Council Chair Kaneshiro: Can Adam go briefly through the slides and explain the slides, the area, where it is at, how many units we are looking at, et cetera.

Mayor Kawakami: Just on another note before Adam gets up here, we have chosen a contractor called Women In Need (WIN). We are very impressed with their work and it became apparent from Mr. Kurisu that whoever that organization is going to be should be proven, tested, and quite frankly in his words, "Willing to put their lives on the line for this project," that is how important it has to be and that is how driven the organization has to be and we have the full faith and confidence in the past history of WIN's work; previously and into the future as well. With that being said, Adam.

Council Chair Kaneshiro: Thank you.

ADAM P. ROVERSI, Housing Director: *Aloha*, Council Chair and the Members of the County Council, Adam Roversi, Housing Director. I will add in a few more details and forgive me if I repeat a couple of things the Mayor might have mentioned already. The 'Ohana Zone Pilot program was created by Act 209 in 2008 by Governor Ige, which set aside thirty million dollars (\$30,000,000) in State funding to establish 'Ohana Zones on all islands. 'Ohana Zones under the Act is defined as a place that has a program to address basic needs of individuals experiencing homelessness and where wraparound services, social services, health care services, transportation, and other services may be afforded with the goals of alleviating poverty, transitioning individuals experiencing homelessness into affordable housing. Under Act 209, 'Ohana Zones must be situated on public lands owned by the State or the Counties with priority given to sites that have existing facilities and infrastructure.

The property located at the intersection of Pua Loke Street and Wehe Road is a one point seven (1.7) acre portion of a larger seven point three (7.3) acre parcel owned by the State. A portion of this property is currently occupied by DLNR's baseyard and offices, with the remainder of the parcel currently designated as an arboretum. Here is a more close up aerial view of the property. The lines on here are my best approximation, so they are not surveyor's markings of the locations. The area in red is the one point seven (1.7) acre 'Ohana Zone parcel in the existing arboretum. The area in green is a neighboring project. Just for context, in parallel with the 'Ohana Zone project that is being developed in the red zone, we are also currently developing a separate fifty-four (54) unit workforce housing project in the green area along Pua Loke Street. This project will consist of three (3) residential buildings containing one-, two-, and three-bedroom long-term affordable rental units.

Back to the 'Ohana Zone project. In cooperation with the State, the County selected a portion of this arboretum site as the ideal location for an 'Ohana Zone, as the Mayor mentioned. Although this site does not have any existing structures on it, it does have sufficient water, sewer, and electrical infrastructure for development, and it is also located in close proximity to existing social services, employment opportunities, government services, medical services, public transportation, and it is immediately adjacent to the existing homeless shelter operated by KEO, which is in this area right here. This is the existing KEO. M. Kawamura Farm Enterprises is up here, the Department of Water is at the top left corner, and Kukui Grove Cinema is this large building right here.

The 'Ohana Zone project is envisioned as a twenty-two (22) unit permanently supportable housing facility providing wraparound social services for homeless families. This is a more close up view of the property. As currently proposed, the project will consist of twelve (12) single-story duplex buildings, each containing two (2) one-bedroom units or studios, so there is a mix of one-bedroom and studio duplex units. Each has its own bathroom and kitchen facilities. These buildings will be set back from the corner of Pua Loke Street and Wehe Road, so here is the corner area where a monument and forested area will be kept. This area in the back here is an area for future possible expansion of additional housing units, it could be a community center, but that is available for future as possible funding becomes available. In siting this, the County has made attempts to maintain as much of the mature trees as possible and where they cannot be maintained because of the structures, we are going to do our best to relocate them to other areas in the arboretum. I know that has been a concern from some members of the community. Funding for the 'Ohana Zone project consists of two million dollars (\$2,000,000) from the State 'Ohana Zone appropriation for infrastructure and construction costs, as well as two million three hundred thousand dollars (\$2,300,000) from the Department of Health and Human Services to provide services at the project for a period of two (2) years. The balance of approximately one million five hundred thousand dollars (\$1,500,000) in construction funding is intended to be drawn from the County Housing Fund. As the Mayor mentioned, the Administration selected WIN, an established Hawai'i nonprofit that operates existing transitional housing facilities on both Kaua'i and O'ahu. Some of those folks are here hoping to give an additional presentation to tell you a little more about their operations and the services they hope to provide in the future. WIN will manage the facility and provide necessary shelter services touching on substance abuse, re-entry from incarceration, domestic violence, parenting, life skills, and employment services.

Here are a couple close-ups of what the one-bedroom duplexes will look like and a studio. They have an innovative design where they have removable doors between the units, so if we have larger families, we can open up the studios and make the duplex for one family. Backing up a little bit, one (1) of the things that makes this in an ideal location for the permanently supportive housing in the red is its immediate proximity to KEO's emergency shelter, as well as the permanent long-term rental across the street. Therefore, it is a complex of stages of development hopefully getting people out of the emergency shelter into the permanently supportive housing with wraparound social services and when they no longer are in direct need

of those services, the ability to move across the street to the long-term affordable rentals that we are going to construct behind the Kukui Grove Cinema.

Moving forward as this project gets underway, the County will be reaching out to the community to assist with getting this project finished. We have the funding in place to get the basic structures up and running, but we are going to be looking to the community to assist with landscaping work, furnishing of the buildings, and hopefully helping to provide some of the appliances that will be needed, the laundry facilities, maybe some of the hardscaping of the sidewalks, so we will be reaching out to the community in hopes that we can all join together to make this a success.

Council Chair Kaneshiro: Thank you. Councilmember Chock.

Councilmember Chock: Thank you for being here and for the presentation. I have been anxiously awaiting this project, so while it might seem like it is coming on quickly, I was hoping that we would get it off sooner, but I know due process and due diligence is important. I have a few questions in terms of how it is we move forward. I really appreciate how it is we are laying it out and I am thankful for the State to get this piece of property. When I spent some time with Duane at Kahauiki, there were some dynamics that I felt like were really important in making it a successful project and I just wanted to confirm if that is the direction we are headed. The biggest feedback that I got was although government played a huge role in every aspect in getting Kahauiki up, because Duane was from a private developer's standpoint, he had the means and ability to move the project in a way that might sometimes stifle us. I know the question has always been, Mr. Mayor, "Who is this champion that is going to help us on Kaua'i to be like Duane?" I just wanted to put that out there. Is that the partnership you are looking for out of the contractor that you just mentioned in getting it done from start to finish? Within that relationship, are we also looking at how it is the program is set-up so one, the services are around, which visually they look like they are there, but what I mean by that is services such as daycare, services such as health services that are available on-site, and then also the need for job sites located for them. I know it is sort of a big package that we want to put together and I was just wondering how holistically we have looked at it and if that is the direction we are moving on or is it just that we are not sure yet.

Mayor Kawakami: Thank you, Councilmember Chock. That is certainly the direction we are moving in. Of course not everything is going to mirror what Kahauiki Village is, but in this case, it is government that really drove this thing home. We were fortunate to have pioneers like Mr. Kurisu to see what it was that he did, some of the roadblocks that he ran in to, but yes, this houseless challenge that we are dealing with is much more holistic than just providing shelter, so all of those topics that you mentioned are things that we have ingrained in our mind that needs to be met as we move forward. WIN will be able to address a lion's share of that. We are dealing with a different dynamic as far as the size of the property that we are dealing with, so ideally we would love to have all of those amenities, we might not be able to have all of them, but I think the one (1) advantage that we have over Kahauiki Village is that it is much more centrally located in this location as far as access to health care. When you take a look at it, it is a pretty short walk relatively speaking or a pretty short bus ride over to Hale Kōkua right across the street which

provides workforce development and additional wraparound services and support. All of these components coming together, as well as addressing that there is also going to be security at this site, it is going to be managed well, we really feel that this is added value to the surrounding community. I know that there is a number of stigmas that are put on the issue of houselessness, I think people will be relatively surprised to see not only aesthetically how pleasing these structures are going to be, but holistically how we are really going to be calling the community together, which needs to happen on every single issue. The thought that process that government can be the answer to every solution out there has proven that it is inefficient, but when collectively put private/public and private nonprofits efforts together as one, this is where we can really move the needle and push the envelope as far as addressing some of these complex challenges that we are dealt with.

Councilmember Chock: Thank you. I know the model used was the Tohoku housing from Japan. Is that similar to what we are looking at utilizing or are we moving at a different model and what the cost might be?

Mayor Kawakami: No, these are going to be more traditional stick-framed structures, so like I said aesthetically, it is going to look different than Kahauiki Village, unfortunately and fortunately, I guess, those types of housing units that were available were not available this go-around. We are very fortunate to have Shioi Construction, Inc. as a partner in this and they are coming together to build some units at a very affordable cost and I think our team has the details if you want to breakdown on cost per unit, we can provide that as well.

Councilmember Chock: I appreciate that.

Mayor Kawakami: This is a good example in housing in general. When we talked about the affordable housing model and we have always said that if you can take infrastructure and the cost of land out of the equation, you are going to be able to really see some differences on the per unit cost for these housing units.

Councilmember Chock: Thank you.

Council Chair Kaneshiro: Councilmember Kualii.

Councilmember Kualii: Good morning, Mayor and Adam. Yes, this is really exciting and I am glad we are moving. You did not mention a timeline, I am curious, what is the timeline? When is groundbreaking and when is move in?

Mr. Roversi: I can say spring. We do not have an exact timeline, but everything is moving very quickly. I can say because it is a little further along that the housing development in the green, we are hoping to have groundbreaking in March of the permanent rental housing, those plans have already been submitted to the Department of Public Works for their initial approvals and the 'Ohana Zone project is not far behind. It is near term construction. Of note, it has been helpful to have both of these projects in parallel. We are able to share some of the costs of infrastructure improvements, for example, the burden of improving the

sewer line is being carried by both projects, which makes it much more feasible by doing it in tandem.

Councilmember Kualii: For this piece that we are talking about today, if groundbreaking happens in March, then will Shioi Construction, Inc. go right to work with construction?

Mr. Roversi: When the Pua Loke rental project groundbreaking takes place in March, they will be doing some of the sewer infrastructure that will also be shared with the neighboring 'Ohana Zone project. I do not expect that the groundbreaking on the 'Ohana Zone will be in March, it may be a few months after that, but not very long.

Councilmember Kualii: So, more like summer?

Mr. Roversi: I would need to check with the folks who have been working on more of the construction needs to give you a firm detailed...

Councilmember Kualii: Once that happens, how long before (inaudible)?

Mr. Roversi: I think it should be very quick. Shioi Construction, Inc. has been...

Councilmember Kualii: Very quick means two (2) months or six (6) months?

Mayor Kawakami: It is a hard question to answer, I think we have to get back to you on the detailed timeline, but...

Councilmember Kualii: I know that people are excited and waiting, so if we had a sense of what we are working towards—goals, at least. I know it is probably as soon as possible (ASAP).

Mr. Roversi: The structures are relatively simple, so the construction should go quick in the grand scheme of things as opposed to some construction projects that go on for a year and a half. Like what the Mayor said, I think we have to get back to you with more specific details.

Councilmember Kualii: Then the other piece was you quickly threw out some numbers on the financials, you said, "Two million dollars (\$2,000,000) State, two million three hundred thousand dollars (\$2,300,000) Department of Health for services, and one million five hundred thousand dollars (\$1,500,000) County Housing Fund for construction." Is there other funding that is necessary that is not part of this?

Mr. Roversi: Those are some of the items that I mentioned that we will be reaching out to the community for help for providing furnishings for the buildings, providing washer machines for the laundry area, and assistance with

the landscaping. Those soft-costs are not built-in those numbers, but the numbers I provided, we believe are sufficient to get the structures up, the infrastructure in, and all of the basic framework ready for those additional inputs to wrap the thing up.

Councilmember Kualii: And the two million three hundred thousand dollars (\$2,300,000) Department of Health—that is all specifically for the services piece? Can it be used for the construction?

Mr. Roversi: Correct. That is essentially the service funding for WIN, the contractors who will be operating the facility and all of the wraparound services.

Councilmember Kualii: And then the first piece where you said, “Two million dollars (\$2,000,000) State,” what is that? Can that be used for construction?

Mr. Roversi: That is specifically for construction. That is the Act 209 money that was part of the thirty million dollar (\$30,000,000) package that was appropriated by the ‘Ohana Zone Act.

Councilmember Kualii: Thank you.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: Thank you for coming today and sharing the presentation. I think we have all been getting a lot of questions about it and having not known that much...so I am happy to learn. It is great to hear that you are taking into account the full spectrum of homelessness. I think there are so many—from people who are just temporarily out of work and lose their home for whatever reason and need some quick help to get back on their feet to substance abuse and mental health issues that need sort of permanently subsidize housing and I think you are really making an effort to try and have everything there. One of the questions or concerns about the existing shelter at KEO is that people have to leave in the morning and you cannot come back until the evening. Especially for some families where the parent is trying to work and they have kids, I think it is really difficult trying to find a place for the kids to go, right, in that area. I am wondering will there be services available on-site for people at the KEO shelter across the street to take advantage of?

Mr. Roversi: WIN may be able to describe their capacity and what services, specifically they will be able to offer this facility when they come up, but I do not have the direct answer for that.

Mayor Kawakami: Councilmember Evslin that is a great question. I think one of the things that is very clear at Kahauiki Village is the ability to access that property is very restricted. It is restricted to family members, they have strict rules and guidelines. For a large part they created a community where it self-governed, so the people that live there value where they are living so much that they are not willing to let people slide by if they are breaking some of the rules. I do not want to speak for WIN, but I would say our vision has been that one, we want to make sure first that it is safe and that services provided are primarily for those folks,

because like we talked about before, that spectrum of houselessness and why people are in that situation is so broad that they may not be initially able to address some of the issues from some of the folks at KEO as well because they are dealing with a different customer base and target market as well.

Councilmember Evslin: I apologize if you said it in your presentation, but my understanding from Kahauiki Village is that they have it to where it is for mainly working people and there is a monthly fee associated with those units—will this be similar type of model for a monthly fee?

Mayor Kawakami: This is not proposed to be free housing. There is going to have to be some “skin in the game,” so to speak, because often times when things are free, there is no value and no appreciation for that. There is going to be a monthly rent structure and maybe someone else can answer with more details of what that will look like. The home model between Kahauiki is that the monthly rent is not so distant and out of reach from what the market rent is because they want these folks to be able to see how close they actually are and use that as a driving force to improve their financial situation so that they can move on to better and brighter things as well. That is why we really see that this is an inclusive community where we are not separating people based on financial demographics, so that they can visibly see how close they are to breaking out on their own as well.

Councilmember Evslin: My final two (2) questions. You mentioned two million dollars (\$2,000,000) Department of Health and Human Services to run it for two (2) years, I think?

Mr. Roversi: Two million three hundred thousand dollars (\$2,300,000). That is the State funding for services, two million dollars (\$2,000,000) from the State for construction costs.

Councilmember Evslin: So that service funding from the State is expected to be reappropriated after the two (2) year period or is it sort of up in the air and the County might take that over?

Mr. Roversi: That is up in the air, whether additional State funding will become available, whether WIN will be able to develop their own funding sources through grants, or whether the County may be called upon to participate, that is all evolving.

Mayor Kawakami: A lot of this is that we are all learning as we go along. I do not think we have ever done something like this before in the County of Kaua'i. When we take that scientific method of asking the question, doing our research, and trial by error, we have to be clear that this very much a pioneering effort meaning that we are cutting new trails and we will be learning as we go along. Some of these questions will be answered as we go along, but that is not to say that we are not forecasting every single scenario that might present itself so that we are able to proactively respond to any challenges that may pop up.

Councilmember Evslin: Yes.

Mayor Kawakami: Some of those challenges, like you said, are sort of out of our scope meaning, is the Legislature and our State government going to continue to see houselessness as an ongoing priority? If I had a crystal ball, I would say that this is not going to be solved overnight and that there needs to be a continued effort as we have seen in the past.

Councilmember Evslin: I really appreciate the speed you are moving and I think the unknown factors here and the fact that we are all going to be learning and evolving as we go, but yes, we have to blaze forward. My final question or more of a pitch, I think with all of this the location, I agree, is really great. I am excited for the other Pua Loke housing development, too, but it would be great to see a transit stop right there and a walking path to connect up to Rice Street. I think a lot of people will not have cars and we do need to provide really good access to Rice Street and other job centers. Thank you.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I do want to acknowledge the presence of our Land Use Commission here, too, I appreciate the State-wide group coming and learning while they are here. Thank you, Mayor Kawakami and Housing Director Roversi. I am very excited about this. Is it possible to have the WIN team come up?

Mr. Roversi: If you are finished with us, they have a presentation they would like to give as well.

Councilmember Cowden: Oh, they have a presentation. Okay. My questions were largely for them, but I can wait.

Mr. Roversi: I think they have a small video that they would like to show and then they will be able to answer some questions.

Council Chair Kaneshiro: We will get through a few more of these questions for the Administration and then we can call up WIN.

Councilmember Cowden: Yes, no problem. My direction of my questions was going to be for people to understand what it takes to become part of it, so I will wait for them.

Council Chair Kaneshiro: Councilmember Chock.

Councilmember Chock: I know we are going with twelve (12) with some room for expansion. What is the density on that property? I am looking into the future and as Mayor mentioned that this is not going to go away and I want to know what the prospect of this is and if we need to utilize that site for additional housing in the future.

Mr. Roversi: As far as just zoning density, because it is targeted for affordable housing, we can bust out of the limits of what the Planning

Department would otherwise impose on a private development. Therefore, if funding were not an issue, we can certainly expand into the empty area or we could put a second story on every one of these buildings and double the number of units if we had the funding available to do that. I think the infrastructure that is being installed when it comes to the sewer line, the water infrastructure, and the electrical utilities would be able to accommodate that if that was somewhere we could go in the future.

Councilmember Chock: That is what I was thinking, that you would have to go up and if we are taking that into consideration and have the foundation to build for future prospects, but I am sure you are, so thank you.

Council Chair Kaneshiro: Councilmember Kualii.

Councilmember Kualii: That was one of my questions about going up and building in a way that makes it easier when the time comes, because we need so much housing that more than likely that will be necessary in the future. The only other thing was that you mentioned twenty-two (22) units, but did you break down how many were one-bedroom and how many were studios—what was that number?

Mr. Roversi: I do not have that exact number. If you had a magnifying glass, they are labeled on there. The majority are the one-bedroom units.

Councilmember Kualii: Yes.

Mr. Roversi: I want to say two-thirds (2/3), but I would have to get back to you with the exact number.

Councilmember Kualii: And also the square feet of each.

Mr. Roversi: I would have to get back to you with that, too.

Councilmember Kualii: Thank you.

Council Chair Kaneshiro: Are there any further questions? If not, WIN, do you have a presentation, too?

Mayor Kawakami: Chair before we get released, I did want to acknowledge that every effort requires that one point of contact to be successful. If there is too many captains, it can go astray and as well as with Adam, from our office, we have really delegated a lion's share of the work to Keith Perry, so he has been drilling and hammering away over the past year with this top priority. He deserves to be recognized even though he does not want to be—just to be clear that he has been that point-person in our office. Thank you.

Council Chair Kaneshiro: Thank you.

MARY SCOTT-LAU, Executive Director & Founder of WIN:
Good morning, Council Chair and Councilmembers. I am Mary Scott-Lau, the Executive Director of WIN.

KIMBERLY CUMMINGS, Clinical Director: I am Kimberly Cummings, the Clinical Director at WIN on Kaua'i. This is a little bit of what we do.

(Women In Need video)

Council Chair Kaneshiro: Thank you for that video. Kim or Mary, do you have anything to add to that?

Ms. Cummings: I have something prepared to read. WIN is a nonprofit 501(c)(3) organization that has been working since 1996. Our mission is and have always been to, "Empower Hawai'i's families to lead healthy and full lives." WIN has been on Kaua'i for the past thirteen (13) years and employs qualified professionals with degrees with substance-abuse counseling, masters in social work, marriage and family therapy, and doctorates in clinical psychology. Along with that, WIN is proud to employ former clinics that have excelled. Over the years, we have successfully fulfilled many State and Federal contracts including Federally-funded contracts with Violence Against Women Act of 1994 (VAWA), United States Department of Housing and Urban Development (HUD), State-funded Department of Health and Human Services (DHS), and many charitable foundations including the Kaua'i United Way. WIN provides substance use to outpatient services to men and women, intensive case management, parenting classes, anger management, advocacy referrals, money management and credit building, job readiness, employment connections, and peer mentoring. WIN also provides safe and affordable transitional housing to women and children for up to two (2) years. The component that has been lacking on Kaua'i is supportive permanent housing to families. The Lihu'e affordable housing for homeless families will provide that continuum of care. WIN partners with many organizations in the community that are part of Kaua'i's community alliance, which includes Catholic Charities, KEO, Mālama Pono Health Services, Salvation Army, Steadfast Housing, YWCA, Veterans Affairs, and the Kaua'i County Housing Agency. WIN has served Kaua'i in this capacity for the past thirteen (13) years, we are qualified, and excited to add this program to Kaua'i's continuum. To remain sustainable to services when the DHS contract has ended, we will be working over the next eighteen (18) months to secure federal, additional state, and private funding that will continue to support our mission and this program that Kaua'i is invested into making successful.

Council Chair Kaneshiro: Thank you.

Ms. Cummings: You are welcome.

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

Councilmember Cowden: Is your target population going to be similar to what WIN helps, but with both men and women?

Ms. Cummings: That is correct.

Councilmember Cowden: Even currently, does WIN include children?

Ms. Cummings: Yes.

Councilmember Cowden: Do they come without their children?

Ms. Cummings: Some clients come without children and some do have their children. For the ones who have minor children that are no longer living with them, we work towards that as well—reunification of the entire family unit.

Councilmember Cowden: Can you explain the criteria that WIN uses with their existing project for people to be accepted into the program? Do people just apply?

Ms. Cummings: For the transitional shelter or are you talking about the new program?

Councilmember Cowden: Perhaps, tell us about the new program. I am really asking if it is the same as the transitional shelter and how is it for the new program? How do people get involved?

Ms. Cummings: You can either be referred by yourself, so you can come and you can ask for help or you can be referred by a community referral source, which is one of the people or agencies that we currently work with. We even see referrals from people that we are getting into new contact with.

Councilmember Cowden: I am trying to count the units, I think it is like...

Council Chair Kaneshiro: It is twenty-two (22) units.

Councilmember Cowden: So the math does not quite add up. I must not be looking at the picture right, but twenty-two (22) units, so you know we have so many people, but this is a good start. I am already wanting to tell people to sign-up. Can people sign-up now? How do people find their way in?

Ms. Cummings: WIN belongs to Kaua'i Community Alliance, which is a part of the bigger picture. In the State of Hawai'i there are two (2) continuums for the whole homelessness issue. One is Partners in Care, which is on O'ahu and the other are the three (3) rural Counties, which is Kaua'i, Maui, and Hawai'i Island. That bigger part is called Bridging the Gap. Now our local chapter of Bridging the Gap is called Kaua'i Community Alliance, so that is Kaua'i's local chapter. Bridging the Gap belongs to that bigger continuum, but through Bridging the Gap there are goals and objectives that we follow to house people accordingly and right now through the whole proclamation with the State, we follow a system called Homeless Management Information System (HMIS), and how you get referred through that system is you get graded or ranked for homelessness, how long you have been homeless, mental health issues, health issues, and/or substance use issues, if you have them. It gives you a ranking and according to this ranking, it will

automatically give you a referral source for what ranking you belong to, which would be rapid rehousing or transitional housing, so not all people will be in that one category.

Councilmember Cowden: What about the people who are coming out of Kaua'i Community Correctional Center (KCCC)? There are people who are being released and it is difficult for them to reemerge into the community, will that be a part of the ranking?

Ms. Cummings: We already work with the integration population. A lot of our referrals comes from the judiciary as well as Hawai'i Paroling Authority, so yes, we have a great working connection with them as well.

Councilmember Cowden: There is a concern that there are people who basically arrive last week and are able to get into some of the...I would call it almost like a lottery for HUD. In our ranking system, is it prioritizing our longer term residents?

Ms. Cummings: We will definitely work, yes, with our local community, however, we still believe that anyone who is houseless is in need of services and so we want to continue wrapping services around everyone, but utilize those services only according to what people need. I think for too long the way we have operated is that everyone goes on this list and we give them all the services that we can and unfortunately, sometimes we waste those services on individuals that do not need those particular services. When we say holistic or wraparound services, we mean according to the individualized plan for the family unit or the individual.

Councilmember Cowden: My last question, how long will you be anticipating that a person would be in there? Would they be in there three (3) months, six (6) months, or forever? What would we be expecting when we have twenty-two (22) units? How many people would we probably be...

Ms. Cummings: In transitional shelter, how we have worked right now, we have a two-year cap and it goes according to a lot of things that we have to follow, even funding. We believe that it is going to take at least two (2) years in transitional for some people that can move on to independent living or permanent supportive housing and we are believing at this point we are looking at the number at or about two and a half (2.5) years. We do not want it to be where people are going to be there and choose it to be their forever homes, because we have hopes of their forever homes being somewhere else where they can raise their entire family in one unit versus getting some help, some supportive services in place so they can move forward. We want it to be at around eight hundred dollars (\$800) where if they saved a couple more hundred a month, they could actually be out there in their own location and not living with so much rules. We want it to be low-barriers, but we still need to have some rules and limitations in place so that it can be successful.

Councilmember Cowden: Thank you so much.

Council Chair Kaneshiro: Councilmember Kualii.

Councilmember Kualii: Thank you for being here and thank you for all of the work that you folks do. Being that it is right in the name, "Līhu'e Affordable Housing for Homeless Families," how will you prioritize families? I know there are studios in this building, too, but it is not intended for a single person, even though it is a studio, correct?

Ms. Cummings: It is, but to answer the first part of your question, on the Kaua'i Community Alliance, our goals are that we will help the family that is in need or suffering from houselessness first. It is not to say that we will not be helping individuals, that is not true at all, but we will serve the families that we believe need to be served first so that we can keep the family unit together.

Councilmember Kualii: Will this HMIS referral, grading, or ranking system do that or do you have to do that separately now just for this particular project?

Ms. Cummings: Not all of the referrals will be coming from that system. We will also be working with a project management company that is going to be available on property, at their own location, and at that location for several hours during the day. The reason we are going to them is so that we can keep our therapeutic relationship with our clients solid and keep working with that. Sometimes collecting rent and being the people who help them with financial issues or go after them for financial issues hurts the relationship, so we are going to have people that do that. They are going to be interviewing people who come in, but we are going to be working with them, so we can keep it compassionate and not be too harsh for our clients.

Councilmember Kualii: Along the lines of what a Councilmember asked about the lottery and someone getting off the plane, say a single person getting off the plane—I understand you said we want to help everyone, homeless is homeless. You have this assessment, these different systems; referrals and what have you, but do you have a system where someone can walk in and do a lottery or get in the pool for a lottery and just by chance be the person who gets it?

Ms. Cummings: No.

Councilmember Kualii: Will you evaluate everyone?

Ms. Cummings: We are absolutely going to assess all the families that come in. Unfortunately, sometimes people who suffer from houselessness have bad credit and have not kept their jobs, so again, we want to be compassionate, but still hold them accountable and they have to be responsible for doing their part in coming into the housing as well. Everyone is going to be fully assessed and evaluated for the program to make sure that it is a great fit.

Councilmember Kualii: I just want to say *mahalo nui loa* and I am excited and I am glad you folks are...bear with us and whatever help we can give along the way, make sure we stay in touch. Thank you.

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

Councilmember Chock: Thank you folks for taking this on. The other aspect that I think you folks are tackling on is really the management and the integration between agencies. When you look at the map and we see KEO's shelter and then the project that we are proposing and more long-term affordable units, I just wanted to hear more about the partnerships that you folks currently have and how you see them being utilized in this integration. How do you see your role as that centerpiece or the bridge between the shelter and getting into something more sustainable long-term?

Ms. Cummings: In the past thirteen (13) years, in my capacity as WIN, what I have discovered is that Kaua'i is super solid in collaborations, honestly. I know that word is so overused, but seriously working with each other to help build up our clients, to help house our clients employed to...just to build up people, in general—to empower all individuals and all families at-risk. Kaua'i has been solid in that and I say that because I see true collaboration. For instance, when we are doing billing for the Department of Health and other agencies do not get the billing aspect, we have invited people into our office to teach them that and we have been invited into other offices, such as KEO and Catholic Charities. We have all worked together to actually not compete for funding and to actually be there to help out our clients and I truly see that in Kaua'i. I believe that if we keep these relationships going and alive and be worried more about serving others, what happens is we continue to do great good for the community versus for the agency itself.

Council Chair Kaneshiro: Are there any other questions either for WIN or to the Administration? If not, thank you. While the rules are still suspended, is there anyone in the audience wishing to testify on this item?

STEPHANIE SHINNO: Aloha, my name is Stephanie Shinno.

Council Chair Kaneshiro: You will have three (3) minutes, the light will turn yellow when you have thirty (30) seconds left, and then red when your time is up. We are going to give everyone one chance and then if you have more to say, you will have another three (3) minutes, for a total of six (6), if you need.

Ms. Shino: I may look like an ordinary, local girl, but I am a survivor of domestic violence back in 2012—sorry if I cry. This is really a great program, but there are some concerns that I want to address. I did stay at a shelter and there were some women that...you have two (2) options when you are in a shelter, you have to heal and find way to get back on your feet, but a lot of people there, they already lost their hope and their sanity. I had to play a part where I had to help and inspire people while I was healing. I know we want to get this project up and running. I think WIN is doing a great job. I do believe that other organizations, as a person who has been in the system, they are collaborating with each other. They are referring each other, I can testify to that. I do fear, because I used to work for KEO—

we helped people get back on their feet before I got into my own. There are cases where there are going to be people that want to stay there forever, there are going to be people that are going to be roaming around from the shelters, the safety, and all of that. If our target is women, like myself as a single mom, I think we should take more time on this and not rush. It is a successful start and they should have a committee work with the County and the Mayor on this project, because WIN needs that backing. There is going to be a flood of people that will need this. They will need to do intake and all the steps, but I feel that this is something we should not rush. I just want to thank you folks for all everything you have done.

Council Chair Kaneshiro: Thank you. Is there anyone else wishing to testify?

KALIA BOISER-GOMES: Hi, my name is Kalia Boiser-Gomes. I am a previous resident at the WIN house. Prior to making the decision to get help for myself, I suffered with a severe substance-abuse problem. I was a methamphetamine (meth), opioid, and intravenous heroin drug user for many years. During that time I brought a child into this world, one that I could not properly care for. After getting arrested and being put on probation, I quickly realized that I could not hold a lie pretending to be doing well for myself. For my first drug test under the court supervision, I ran away. Shortly after, I realized that I could not continue indulging myself in that lifestyle. I had a responsibility to my child and did not want that right taken away from me. I was sick and tired of being sick and tired and knew I could not do it alone. On February 5, 2015, my son and I moved into the WIN house. At first it was difficult for me, but with Kim's words of wisdom, I realized that it was my only hope in creating a positive change. I must say that it was a bumpy road to recovery, but with the help of the WIN staff, I was lucky enough to experience this newfound life. They showed me love when I could not even love myself. In my time at WIN, I graduated Relapse Prevention, graduated a thirty-day Inpatient Treatment Program on O'ahu and returned back to WIN, graduated a twenty-month Outpatient Treatment, and then voluntarily partook and graduated in some parenting classes. The WIN staff also referred me into the Wai'ale'ale Program, which guided me through my first year of school. From there, I became a mentor for that same program and helped many other recovering addicts and alcoholics find a deeper purpose in life. Last semester I graduated from Kaua'i Community College (KCC) as a four-year honor roll student with my Hospitality Degree and I am near the finish line of my pursuit to earn several certificates and/or my degree in an accounting program. Because of my success in recovery, I have prospered in my housekeeping and now front office job at Banyan Harbor. During my last year in the WIN house, Kim referred me into the housing program, which had a smooth transition into the HUD program. My son and I moved out in July 2017 and have happily been living on our own since. While living in the WIN house, we had numerous community service projects that instilled the value of giving back. From there, I joined and became the board member for the Kaua'i Lion's Club, the Vice President of Scholarships for the Phi Beta Kappa, the Secretary of the Wai'ale'ale Club, and a member of the Surfrider Foundation. I also took part in numerous leadership roles in the National Alcoholics Anonymous (NAA) programs. I now have nearly five (5) years sober from narcotics. This, in and of itself, is an accomplishment. So many things in my life has changed because of my time spent in that structured environment. I have learned so much

about myself. I am now a better mother and an all-around better steward of our island. I am forever grateful to WIN and the staff and for my opportunity to have been in the program. I cannot imagine what my life would have turned out without them. Thank you.

Council Chair Kaneshiro: Thank you. Is there anyone else wishing to testify?

KAULANA MANOI-RESENTO: Hi, my name is Kaulana Manoi-Resento and I would like to share with you how WIN program helped me get my life back on track. Attending intensive outpatient classes was a start. I learned a lot about myself, recovery, relapse prevention, and balancing work and family life responsibilities; the perfect tools and knowledge I needed for a new beginning. The jail sanctions I served while living at the WIN house really helped me to wise up and rise above. My behaviors, attitude, and the way I looked at life had a new meaning and I had changed for the better. I figured if I wanted to be a better person, have freedom, and be successful in life, all I had to do was apply what I learned from WIN to my everyday life living. I am grateful for the WIN program helping me become the person I am today; a humble, responsible, independent addict-in-recovery living life and doing right. This housing project will definitely help people to continue in recovery from addiction and give people a reason to continue. Housing or lack of housing is one of Kaua'i's biggest barriers for people like me and families struggling to survive, so please support this program and this housing project. Thank you.

Council Chair Kaneshiro: Thank you. Is there anyone else?

MELANIE PACANAS: Good morning. My name is Melanie Pacanas. I would like to thank you for having me. Last year of June 2018, I entered the WIN program with nothing. No job, barely my family, hardly any life skills; I was depleted. Since being in the program, I have gained full-time employment, become a nurturing and supportive mother that is present. My family has me in their lives to repair what I had sabotaged. I have since gained independence, coping skills, and endless support, guidance, and compassion. I truly have been saved. Every day is not great, but it is way better than any day in my addiction. I humbly ask that you support this housing program to help people like me who are struggling to make it in this life. Thank you.

Council Chair Kaneshiro: Is there anyone else wishing to testify? Is there anyone wishing to speak for a second time? Seeing none.

The meeting was called back, and proceeded as follows:

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

Councilmember Chock: I also want to thank the Administration and the Mayor for the vision and foresight...the 'Ohana Zoning program and the funding that is coming through to get this done. I think that everyone around this table has been for some time looking to seek out answers and this is one step in the right

direction and I applaud the efforts of everyone who is showing up; WIN who is taking on this huge task. It is truly going to take a collaboration, as mentioned, and we are going to need the partners and people from the community to step up and take pieces of it. I am not sure how far five million dollars (\$5,000,000) is going to get us in trying to put this project together, so I really think we need to lean on in our community to help us get to where we need to in reaching the goal here. I think the model for housing has been key in this whole system, but certainly families first, so I am happy that is the direction we are moving. We had a lot of questions, but I look forward to maybe sitting down to get more of the details as we move forward. I hardly watch television, but I was watching this Netflix documentary the other night, it was called, "United States of Tense," you should watch it because it highlights Hawai'i and the Kahauiki Village and some of the dynamics of what made it work, so it was really interesting. Thank you.

Council Chair Kaneshiro: Is there anyone else? Councilmember Cowden.

Councilmember Cowden: I will be brief, but this is so long awaited and wanted and I feel really good that we are having WIN as our manager of the program, our vendor. You have done a really, really good job and gives me a lot of confidence that we are going to be stepping in the right direction. I honor our Mayor for getting this out in the first year. I cannot wait for it to be a success and we have just gotten our youth treatment facility, getting ready to open up. The whole community has been asking for adult and there are no words for how happy I am that this is coming together. I am already thinking of community members to tug on their sleeve to say, "Hey, this is what we have been talking about, let us give it wings, and how can we grow it even more." Thank you so much.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: I will be brief, too. I just want to thank the Administration for coming out today, WIN for coming out today, and for the beautiful testimony we heard from those whose lives WIN has impacted. Just when we are talking about speed and our youth treatment center, which is an amazing accomplishment, but that is the pace of government—it took, I do not know how long for that thing to finally come online whereas we look with this, this is one-year from conception to groundbreaking next year. This is a huge achievement. Speed is so important because the longer we delay, people slip through the cracks. These success stories that we are hearing today, there are stories that we are not hearing from those who could not get access to treatment in time and have not had the same success and so whatever we can do to provide access to housing and wraparound services and I think the homelessness is such a massive problem and there is not fix to it, right? You have to just focus on every sort of aspect individually and I think this is one really core part of that. Obviously, there are other parts such as the permanent supportive housing for the mentally ill or on and on. There are lots of other aspects that we have to continue in sharing that are there, but this is so huge, so thank you for everyone involved for making this happen.

Council Chair Kaneshiro: Councilmember Kualii.

Councilmember Kualii: *Mahalo nui loa* to everyone from the State, the County, and the community for making this happen and making this possible. I really hope that it will just be the first of more to come and that perhaps we can follow this example and do it again in different parts of the island where it is also needed. I especially want to thank WIN and especially the women who came forward and shared their testimony. I think it is always a blessing to have our hearts touched by your hope and your example, so *mahalo*.

Council Chair Kaneshiro: I definitely want to say that there is a need for this type of housing. I think the wraparound services is what is going to be key. It is not just housing where you get someone in and they just “dilly-dally.” The wraparound services are really going to help uplift the people in that housing to really move on to a different type of housing or to more permanent housing, which I think is the key to this entire project. As far as the money goes, I know the ‘Ohana Zone is coming from the State, I would love to see the State chip in the extra one million five hundred thousand dollars (\$1,500,000), too, because it is them providing the money and then it is us getting the project vertical and really pushing the project through. In this case, we still have to put in some money, but again, I would love for us to possibly be the star of the State and show the State that, “You provide us with the land and the housing, we will build these projects and make it work.” In this case, we have a little more skin because they are not funding the entire project, but ideally as we keep going, I would love to see the State find the extra one million five hundred thousand dollars (\$1,500,000) and then as far as the County’s responsibility, we are spending man hours, we are spending our people—are going to be responsible for actually getting the buildings vertical, getting the permitting, and getting everything done. It will still be a good collaboration. And again, being clear on whose roles are what. What will be the State’s roles as we move forward, what is going to be the County’s roles, and what is going to be WIN’s roles, and for me, I think ultimately, we want to see this project succeed. There is no doubt about it. This is a much needed type of housing that we need to transition. We hear about it all the time about people not being able to find housing, not being able to have the services to know how to become financially stable and move into housing, and this is going to be a good step for Kaua‘i.

The motion to receive C 2019-268 for the record was then put, and carried by a vote of 5:0:2 (*Councilmembers Brun and Kagawa were excused*).

Council Chair Kaneshiro: Motion carried. While the Housing Agency is still here, let us skip to C 2019-272, the Legal Document.

There being no objections, C 2019-272 was taken out of order.

LEGAL DOCUMENT:

C 2019-272 Communication (12/10/2019) from the Housing Director, recommending Council approval of the Grant of Easement and Conveyance of Water Facility documents for the associated utilities needed to complete the Koa’e Makana Project, Tax Map Key (TMK) No. 2-6-004:019, Kōloa, Kaua‘i, Hawai‘i:

- Grant of Easement and Conveyance of Water Facility by and between the County of Kaua'i and Koa'e Workforce Housing, L.P. and the Board of Water Supply, County of Kaua'i, for the reading of water meters and for the construction, installation, re-installation, maintenance, repair, and removal of potable water pipelines and related meters, valves, and other associated waterworks facility improvements and appurtenances.

Councilmember Kualii moved to approve C 2019-272, seconded by Councilmember Chock.

Council Chair Kaneshiro: Do we have any questions on this Legal Document? Adam, can you briefly state what this is for?

There being no objections, the rules were suspended.

Mr. Roversi: *Aloha*, Chair and Members of the Council. Adam Roversi, Housing Director. These legal documents essentially are conveying the water infrastructure at the Koa'e Workforce Housing project in Kōloa to the Department of Water, so that we can move forward and get this project occupied. We got a large majority of the project is already complete, on the verge of move-in, and this is one of the final "I's" to dot and "I's" to cross, so that we can get people into these housing units.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: How many of those housing units are assigned? Are they assigned to people yet?

Mr. Roversi: No. They have begun marketing them and taking applications for the units, but I do not believe any of the units have been physically assigned to specific tenants, because of some delays in actually getting the water system and the final electrical utilities in place.

Councilmember Cowden: If people want to apply for this housing—it looks really nice there between Kōloa and Po'ipū, do they come to the Housing Agency?

Mr. Roversi: No, the applications are being handled by Mark Development, who is the developer and manager of the project. They have a website. I do not have it with me, but if you Google the Koa'e Workforce Housing Development, there is a website with online applications and all the information on how to apply and what documents are needed. You can either do it by phone, you can submit an electronic application on the website, or you can even go to their facility, I believe, but all of the details are on the website.

Council Chair Kaneshiro: I have been hearing advertisements on the radio also for it.

Councilmember Cowden: Koa'e—"K" "O" "A" "E."

Mr. Roversi: Correct. I think you can also find them by Googling Mark Development as one of their projects on their website.

Council Chair Kaneshiro: Are there any other questions? If not, thank you. Is there anyone in the audience wishing to testify on this item?

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

Council Chair Kaneshiro: Is there final discussion? The motion on the floor is to approve. Can we get a roll call vote?

The motion to approve C 2019-272 was then put, and carried by the following vote:

FOR APPROVAL:	Chock, Cowden, Evslin, Kuali'i, Kaneshiro	TOTAL – 5,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Brun, Kagawa	TOTAL – 2,
RECUSED & NOT VOTING:	None	TOTAL – 0.

JADE K. FOUNTAIN-TANIGAWA, County Clerk: Motion passes.

C 2019-269 Communication (11/25/2019) from Bryson Ponce, Assistant Chief of Police, Investigative Services Bureau, requesting Council approval of the indemnification language contained in the renewal of software license agreements for the MSAB, Inc. XRY Logical & Physical License and XRY Cloud License, which allows the Kaua'i Police Department authorized use and access to MSAB software updates, which is required for court admissibility: Councilmember Kuali'i moved to approve C 2019-269, seconded by Councilmember Cowden.

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

There being no objections, the rules were suspended.

PAUL N. APPLGATE, Captain, Investigative Services Bureau: Good morning.

Councilmember Cowden: Are these all continuing software? Is that correct? Do you have all of these currently?

Mr. Applegate: Yes.

Councilmember Cowden: How many years have we have these, roughly?

STEPHANIE N. REGAN, Criminalist II: We have been utilizing this software for a little bit over three (3) years now.

Councilmember Cowden: Okay. Can you tell us what it is?

Ms. Regan: This software allows us to extract digital evidence from cellphones, tablets, as well as be able to download things that are accessible through cloud servers, such as things like Facebook or Instagram. This will always happen after either a consent is taken or a search warrant is obtained, but essentially if you have ever backed up your phone to your computer that is what it is doing. It is allowing us to have a forensically sound backup that is all federally established for accuracy and robustness.

Councilmember Cowden: And I heard you say, "After a search warrant."

Ms. Regan: Correct.

Councilmember Cowden: Okay, thank you.

Council Chair Kaneshiro: Are there further questions from the members? If not, thank you. Is there anyone in the audience wishing to testify on this item?

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

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

The motion to approve C 2019-269 was then put, and carried by a vote of 5:0:2 (*Councilmembers Brun and Kagawa were excused*).

Council Chair Kaneshiro: Next item.

C 2019-270 Communication (12/02/2019) from Councilmember Cowden, requesting the presence of Lawrence J. Dill, P.E., District Engineer, Kaua'i District, Hawai'i Department of Transportation, to provide a briefing on the current status of the Kapa'a Transportation Solutions report: Councilmember Kualii moved to receive C 2019-270 for the record, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Councilmember Cowden, do you have something to say?

Councilmember Cowden: Please come up. I just wanted to tell my colleagues that I really appreciate our Highways Director Larry Dill for coming in and doing this. I think it is important for us and the community to understand the timeline for dealing with the eastside traffic and then the costs, as well as holding it in our minds of what accommodations the County might want to have in consideration, because this is very needed and significant. Thank you, and we are happy to hear what you have to share.

There being no objections, the rules were suspended.

Council Chair Kaneshiro: Larry, two (2) weeks in a row.

LAWRENCE J. DILL, P.E., District Engineering, Kaua'i District: Lucky me.

Council Chair Kaneshiro: Good to see you again. Based on time, we will go through the presentation and if we have time, we will ask questions, if not, we will probably take our caption break and come back with questions. Larry, you have the floor.

Mr. Dill: Thank you very much. It is a pleasure to be here. Good morning, Chair Kaneshiro and Members of the Council. Point of clarification, I am not yet the director, I am the District Engineer for Kaua'i for the Highway's Division. I am going to go through this morning with an update as I mentioned on the title slide here of what is going on, on Kūhiō Highway Route 56 through the Wailua-Kapa'a corridor. Most of this presentation will be based on the Kapa'a Transportation Solutions study that we completed back in August of 2015, as you can see to go even further than that, at one point you are probably aware that the Department of Transportation was looking at the possibility of what we referred to as the Kapa'a Relief Route, which was a while ago, prior to my time. Now, it is a potential bypass road, if you will, to help alleviate traffic through the Kapa'a corridor. That included a new bridge across the Wailua River and a new road in an undeveloped virgin land and to my understanding the costs kept growing until it was north of six hundred million dollars (\$600,000,000) and in the Environment Impact Statement (EIS) process and the reality was that it soon became apparent that there is no way we could afford a project like that. One good thing about that effort was that it did produce a number of ideas of other potential projects that could be done at a much lower cost that would be able to improve the traffic situation through the Wailua-Kapa'a corridor. The effort of the Kapa'a Transportation Solutions, which would involve many different stakeholders, we had a lot of significant input, including the County of Kaua'i and that effort resulted in this study.

This is only to show you, I think there are, forty-eight (48) different projects that were identified in that corridor that were given consideration with regards to how those

might be prioritized for implementation. I would also mention that due to resource constraints, the Department of Transportation has been focusing its efforts and resources on projects focused on safety and system preservation. We simply did not have the resources to look at capacity issues. The exception to that rule is a project that is included in here, but it is actually been around for a while and that is the widening of Kūhiō Highway from Kuamo'o Road up to the temporary Kapa'a bypass and I will discuss that in more detail a little further. We looked at these forty-eight (48) projects and prioritized them into two (2) groups of five (5). This group here is the top five (5) and I will go through these five (5) in a little more detail in the following slides.

The next slide, Project #27 is the project that I just mentioned, which is the Kūhiō Highway widening from the Kuamo'o Road, up at the Kapa'a bypass. We are basically adding a fourth lane to what is currently a three-lane highway. This is also a portion of the area where we currently do the contraflow operations six (6) days a week. This project was amortized for construction on September 13th of this year. We had an earlier bid date, we did receive a bid protest that we had to work our way through and after we resolved that, we established a new bid date, so we received offers on December 5th and our apparent low-bidder at the moment came in at about seventeen million dollars (\$17,000,000), so we are evaluating those bids and getting on to awarding a contract and then subsequently issuing a Notice to Proceed. Hopefully, that Notice to Proceed will be issued to the contractor by summer some time, so that project is actually happening and in the works. We are going to be improving both the intersection signalization at Kuamo'o Road and also at Halelio Road and adding turn lanes where we are able to fit them in along that corridor as well. Because traffic comes down in this area in the morning from the North Shore on Kūhiō Highway also from Kapa'a Homesteads area from the bypass, this is the bottleneck area, so we are excited...this will not "solve" all of our traffic, but it will have a huge impact, we think, on mitigating the traffic through this corridor.

I also want to touch on...and it did not really affect the earlier project, because we committed to the earlier project before, but as you are aware I am sure, we are very grateful to the Legislature for passing this bill, which enables us to receive more money from rental car revenue, the Rental Car Revenue Surcharge Bill. Our commitment was that we would use these moneys to address capacity projects throughout the State and that is the way that bill was originally written—for reasons of legalities that I am not familiar with, it was eventually changed, so the money simply goes into the Highway Fund, however, our commitment remains to honor that commitment to the Legislature that these moneys will go towards capacity projects. I will be touching the two (2) Kaua'i capacity projects that will be funded with these moneys as I go through the presentation. The moneys that we are actually looking for will be used to leverage a bond float, which enables us to fund the projects, so of course we need the Legislature's approval on that, so what I am telling you is contingent upon the anticipated approval from the Legislature to get those bonds out, and that will fund the two (2) projects that I am talking about as far as the Rental Car Revenue Surcharge Bill.

This is the first one that we are planning to fund with the Rental Car Revenue Surcharge Bill—we are working on procuring the consultant, currently. I know this because I actually sat on the committee to review all of those consultant submittals and so that is currently moving forward. We are planning to issue a Request for Proposal (RFP) to design/build in order to help expedite this, so the first consultant we are working on acquiring will help us to complete the preliminary design, address environmental issues, and to clear any right-of-way issues, so that about a year from now, and I got November 2020 as our target date, we will be able to use that to issue a design/build RFP, which will be basically a designer/contractor team to complete the design and complete the construction as well. In that document, the Kapa'a Transportation Solutions study—all these projects were given an estimate. The estimate, as you can see, is forty-three million dollars (\$43,000,000) in this study for this project. Personally, I think that is very conservative. I do not think it is going to cost that much money, but right now that is the estimate we have that we are working towards.

The other rental car revenue surcharge project is the Temporary Kapa'a Bypass Road Widening. As you are heading south on Kūhiō Highway, you turn right on the bypass, that road is one-way southbound from Kūhiō Highway until you hit the roundabout at Olohena. This project will add a northbound lane in that stretch, which would serve to significantly enhance connectivity and would add redundancy and will give options to motorists, right now, who have to use Kūhiō Highway to get north from Olohena going northbound. The tentative schedule for this project is more or less about a year behind the other one. Again, although we are working on consultants, it is tentatively planned for construction depending on what happens between now and then including the Legislature approval of the bond floats. It is moving forward with the same process, basically, as the aforementioned project. The Kapa'a Transportation Solutions study's estimation for this was about twenty-two million five hundred thousand dollars (\$22,500,000). Again, I think this is a pretty conservative estimate.

Project #33 was a relatively small, simple project. Looking at Kuamo'o Road and Kūhiō Highway during the contraflow operation and you can see the arrows on the road coming out of Kuamo'o Road, the left turn lane was left-turn only, the right turn lane was right-turn only. What will do now during contraflow was we allow the left-turn lane to be left or right-turn lane to help move traffic out of there in the morning. That is a minor project that has already been implemented as a matter of fact. It cost us a lot less than six hundred thirteen thousand dollars (\$613,000) to implement.

Traffic Signal Optimization—this is through specifically the Wailua-Kapa'a corridor that we are talking about and you can see we are talking about upon completion of Project #27, which is the Kūhiō Highway widening, which we just received the bids for. The reason that it is upon completion is because the reality is that during construction of this project, traffic is going to be challenging with the construction going

on and it will likely take two (2) years. When that project is completed though, we are going to resynchronize all the lights in that corridor, which will be much more effective now that we have an additional lane upon completion of this project. You can see that the Traffic Management Center—we are planning on setting up...we plan to upgrade all traffic controllers, well actually we have completed them. All of our traffic controllers have been upgraded from the old type 170s to cobalt controllers. These are smart controllers that will support much more ability for us to manage the traffic through the corridor and you see we have communications to all signals. Actually last week, we put cellular modem routers in all of our signals throughout the island, so we should be able to check those now from our office to confirm operation, but not only that, we can coordinate them from our office and we can reprogram from our office as necessary. This is just being stood up as we speak, so we are actually ahead of schedule on this, but the actual optimization through that corridor will happen upon completion of Project #27.

This is the second group of projects that are second priority from the Kapa'a Transportation Solution study. It includes some projects that we are actually looking at even though it was second priority, we are moving them around a little bit in coordination with the earlier projects I mentioned, because it makes sense to implement at the same time. For instance, this is the intersection of Haua'ala Road at Kūhiō. You can see the three (3) intersections there are all in a row and these are a problem for us because of the proximity of those intersections. Going north, you hit the temporary Kapa'a Bypass Road, immediately after that Haua'ala Road, and immediately after the Kawaihau Road. This is a congestion problem because of all these intersections—one, two, three, one after another. What we are considering is to include this as a component of Project #6, which is adding the northbound lane to the bypass. The thought on this is that we would disconnect Haua'ala Road from Kūhiō Highway, so that Haua'ala Road would have to make its way to Kawaihau Road in order to come back down to the highway. In order to enhance connectivity, we looked for a new location to connect Haua'ala Road to the Kapa'a Temporary Bypass, so that would also help the connectivity on that one. This project...we are looking at including in the scope for the widening, the additional lane on the bypass.

This was another one; it is off the bypass, which is adding an access from the bypass to the Kapa'a Park. As you know when there is an event in the Kapa'a Park, there is a lot of traffic that is going in and out of there. Adding an access directly to the Temporary Kapa'a Bypass would alleviate some of that. Of course it gives redundancy and other option for motorists to travel, so this is also being included in the scope of the Temporary Kapa'a Bypass Widening.

The Kukui Street intersection on Kūhiō Highway in Kapa'a is not a very well aligned intersection, because there are different streets offset and angled from one another and it causes congestion problems. There are also some safety concerns there that could be improved. We actually have a consultant onboard through a contract, we

recently got signed and awarded with an engineering consultant and he has already given me a draft for this intersection to look at what improvements can be made in that location. That is currently just beginning the planning and design process and hopefully we will be able to get that planning and design work done perhaps a year from now and construction would follow on that one.

This is not a Kapa'a Transportation Solution project, this is actually one of our Central Federal Lands project that we have entered into an agreement statewide with Federal Highways Administration Central Federal Lands Division. They are doing a lot of bridge projects for us throughout the State. This is their third one for us on Kaua'i, which is really a project to replace the Kapa'a Stream bridge, which is before you hit Keālia Beach as you head north and it is just north of Mailihuna Road intersection. Mailihuna Road being the road that goes north to Kapa'a High School and the schools up there. As part of this project, due to the proximity of the intersection, this location is a safety concern for us and we looked at it from various opportunities; should we signalize it, should we leave it unsignalized, make other improvements, or should we put in a roundabout? At the end of the day, we ended up with the preferred option, a preferred alternative being a roundabout. This project as you are probably aware, we have a contractor onboard, he has been given notice to proceed and they are starting the work on this project. The first part of that is to build a temporary bypass bridge on the *makai* side of the existing bridge and then this summer they will begin working on the roundabout portion of that project. You can see the project time there—four hundred one (401) calendar days, so it is over a year of work to get that project done. I believe that is the end of my presentation and I will be happy to answer any questions, if I can.

Council Chair Kaneshiro: Thank you. Actually, before we get into questions, let us take our ten-minute caption break already. When we come back, we can ask questions on the presentation. Ten-minute caption break.

There being no objections, the Council recessed at 10:20 a.m.

The meeting reconvened at 10:33 a.m., and proceeded as follows:

Council Chair Kaneshiro: Thank you for your presentation. I think we all recognize those areas as problem areas and I am glad to see that we are working on solutions, although I know money is probably a huge factor in whether we can get it done. We cannot just snap our fingers and have our roads completed; it takes patience, too. Do we have any questions? Councilmember Cowden.

Councilmember Cowden: When I added up the numbers from the other day that we looked at this, it was about one hundred twenty million dollars (\$120,000,000)—you are saying that is conservative? Is that still close to the total?

Mr. Dill: I do not have an update on the cost estimates. Like I said in the meeting, my feeling is that it is conservative, but we have not done updated cost estimates on these projects yet.

Councilmember Cowden: Update since when?

Mr. Dill: Since 2015.

Councilmember Cowden: Oh.

Mr. Dill: Those numbers are out of the Kapa'a Transportation Solutions study that was done in 2015.

Councilmember Cowden: Okay. Even if that was conservative, this might be...

Mr. Dill: It might be less conservative, but I still think it is conservative.

Councilmember Cowden: Okay. I also tried to do the math on the timing. I am looking at maybe three (3) years from start to finish with all of this. Does that sound about right?

Mr. Dill: The first project out of the gates is the one that we have just received bids on. I forget what the contract time is...I think it is about two (2) years. That project should be done, depending on how soon we get the award and the Notice to Proceed out, in about two and a half (2.5) years. That is the widening from Kuamo'o Road up to the bypass.

Councilmember Cowden: Right. That is a little short space that we are going to put a whole lane in.

Mr. Dill: Correct.

Councilmember Cowden: From the bypass to Kuamo'o Road, that is going to be on the *mauka* side of the road. It is hard to see how you can do it another way.

Mr. Dill: We are adding a southbound lane. There is room, for instance at Coco Palms, the only room is on the *mauka* side.

Councilmember Cowden: People are asking me from basically Wailua down to Hanamā'ulu, would that lane be more on the *mauka* or *makai* or is it going to change?

Mr. Dill: When we do the first step of the work, the preliminary engineering, which will look at all of the alternatives and that will be determined through that process. That decision has not been made yet.

Councilmember Cowden: Okay. That window of time, when do you think that will be done?

Mr. Dill: In the presentation as I said, the first phase, which is to get basically do thirty percent (30%) design and to clear right-of-way issues. That is on page 7. We are looking to get that done by about one (1) year from now.

Councilmember Cowden: Right.

Mr. Dill: That is an ambitious schedule; but that is our schedule. If we issue that then if things go "lickety-split" and there is a lot of "ifs" in there including getting that bond float with the rental car surcharge money, then I would say a project maybe a year after that and probably at least two (2) years to complete that project, construction-wise.

Councilmember Cowden: It might be four (4) years.

Mr. Dill: Very rough four (4) to five (5) years or something like that.

Councilmember Cowden: Okay, because I know when we did this little road here, that was at least six (6) years, because my kids were going to Island School. For six (6) years, this was under construction here.

Mr. Dill: I see, okay.

Councilmember Cowden: Just so that people would have an idea on how to plan their lives.

Mr. Dill: Right.

Councilmember Cowden: Is the rental car surcharge generating what is expected?

Mr. Dill: I am sorry, I did not bring those numbers with me. I do not know.

Councilmember Cowden: Because I was just thinking about...

Mr. Dill: But the way we are funding these is to use that money to float a bond.

Councilmember Cowden: Yes.

Mr. Dill: So, it is enough money to leverage a bond float.

Councilmember Cowden: Okay. Do you need our help with the Legislature or are they likely to give it?

Mr. Dill: I do not anticipate a problem, but support is always welcomed.

Councilmember Cowden: It is good to have these pieces and then I would think there would be...once this is done, the significant cost-savings from removing the cone process for the reverse lane?

Mr. Dill: Yes, so that operation will no longer be required. I am looking forward to be able to take those folks and put them to work on the maintenance side of the house instead of operating the contraflow.

Councilmember Cowden: Do you have any idea what we spend a year on the reserve lane cone work?

Mr. Dill: The contraflow probably costs in the neighborhood of about eight hundred thousand dollars (\$800,000) to nine hundred thousand dollars (\$900,000) a year.

Councilmember Cowden: Okay. It is less than I would think. I am meeting with this person from the Statewide Red Light Detector program today—are you aware of that? The State wants us to be putting cameras on all of our...I will be honest, I do not like it. It is going to take people's license plate numbers and fine them. Are you aware of that?

Mr. Dill: I am aware, but this is not part of this effort, no. It is different.

Councilmember Cowden: Okay.

Mr. Dill: I support that effort, because from a safety perspective if you have been to places in the world where they have implemented the

automatic issuance of speeding tickets to people, it has a huge impact on reducing the number of speeders and then improving the safety of the motorists. I understand there are other issues along with that...

Councilmember Cowden: It is just the poverty...

Mr. Dill: I am sorry, what?

Councilmember Cowden: We just have so much poverty issues, so then when people are given a bill at the end of the month...I have seen the bills in Arizona and people are shocked. You lend a car to a kid or something and then you get a big bill...

Mr. Dill: I understand, but if you are lending your car to a kid, then you are taking responsibility for the actions of that kid. I understand the arguments and it is not an easy, but strictly from a safety perspective, it could be a huge enhancement. Safety is our job.

Councilmember Cowden: Okay. Are those costs in here?

Mr. Dill: No.

Councilmember Cowden: Thank you.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: Thank you for coming today and presenting this. I think almost everyone living on that side is super anxious to see most of these projects completed. I have some concerns or am sort of wondering how you folks think of induced demand as you are designing capacity increases to roadways. As I understand there is evidence that in congested areas when you do a roadway capacity increase, that in a median to long-term it induces more demand for driving as people who are previously making decisions not to drive during peak times are now deciding to drive. Also, that congestion can get to at or beyond the levels that the design improvements were designed to alleviate and especially in areas wherever that four-way road ends, that congestion there is especially worse and there is also impacts on land use development patterns and such. In 2013, the State of California passed as part of their environmental review process instead of just looking at level of service for highway capacity increases, they are looking at sort of the holistic impacts on BMT and land use patterns. I do not know much about highway capacity increases in Hawai'i and if we can expect the same things as far as induced demand and the long-term impacts of this and sort of how you folks think of all of that including maybe other impacts of capacity increases.

Mr. Dill: Great question. We look at this from different perspectives. We see a congestion and capacity problem, we want to try to mitigate and alleviate that problem, so we are widening Kūhiō Highway. I understand and agree with you, when we increase capacity over infrastructure, that creates that induced demand and eventually demand will creep up until someday what you built will reach capacity and then again you will be looking at increasing capacity in order to address that. The solution to that has to be multi-pronged and there is a strong responsibility on land use issues that we support and we cooperate with and work with, for instance in the County General Plan, to look at ways that we can mitigate traffic on the road. We do not directly have any means at managing that side, but we certainly work with the Planning Department in order to plan our facilities in conjunction with land use. Land use really is the leader and generally we follow land use in order to try and support the land use designations made with our infrastructure. That is a difficult question and obviously I do not have the magic bullet for that one. We try to keep up with capacity, so it is manageable for people, so it does not become a quality of life issue, but we certainly recognize you cannot build yourself out of those problems. It takes a lot of coordination between the different agencies having input and a jurisdiction over those things to try and address those. This body also has a responsibility and I am happy to support you with that, but it is a huge responsibility to try to address that issue.

Councilmember Evslin: Could you support our Additional Rental Units (ARUs) on Rice Street Bill, which is coming up later? I am just kidding.

Mr. Dill: I do support it, for the record.

Councilmember Evslin: There is a famous example in California Sepulveda Pass Highway improvements—they spent ten (10) years and ten billion dollars (\$10,000,000,000) doing this highway improvement and the day after it opened, the traffic was worse than before they started the project. As far as like the highway improvements in Līhu‘e, have you seen when those improvements are done, is congestion better than it was prior to improvements? Do we have any examples that we can look at here for success, sort of?

Mr. Dill: For instance, the widening of Kaumuali‘i Highway and the (inaudible) bridge...I do not have that with me, I would have to go back. That was before my time—poor excuse, but I can try to dig something up for you, if you would like.

Councilmember Evslin: Any data you folks have, I would be really interested in seeing it, but again, I appreciate you coming and I totally recognize that your job here is to adapt to our current land use patterns.

Mr. Dill: You brought up a good question, too, about we are taking a more regional perspective now on development, so for instance the Hokua

Place development, as we were talking offline, we are taking a look regionally at impacts and then mitigative work to be done to try to address those impacts, so there are many things to be resolved, for instance, for that project from our perspective.

Councilmember Evslin: I will not ask exactly what those are, but thank you.

Mr. Dill: You are welcome.

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

Councilmember Kualii: Thank you for all of this, it is a lot of information to digest. Some of the maps are hard to read. There is a group of projects that is in Group A and another one in Group B. You said Group A is top five (5), so those are the priority and scheduling wise and dedication of funding wise, those are all happening first?

Mr. Dill: Generally speaking, yes. As I mentioned, as we looked at the projects in the second group, it makes sense for us to implement those in conjunction with some of them in the first group, so there is some of that happening.

Councilmember Kualii: Some of these projects have really huge price tags, like twenty-four million dollars (\$24,000,000) and then other ones have smaller price tags. Could you get the smaller price ones quicker?

Mr. Dill: I am looking at page 4, the first priority ones. Project #33 was a very simple project that we took care of already. The traffic signal optimization project, as I mentioned, the Traffic Management Center were started to stand up last week in getting communications to all the signals. We have upgraded all of our controllers and those were the smaller ones in that group.

Councilmember Kualii: There are two (2) projects I want to compare. There is the Haua'ala Road at Kūhiō Highway intersection on page 12 and then there is the last page with Mailihuna roundabout, which is costed out at twenty-four million dollars (\$24,000,000) and that the project would start November 2019 and it is four hundred one (401) calendar days. I think I see things happening there with the ground being graded and things are being pushed back. When did that start?

Mr. Dill: November 2019.

Councilmember Kualii: So that just started?

Mr. Dill: Yes.

Councilmember Kualii: And it is projected for four hundred one (401) calendar days?

Mr. Dill: Correct.

Councilmember Kualii: To me, because I drive through there all the time, there is the Mailihuna Roundabout and then there is the Haua'ala Road and they both are coming down from Kapa'a High School...well, all of that, the whole neighborhood. Our largest, probably most dense neighborhood of housing on the island—so they both come down through those areas. The Hauaala Road at Kūhiō Highway intersection is only budgeted for three million nine hundred thousand dollars (\$3,900,000) and the Mailihuna Roundabout is twenty-four million dollars (\$24,000,000), you say on the Haua'ala you will not issue design/build request until 2021, why is that? Why is that not happening sooner? Because I see more problems there then on the other side. The other side, I think, maybe a lot of people do not even use it because it feels dangerous and maybe they are using that side instead, so maybe just by doing the roundabout you will help the other side. Granted, we as "people" are very *aloha* and there is, "You go," and that happens all the time, which helps...

Mr. Dill: I would disagree with that.

Councilmember Kualii: Oh, it does not help from a transportation-point. I do not know, it helps from a frustration standpoint if you are waiting forever, right, but it does not move the traffic along the highway.

Mr. Dill: Okay.

Councilmember Kualii: Why is that not moving earlier?

Mr. Dill: The reason for that prioritization is that the project on page 15 is actually a bridge project, so that is the reason for the high cost. Included in that twenty-four million dollars (\$24,000,000) is the replacement of the Kapa'a Stream Bridge. Because we are working in that area, we added the roundabout and that intersection has a higher crash history than the other locations.

Councilmember Kualii: I would imagine.

Mr. Dill: Therefore, because it is a top safety issue and we also had a project going on right there, we added that to the scope of work for the Kapa'a Stream Bridge.

Councilmember Kualii: Okay, thank you.

Council Chair Kaneshiro: Are there any other questions from the members? This is for the Wailua-Kapa'a area, but do you have projects going on around the entire island or are you just categorizing it, trying to get regions done...how is the priority when we look at traffic islandwide?

Mr. Dill: These projects came out of that Kapa'a Relief Route effort that did not move forward, but we recognize the traffic issues in the Kapa'a Corridor. We had worked on Kaumuali'i Highway in the Lihu'e area and spent eighty million dollars (\$80,000,000) in that area with the Lihu'e Mill Bridge and the concrete widening all the way to Puhi. We do not have other large capacity projects happening that are planned right now. This is our focus in this area. We just do not have the funds because this is a lot of money to do other projects all at the same time.

Council Chair Kaneshiro: That was going to be my question as to how do you spread it out. I know Kalāheo has issues, too, at that one (1) light.

Mr. Dill: I have a consultant onboard and I wanted to look at the Papalina intersection as part of what he is doing. That intersection is a real challenge because it is an offset angled intersection, so you have a split phase happening all the time. You cannot run both Opu and Papalina at the same time, they either go one and then the other, which delays the whole timing at that intersection. That is one of the big problems. It is very preliminary and I have only had some discussions with the County, because those are County roads, about changing the alignment of that intersection, which would require land acquisition and all those types of things.

Council Chair Kaneshiro: Yes.

Mr. Dill: Right now there is something in the very early consultation stage on that intersection.

Council Chair Kaneshiro: In addition to all these projects, we still have Statewide Transportation Improvement Program (STIP) projects that we are working with you on also to try and get funding for.

Mr. Dill: Yes. I will mention another project that is coming up this year, or 2020, is on the westside, which is that we are going to be signalizing Waimea Canyon Drive intersection at Kaumuali'i. That should help Waimea Town.

Council Chair Kaneshiro: As far as funding goes, do you just have a set amount of funding every year for major projects, because I think the County gets a certain amount of money, you probably get a certain amount of money, and then the rest of the State is fighting for their own money. We are kind of in the same boat—we

want all the money to come to Kaua'i, but the reality is it gets spread throughout the State.

Mr. Dill: There are federal funds, first of all, so we get about one hundred seventy million dollars (\$170,000,000) a year Statewide in federal funding for highway projects. That money gets allocated to the various districts, the four (4) Counties, according to roughly vehicle miles traveled. Of course we have the lowest vehicles miles traveled, so we get the lowest share, so we get our island to share, which means State Highways and the County about thirteen million dollars (\$13,000,000) a year; that is the federal side. On the State side, I get through my Special Maintenance program a certain amount of money a year that I share Statewide with the other districts depending on what is going on, but also we have Capital Improvement Projects (CIP) moneys. CIP moneys are basically depending on need, again, through the State how those moneys get allocated.

Council Chair Kaneshiro: Okay. Are there any further questions from the members? If not, thank you. Is there anyone in the audience wishing to testify on this item?

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

Council Chair Kaneshiro: Is there final discussion? Councilmember Cowden.

Councilmember Cowden: I appreciate what the Highway Department is doing and the Department of Transportation and I think it is really important for us to be aware of what is on the plan and how the County Roads Division even needs to be aware of the adaptations and this is Council. It is valuable for us to understand what we are spending and just to work together, so thank you so much for coming in.

Council Chair Kaneshiro: Larry, thank you for that presentation.

(Councilmember Brun was noted as present.)

Council Chair Kaneshiro: Again, we all want to see a quick fix, but ultimately it takes a long time to come up with a traffic solution. It take a lot of coordination on that and then in addition to that, the funding mechanism of it. I think if we had our way, we would have all the money in the world, we would just fund all these projects and get them all done, but unfortunately we are limited in that resource. It is like we know we have all of these major road issues, but we have to prioritize them not only by how bad it is, but also by what we can actually do with the amount of funds we have. I know a lot of the public gets frustrated, but I think that is the reality is we do not have an unlimited amount of resources and all we can do is come up with where are the problem areas, what are our solutions, what are the costs, and then how much

money do we have to put at them, prioritizing those projects, and so I really appreciate your presentation. I think every single project you mentioned in here I think everyone knows it is an issue and would love to see it resolved. If it provides any comfort to the residents that you are looking at them, we are trying to resolve them, but unfortunately it takes time and resources to get it done. Thank you for that. Councilmember Cowden.

Councilmember Cowden: I just noticed that a question had been raised by viewers and that was sea-level rise, does this factor in?

There being no objections, the rules were suspended.

Mr. Dill: We are engaged in the study on sea-level rise, coastal issues in general. I do not have a firm answer for that, I did not come prepared to talk about that today, but we are certainly considering sea-level rise in the work that we do. It is a huge issue because areas...I get asked from people in Hā'ena and Wainiha about sea-level rise and impacts to the highways and a redundant route out of there to address that, which is a great idea, but my goal and response is, we just spent seventy-five million dollars (\$75,000,000) up there rebuilding that road and making it more robust and more resilient as you access. It would take a heck of a lot more money than that to build a redundant route out of there for those people. A lot of that comes back to available resources. But it is an important issue and we are looking into that.

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

Council Chair Kaneshiro: And with that, the motion on the floor is to receive.

The motion to receive C 2019-270 for the record was then put, and carried by a vote of 6:0:1 (*Councilmember Kagawa was excused*).

Council Chair Kaneshiro: Thank you, Larry. Next item.

C 2019-271 Communication (12/06/2019) from the County Attorney, requesting Council approval to expend additional funds up to \$100,000.00 for Special Counsel's continued services to represent the Planning Department in Transient Vacation Rental (TVR) appeals and related matters: Councilmember Kuali'i moved to approve C 2019-271.

Ms. Fountain-Tanigawa: Chair, we do have an Executive Session on the item also.

Council Chair Kaneshiro: Can I get a second?

Councilmember Chock seconded the motion to approve C 2019-271.

Council Chair Kaneshiro: We have an Executive Session item relating to this, but we will take public testimony if anyone wants to testify on it and then we will put it off until after the Executive Session. Is there anyone in the audience wishing to testify on this item?

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

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

Council Chair Kaneshiro: Seeing none, we will move on.

CLAIM:

C 2019-273 Communication (12/02/2019) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Ridge K. Papa-Hawelu, for personal injury, pursuant to Section 23.06, Charter of the County of Kaua'i: Councilmember Kualii moved to refer C 2019-273 to the Office of the County Attorney for disposition and/or report back to the Council, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify on this item?

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

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

Council Chair Kaneshiro: Seeing none, members, is there any discussion?

The motion to refer C 2019-273 to the Office of the County Attorney for disposition and/or report back to the Council was then put, and carried by a vote of 6:0:1 (*Councilmember Kagawa was excused*).

Council Chair Kaneshiro: Motion carried. Next item.

COMMITTEE REPORTS:

PUBLIC WORKS & VETERANS SERVICES COMMITTEE:

A report (No. CR-PWVS 2019-10) submitted by the Public Works & Veterans Services Committee, recommending that the following be Received for the Record:

“PWVS 2019-06 Communication (10/21/2019) from Councilmember Cowden, requesting the presence of the Deputy County Engineer, to provide a briefing on the status of the flood management of the Waimea River, to include, but not be limited to, current status of the River, work completed, timetable of work to be performed, detailed cost estimates, homeowners flood insurance implications, and the participation by the various Federal and State entities,” Councilmember Kuali'i moved for approval of the report, seconded by Councilmember Brun.

A report (No. CR-PWVS 2019-11) submitted by the Public Works & Veterans Services Committee, recommending that the following be Approved on second and final reading:

“Bill No. 2761 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 12, ARTICLE 2, KAUAI COUNTY CODE 1987, AS AMENDED, BY ADDING A NEW SECTION 12-2.4, RELATING TO TINY HOUSES,”

Councilmember Kuali'i moved for approval of the reports, seconded by Councilmember Brun.

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify on the Committee Reports?

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

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

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

PLANNING COMMITTEE:

A report (No. CR-PL 2019-16) submitted by the Planning Committee, recommending that the following be Approved on second and final reading:

“Bill No. 2745 – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 10, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE LIHU'E TOWN CORE URBAN DESIGN DISTRICT,”

Councilmember Chock moved for approval of the report, seconded by Councilmember Kuali'i.

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify on the Planning Committee Report?

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

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

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

COMMITTEE OF THE WHOLE:

A report (No. CR-COW 2019-17) submitted by the Committee of the Whole, recommending that the following be Received for the Record:

“COW 2019-03 Communication (11/19/2019) from Lawrence J. Dill, P.E., Kauaʻi District Engineer, State of Hawaiʻi Department of Transportation – Highways Division, requesting agenda time to present the details of a three (3) year study on the implementation of a road user charge as an alternative funding mechanism to the current gas tax and share the progress to-date, which is funded by a grant from the Federal Highway Administration,”

A report (No. CR-COW 2019-18) submitted by the Committee of the Whole, recommending that the following be Approved on second and final reading:

“Bill No. 2760 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2019-856, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAʻI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2019 THROUGH JUNE 30, 2020, BY REVISING THE AMOUNTS ESTIMATED IN THE HIGHWAY FUND (*Waimea River Mouth Emergency Work – \$625,000.00*),”

A report (No. CR-COW 2019-19) submitted by the Committee of the Whole, recommending that the following be Approved on second and final reading:

“Bill No. 2762 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2019-856, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAʻI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2019 THROUGH JUNE 30, 2020, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Office of the Prosecuting Attorney, Victim Witness Counselor II Positions – \$23,069.00*),”

A report (No. CR-COW 2019-20) submitted by the Committee of the Whole, recommending that the following be Approved on second and final reading:

“Bill No. 2763 – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 13 BETWEEN JULY 1, 2019 AND JUNE 30, 2021,”

Councilmember Kualiʻi moved for approval of the reports, seconded by Councilmember Brun.

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify on these items?

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

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

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

Council Chair Kaneshiro: Motion carried. The next items are Resolutions.

RESOLUTIONS:

Resolution No. 2019-70 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE BOARD OF REVIEW (*Stella Bumacod Fujita*): Councilmember Kuali'i moved for adoption of Resolution No. 2019-70, seconded by Councilmember Brun.

Council Chair Kaneshiro: Are there any questions from the members on this Resolution? If not, is there anyone in the audience wishing to testify on this Resolution?

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

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

Council Chair Kaneshiro: Is there any final comments from the members?

The motion for adoption of Resolution No. 2019-70 was then put, and carried by the following vote:

FOR ADOPTION:	Brun, Chock, Cowden, Evslin, Kuali'i, Kaneshiro	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kagawa	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes and one (1) excused.

Resolution No. 2019-71 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE BOARD OF WATER SUPPLY (*Julie Anne Simonton*): Councilmember Kuali'i moved for adoption of Resolution No. 2019-71, seconded by Councilmember Brun.

Council Chair Kaneshiro: Is there anyone in the audience wishing to testify on this Resolution?

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

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

Council Chair Kaneshiro: Are there any final comments from the members? Roll call vote.

The motion for adoption of Resolution No. 2019-71 was then put, and carried by the following vote:

FOR ADOPTION:	Brun, Chock, Cowden, Evslin, Kuali'i, Kaneshiro	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kagawa	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes and one (1) excused.

Resolution No. 2019-72 – RESOLUTION URGING THE LEGISLATURE OF THE STATE OF HAWAII TO REPEAL THE STATUTORY PROVISIONS PREEMPTING STRICTER COUNTY REGULATION OF THE SALE OF CIGARETTES, TOBACCO PRODUCTS, AND ELECTRONIC SMOKING DEVICES: Councilmember Kuali'i moved for adoption of Resolution No. 2019-72, seconded by Councilmember Cowden.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: I introduced this Resolution. This is basically reclaiming an authority that the Counties did have. We had some action at the Legislature, Act 206 just last July that we claimed part of our ability to influence what we can control in the tobacco products. I saw that we had one (1) angry letter and several really strong supportive letters from the Prosecutor, the Superintendent of Schools, the Heart Association, and the Hawai'i Public Health Institute. What we are trying to do here is really be able to control and restrict, if we so choose, largely the vaping products that are marketed to children. Some of the pieces, the elements, the flavors, and the smells are definitely designed to bring in young smokers. Is it

possible for me to bring up Valerie Saiki who is a core part of this Resolution that supports what we are doing on the Hawai'i State Association of Counties (HSAC)?

Council Chair Kaneshiro: Sure.

There being no objections, the rules were suspended.

Councilmember Cowden: Thank you, Valerie. I will have you introduce yourself and I just want to acknowledge the work with the youth programs of 808NoVape at the high schools, and all the youth that have brought my awareness to this and this is a youth-led initiative.

VALERIE K. SAIKI, Kaua'i Community Coordinator Coalition for a Tobacco-Free Hawai'i: Hi, everyone. My name is Valerie Saiki. I am from the Hawai'i Public Health Institute. I work for the program, the Coalition for a Tobacco-Free Hawai'i. Brought to our attention in regards to this Resolution is to repeal the preemption, which was signed in 2018. Basically what preemption does is take away the County's authority from enacting any types of rules and regulations in regards to the sales of tobacco products. This would not include any type of policy in regards to spaces or anything other than the sales. This could also be for increasing taxes or enacting a type of license or anything that affects the sales. Even though there is nothing in the current immediate future in regards to this at the County-level, what we wanted to do was to have the Counties all submit some type of resolution to urge the State Legislature in order to repeal preemption, so that when the time comes and there is something that you folks would like to move on, it is something where your hands are not tied and we are able to move forward, especially to protect the health of not just our community, but our *keiki* and families.

Council Chair Kaneshiro: Are there any questions? Councilmember Chock.

Councilmember Chock: Thank you for the background and I totally understand the reasoning and interests for us to have more oversight on this. I am curious when it comes to how the State enlists these taxes and controls the substance—what enforcement mechanisms do they use or utilize to administer?

Ms. Saiki: In regards to the sales or just any type of policy?

Councilmember Chock: Yes...does it fall under the Department of Health?

Ms. Saiki: Taxation, usually. It depends on what specific things they are looking for. For instance, if it is a sale to a minor, then it would also

be from the Attorney General's (AG's) office as well, and there is also programs that go out to do the compliance checks.

Councilmember Chock: Okay. In your mind if the Counties were to have this power, where do you see that in the future falling under in terms of administration aspect for the County?

Ms. Saiki: I think it would depend upon what each policy would be doing, so like if it was a blanketed County tax added on to tobacco or even just bringing up electronic smoking device taxes to be an equal cigarettes, it would just depend on the office.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: So you are saying that if the State Legislature were to act and take away preemption, then the County would already have the authority to enact a tax on cigarettes or we would further need that authority to enact a tax from the Legislature?

Ms. Saiki: It would need further investigation to figure out what the proper route and protocol is—that I do not have on top of my head, because we have never done it that way, but currently with this act that has passed, you folks cannot.

Councilmember Evslin: Yes.

Ms. Saiki: So basically we are just saying to just give you folks the power so if in case in the future you do want to be able to do something...say a whole new tobacco product gets invented and is put on the market and is something you folks want to move forward, with the way and how the laws are currently, you cannot, you need to wait for the State to move forward.

Councilmember Evslin: I have more questions, but I will wait.

Council Chair Kaneshiro: Councilmember Cowden, did you have a question?

Councilmember Cowden: I had a response, not a question.

Council Chair Kaneshiro: Councilmember Kualii.

Councilmember Kualii: Are you talking about laws regarding taxes versus laws regarding regulation and the prohibition?

Ms. Saiki: It would depend. Basically, this would be encompassing anything that would regulate the sale, so increasing taxes would automatically affect sales. We also consider this bill when it was introduced for preemption to begin with a strategy by the tobacco industry, because studies have shown that when you have stricter tax amounts and restrict the sales of tobacco products, that their sales reduce and consumption and initiation reduce. By being able to allow you folks to have control over that or be able to introduce things that can help and impact the community health-wise, positively, that we feel that the industry is going to be against that.

Councilmember Kuali'i: How is it not working currently with the State having the *kuleana* or authority—I think I saw in one of our testimonies something about the local community needs to have the ability to work with their local leaders on legislation, but in fact...we have three (3) representatives here and our local community can work with them. Therefore, what is not working now with the current system with the State?

Ms. Saiki: Well, the thing is you just do not have authority to do anything, so you would have to suggest it.

Councilmember Kuali'i: "You" being the Council?

Ms. Saiki: Yes.

Councilmember Kuali'i: Why do we need authority...to do what that is not happening now by the State? There is a State branch of government, there is a County branch of government...you are talking about the sale of something, the merchandise. Nationally there is commerce and commerce laws and the Department of Commerce and what have you, and Statewide, it would seem odd to have different laws about the sale of a product in a community from one County to the next. Right now, the State is controlling all of that, and how is that not working?

Ms. Saiki: Well, a lot of times for many of our tobacco policies, we would like to see how well it does in a county first. For example, we raised the age of tobacco sales to twenty-one (21) in Hawai'i Island first and then we went Statewide.

Councilmember Kuali'i: The example you just gave is the age, which is like not...we are talking about there is a "mom and pop" shop in the Rice Shopping Center, maybe, and they are selling products. So, now we are talking about just specifically the sales, not the behavior of citizens.

Ms. Saiki: But that is sales, because you are restricting from eighteen (18) to twenty-one (21) to purchase.

Councilmember Kualii: The ability to buy you mean?

Ms. Saiki: Yes, so you cut out...

Councilmember Kualii: So the person's ability to buy is impacted by a business's ability to sell, but so far the sales part of it is a State function of commerce. How is that not working? You gave the example of, "you want to have one (1) pilot project of one (1) county to lead the way," but your example had to do with changing the age. It was not about putting a new prohibition on the merchants from doing their sale. Do you understand what I am saying? We are talking about the sale of those products and not the use.

Ms. Saiki: But it is the sales, because it was prohibiting anyone between eighteen (18) and twenty-one (21) who could purchase previously from purchasing it currently.

Councilmember Kualii: Right.

Ms. Saiki: That was a large argument on the revenue that the State would lose from the taxes off of that purchase.

Councilmember Kualii: But that is a State law, right?

Ms. Saiki: Yes, currently.

Councilmember Kualii: What other law would you need to put in place just by a County and not Statewide?

Ms. Saiki: You could also restrict internet sales, you can also increase the taxes...

Councilmember Kualii: And that is not happening Statewide?

Ms. Saiki: No.

Councilmember Kualii: Why not?

Ms. Saiki: Because there is not law currently.

Councilmember Kualii: But you could work on that with local communities with their local State Representatives to pass a State law?

Ms. Saiki: Yes. Then there is also a restriction on...there is fifteen thousand five hundred (15,500) different flavors of vape devices out there on the market. You could also restrict the sales on a number of those different type of flavors.

Councilmember Kualii: Yes.

Council Chair Kaneshiro: If we are looking at doing this just so that we can prevent sales of flavored vapes, why do we not do a resolution that asks the State to prohibit that rather than the County has to go take all preemption away and then start doing their individual laws rather than just a resolution that asks the State to change their laws Statewide? I think that is what we are trying to grasp. Why should we, the County, come in and say, "We did not like the way we were doing things, so we want to take it all back in order to do something we should be lobbying the State to do Statewide."

Ms. Saiki: We could do both and this just gives you the opportunity to do that versus asking the State each individual time.

Council Chair Kaneshiro: For me, the State is the one that controls all the sales throughout the entire State. If it is good for Kaua'i, it should be good for the entire State. Councilmember Cowden.

Councilmember Cowden: The Resolution is fashioned after Maui and O'ahu's. They were doing it also, just as in our HSAC Legislative Package. This is essentially the same thing that we all agreed on for the Legislative Package. The target that is being gone after here is...can you just tell us a little bit about the products that are targeting twelve (12) year olds? There are products out there that are not going for mature audience.

Ms. Saiki: Yes, restricting sales could also be in restricting the type of labels that are allowed on the market. You can do plain and simple labeling, as well as a county ordinance. A lot of the labels mimic youth candy and snacks. One that caught my attention recently was those Japanese sticks that are dipped into chocolate. They have one with the same exact candy on the label and it is called, "Pink Sticks." That is the flavor. Nowhere in it does it mention strawberry, chocolate, or an identifying flavor, instead they have a description name to identify the flavor whereas most adults over thirty-five (35) would have no clue, really, without looking at the picture, but the kids would know it on the spot. When we are looking at some of these labels and how they are marketed, we clearly can see that it is for a younger generation.

Councilmember Cowden: Are you seeing from the State Legislature a willingness...these men are asking really good questions. We want this type of

marketing to children stopped. I know that you have been committed to this for a number of years, is the State Legislature not willing to do this?

Ms. Saiki: It is not that they are not willing to do that, it is just a process. Bills have been introduced in the past and there have been comments that we take into consideration and revamp the bill for the following year.

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

Councilmember Chock: Just to clarify what I heard—did I hear that there was either individual Counties that have asked or was it the HSAC Package, because I do not...

Council Chair Kaneshiro: I want to clarify, I do not believe the HSAC Package had anything on tobacco products. I know there was something on alcohol levels, but I do not remember the HSAC Package having anything on tobacco.

Councilmember Cowden: I did not put it in there, but when we talked about, we went through it, and we had the part of repealing this. That is what my recollection is, and I am looking at Scott, because he knows everything. This is working in tandem with the other islands.

Councilmember Chock: So Maui County and Hawai'i Island...

Councilmember Cowden: No, O'ahu. They are trying to push this for this next Legislative season, because they have not been showing the political will to put this protection forward. It is pushing on them to make their changes.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: Honolulu and Maui has passed this Resolution? Oh, okay.

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

Councilmember Kualii: You may not know this, but just in case you do, do you know the position of our legislators from the three (3) Representatives and the Senator?

Ms. Saiki: I actually have not spoken to two (2) of our Representatives or our Senator in regards to the repeal of preemption, but I did just

have a meeting with one of our other representatives who is in one hundred percent (100%) in full support of being able to restore the authority to County-levels.

Councilmember Kualii: Who is this?

Ms. Saiki: Am I allowed to?

Councilmember Cowden: Yes.

Ms. Saiki: Nadine Nakamura.

Council Chair Kaneshiro: I guess, why do they want to push it back on us rather than them make the change themselves?

Ms. Saiki: It is not necessarily giving the power and making sure you folks do all of their work for them so that they can worry about other things, it is just giving you folks the authority and the power if the situation comes up versus asking for a repeal, a special session, or anything like that.

Council Chair Kaneshiro: Councilmember Chock.

Councilmember Chock: It is in the HSAC Package, so we have passed this. We would be duplicating it. I am not sure if we need to or we should. I just wanted to bring that to the table, because it is something that we have already voted on.

Council Chair Kaneshiro: Councilmember Cowden.

Councilmember Cowden: When we were discussing the vote, I brought up at that time that this was something that would be coming before us and that we were going to be looking at this to be in alignment with the other County efforts. I do not think Hawai'i Island has passed theirs yet and I wonder if any of the other islands use essentially their Liquor Control Commission to be...like if twelve (12) year olds are coming in and buying things, just like they cannot buy alcohol, because that is the problem—they are very young. It is very easy to see that they are very young using it.

Council Chair Kaneshiro: When it comes to the HSAC Package, we were under the gun to pass the HSAC Package as a whole. If we did not pass it as a whole, then none of the other items would have made it on the HSAC Package at all. I believe I made the statement saying, "I may not be in agreement with all of these items, but as a whole State, we got to get the HSAC Package to the State or else we all lose out." It was kind of a give and take and compromise as far as we need to get it to the State in there and we are not going to fight on all the bills. We had important items that

we wanted, also, on the HSAC Package that we did not want to hold up also. Are there any other questions from the members? If not, thank you. Is there anyone in the audience wishing to testify?

TOMMY NOYES: Good morning, Councilmembers. My name is Tommy Noyes. I am the Chair of the Tobacco-Free Kaua'i organization. I am speaking in support of passing this Resolution that will restore your authority to act at your discretion. You were preempted by lobbyists working on behalf of an industry that is wreaking significant health damage to a generation that should not be subject to this type of pernicious marketing, so I would strongly urge you to reclaim your authority and bolster the position of legislators by demonstrating that the Counties are fully supportive of effective measures that will offset this epidemic of a generation that is becoming addicted to nicotine while they are in middle school, elementary school, and who knows how young our *keiki* will be affected by these marketing tactics. That is my fervent hope that you will see the value of passing this Resolution and expressing your commitment at the State-level. Thank you very much.

Council Chair Kaneshiro: Thank you. Is there anyone else in the audience wishing to testify? State your name for the record and then you will have three (3) minutes, the light will turn green, when it turns yellow, that means you have thirty (30) seconds left, and then when it turns red, that means the three (3) minutes is up.

REBECCA LINDSEY: My name is Rebecca Lindsey and I just wanted to come up here and say that I lived in New York for one (1) year and in New York, vaping is really a big thing. I just wanted to say that the younger kids ask their twenty-one (21) year old friends to buy their products for them. They give them their money to buy them products. I just fear that if we do not try to do something about this in Hawai'i, that it will get worse, like how it is in New York. With the flavors, I know that the kids love the flavors. They would do anything to get it. I know there are third graders doing it, all in elementary, in school, too. I know that they put it in their sleeve. They do it when the teacher turns their back. I am just saying that it is going to get really bad if something does not happen.

Council Chair Kaneshiro: Thank you.

TOM LINDSEY: *Aloha, Mele Kalikimaka.* Tom Lindsey. I am the dad. My daughter just came back after one year away. I did not coach or talked to her about anything about vaping until she came back here one week ago and so everything that she said is really candidly fresh on her. Apples and oranges though the process of the State and County. I retired from corrections, on escapees, we can shoot an escapee with no warning shot. We shoot to stop. Here, we do not even carry gun. So you can see the difference between Counties. Can I ask you if there is a way to separate this issue from the package and attach it to something else that way you

do not lose what you are trying to keep together? It is a big thing...when you look at the medical affects. I sat across Dr. (inaudible) yesterday in the Lieutenant Governor's Office talking about how it interferes with the development of the brain. Earlier, we had women here that are homeless and they are single mothers. Can you imagine from "terrible twos" to eight years old, we are trying to teach and nurture them and the reward system, the dopamine system is all messed up. This is how we teach, we reward good behavior so it gets repeated. The reward system is so messed up that where is this next generation going? There is no way to guide them and teach them because we cannot keep them in the guidelines, because they do not recognize anything. I am pretty sure that we are going to see this manifest in adulthood. There is already a generation of these types of things. Maybe if we can find a way to get this separated into something else, because it is attached to a lot of other issues. Thank you.

Council Chair Kaneshiro: Thank you. Is there anyone else in the audience wishing to testify? Anyone for a second time? Seeing none.

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

Council Chair Kaneshiro: Is there any final discussion from the members? Councilmember Cowden.

Councilmember Cowden: As a parent, as a mother, and as a person who has worked in education, I have been surprised working with the 808NoVape students to learn what I did not learn. When I am seeing...they call it "a jewel" or vaporizer, I would never know that that was that. It looks like a zip drive, I have seen ones that are hot little pink, almost the color of Tom's shirt, with some sort of a "toy" element to it. For parents who are naïve, they would not be able to recognize it. When I am around the smoke, it smells like ice cream, it does not smell like cigarettes. What we are learning is that it is a chemical and arguably worse for you than cigarettes. It was brought in to help people break away from their addiction to tobacco, but it seemed like it backfired. I am not trying to take away choices from adults, but it does seem that we do not have the political will and what we are seeing is the tobacco industry is working to influence a recession of home rule. You will find them always supportive of community rule, home rule are more important than being secondary or preempted by urban interests or economic interests that are different than our community. I think if we have a rule that says we do not want to be putting those super sugary bubblegum packaging products out there, that is clearly targeting the twelve year old market, it does not take too much to see it in the store. I understand enforcement is a little difficult, but we do have our Liquor Control Commission and maybe we adapt and give them a little bit more authority. We got a great team of people who go around regularly and check on places where liquor sales are happening, so what does it take to just look pass it and if you see this range of prohibited type of

packaging, I do not think we are asking for too much of a stretch. This is a resolution, it is not an ordinance, so it makes that statement and when three (3) of the Counties make that statement in alignment with HSAC Package, I think it does a lot. It is one-third (1/3) of our kids here on the island are smoking or at least trying to smoke. That is significant. We are just seeing so many problems and I am in agreement with what Tom has said—this is early in the whole process and it is yummy. These are yummy flavors, yummy packaging, and I am willing to put forward this Resolution and you will find rarely from me do I put anything that tries to take away freedom from people. This is actually giving freedom back to the County. I do not like to surrender our authority at any level if we do not need to. We know what is best for our own people. We are not saying this needs to happen here, but as I am seeing the kids at each high school has got their own team, and they are bringing it up. I would say ninety percent (90%) of the vaping that I have seen has been kids in public places. It is not an exaggeration to say this is happening and do we want discourage it—that is what this Resolution says. I do hope you support it. I think it sends a loud and clear message and we are not taking anyone's control away. Our Legislative team can choose to listen to us or not. Thank you.

Council Chair Kaneshiro: Councilmember Evslin.

Councilmember Evslin: Thank you Councilmember Cowden for bringing this forward and for everyone who spoke today. I do have some concerns over preemption for things with a complexed regulatory regimes. I think that there is a role for the State to sometimes preempt the County. To me, this does not seem like one of those things. We are in the middle of a clear public health crisis with vaping as the Resolution states that thirty percent (30%) of Kaua'i youth have used an electronic vaping product within the last thirty (30) days. That is crisis and there is clear evidence of what it does to you. This is an issue of national concern and we can make such a huge difference in that by prohibiting flavored e-cigarettes here. If the State is not going to act, then we certainly should have the authority to act. I support it and I also recognize the argument over, "Hey, let us ask the State to ban it and not necessarily preempt," but ten (10) years ago, who would have known that e-cigarettes would have been around, right? I think that it is important for us to be flexible and have the authority going forward to take things into our own hands when we need to. I support the Resolution.

Council Chair Kaneshiro: Is there anyone else? I guess I will go against the grain. We have seen resolutions like this before and I understand the health effects and I do not support kids smoking and using tobacco products at all. But again, to me, it all comes down to something similar to that "No smoking in a vehicle with a child under thirteen," I think it should be based more on education. These kids should not be having these products in their hands in the first place. Whether we make a law on it or not, I do not think it is going to prevent them from having these products in their hands. I agree with the principle—tobacco products are bad,

kids should not be smoking, there are health affects with it, but as far as us taking over the regulation of tobacco products, I am not okay with that. I am not okay with the Resolution. Us starting to take over regulation on sales, I mean alcohol are bad for people. Are we going to start regulating alcohol also? They are coming out with seltzer drinks that are flavored. I mean is this the road we are going to start to go down where the Counties are trying to regulate sales of products on the island, I think for us ultimately the State has the power, they should be the ones that are regulating what we want...we can make millions of label changes and I am sure that the industry will just change how they label it or what they do, but for me it is education. We need to be clear on where our role is, where the State's role is. The State is more fit for doing the regulations on it. They have the Department of Health, they have Department of Taxation, and they collect money on the sales of tobacco products. From our standpoint, we concentrate on our core activities. It is not to say I do not care about the health of kids...again, I want to make it clear, I do not think kids should have...that is why we have laws in place where people under twenty-one (21) are not allowed to buy tobacco products. I know it is widespread in the schools. We have been to the schools. We have visited the school. We had security tell us that vaping is a huge issue, but that comes down to enforcement and education. It is not the County Council coming up to preempt the State and then come up with our own laws. That is just my feeling on it and I will not be supporting the Resolution. Councilmember Kualifi.

Councilmember Kualifi: I concur with the Chair and his points. I could have used more information. It would have been good to have statements from our three (3) local Representatives and our Senator and maybe even something from the Department of Health, because these are all the people now who can and should and are working on this. I see it more of us getting out of our lane. This was a commerce issue that the State should address and we can all participate in that as well as citizens. I am more than willing to introduce any resolution specifically about restricting and regulating the sale of cigarettes, tobacco products, and e-cigarettes, especially, or even with regards to labeling, marketing, and whatever else to might protect the public health and their welfare, especially our children. For now the way this is presented, I will not support it.

Council Chair Kaneshiro: We did receive a letter from Councilmember Kagawa who is excused today saying that he opposes the Resolution. "The tobacco industry is already regulated by the Federal and State governments, including those agencies who have the expertise and taxing authority that the County does not have." Again, he says he, "wants the Council to focus on our core responsibilities." Again for me, if it is just to restrict certain things, then the resolution should say that and we should send a resolution to the State saying we want to restrict sale of flavored vaping or whatever it is and they can go figure out if that is legal and what the ramifications are of it. That is where I stand. Councilmember Chock.

Councilmember Chock: I see some issues with the administration piece of it and I think we have to be careful what we ask for. That being said, I do agree with the intent of this Resolution. Particularly in the opportunity we can to gain some home rule for our future and for those reasons I will be supporting it.

Council Chair Kaneshiro: Is there anyone else? If not, roll call vote. The motion for adoption of Resolution No. 2019-71 was then put, and carried by the following vote:

FOR ADOPTION:	Chock, Cowden, Evslin	TOTAL – 3,
AGAINST ADOPTION:	Brun, Kualī'i, Kaneshiro	TOTAL – 3,
EXCUSED & NOT VOTING:	Kagawa	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Council Chair Kaneshiro: It is deferred.

Ms. Fountain-Tanigawa: 3:3.

Council Chair Kaneshiro: 3:3—this item is going to be deferred. Next item.

Resolution No. 2019-73 – RESOLUTION EXPRESSING THE COUNTY OF KAUAI'S SUPPORT FOR USE OF ACT 35 (2019) FUNDS FOR HYDROLOGIC AND HYDRAULIC ANALYSIS: Councilmember Kualī'i moved for adoption of Resolution No. 2019-73, seconded by Councilmember Chock.

Council Chair Kaneshiro: Councilmember Chock.

Councilmember Chock: I was asked by the Hanalei community via the Hanalei Watershed Hui and others to give a little background of this. As we are all familiar with the floods that occurred and understanding the hydrology and the way our water moves in our watersheds is really important for future mitigation. Act 35 funds are specifically slated for this. There are different pots of funds that we are looking at. This group has been working with Representative Nadine Nakamura and they asked that in seeking to establish this study, they asked that we give them some support via resolution, and that is where this Resolution has come from. They have a short presentation to give a little background in what they intend to do.

Council Chair Kaneshiro: I will suspend the rules.

There being no objections, the rules were suspended.

MAKA'ALA KA'AUMOANA: Aloha, Councilmembers. Mahalo for this opportunity to join you in your icebox. I am Maka'ala Ka'aumoana, the Executive Director of the Hanalei Watershed Hui. Mahalo to Councilmember Chock for introducing this Resolution. Our organization coordinates and facilitates the Hanalei

Watershed Management Plan and the Hanalei to Hā'ena Community Disaster Resilience Plan. With me today is Andrew Hood, a Principal of Sustainable Resources Group. Andrew has been working on hydrologic projects with the communities of the North Shore on Kaua'i since 2001. He flew over today from O'ahu, but he is well known to our community and his work is highly appreciated. He has prepared and provided a presentation for you today and I am in an unfamiliar territory sitting to his right, but that is my role today. *Mahalo* for this opportunity.

ANDREW HOOD: Good morning. My name is Andy Hood. I was asked to put together a brief PowerPoint addressing what we are proposing to do. In short, it is what is referred to as a hydrologic and hydraulic (H&H) assessment and it is a planning tool. The broad overview of it is to address the flooding issues that affect the Hanalei basin on the North Shore. Anecdotal information shows that the frequency of flooding and closure to the road is occurring. That is likely coupled with climatic changes that we are seeing, but also there has been over the last fifty (50) years or so there has been land use changes and manipulations to the flood plain in the Hanalei area that changed the hydrodynamics of flood waters being routed down the Hanalei and Wai'oli Streams. In order to assess those issues and develop sound mitigation strategies, we are proposing the H&H. What that simply is and I will switch just to show the map here of the Hanalei Bay Watershed, Wai'oli Watershed, Waipā Watershed, and Waikoko Watershed. The focus of the work will be in the lower basins of Wai'oli and the Hanalei River area where most of the flooding occurs and cuts off the Kūhiō Highway and disrupts commerce and risk life and property on a much more frequent basis than it has in the past. The hydrology of the system is basically how much water is entering into the system and how it can be processed out, and the hydrologic analysis component is to look at where water goes, how quickly it moves, and what depth it has.

The ultimate objective of doing the modeling effort that we are proposing is to then develop a suite of mitigation strategies. What you do with those mitigation strategies is in your hydraulic model, you artificially change scenarios, so that you can evaluate the efficacy of mitigation strategies to attenuate flooding. There has been a lot of conversations in the Hanalei area over years about what is causing flooding, such as encroachment of *Hau* bush into the river corridor, some filling ins of wetlands, constructing berms that alter the flow patterns, et cetera, but there has been no robust effort at figuring out, "is this anecdotal and is it sound before one moves forward with mitigation," it makes sense to plan this out and see what is the most cost-effective treatments to pursue. That is what we are proposing to do—use this as a planning tool and then identify which mitigation strategies have the most "bang for the buck." Will it be one (1) singular one or is it a host of one, which we probably suspect it will be, and identify what the cost to implement those will be, what are the environmental procedure of rules and regulations, and permits that would have to be acquired to implement those. As Maka'ala suggested that what we

are requesting is County support to secure Act 35 funds to support this planning effort. Thank you.

Council Chair Kaneshiro: Is there anything else?

Ms. Ka'aumoana: You said, "Brief," and we met brief.

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

Councilmember Cowden: I am so glad that you folks are doing this right now and this is essentially what I have been suggesting relative to Waimea River also. I understand the value of this, having lived in this area for probably about sixteen (16) years, so we see as each different change happens, it changes the flow. How long would this hydrologic study take and roughly what kind of cost do you think it would be?

Mr. Hood: To execute the H&H, we are looking at a twelve-month period from the Notice to Proceed and the approximate cost right now is seven hundred fifty thousand dollars (\$750,000).

Councilmember Cowden: So comparatively, it is not too bad and it is not too long. This valley, what percentage of the clock of the island do you think this is? It is a pretty big valley. Would you say it is about twelve to one o'clock, if we took that pie slice?

Ms. Ka'aumoana: When we talked about the Hanalei Watershed, it is described by State and Federal folks as one of the larger watersheds in the State. You can tell from the map, but as your clock goes...that is a pretty good size.

Councilmember Cowden: Yes, it is a pretty good size. I have a map downstairs where I can look at that...I think this is such an important step for us to be taking, so if this is a pilot, because I feel like we need this in a number of watersheds. If it is a year and seven hundred thousand dollars (\$700,000), that is encouraging to me. When you come up with elements of where we have problematic areas, we spend millions of dollars, but what do we do...four million dollars (\$4,000,000) correcting one little breach? Am I about right?

Ms. Ka'aumoana: Yes.

Councilmember Cowden: Four million dollars (\$4,000,000) to correct one little breach.

Ms. Ka'aumoana: The Riverbank Stabilization Project that the State did in the Hanalei River was two million dollars (\$2,000,000), but there are other factors and costs that were involved, but the State allocated amount was two million dollars (\$2,000,000).

Councilmember Cowden: Right, but we seem to keep having to adapt that.

Ms. Ka'aumoana: And it is currently in Japan.

Councilmember Cowden: The adaptation?

Ms. Ka'aumoana: All that work is.

Councilmember Cowden: I think that this is a very important process for us to start dealing with because we move such a distance away from the plantation time. Do you have a gut feel of what the problem is?

Mr. Hood: Certainly.

Councilmember Cowden: Do you mind if he tells us a little bit about that?

Mr. Hood: The problem is fairly complex. You have a watershed that receives a significant amount of rainfall in the *mauka* zones. The change in climatic patterns is showing that...and what we saw in April of 2018 was the coastal areas are also now getting inundated with very high magnitude storm events. As you change the topography of a river basin, you change where water goes and how deep it can get in spots, so I would conjecture with some knowledge based on preliminary analysis that it is accumulative impact by encroachment of alien and invasive plants in to the waterways, both the main stem rivers and ditches. There has been infilling of wetlands that during a flood event, those can fill up and be temporary storage areas and so basically you have a volume of water coming down and if that water used to sit over in a large depression on the landscape and that is filled in, that water is going to go somewhere else. What we are seeing is a lot of it is going more towards the Hanalei Town side. There is just also changes to the upper part of the watershed, which we really cannot get in to, but vegetation changes, that also affect the timing of surface overland flow and run-off. We do have a lot of ideas about what are these impacts and how they are working, but one of the things that we would be proposing to do in this process is convening a series of talk-story meetings with community members to get their input and their observation and on what they think is happening, and what they have observed, so we can use this also as a mitigation strategy, not just to hold flood waters, but in an event of a flood event, we can look at where safe zones are. By building up a really detailed map of the basin,

we can say, "These are high grounds, these would be areas where you can put emergency supplies, these could be emergency evacuation routes, and these can be emergency shelter locations." We have been collectively discussing this for nearly twenty (20) years about these issues and again, there really has not been any really comprehensive planning done to assess it and figure out what is the most effective way to address this and mitigation this. We would be looking at potential climate change inputs into our modeling effort, for example, we can elevate the sea-level in a model to say, "If the tide levels keep trending upward, the high-high tides," which has a significant toll on how much water can get out that river mouth, we can change that, too, and do this in a very conservative approach so that we can really evaluate what is going to work and what will not. We can then go to the community and say, "This is what we found," instead of having people say, "I think it is this or that," we can use this best information to inform mitigation policy and future planning.

Councilmember Cowden: You are basically asking us for a group letter of recommendation saying we support it, so it is a small ask, you are not asking us for seven hundred thousand dollars (\$700,000). You are asking us to ask for seven hundred thousand dollars (\$700,000)? Okay.

Ms. Ka'aumoana: We will ask, but we are asking for your support for us to ask.

Councilmember Cowden: Okay. Comparatively Waimea Valley relative to Hanalei Valley Watershed, are they about the same amount of rainfall? I know one is the dry side and one is the wet side, but one is bigger.

Mr. Hood: I will try to answer that question, but I have not done a comparative analysis. I believe the mean annual rainfall over the Hanalei Watershed would be higher than in Waimea over the entire watershed area, in terms of volume of water flowing out of both of those river systems on an annual basis. Hanalei carries more volume of water. There are similarities, but large portions of the Waimea Watershed are very arid and much more prone to erosion as oppose to Hanalei Watershed, which just found as an average at the coastline gets seventy (70) inches, where in Waimea gets about thirty-eight (38) inches. There are differences, but there are similarities in the hydraulic changes and disruptions.

Councilmember Cowden: Thank you.

Council Chair Kaneshiro: Are there any further questions from the members? If not, thank you. Is there anyone in the audience wishing to testify on this?

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

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

Councilmember Chock: Thank you to this group for the data that they have and how they intend to use it, and I think definitely rainfall and the increasing rainfall is an issue for every part of our island and how it is affecting our waterways. We look for a model that we might be able to duplicate and apply perhaps to Wainiha to Waimea moving forward, so I appreciate the chance that we get to do some work and might improve to be more fruitful for the entire island. Thank you.

Council Chair Kaneshiro: Councilmember Kualii.

Councilmember Kualii: I just want to say *mahalo nui loa* to you folks and for the work that you are doing. When I look at your presentation, the last two (2) bullets under outcomes is what is really important to me. The updates to the existing community disaster resilience plan and then the community-led, government-supported emergency response planning. We know a lot of people suffered from the last floods, so we just need to be better prepared next time, because more than likely there will be a next time. Thank you for your work. This is easy to support.

Council Chair Kaneshiro: Is there anyone else? Councilmember Cowden.

Councilmember Cowden: Well, it is easy for me to support it. Definitely our community on the North Shore, we were soggy up there and it really matters. Educational outreach really matters and I hope you are going to be directing it at even people in the Building Division and to the contractors, because when I see how we permit certain types of buildings that is different for a dry plateau like Lihue, then a narrow, soggy *ili* like in Wainiha. We need to be thinking about how we say "yes" to wet and "no" to other things, so I think there is a lot that can be learned from this, but I really look forward to maybe being able to apply this kind of concept to other watersheds, because I think we need it in many places. This is very acute in our rainfall on the North Shore, but it is valuable everywhere.

Council Chair Kaneshiro: Is there anyone else? If not, roll call vote.

The motion for adoption of Resolution No. 2019-73 was then put, and carried by the following vote:

FOR ADOPTION:	Brun, Chock, Cowden, Evslin, Kualii, Kaneshiro	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kagawa	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes and one (1) excused.

Council Chair Kaneshiro: Councilmember Chock mentioned he would change his vote on the last Resolution, being that Councilmember Kagawa already stated his position as far as being a “no,” and rather than deferring the Resolution and continuing to go through the same conversation again, only for the Resolution to fail, in order to make us more efficient, Councilmember Chock has said he is willing to change his vote. It is just basically to get it to where it is going to end up anyways. If I have a consent of all of the members, we can go back through and retake the vote. Councilmember Chock, did you want to say anything?

Councilmember Chock: Do you need a motion to reconsider?

Council Chair Kaneshiro: Do we need a motion?

Ms. Fountain-Tanigawa: Pursuant to Rule No. 5(g), you will be changing your vote.

Councilmember Chock: Okay, and we can just do that?

Council Chair Kaneshiro: And that is all you need?

Councilmember Chock pursuant to Rule No. 5(g) requested to change his vote with the unanimous consent of all members present.

Councilmember Chock: I will just say that based on the letter that came in from Councilmember Kagawa and I think we know where the votes are sitting...this is a time sensitive issue and it was already going to the HSAC, so I think that it will be heard and so rather than belabor it, we can clean the slate now and get through it. Thank you.

Council Chair Kaneshiro: Understood. Are there any comments from anyone else? Do we need to retake the vote or you are able to note that?

Ms. Fountain-Tanigawa: Yes, you can retake the vote.

Council Chair Kaneshiro: Retake the vote on it?

Ms. Fountain-Tanigawa: Yes.

Council Chair Kaneshiro: Do we have to reread it?

Ms. Fountain-Tanigawa: I will read the Resolution again.

Council Chair Kaneshiro: Okay, read the Resolution.

Resolution No. 2019-72 – RESOLUTION URGING THE LEGISLATURE OF THE STATE OF HAWAII TO REPEAL THE STATUTORY PROVISIONS PREEMPTING STRICTER COUNTY REGULATION OF THE SALE OF CIGARETTES, TOBACCO PRODUCTS, AND ELECTRONIC SMOKING DEVICES

Council Chair Kaneshiro: Do we need to withdraw the previous approval?

Councilmember Chock: Who was that?

Council Chair Kaneshiro: Oh, okay. Councilmember Kualii, can you withdraw your motion to approve?

Councilmember Kualii withdrew the motion for adoption of Resolution No. 2019-72.

Council Chair Kaneshiro: And Councilmember Cowden, can you withdraw your second?

Councilmember Cowden: No, I will not.

Council Chair Kaneshiro: Okay. If you do not recall your second, then...

Councilmember Cowden: Can we just vote on the motion, because it will fail. I am not trying to be difficult, but I am not being super cooperative.

Council Chair Kaneshiro: Okay, the motion on the floor is to approve right now. Roll call vote.

The motion for adoption of Resolution No. 2019-72 was then put, and failed by the following vote:

FOR ADOPTION:	Cowden, Evslin	TOTAL – 2,
AGAINST ADOPTION:	Brun, Chock, Kualii, Kaneshiro	TOTAL – 4,
EXCUSED & NOT VOTING:	Kagawa	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Council Chair Kaneshiro: Can we get a motion to receive?

Councilmember Brun moved to receive Resolution No. 2019-72 for the record, seconded by Councilmember Kualii, and carried by the following vote:

FOR RECEIPT:	Brun, Chock, Cowden, Evslin, Kualii, Kaneshiro	TOTAL – 6,
AGAINST RECEIPT:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kagawa	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Motion passes.

Council Chair Kaneshiro: Okay, next item.

BILLS FOR SECOND READING:

Bill No. 2745 – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 10, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE LIHU'E TOWN CORE URBAN DESIGN DISTRICT: Councilmember Kuali'i moved to approve Bill No. 2745 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Chock.

Council Chair Kaneshiro: Are there any questions from the Administration on this? Councilmember Evslin, do you have anything final to say? Is there anyone in the audience wishing to testify on this item?

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

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

Council Chair Kaneshiro: Seeing none, members, is there any final discussion? Councilmember Evslin.

Councilmember Evslin: I am not entirely sure how the vote is going to go today, because Councilmember Kagawa is not here. I hope it passes, obviously. Just a super quick overview for anyone watching, we have been discussing this since February, I think we had some pretty intense dialogue at four (4) separate meetings with the Administration. It removes the prohibition on ARUs within the Rice Street district, which would allow them to be built, same as they can be built in every residential zoning district on Kaua'i outside of west of the Hanalei River. The reason why we brought this up for reconsideration this year is because Council recently passed an ARU incentive package, which removes all the fees for affordable additional rental units. If someone commits to keeping it affordable for five (5) years, the ten thousand dollars (\$10,000) to twenty thousand dollars (\$20,000) in fees will be waived, so it would be important to also ensure that we are incentivizing development within our town core. Along with reducing the fees for affordable rental unit development, it also allows more housing units to be built per acre, which will help incentivize sort of small or missing middle type housing. The intent here is to reduce the cost of housing islandwide. It will hopefully reduce the cost of housing in Lihu'e to have more units built here and if people...say someone lives in Waimea or Kilauea and they work in Lihu'e and they really want to live close to where they work, it also helps to reduce the cost of housing in those areas. If you get people moving out of those houses into Lihu'e. So, the intent is to reduce the cost of housing islandwide and hopefully it will allow people to live close to where they work, which as our Chief District Engineer for the State Department of Transportation said we cannot build our way out of our traffic problems here, we really have to ensure that people can live closer to where they work, right, because every time you do that, you take another car off the road that was headed into town. It will hopefully ensure that we achieve

the goals of our general plan, which is towns separated by open space, we can preserve agriculture (Ag) land and open space by building out our town cores. It will allow people to age at home. When you are close to goods and services nearby, it helps small businesses thrive. We heard a ton from the small business community around Rice Street that when you have walkable areas, that small businesses do so much better. It increases property tax revenue to the County and on and on. I just want to say that this is part of a long list of housing solutions that this Council and the former Council before that have been working on, right? There has been a lot of great progress here. This is, again, just a small component of it. In going forward, obviously there is a lot more work to be done on our housing crisis. I am especially excited to see what Councilmember Kualii and the Housing Agency come up with in terms of our Housing Ordinance. Just lastly, density is not the goal here or just providing more density. You can build density really badly. I think we have all been to places where there is lots of people living, but there is no life in the area. So there is density done badly and there is density that have done well. We have an awesome Planning Department and a Planning Commission who is working hard to make sure that we are doing density well and appropriately through our Lihu'e Urban Design Plan et cetera, but there are still a lot of work that needs to be done to ensure we are getting the type of development that people really want to live in. There are still a lot more work to get done. Hopefully this passes today. Thank you all for bearing with us since February on this.

Council Chair Kaneshiro:

Anyone else? Councilmember Cowden.

Councilmember Cowden: I support the intent of this. I am not going to support this. I did have the amendment I offered the last time to allow for the ARUs without doubling the density of the area. I have several big concerns. One is the parking problem, when there is one and a half (1.5) parking spaces per unit. If we have the potential for eighty (80) units, if someone even just has a friend over, or if a third of them have a friend over, we will have some problems. It is something that I deal with regularly in different communities, is powerful community conflict centered around parking. Parking is an issue for me. We have inadequate water infrastructure in there. I get some comfort from that, because there are two hundred fifty-five houses (255) or units that are believed to be able to be utilized based on our existing infrastructure. The few thousand, if you did the math, but unrealistically, five thousand six hundred (5,600) units would be what we are approving. What I am finding is that not all businesses and organizations are in favor of this. They worry that there will be a specialized tax in the area. They do not want to come on camera. They do not want to come here. We have seen strong support from the landowners that are receiving an entitlement gain with no corresponding exaction. We have quite a bit of enthusiasm from that community. I am not opposed to that community, but I definitely did ask for the plans that I was told were in place for two hundred thirty (230) or two hundred forty (240) units in three (3) different buildings. I was really clear that to get my approval of this, I wanted to see that. If it is such that we could have two hundred thirty (230) units, that is a really key solution. If that was coming right now, I would get behind it. I feel pretty confident that this is going to pass without me. I think that when we are making reckless levels of entitlements...that we do not even have the infrastructure to support...especially when we have just invested in this Rice Street development, without putting an

empty pipe in there, without putting another water pipe in there, do we rip out the road? What do we do if we really wanted to take action on this and add a substantial more amount of units? I am not emotional on this one. I just think it is not thought out as well as it could be. I am going to say no.

Council Chair Kaneshiro: Anyone else? Councilmember Brun.

Councilmember Brun: Same thing. I will be voting no. I will repeat what I said the first time. The first time it came around, we did not have enough infrastructure, we did not have enough water. All of a sudden, a year later, we found the pipes, we found the water, but we did not put anything in the road, except to take away one (1) lane. I will not be supporting this. I do not know how we changed as an Administration in one (1) year without doing any work.

Council Chair Kaneshiro: Anyone else? Councilmember Kuali'i.

Councilmember Kuali'i: I just wanted to say that I will be supporting it. I just wanted to say thank you to our Planning Director, Ka'aina S. Hull, for meeting with me and answering some of my questions. Thank you for bringing a map that I could look at better.

Council Chair Kaneshiro: How many votes do we have? I will be supporting it. We already passed the incentive package. This Bill is to allow ARUs in addition to the R-40 in the Rice Street District, which was doubled a year ago from R-20. The limiting factor on ARUs are that they cannot be a condominium property regime (CPR), they cannot be sold separately, and they do have size limitations on it. If you want to take advantage of the subsidies, then you need to keep the rents low, according to our Long-Term Affordable Rental Program. We do have a limited amount of subsidies for water in the area. I do not know how many people are actually going to be able to take advantage of the ARUs. For me, I think that the limitations on ARUs, it will be interesting to see if people are even going to take advantage of it. If they have the density to build-out units versus an ARU, I think they will be more likely to do a unit rather than an ARU. An ARU is smaller, it is going to be attached to another unit, and if people are looking to CPR or make it a condominium, then they are going to be selling two (2) units with one (1). They are going to be selling a regular unit with an attached ARU...I have never seen that happen before. I do not know what a market like that will look like. I did hear that some people on Rice Street want to take advantage of it, just because they are going to rent them all. Again, I think when it comes to flexibility, if I was developing, I would use my regular density first. If I needed more units, then I would use the ARUs. Again, it is going to come down to the economics of how to make it work. I think the ARU does provide some difficulties in creating a project, because it is attached to a unit. I can see ARUs being used for any houses in the area. They may want to add-on to the house or adjust the interior of their house to add an ARU. When you are creating a new development and attaching ARUs to units, I think it is a little more difficult. I will be interested to see how that goes. I do not think someone is going to build a forty (40) unit project with forty (40) ARUs attached. I do not know how they would do that. Again, it is just to try and stimulate housing in the Rice

Street area where we all want housing to be. I am in support of it. Anyone else? If not, roll call vote.

The motion to approve Bill No. 2745, on second and final reading, and that it be transmitted to the Mayor for his approval, was then put, and carried by the following vote:

FOR APPROVAL:	Chock, Evslin, Kuali'i, Kaneshiro	TOTAL – 4,
AGAINST APPROVAL:	Brun, Cowden	TOTAL – 2,
EXCUSED & NOT VOTING:	Kagawa	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: 4:2.

Council Chair Kaneshiro: Motion passes. Next item please.

Bill No. 2760 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2019-856, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2019 THROUGH JUNE 30, 2020, BY REVISING THE AMOUNTS ESTIMATED IN THE HIGHWAY FUND (*Waimea River Mouth Emergency Work – \$625,000.00*): Councilmember Brun moved to approve Bill No. 2760 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Kuali'i.

Council Chair Kaneshiro: Any questions from the Council? Anyone in the audience wishing to testify on this? This is the Waimea River Mouth emergency work. Klayton, did you want to testify?

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

KLAYTON KUBO: Klayton Kubo, Waimea, Kaua'i. I do not know what you are going to do about this so called Bill No. 2760, but funds are needed to keep us from not getting flooded and being affected by the water. As I look at some of the reports on testing of the waters, Waimea is kind of up there too in terms of the river. I am going to say this, maybe you need to get the State Department of Health involved on this one too. Maybe they can go send things to the State Capitol. We shall see what happens. The State sent me all kinds of things too. Thank you very much for your time. I hope you will give us a hand. *Aloha*.

Council Chair Kaneshiro: Thank you. Anyone else in the audience wishing to testify. Seeing none.

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

Council Chair Kaneshiro: Any final discussion from the Members? For me, I will be supporting this. As I said earlier, we can point fingers as much as we want as to whose responsibility it is. Ultimately, we are here on the ground, on Kaua'i, and we understand that our neighborhoods are getting flooded and we are going to do something about it. We will settle whatever we have to later, but I think our main priority now is that we make sure our residents do not get flooded. That is where this emergency funding is coming in. I think it is us taking care of the responsibility and not pointing fingers right now. When the residents are getting flooded, we are going to do something right now. Anyone else? If not, roll call vote.

The motion to approve Bill No. 2760, on second and final reading, and that it be transmitted to the Mayor for his approval, was then put, and carried by the following vote:

FOR APPROVAL:	Brun, Chock, Cowden, Evslin, Kuali'i, Kaneshiro	TOTAL – 6,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kagawa	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes and one (1) excused.

Council Chair Kaneshiro: Motion passes. Next item.

Bill No. 2761 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 12, ARTICLE 2, KAUAI COUNTY CODE 1987, AS AMENDED, BY ADDING A NEW SECTION 12-2.4, RELATING TO TINY HOUSES: Councilmember Kuali'i moved to approve Bill No. 2761 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Brun.

Council Chair Kaneshiro: Any questions from the Councilmembers? If not, anyone in the audience wishing to testify?

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

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

Council Chair Kaneshiro: Seeing none, any final comments from the Members? Councilmember Kuali'i.

Councilmember Kuali'i: I just wanted to thank Councilmember Evslin for including me on this Bill as a co-sponsor. I just wanted to let people know and invite them to Anahola to see our model project on tiny houses. There is one four hundred eighty (480) square feet...one-bedroom. That is the pilot project that they did and the price point was eighty-five thousand dollars (\$85,000). There is also a

tiny one that is one hundred sixty (160) square feet studio. They are right there as you enter Anahola from the Līhu'e side on the *mauka* side of the highway next to the Anahola Marketplace. They are open and available. Go check it out.

Council Chair Kaneshiro: Anyone else? Councilmember Evslin.

Councilmember Evslin: Just briefly. Thank you Councilmember Kualī'i for all of the work that we did on this. It was a fun Bill to work on. Just to clarify really quickly on what it actually does...you can build a house under five hundred (500) square feet right now on Kaua'i. There is no change in that. All it does is to make the process a little easier. It makes it easier to do a loft. You can do a steeper, ladder-type access to the loft. Egress, or emergency-type access things from the loft. Lower ceiling heights. Which as I understand, are some of the big barriers to doing smaller footprint houses. The reason we introduced this now, as a part of the 2018 Residential Code as an appendix...we thought it was good timing as we just passed the "kitchens in guesthouses Bill" to try and incentivize people to maybe live in their guesthouses. A guesthouse has to be under five hundred (500) square feet. This goes in line pretty perfectly with that. The most common question that I have had so far is does this apply to agricultural land? Yes, certainly, it is for all zoning districts on Kaua'i. It is not a huge change, but hopefully we will see some smaller...it will enable people to do some cheaper and smaller footprint houses.

Council Chair Kaneshiro: Yes, there is nothing prohibiting people from doing tiny houses. This just makes it easier and more practical. They are able to delve into more details of it...to look at the practicality of the space, ceiling heights, et cetera. We are just trying to make housing easier for people to do. Anyone else? If not, roll call vote.

The motion to approve Bill No. 2761, on second and final reading, and that it be transmitted to the Mayor for his approval, was then put, and carried by the following vote:

FOR APPROVAL:	Brun, Chock, Cowden, Evslin, Kualī'i, Kaneshiro	TOTAL – 6,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kagawa	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes and one (1) excused.

Council Chair Kaneshiro: Motion passes. Next item.

Bill No. 2762 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2019-856, AS AMENDED, RELATING TO THE OPERATING BUDGET OF

THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2019 THROUGH JUNE 30, 2020, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Office of the Prosecuting Attorney, Victim Witness Counselor II Positions – \$23,069.00*): Councilmember Kuali'i moved to approve Bill No. 2762 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Chock.

Council Chair Kaneshiro: Anyone in the audience wishing to testify on this item?

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

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

Council Chair Kaneshiro: Seeing none. Any final comments from the Members? If not, roll call vote.

The motion to approve Bill No. 2762, on second and final reading, and that it be transmitted to the Mayor for his approval, was then put, and carried by the following vote:

FOR APPROVAL:	Brun, Chock, Cowden, Evslin, Kuali'i, Kaneshiro	TOTAL – 6,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kagawa	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes and one (1) excused.

Bill No. 2763 – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 13 BETWEEN JULY 1, 2019 AND JUNE 30, 2021: Councilmember Kuali'i moved to approve Bill No. 2763 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Chock.

Council Chair Kaneshiro: Anyone in the audience wishing to testify on this item?

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

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

Council Chair Kaneshiro: Seeing none. Any final discussion from the Members? If not, roll call vote.

The motion to approve Bill No. 2763, on second and final reading, and that it be transmitted to the Mayor for his approval, was then put, and carried by the following vote:

FOR APPROVAL:	Brun, Chock, Cowden, Evslin, Kuali'i, Kaneshiro	TOTAL – 6,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kagawa	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes and one (1) excused.

Council Chair Kaneshiro: Could you read us in to Executive Session?

EXECUTIVE SESSION:

ES-1014 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 for Special Counsel's continued services to represent the Planning Department in Transient Vacation Rental (TVR) appeals 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 Kuali'i: I had a procedural question.

Council Chair Kaneshiro: Councilmember Kuali'i.

Councilmember Kuali'i: Is it necessary to go into Executive Session? This is a continuing issue that we have heard about before in Executive Session. Has things changed? Do we need an update from the Attorney?

MATTHEW M. BRACKEN, County Attorney: I do not really intend to say very much in the Executive Session. It is just really an update on what we have spent. I can do that here on the open floor if you would like me to.

Councilmember Kuali'i: Nothing has changed as far as what you are requesting.

Mr. Bracken: No. This is for additional funds for a contract that is in place.

Council Chair Kaneshiro: We will re-read the item and if it is not necessary for us to go into Executive Session, we will not. Councilmember Cowden.

Councilmember Cowden: I actually have a few things to say on it that probably is better in Executive Session. I do not know. I do not say those things here, right?

Councilmember Kualii: He will tell you if you ask him a question.

Council Chair Kaneshiro: Yes. I am not sure what kinds of questions you are going to ask. You can ask the general questions or where your questions are lining up, and Matt can say whether we need to go into Executive Session.

Councilmember Cowden: In Bill No. 2767, which is the Bill that has the two hundred eighteen (218) people, or two hundred eighteen (218) houses that have a TVR piece, that came up last week. I have been going down the list and it takes a while to get a hold of everyone. I have been going down and talking stories with them. Two (2) of them did die on Sunday. So we are down to two hundred sixteen (216). Stress-related deaths. There are a lot of really sad, heartbreaking stories in that list. I think there are likely to be more lawsuits. I am wondering if that is part of this is increased request for money. Are you hearing from that community yet? Probably not yet.

Mr. Bracken: It is not. This request for one hundred thousand dollars (\$100,000) is to increase the funds for a contract that is already in-place. The contract is limited to roughly twelve (12) cases that are already pending and on-going. Those have been pending and on-going for...some of them are relatively new, I would say within the last six (6) months. The other ones have been pending for one (1) year or two (2). They are all old cases. They have nothing to do with that.

Councilmember Cowden: Okay. I just want to say for the record, of all the people that I have called, only one (1) had heard.

Councilmember Chock: Chair, I want to interject, because it has nothing to do with the request or actual item. I actually take offense by some of what is being said.

Council Chair Kaneshiro: It is true. That Bill has not been passed yet, so there is nothing to enforce on it. This is regarding existing TVRs.

Councilmember Cowden: It says TVR lawsuit money bill, so...

Council Chair Kaneshiro: For existing.

Councilmember Cowden: Okay, for existing.

Council Chair Kaneshiro: So we do not need to go into Executive Session. This is actually to approve. Wait, do we need to receive the Executive Session first? We did not even read in the item.

Ms. Fountain-Tanigawa: Yes.

Councilmember Kualii: I made a motion to approve.

Ms. Fountain-Tanigawa: Looking at the Executive Session on page seven, ES-1014, if it is not needed, you can receive it in open session, and we can go back to the open session posted item on page three.

Council Chair Kaneshiro: Let us do that right now.

Councilmember Kualii moved to receive ES-1014 for the record in open session, seconded by Councilmember Brun, and carried by a vote of 6:0:1 (*Councilmember Kagawa was noted as excused*).

C 2019-271 Communication (12/06/2019) from the County Attorney, requesting Council approval to expend additional funds up to \$100,000.00 for Special Counsel's continued services to represent the Planning Department in Transient Vacation Rental (TVR) appeals and related matters.

Council Chair Kaneshiro: We already had a motion to approve and a second. We also took public testimony. Roll call vote.

The motion to approve C 2019-271 was then put, and carried by the following vote:

FOR APPROVAL:	Brun, Chock, Cowden, Evslin, Kualii, Kaneshiro	TOTAL – 6,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kagawa	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

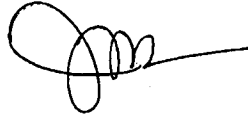
Ms. Fountain-Tanigawa: Six (6) ayes and one (1) excused.

Council Chair Kaneshiro: Seeing no further business and hearing no objections, this Council Meeting is complete. We do have public hearings at 1:30 p.m.

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 12:23 p.m.

Respectfully submitted,

A handwritten signature in black ink, consisting of a large loop followed by several smaller loops and a long horizontal stroke extending to the right.

JADE K. FOUNTAIN-TANIGAWA
County Clerk

:dmc