

## COUNCIL MEETING

AUGUST 28, 2024

The Council Meeting of the Council of the County of Kaua'i was called to order by Council Chair Mel Rapozo at the Council Chambers, 4396 Rice Street, Suite 201, Līhu'e, Kaua'i, on Wednesday, August 28, 2024, at 9:07 a.m., after which the following Members answered the call of the roll:

Honorable Addison Bulosan  
Honorable Bernard P. Carvalho, Jr.  
Honorable Felicia Cowden  
Honorable Bill DeCosta  
Honorable Ross Kagawa (*present at 9:16 a.m.*)  
Honorable KipuKai Kualii  
Honorable Mel Rapozo

(Note: No one from the public provided oral testimony via the Zoom remote technology platform on any agenda item.)

### APPROVAL OF AGENDA.

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

Council Chair Rapozo: Is there any discussion or public testimony?  
Seeing none.

There being no one present to provide testimony, the meeting proceeded as follows:

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

Council Chair Rapozo: The motion carries. Next item, please.

### MINUTES of the following meeting of the Council:

July 31, 2024 Council Meeting

Councilmember Kualii moved to approve the Minutes, as circulated, seconded by Councilmember DeCosta.

Council Chair Rapozo: Is there anyone else in the audience wishing to testify? Seeing none.

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

The motion to approve the Minutes, as circulated, was then put, and carried by a vote of 6:0:1 (*Councilmember Kagawa was excused*).

Council Chair Rapozo: Motion carries. Clerk, our next item, please.

COMMUNICATIONS:

C 2024-163 Communication (08/05/2024) from Elliott K. Ke, Assistant Chief of Police, Police Operations Bureau, transmitting for Council consideration, A Bill For An Ordinance Relating To Creation Of The State Highway Enforcement Program Surcharge Fund, allowing the Kaua'i Police Department (KPD) to use the funds for the enforcement of laws and ordinances specifically pertaining to illegal parking on state highways.

Councilmember Kualii moved to receive C 2024-163 for the record, seconded by Councilmember Carvalho.

Council Chair Rapozo: This is a communication. The related Bill will come up later, but I will take the Kaua'i Police Department (KPD) up now, so we can get you out of here and not wait all day.

There being no objections, the rules were suspended.

ELLIOTT K. KE, Assistant Chief of Police, Police Operations Bureau: Good morning, Chair Rapozo, and Members of the County Council. Kalani Ke, Assistant Chief, KPD, for the record. Thank you for allowing us the opportunity to bring this ordinance before you. This came to our attention...I think it was at the end of last fiscal year (FY), when we were trying to determine if we could draw down some of these funds that were sitting in the account. After consulting with the Finance Department, we realized that we needed to set up this ordinance to ensure that the funding is appropriated properly and we can spend down on it, and it does not lapse. We worked with the Office of the County Attorney to get this ordinance in front of you.

Council Chair Rapozo: Just for the public's information. The State law added a surcharge to our traffic citations, fines, and fifty percent (50%) of those fines go back to the counties, something that we have been fighting for a very long time. That fifty percent (50%) of the surcharge gets sent to the counties, which is a good thing, it is just that without this funding mechanism, without this Bill, that will become law, there is no guiding law that dictates how the funds are used. This will simply put moneys in an account where...the State law specifically states that it could be used for police, law enforcement, and traffic. This is just the funding mechanism.

Mr. Ke: That is correct.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: How much is the surcharge? Is it a percentage or a flat rate?

Mr. Ke: The surcharge is two hundred dollars (\$200) per citation, and we get fifty percent (50%) of that.

Councilmember Cowden: So, if someone gets a \$135 traffic ticket, there is a \$200 surcharge on it?

Mr. Ke: That is correct.

Councilmember Cowden: Wow. When did that happen?

Mr. Ke: I think that went into effect in 2019, I believe it was.

Councilmember Cowden: Okay, I guess it is because I have not received a traffic ticket in so long.

Mr. Ke: It is for parking in certain designated areas. The Hawai'i Revised Statutes (HRS) law is 291C-111.5.

Councilmember Cowden: It says, "illegal parking on State highways." Is this targeting anything? Is this houseless on the side of the road or like if someone's car dies and they pull it off to the side of the road, do they get ticketed?

Mr. Ke: My understanding of the surcharge is for the illegal parking that goes down in the North Shore and other designated areas on the island. This is specific to that. We would not use this section necessarily to someone whose vehicle broke down on the side of the road.

Councilmember Cowden: Okay. Sometimes people have a hard time. Do you know how much money we already have sitting in that pot?

Mr. Ke: I do. It is quite a bit.

Council Chair Rapozo: One hundred fifty-eight thousand nine hundred forty-seven dollars (\$158,947).

Mr. Ke: Yes.

Councilmember Cowden: One hundred fifty-eight thousand nine hundred forty-seven dollars (\$158,947). When we apply that, does that go for something like towing dead cars?

Mr. Ke: We can use that for enforcement-related activities related to traffic parking enforcement.

Councilmember Cowden: Okay, so that is if we had to hire someone to go around and write tickets?

Mr. Ke: I am glad you brought that up, because right now we have vacancies. That position has been vacant since the beginning part of this year. We are looking for good candidates to hire.

Councilmember Cowden: Do they have to be sworn officers?

Mr. Ke: No. They are not.

Councilmember Cowden: They can even live out in that area.

Mr. Ke: That is correct.

Councilmember Cowden: If someone who lives out in that area, and it is not a big...

Mr. Ke: Please put in your application...

Councilmember Cowden: ...drive in the morning.

Mr. Ke: ...with the County of Kaua'i.

Councilmember Cowden: Alright. Thank you.

Council Chair Rapozo: Are there any further questions?

Councilmember DeCosta: I have a question.

Council Chair Rapozo: Go ahead.

Councilmember DeCosta: Thank you for all you do. We do not thank you enough. We just had a situation yesterday, police came out and helped us out at the community bus stop, one of the secretaries went out and your police officers are very respectful, and they handle themselves in a very respectful way. We mention vehicles that are parked on the State highway, possibly tourist vehicles, but we also have local vehicles that are broken down on the side of the road. We have broken down vehicles on the side of the road for maybe three (3) to four (4) months, maybe a year that I see the vehicles right over here. Would that surcharge apply to those people that their vehicles are broken down and they refuse to move it, the vehicles have been there for three (3) months, an "eye-sore," and hazardous to the Kaua'i Fire Department (KFD), if oil and gas still sits in the vehicle, would that surcharge apply to those vehicles?

Mr. Ke: If it is enforcement-related and the vehicle is parked in an area that is designated...

Councilmember DeCosta: Correct.

Mr. Ke: We could potentially use those funds.

Councilmember DeCosta: Thank you for that.

Council Chair Rapozo: Is there anyone else? If not, thank you. Is there anyone in the audience wishing to testify?

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

Council Chair Rapozo: Is there further discussion? Councilmember Cowden.

Councilmember Cowden: I also want to thank KPD for a job well-done. I am glad to hear that some of the money comes back to us on tickets, because we have big challenges. I will say with these vehicles, I try to take some pictures to try and get them moved, most of those people who abandoned vehicles, like right down on the corner here, for who knows, a year or something like that, those people do not have the money to pay for it, anyway. We are not going to really get that money. We would just throw those cars away when we actually get to them.

Mr. Ke: Can I make a suggestion related to abandoned and derelict vehicles?

Council Chair Rapozo: I will suspend the rules.

There being no objections, the rules were suspended.

Mr. Ke: If you know of vehicles that are in violation of the abandoned and derelict vehicle laws, my recommendation is put a reporting through our online reporting system.

Councilmember Cowden: Yes.

Mr. Ke: Then we can address it accordingly. If it is on private property, the law does not allow us to tow that, but if it is on public property, we will address it.

Council Chair Rapozo: Thank you.

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

Council Chair Rapozo: Is there any further discussion?

The motion to receive C 2024-163 for the record was then put, and carried by a vote of 6:0:1 (*Councilmember Kagawa was excused*).

Council Chair Rapozo: Motion carried. Next item, please.

C 2024-164 Communication (08/08/2024) from Lawrence Borgatti, Arborist Advisory Committee Chair, transmitting for Council consideration, A Bill For An Ordinance To Amend Chapter 22, Kaua'i County Code 1987, As Amended, By Amending Section 22-5.4 To Add To The List Of Exceptional Trees, adding a single monkey pod tree (*Samanea Saman*), located in the center of the Sun Village complex,

situated on Tax Map Key (TMK) No. (4) 3-7-001:017 owned by the Weinberg Foundation.

*(Councilmember Kagawa was noted as present.)*

Councilmember Kualif'i moved to receive C 2024-164 for the record, seconded by Councilmember Cowden.

Council Chair Rapozo: This is a Bill that would designate a single tree as an exceptional tree. I have representatives here. Are there any questions from the Council to the Arborist Committee, I will take them up now at the communication. You have a question?

Councilmember Kualif'i: Yes.

Council Chair Rapozo: Can we have someone from the Arborist Advisory Committee up? Can you state your name and who you represent?

There being no objections, the rules were suspended.

LAWRENCE BORGATTI, Arborist Advisory Committee Chair: My name is Larry Borgatti, Chair of the Arborist Advisory Committee.

Council Chair Rapozo: Councilmember Kualif'i.

Councilmember Kualif'i: This is a wonderful and beautiful thing, and I wanted you to explain to the public how this comes about and if someone in the public, a property owner, has a tree that they think should be included, what do they do?

Mr. Borgatti: Anyone can go online, [kauai.gov](http://kauai.gov), there is a form to fill out to nominate a tree as an exceptional tree. There are various qualifications to be used to determine whether it is exceptional, such as the size, rarity, or cultural or historical importance. We take all those into consideration and then we take a vote and determine whether we should recommend it as an exceptional tree.

Councilmember Kualif'i: Thank you.

Mr. Borgatti: Anyone can nominate a tree.

Council Chair Rapozo: Councilmember Kagawa.

Councilmember Kagawa: Thank you for being here. Is this Bill to add a monkeypod tree?

Mr. Borgatti: Yes, add it to the list.

Councilmember Kagawa: Oh, add it to the list.

Mr. Borgatti: Add to the list of exceptional trees.

Councilmember Kagawa: What is exceptional about a monkeypod?

Mr. Borgatti: Well, this monkeypod is fairly large, it is not the largest, but it is in good size. It has also been well-maintained; Sun Village is fortunate enough to be able to hire an arborist to oversee the maintenance and care of this tree. It is the only monkeypod on their property, and they wish to nominate it as exceptional to help bring attention to the tree and preserve it.

Councilmember Kagawa: Is the tree out here a monkeypod tree?

Mr. Borgatti: Yes, it looks like it. Yes. There are quite a few of monkeypods around.

Councilmember Kagawa: This monkeypod is exceptionally irritating, I think.

Mr. Borgatti: Because it is your view of the tree.

Councilmember Kagawa: Seriously, if you look under the tree, there are very few cars parked, because it makes so much rubbish and it hardly provides any shade.

Council Chair Rapozo: Councilmember Kagawa, let us bring it back to the monkeypod tree located at the Sun Village.

Councilmember Kagawa: It is a large nuisance, to me.

Council Chair Rapozo: Hang on. If you want to have a discussion about exceptional trees, in general, we can have it at a later time.

Councilmember Kagawa: Well, it is naming it an exceptional tree and I am saying this is an unexceptional tree.

Council Chair Rapozo: Today, we are talking about one (1) tree at Sun Village, very simple, it is a Bill that is going to add that to the list. That is today's discussion.

Councilmember Kagawa: Okay.

Councilmember Cowden: I have a simple clarification question.

Council Chair Rapozo: Go ahead.

Councilmember Cowden: When they add this tree to that list, it means that specific tree, which means someone else buy Sun Village cannot just easily remove the tree, right?

Mr. Borgatti: Right.

Councilmember Cowden: Usually, people put an exceptional tree designation, so that tree does not get cut up.

Mr. Borgatti: True.

Councilmember Cowden: That is why they do it. So, that is a tree that they want to keep. It does not matter if it is mango, whatever it might be, they want that tree.

Mr. Borgatti: Correct.

Councilmember Cowden: We are protecting "a tree" and not all monkeypods.

Mr. Borgatti: A tree at Sun Village, yes.

Councilmember Cowden: Yes.

Council Chair Rapozo: Are there further questions for the Commission?

Councilmember Kualii: How long is the list?

Mr. Borgatti: Right now, there are about twenty-three (23) trees on the list.

Councilmember Kualii: Thank you.

Council Chair Rapozo: Thank you very much. Is there anyone else wishing to testify?

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

Council Chair Rapozo: Is there further discussion? This will come up later at the Bill, and hopefully we can move it out fast.

The motion to receive C 2024-164 for the record was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. Next item, please.

C 2024-165 Communication (08/12/2024) from the Director of Finance, requesting Council approval to dispose of various records, pursuant to Hawai'i Revised Statutes (HRS) Section 46-43 and Resolution No. 2021-48 (2021), which have been kept for over seven (7) years and are no longer of use or value.

Councilmember Kualii moved to approve C 2024-165, seconded by Councilmember Carvalho.



Council Chair Rapozo: I am okay with this list, except for one (1). If you look at page 2 of the submittal, Agricultural (Ag) Dedication Files between 1971-2016. We are in the process of procuring the auditors for an audit of the Ag Dedication Program and I would ask that we hold on to these specific files, I am not sure how far back the auditor will go. I am okay with all the rest, I would just ask if the maker of the motion would amend the motion to exclude the Ag Dedication Files on page 2 of the submittal?

Councilmember Kualii moved to amend the motion to approve C 2024-165 to exclude the Real Property Assessment Division's Agricultural (Ag) Dedication Files (expired) dated 1971-2016, seconded by Councilmember DeCosta.

Councilmember Cowden: I have a question.

Council Chair Rapozo: Councilmember Cowden.

There being no objections, the rules were suspended.

ERNEST BARREIRA, Assistant Chief Procurement Officer: Good morning, Councilmembers. Ernie Barreira, Purchasing Chief.

Councilmember Cowden: Thank you, first of all, for doing an excellent job. I am very, very happy with what you have done over the years. When we discard all these, are they somehow recorded in the internet in any way or is it just a box that is going in a grinder?

Mr. Barreira: This is the last, a very small amount of files for the effort we began in 2016, when we went completely paperless. So, everything from 2016 onwards are completely electronic. These would be from the old school, the old guard that still remain in paper form. They are completely disposed via no legal or procurement interest anymore or value, so we are seeking housecleaning permission to remove them, since they no longer bear any legal weight, since these are all disposed matters.

Councilmember Cowden: Disposed means no one can pull them up in a legal case, so they cannot pull them up, so we are just throwing away paper boxes?

Mr. Barreira: Yes, these are all paper.

Councilmember Cowden: Then, they are not on the internet?

Mr. Barreira: No.

Councilmember Cowden: We are throwing away paper boxes, but we really do not need them. I just wanted to make sure because I see how much that we end up needing later, it feels like it any way.

Mr. Barreira: The standard is very rigid, which it should be to make sure that we do not dispose of anything until it is completely disposed of and is no longer of any legal or procurement-related efforts.

Councilmember Cowden: Okay, thank you. I wanted to confirm that.

Council Chair Rapozo: Are there any further questions? If not, thank you. Is there anyone in the audience wishing to testify?

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

The motion to approve as amended C 2024-165 to exclude the Real Property Assessment Division’s Agricultural (Ag) Dedication Files (expired) dated 1971-2016 was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. Next item, please.

C 2024-166 Communication (08/15/2024) from the Deputy Planning Director, requesting Council approval to apply for, receive, and expend Transit Oriented Development (TOD) Capital Improvement Project (CIP) funds, in the amount of up to \$270,000.00, and to indemnify the State Office of Planning and Sustainable Development, to be used for a Līhu‘e Town Core Housing Feasibility Study, including master planning and other planning studies, preparation of environmental review documents, and infrastructure assessment work for projects and infrastructure identified through State-County consultation, coordination, and collaboration that are aligned with shared TOD goals and objectives.

JADE K. FOUNTAIN-TANIGAWA, County Clerk: We received a memorandum dated August 14, 2024 from the Planning Department increasing the amount to up to three hundred thousand dollars (\$300,000).

Councilmember Kualī‘i moved to approve C 2024-166.

Council Chair Rapozo: Because the posting is posted at two hundred seventy thousand dollars (\$270,000), if you could state the motion to approve the amount to be three hundred thousand dollars (\$300,000).

Councilmember Kualī‘i moved to approve C 2024-166 as amended with the amount of up to three hundred thousand dollars (\$300,000), seconded by Councilmember Carvalho.

Council Chair Rapozo: Can we have the Planning Department up?

There being no objections, the rules were suspended.

JODI HIGUCHI SAYEGUSA, Deputy Planning Director: Good morning. Jodi Higuchi Sayegusa, with the Planning Department.

Council Chair Rapozo: Is this the Transportation Investment Generating Economic Recovery (TIGER) grant again?

Ms. Higuchi Sayegusa: No.

Council Chair Rapozo: This is not? Okay. I have a question, because as I am reading your submission, it says the deadline was on August 23, 2024.

Ms. Higuchi Sayegusa: Yes.

Council Chair Rapozo: Did we get an extension?

Ms. Higuchi Sayegusa: My plan was to retract it if the approval was not sought. It was a short fuse. There was an opportunity. We were not going to put in for this grant request, but because the timing worked out where we had a draft final report of the Līhu‘e Civic Center feasibility study that was previously done. One of the recommendations was to take a look at the town core, if it was not as feasible to redevelop the Civic Center site, to look further down in the town core, and then also nearby commercial areas like Kukui Grove or the area between Wilcox Hospital and Walmart. Therefore, in this general vicinity, look at other sites and apply the similar analysis that were already done under the Līhu‘e Civic Center Redevelopment Plan and apply those that to these other new study areas. It was sort of the “Hail Mary” to try to preserve the opportunity, and then if the approval is not sought, we will retract it.

Council Chair Rapozo: Did you already apply before coming to the Council?

Ms. Higuchi Sayegusa: I submitted the application. Yes, to preserve the opportunity.

Council Chair Rapozo: I understand the reason, but is that normal?

Ms. Higuchi Sayegusa: That is not normal.

Council Chair Rapozo: Because I do not think that it is even allowable. I do not know how anyone can apply for a grant without coming to the Council first. I mean, this has come up several times in the past, in prior years, and I do not understand. It is a big issue for me because June was when the request for proposals (RFPs) came out and this is saying that in June, you folks...let me know if you participated in this, “preapplication, account information meetings,” did the County participate in that?

Ms. Higuchi Sayegusa: We participated in all the meetings, but at the time we did not mention that we were filing for a proposal at that point.

Council Chair Rapozo: My ask is that if you folks even have a thought to apply, that you come here first.

Ms. Higuchi Sayegusa: Yes.

Council Chair Rapozo: I think that is just the way it supposed to be. It frustrates me when these things happen. I am not sure who makes the decisions on these things, but how I feel a lot of times as the Council Chair is that sometimes we get overlooked—like we are just there. I get frustrated about that, because this entire system is set up with two (2) branches that have to communicate. This is asking for an

approval after-the-fact. It puts us in a spot because if we say no and you retract, your credibility with that funding agency is squat, and I do not like being put in that situation, so take that back to whoever needs to hear it. I am sure they are listening. It is a matter of respect. The process is you come to the Council, get approval for the application...we appreciate the grants, we do, but I think we deserve a little more respect when it comes to these types of things.

Ms. Higuchi Sayegusa: I apologize. Honestly, it was just the timing of it.

Council Chair Rapozo: I guess the message is if you do not come here, you cannot apply. It is not that you will apply anyway, and just go to the Council later. That is not the proper practice, that is what I am trying to say. In other words, if you had no intention and you missed the boat, then you missed the boat, and it is not the Council's fault. It is the Administration's fault because you did not do it in a timely fashion. That is kind of how this thing must work. I am not going to vote "No," because I think this is a good project, but all I am asking for is the respect that we deserve. June 27, you already had a preapplication meeting, there had to have been some idea or thought that maybe we are going to apply for this grant, and that should have come to us, with the understanding that, "Hey, Council, we may not apply for this grant, but if we do, we want your permission/approval." That is not too much to ask, I do not think. Councilmember Cowden.

Councilmember Cowden: I want to thank you folks for being creative and looking for these things, but I do support what he is saying. Council Chair Rapozo taught me to learn to look for, "apply for, receive, and expend," that says that the Council is approving whatever you want to do before we even have any idea what it might be. I want to give the example of some of the TIGER grant one-way elements, it is not lost on me, I am probably the only one who parks in the Council parking space, but I still go against the grain, I park at the very first one, but I go against that arrow and because of the difficulty in all the one-ways, people park in a different lot, so we have a bunch of parking spaces. I would like to see some of these one-ways be reevaluated, so they actually make sense. If emergency vehicles actually had to do the little circles just to come in and park...I watch people all the time go through the wrong parking lot. Everyone is going around the craziness that one road did, so I worry when I see, "apply for, receive, and expend," and someone sits in an office and draws it all up without any type of public hearing on the design, because I tell you right now how our Council building is set up, the design that is in there does not work well. It can easily take some paint to fix it. Thank you for the work and thank you for trying. I do not like that we are never given the respect of any type of input in how these things are done, so having all three (3) together there, is problematic to me.

Council Chair Rapozo: This plan will obviously have community input, right?

Ms. Higuchi Sayegusa: Yes. Like we did so with the Lihū'e Civic Center.

Council Chair Rapozo: Yes. You do a great job within our community and getting their input.

Councilmember Cowden: But the Council does not have input, right? It is already done by the time...we are already said, "Yes."

Ms. Higuchi Sayegusa: Councilmember Bulosan attended our meetings.

Council Chair Rapozo: I would suggest if you folks have any input, to reach out to the Planning Department. Are there further questions regarding this grant? Councilmember Kagawa.

Councilmember Kagawa: This grant would help us accomplish what? I see a couple other studies mentioned. What would these moneys help to fund and what would be the end result?

Ms. Higuchi Sayegusa: The gain is just to study the feasibility of the type of building, prototype in certain areas, example areas, what could be possible and feasible as far as building affordable or workforce housing in those areas. What the previous study did, the Lihu'e Civic Center, was develop...within the study, there was a market potential analysis done, in addition to taking a look at, specifically the Civic Center and looking at certain spatial areas within the Civic Center to see building prototypes that are most ideal getting more density, but also be affordable or in the workforce housing category, and develop a financial analysis to make sure it is targeted for that amount. That was done for the Civic Center and that is near completion. The timing of it worked out where we got the recommendations, we got the draft final report, just a couple weeks ago. Now, we are looking at a Phase II which is to apply the same analyses that were already done and apply them further down Rice Street and Kūhiō Highway within the Lihu'e Town Core to see if there is any potential for redevelopment for these areas for the purposes of building affordable or workforce housing within these areas and then also looking at places like the commercial areas nearby, like Kukui Grove, for instance.

Councilmember Kagawa: Okay. So, just basically the entire Lihu'e core area and looking at how we can possibly add more workforce housing in different scenarios.

Ms. Higuchi Sayegusa: Yes, and the hope is to use this and really nail down what could be possible and perhaps that could help foster the infill development.

Councilmember Kagawa: Great! Thank you.

Council Chair Rapozo: Councilmember DeCosta.

Councilmember DeCosta: I had the pleasure to work with you over the last two (2) terms, and we are lucky to have you.

Councilmember Cowden: Yes.

Councilmember DeCosta: You took a little heat, Chair had a concern, but we are lucky to have you. I do not want you to feel when you come up here, you have to take the brunt of this. Thank you for being who you are. When we talk about workforce

housing, I am a little bit...for the community to understand, I am a little bit worried. I saw the Governor talk about transitional homeless housing, and when you talk about workforce, are you talking about middle-class workforce people, are we talking about the sixty percent (60%) to eighty percent (80%) area median income (AMI) that already have Habitat for Humanity? When do we concentrate on our middle-class people, such as the bartenders, the school teachers, the Hawai'i Government Employees Association (HGEA) workers that come here and trim trees, they do not qualify for those AMI housing. Are we targeting our middle-class with the term "workforce"?

Ms. Higuchi Sayegusa: Yes, precisely. A lot of effort, of course Adam at the Housing Agency really focuses on the sixty percent (60%) to eighty percent (80%) and under, but this study really targeted the eighty percent (80%) to the one hundred twenty percent (120%), which is that middle-class.

Councilmember DeCosta: I know we passed a bill to increase the density and go upward here within the Līhu'e corridor, correct?

Ms. Higuchi Sayegusa: Yes.

Councilmember DeCosta: So, that means those properties that now we are going to go three (3) stories high, and I believe the property down here, I think it is Frank's property, those are all going to come into this Līhu'e corridor, it hopes to create a city that has middle-class workers living here and traversing to work, correct?

Ms. Higuchi Sayegusa: Correct.

Councilmember DeCosta: Thank you for that.

Council Chair Rapozo: Councilmember Carvalho.

Councilmember Carvalho: Did we have to redo the process? I wanted to clarify that...to get to where we want to get?

Ms. Higuchi Sayegusa: Right...the groundwork and the studies have already been done, for the Līhu'e Civic Center.

Councilmember Carvalho: Yes.

Ms. Higuchi Sayegusa: It is a natural extension to look further down and again the funding opportunity was still open, and this is the pocket of moneys that could enable us to do Phase II, but I apologize for the timing of it. I will not do that again.

Council Chair Rapozo: Councilmember Kualii.

Councilmember Kualii: Is there a County match?

Ms. Higuchi Sayegusa: No.

Council Chair Rapozo: Are there further questions? If not, thank you. Is there anyone in the audience wishing to testify? Councilmember Kagawa.

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

Councilmember Kagawa: I want to make it clear, Councilmember Cowden talked about being the only councilmember that parks in that stall. The Council's stalls are not being used because of this monkeypod tree. The tree makes so much rubbish and it is the most annoying tree I have ever seen in my life. It makes so much chicken holes, people trip in there, we should get rid of that tree. I said it now during this discussion. Thank you.

Council Chair Rapozo: Councilmember DeCosta.

Councilmember DeCosta: I wanted to thank Jodi for having an in-depth discussion on letting our community know that our County has a vision for workforce middle-class housing, because when you look at the Building Division and check how many permits are going through now, almost zero (0). We might be the lowest in the State for having permits ready to go. We do not have inventory, nothing moving, but yet we have the highest construction cost. Thank you for educating the public on where our vision is, especially in the Līhu'e Town Core.

Council Chair Rapozo: Let me just say, I apologize for getting upset, but it is never personal. People have to understand that we have a job to do as the County Council. If you think this is personal against Jodi or anyone, ask former Mayor Carvalho. This discussion is not new. This is how it is supposed to work, and this is why I get frustrated. Councilmember Cowden had a lot of good questions, Councilmember DeCosta had a lot of good questions, and we are in a position today that we have to approve this, or we lose it. Right? Had it been done properly, it comes to the County Council, we send it to the Committee, we can have an amazing discussion with the community about what they want to put out in this plan, but we did not have that opportunity today. We do not. The community does not have the opportunity. It is not about Mel Rapozo...I am mad and upset. No, I am upset because there is a process in place for a reason. The reason is for community engagement and input. This used to be a problem frequently. Heaven knows how many others there are. I am just saying to follow the process, because the process works. When we do not follow the process, then it does not work. Yes, I am upset. I am upset more so because I think that...and I have said it so many times, and it is not just on this issue, I think we are looked at as just a body that is there when we need them, and it should not be that way. We are a team, a partnership, and that is how this needs to work. It is written as to how you do it and what you follow. The fact, "we will just apply and if the Council says 'no,' we will retract," is a horrible practice to follow. We want to be part of the solution. We want the community to be engaged and part of it. I know a couple councilmembers made reference to...it is not about Jodi. It is not about Jodi or any one (1) person. It is about the process. I sound like former Council Chair Bill "Kaipo" Asing. Now I understand what he used to say back then about being "the process." We have the process in place, let us just follow the process.

The motion to approve C 2024-166 as amended with the amount of up to three hundred thousand dollars (\$300,000) was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. Next item, please.

LEGAL DOCUMENTS:

C 2024-167 Communication (08/13/2024) from the Housing Director, recommending Council approval of a Grant of Easement made by and between the County of Kaua'i and Kaua'i Island Utility Cooperative of Tax Map Key (TMKs) Nos. (4) 2-1-013:045 and (4) 2-1-013:002, 'Ele'ele, Kaua'i, Hawai'i, for the Lima Ola Family and Senior Housing Projects in Phase I of the Lima Ola Subdivision, along with the related indemnification provision contained therein, to locate, install, build, construct, use, operate, repair, maintain, and replace poles, wire lines, conduits, appliances, equipment, and facilities within the easement area.

- Grant of Easement
- Grant of Easement

Councilmember Kualii moved to approve C 2024-167, seconded by Councilmember DeCosta.

Council Chair Rapozo: Is there any discussion or public testimony? Are there any questions of the Administration?

There being no public testimony, the meeting proceeded as follows:

The motion to approve C 2024-167 was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. Next item, please.

C 2024-168 Communication (08/15/2024) from the Director of Finance, recommending Council approval of a Quitclaim Deed involving Tax Map Keys (TMKs) Nos. (4) 3-3-04:20 (por.) and (4) 3-3-03:Road (por.), a Grant of Non-Exclusive Easement involving TMK No. (4) 3-3-04:20 (por.), and a Grant of Non-Exclusive Easement involving TMK No. (4) 3-3-03:43 (por.), granting the State Department of Transportation's (DOT) Kaumuali'i Highway Widening Project from Lihu'e to West of Maluhia Road, identified as Federal Aid Project No. STP-050-1 (26), helping improve traffic flow and safety for the island's westside commuters.

- Quitclaim Deed
- Grant of Non-Exclusive Easement
- Grant of Non-Exclusive Easement

Councilmember Kualii moved to approve C 2024-168, seconded by Councilmember Carvalho.

Council Chair Rapozo: Is there any discussion or public testimony? It sounds really cool that they are going to be working on widening that will benefit the traffic on the westside, but can we send something over to the State. I am curious to



know how this is going to help. I think this is a State question and not a County question.

Councilmember Cowden: I looked at the maps. They are widening the highway and that is somehow, that is our land, or there are just a few places at the intersection is our land.

Council Chair Rapozo: I saw the map, but it is not very clear.

Councilmember Cowden: I did not quite get...so, if this is a State highway, so it would seem that the easements are either side are State?

Council Chair Rapozo: It would be County. We are granting...it appears that...can we just have the Planning Department up? I mean, the Finance Department. I am assuming it is a County parcel that we have to grant the easement over to the State.

There being no objections, the rules were suspended.

MICHELLE L. LIZAMA, Director of Finance: Good morning. Michelle Lizama, Department of Finance. That is correct, there are two (2) County properties.

Councilmember Cowden: Are those County properties right at the intersections?

Ms. Lizama: It is right across...Kaua'i Community College (KCC), right across the road, that small strip of property that is vacant...

Councilmember Cowden: Is that where we want to put housing for teachers?

Councilmember DeCosta: That is a different property.

Councilmember Cowden: That is a different property?

Ms. Lizama: There are two (2) properties, where the Young Men's Christian Association (YMCA) is located, that strip...

Councilmember Cowden: Okay, the strip of land on the south side of the road or we do not know?

Ms. Lizama: Yes.

Councilmember Cowden: It is on the south side of the road.

Ms. Lizama: Both south...same side of the road.

Councilmember Cowden: Okay, we just want to make it a little wider. Boy, is traffic backed up there. It is a parking lot, practically. So, we are making it wider, is that...

Council Chair Rapozo: That is what it says.

Councilmember Cowden: Are we going to have another lane?

Council Chair Rapozo: That is why I am asking we ask the State what they plan to do with it.

Mr. Lizama: I agree with you asking the State.

Councilmember Cowden: Okay. There are detailed maps, but...

Council Chair Rapozo: I could not tell from the map, so we will ask the state on what they plan to do. Thank you.

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

Council Chair Rapozo: Councilmember Kagawa.

Councilmember Kagawa: It looks like...you do not have to be an engineer. If they are asking to widen those areas, they are certainly going to do some planning for future...to alleviate traffic at those intersections and to help alleviate traffic in the Puhi area, that gets congested from time-to-time, but the main problem is for the Westside traffic is the Kalāheo traffic light. There are no efforts being spent there. Maluhia's merge is the other traffic point. Those areas are the ones that causes grief and headache. For the State, again, just putting all the eggs in the basket, in the Puhi/Lihu'e area is not solving the Westside traffic problem.

Councilmember Cowden: I see Mr. Moule just walked in. Does he know about this? No.

Councilmember Kagawa: It is not Mr. Moule's question. It is the State.

Council Chair Rapozo: It is a state highway. Is there any further discussion?

The motion to approve C 2024-168 was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. Next item, please.

C 2024-169 Communication (08/15/2024) from the Planning Director, requesting Council acceptance and approval of a Dedication Deed, from the Association of Apartment Owners (AOAO) of Kūlana, dedicating Roadway Lot 22-A, Tax Map Key (TMK) No. (4) 4-3-003-027 (por.), of the Hauiki Road Subdivision for roadway purposes.

- Dedication Deed

Councilmember Kualii moved to approve C 2024-169, seconded by Councilmember Carvalho.

Council Chair Rapozo: Kūlana has evolved. Has it been a decade already, Councilmember Carvalho?

Councilmember Carvalho: Yes, a decade.

Councilmember Cowden: More than that.

Councilmember Carvalho: Yes.

Council Chair Rapozo: I would like to have a briefing.

Councilmember Carvalho: Yes.

Council Chair Rapozo: An update on Kūlana in a Committee Meeting, where the Administration can take as much time as they need to put together a presentation, because I do not know what has happened. I get a lot of questions about Kūlana and I honestly cannot answer, because there have just been so many developments over the years, so if it is okay with this Council, I would ask that...is this time-sensitive? Jodi is acknowledging no. We can actually do a few things, we can receive this and then bring it back, we can defer this pending a briefing from the Administration...I think that would be appropriate for this item and the next item. Councilmember Kagawa.

Councilmember Kagawa: My suggestion is that the update be in the Planning Committee.

Council Chair Rapozo: Yes, it would go to the Planning Committee.

Councilmember Kagawa: Maybe the update can be on the legal status to the lots because there were questions on whether they even owned it, questions on fraud, etcetera.

Council Chair Rapozo: My point is that it has evolved to a point where I think it is actually moving, obviously we are seeing dedications on the road, but if we could set up a very general broad posting, so we can discuss everything about Kūlana and then just defer these two (2) legal documents until after the briefing.

Councilmember Kagawa: Yes, because it has been like twenty plus (20+) years since the legal problem and for those who invested, their properties have been stuck at the hands of government who was not able to figure the entire thing out. It is a travesty that potential housing inventory that we need is being held up because of the legal problems.

Council Chair Rapozo: Councilmember Carvalho.

Councilmember Carvalho: We had numerous discussions on this issue.

- Council Chair Rapozo: Yes.
- Councilmember Carvalho: You know how long.
- Council Chair Rapozo: I know.
- Councilmember Carvalho: I think it is good that we can defer and have an update at the Planning Committee.
- Council Chair Rapozo: Councilmember Cowden.
- Councilmember Cowden: I know quite a bit about...at least the fraudulent history on the property at one point, but I drove...I printed the maps out, I went and looked at those roads and so what this...just so I am clear, this is just for the County to take over the roads?
- Council Chair Rapozo: Correct.
- Councilmember Cowden: So, for them to dedicate it, and just for ahead of time, I will have questions about fire flow protection, etcetera, because it seems like the hydrants have been in there for a long time. I am not sure if the water is in the hydrants. If you use the hydrants, will they work? My questions are related to that.
- Council Chair Rapozo: That would be the opportunity.
- Councilmember Carvalho: Yes.
- Councilmember Kualii: I can make the motion, but what would be the date of the Committee Meeting, because September 18, 2024...is that Hawai'i State Association of Counties (HSAC)?
- Councilmember Cowden: Yes.
- Councilmember Kualii: If we just did a clear deferral, it would be next week and I think...
- Council Chair Rapozo: I am not asking for a deferral.
- Councilmember Kualii: To the Planning Committee?
- Council Chair Rapozo: No. I am going to be asking that we defer these two (2) items relating to Kūlana, pending a briefing, so we will not set a date on the deferral, but we will set a date for the update briefing.
- Councilmember Carvalho: Okay, good.
- Council Chair Rapozo: Because this is specific and I want to have a general discussion.
- Councilmember Kagawa: Yes, thank you.

Councilmember DeCosta: I like that idea.

Council Chair Rapozo: I think this is part of many more to come and rather than every time we get a legal document, or an easement and we are asking more questions, let us just get the briefing out, spend the time to understand exactly what...would a month be okay, Planning Department, to prepare?

Councilmember Kualii: The 18<sup>th</sup> or the 25<sup>th</sup>.

Councilmember Kagawa: We cannot wait too long, because it will be the General Election.

Council Chair Rapozo: It would be September 4<sup>th</sup>. Okay.

Councilmember Kualii: Moved to defer to...

Council Chair Rapozo: No. We will defer pending the briefing.

Councilmember Kualii moved to defer C 2024-169 pending a briefing on Kūlana from the Administration in the Planning Committee, seconded by Councilmember Carvalho, and unanimously carried.

Council Chair Rapozo: Motion carried. Next item, please.

C 2024-170 Communication (08/15/2024) from the Planning Director, requesting Council acceptance and approval of Dedication Deeds, from the Association of Apartment Owners (AOAO) of Kūlana, to convey three (3) roadway lots, located at Tax Map Keys (TMKs) Nos. (4) 4-3-011-001 (por.) (Lot 21), (4) 4-3-011-001 (por.) (Lot 22), and (4) 4-3-011-001 (por.) (Lot 23), of the Hauiki Road Subdivision for roadway purposes.

- Dedication Deed (Lot 21)
- Dedication Deed (Lot 22)
- Dedication Deed (Lot 23)

Councilmember Kualii moved to defer C 2024-170 pending a briefing on Kūlana from the Administration in the Planning Committee, seconded by Councilmember Carvalho, and unanimously carried.

Council Chair Rapozo: Motion carried. Next item, please.

#### CLAIMS:

C 2024-171 Communication (08/06/2024) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Matthew J. Lowry, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2024-172 Communication (08/08/2024) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Alamo, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2024-173 Communication (08/12/2024) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Sheralyn Hernandez, for vehicle damage, pursuant to Section 23.06, Charter of the County of Kaua'i.

Councilmember Kualii moved to refer C 2024-171, C 2024-172, and C 2024-173 to the Office of the County Attorney for disposition and/o report back to the Council, seconded by Councilmember DeCosta.

Council Chair Rapozo: Is there any discussion or public testimony?  
Seeing none.

There being no one present to provide testimony, the meeting proceeded as follows:

The motion to refer C 2024-171, C 2024-172, and C 2024-173 to the Office of the County Attorney for disposition and/or report back to the Council was then put, and unanimously carried.

Council Chair Rapozo: The motion is carried. Next item, please.

#### COMMITTEE REPORT:

#### COMMITTEE OF THE WHOLE:

A report (No. CR-COW 2024-19) submitted by the Committee of the Whole, recommending that the following be received for the record:

“COW 2024-08 – Communication (06/06/2024) from Councilmember Bulosan, requesting the presence of Amy Miller, President and Chief Executive Officer of the Hawai'i Foodbank, to provide a briefing pertaining to the Hawai'i Foodbank's recent report entitled, *The State of Food Insecurity in Hawai'i*,”

Councilmember Kualii moved for approval of the report, seconded by Councilmember Carvalho.

Council Chair Rapozo: Is there any discussion or public testimony?  
Seeing none.

There being no public testimony, the meeting proceeded as follows:

The motion for approval of the report was then put, and unanimously carried.

Council Chair Rapozo: The motion is carried. Next item, please.

#### BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2931) – A BILL FOR AN ORDINANCE TO ESTABLISH THE STATE HIGHWAY ENFORCEMENT PROGRAM SURCHARGE FUND FOR THE COUNTY OF KAUA'I

Councilmember Kualii moved for passage of Proposed Draft Bill (No. 2931) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for September 25, 2024, and that it thereafter be referred to the Committee of the Whole, seconded by Councilmember Carvalho.

Council Chair Rapozo: Mr. Hart.

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

BRUCE HART: For the record, Bruce Hart. This is related to what KPD just spoke about?

Council Chair Rapozo: Correct.

Mr. Hart: In the past, I reported abandoned vehicles. KPD has advised me that they cannot tow it away because there is no way, considering the wording of the law, that they can determine that it is truly abandoned. In this case, they say that in the past, they have had abandoned vehicles reported and they towed them away and it was not abandoned. The vehicles were on public property, but in fact the owner had parked it there, it was registered currently, and had the safety check tags. I would ask that perhaps as this is flowing through the process, that we take a look at the wording, because one officer pointed out to me that the problem for KPD is the wording of the actual law. Try to tighten it up, so that there is a way to determine that the vehicle is operable, in my case, the vehicle is not, it does not run, and whatever else can be done so KPD can be assured that they do not tow away a vehicle and they end up in some sort of trouble because the vehicle was not really abandoned. This is all on public property, of course, like KPD said, private property is not something that they can deal with. Thank you.

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

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

Council Chair Rapozo: Is there any discussion? I want to clarify that the use of these funds are specifically to be used for parking and not abandoned vehicles. Abandoned vehicles are a totally different section. A good place this would work is at the McDonald's in Lihu'e, where people are on the highway waiting to turn right. There is a sign that says...if I was a police officer today, I would be waiting with my ticket book, and give everyone a ticket. That is what this parking, illegal stopping, standing, and parking is about. Abandoned is a whole other animal. I agree, we need that addressed, but for this one here, it is for parking violation. This came about because of the Kē'e Beach. When they did the Kē'e Beach program, they needed a mechanism that would generate funds that we could fund that program and it is a great program. I just wanted to clarify that. Is there any further discussion?

The motion for passage of Proposed Draft Bill (No. 2931) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for September 24, 2024, and that it thereafter be referred to the Committee of the Whole was then put, and carried by the following vote:

FOR PASSAGE:	Bulosan, Carvalho, Cowden, DeCosta, Kagawa, Kualii, Rapozo	TOTAL – 7,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Seven (7) ayes.

Council Chair Rapozo: Next item, please.

Proposed Draft Bill (No. 2932) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 22 OF THE KAUA'I COUNTY CODE 1987 BY AMENDING SECTION 22-5.4 TO ADD TO THE LIST OF EXCEPTIONAL TREES (*In the center of the Sun Village Complex TMK: 3-7-001:017*)

Councilmember Kualii moved for passage of Proposed Draft Bill (No. 2932) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for September 25, 2024, and that it thereafter be referred to the Planning Committee, seconded by Councilmember Carvalho.

Council Chair Rapozo: Is there anyone in the audience wishing to testify?

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

PAUL PALMER: Thank you for this opportunity. My name is Paul Palmer. I am a resident of Sun Village, and we have been there for about seven (7) years. We do have a certified arborist to take care of our tree. We do have other trees, but this is at the center of our property. It is the turnaround. It is the only tree that we have in that area. I am from Kansas, so we do not have trees like this, but it is just adored by everyone at the place. We really appreciate the time that you have taken to go through this. We try to do our best to appreciate the value of this single tree. I know they are abundant on the island, but as I mentioned, this is the only tree that we have on the six-acre property, and it is in the center. Thank you for your time.

Council Chair Rapozo: Thank you very much. I am quite familiar with that tree actually. My father-in-law lived over there.

Mr. Palmer: Yes, it is a wonderful tree, and it is in bloom right now.

Council Chair Rapozo: Do you want another one? Do you want this one? Is there anyone else wishing to testify?

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

Council Chair Rapozo: Is there any discussion?



Councilmember Kagawa: I will be voting for it, out of respect for the residents, but let me tell you this, a monkeypod tree next to a parking lot does not work for the people who need to take care of it. Especially when you have feral chickens, abundant like here, it creates a lot of chicken holes, which is very dangerous for people's ankles, especially as they get more elderly, like myself. As I am aging, I tend to get sprained ankles easier, and it is hard to heal when you get older. Sometimes we do not see as well as we used to. There is a time and place for a huge monkeypod tree like this one outside. I do not know how huge the one at Sun Village, is, but in a big park where you need shade, but in a parking lot, I would say that a monkeypod tree, as they get big like this, probably sixty (60) to seventy (70) years old tends to outgrow its use, because it is just so huge. Take a look outside, you will see no cars parked under any of the trees and branches, because it is so much trouble to clean all the rubbish from your car, and you have to clean all the bird residue later. In a parking lot area, and I do not know if the one at Sun Village is in a parking lot, you have to ask the maintenance folks, as far as if this tree is exceptional or exceptionally problematic.

Council Chair Rapozo: I agree with Councilmember Kagawa one hundred percent (100%). This tree here, I would agree how Councilmember Kagawa described it. I park on the other side of the parking lot because of that tree. It is not just the rubbish, but the...like what you called it, "bird residue." Is there any further discussion?

Councilmember Kualii: I just wanted to say a quick *mahalo nui loa* to Paul Palmer and the residents of Sun Village who worked on this and who love and care for that tree. It becomes our twenty-fourth (24<sup>th</sup>) tree on the exceptional trees list and I hope we have these trees all across the island and that maybe more come to our list.

Council Chair Rapozo: Councilmember DeCosta.

Councilmember DeCosta: Tree—Supporting People—I dealt with you folks when I went to my university in 1985 through 1990, Humboldt State University, we had a very close friend of mine, she climbed a tree because the law was that they were going to cut down one (1) of the oldest redwoods. I know exactly how much you love trees, and I support being in love with trees. I really wish I never had to clean the front of my truck when my windshield wiper puts all the yellow flowers in, but we are going to support you folks, because I know how much you love your trees, almost as much as our cat lovers love their cats that they feed. Sort of the same theme right now. We will support you in Sun Village.

Council Chair Rapozo: Councilmember Bulosan.

Councilmember Bulosan: I want to echo what Councilmember Kualii shared. I understand the efforts that you folks are putting forth to really recognize the impact this tree has on your lives; I think that is really what the purpose of you folks putting that in the exceptional tree area. We have one tree at our house that we adore that reminds us of our grandmother who passed away six (6) years ago, and I can imagine there is a ton of memories shared and thoughts and connection that one tree shares for a lot of residents and family. That recognition will be echoed for that

tree and for the families there, so I can totally understand the effort that you folks are putting in. I just wanted to recognize that effort to continue that towards the future.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: I will certainly be voting to support your organization and community's efforts to honor the tree. I do not think of myself as a tree hugger but when I listen to this, I guess I am, because I realize that the monkeypod trees are nitrogen fixers and they help to keep all the strength in the soil and the trees are a lot more than ornaments or impositions, that is how we keep our water in the soil, everything, it is a big role they play. Street trees play a big role in keeping the community cool, so maybe you have to have the appropriate tree that does not drop things. I guess I never even noticed to be bothered by that tree, because it has never bothered me. Thank you and I support the effort that you put in there. I was also very involved, and a core member of Regenerations Botanical Garden and we deeply grasp the value of maintaining trees and how you keep all your soil healthy.

Councilmember Kualii: There is absolutely science behind the value of trees and in so many different ways and that trees are a living thing, and it is a living thing that helps us live. We absolutely need them. I never hugged a tree, but I wish I was a tree hugger, because I think there is value in that as well.

Council Chair Rapozo: You can go out and hug that tree.

Councilmember Cowden: I will.

Council Chair Rapozo: I have hugged numerous trees and mango trees, you know, like when you climb and then all of a sudden you realize you are going to fall, you hug tight.

Councilmember Kagawa: I really do not think you need to identify yourself as a tree hugger to say you care about the island more than another person. I am not a tree hugger, but I care about the environment, about the island, I just think that when it comes to Albizia, monkeypod trees, there are a lot better trees that we could replace rather than have invasive, irritating trees going in areas where they do not belong. Thank you.

Council Chair Rapozo: I would think that when this comes up for the final vote, we should probably not have any discussion because we had it all today.

Councilmember Kualii: Yes.

Council Chair Rapozo: Thank you. You really had me when it was mentioned you retained an arborist. Part of Councilmember Kagawa's concerns can be addressed by the arborist and the community that maintains the tree. You folks have done that, so who am I to say no to a community that wants it. Keep it to this topic, because that tree...

Councilmember DeCosta: It is a tree topic.

Council Chair Rapozo: At Sun Village.

Councilmember DeCosta: Yes. It is an answer to everyone. I believe the Japanese culture already solved this problem with the bonsai, just get a little tree...

Council Chair Rapozo: That is not at Sun Village, Councilmember DeCosta. Okay, we are done. Roll call, please.

The motion for passage of Proposed Draft Bill (No. 2932) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for September 24, 2024, and that it thereafter be referred to the Planning Committee was then put, and carried by the following vote:

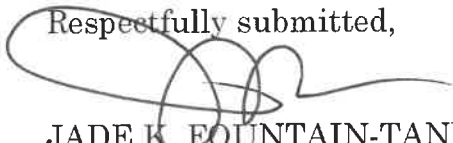
FOR PASSAGE:	Bulosan, Carvalho, Cowden, DeCosta, Kagawa, Kualii, Rapozo	TOTAL – 7,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Seven (7) ayes.

Council Chair Rapozo: Thank you so much. With that, this meeting is adjourned.

ADJOURNMENT.

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

Respectfully submitted,  


JADE K. FOUNTAIN-TANIGAWA  
County Clerk

:dmc

# DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

Attachment





DEREK S.K. KAWAKAMI, MAYOR  
REIKO MATSUYAMA, MANAGING DIRECTOR  
24 AUG 26 12:04

THE COUNTY CLERK  
COUNTY OF KAUAI

## MEMORANDUM

**TO:** Honorable Mel Rapozo, Council Chair

**FROM:** Jodi Higuchi Sayegusa, Planning Department Deputy Director   
Jodi Higuchi Sayegusa [Aug 26, 2024 11:39 HS]

**VIA:** Reiko Matsuyama, Managing Director 

**DATE:** August 14, 2024

**SUBJECT:** REQUEST TO APPLY FOR, RECEIVE, AND EXPEND TOD CIP PLANNING FUNDS AS AN EXTENSION OF THE LĪHU'É CIVIC CENTER REDEVELOPMENT FEASIBILITY PLAN PROJECT

The Planning Department requests your approval to apply for, and if successfully selected, receive and expend funding from the Transit Oriented Development (TOD) Capital Improvement Program (CIP) Planning Funds in an amount of up to \$300,000 for a Līhu'ē Town Core Housing Feasibility Study, which will encompass a phase two to the current Līhu'ē Civic Center Redevelopment Feasibility Study that is near completion. The grant opportunity is for pre-planning, master planning, other planning studies, and infrastructure assessment for TOD projects and TOD infrastructure identified through State-County consultation, coordination, and collaboration aligned with shared TOD goals and objectives. Also, we seek approval to indemnify the State of Hawai'i as required by State of Hawai'i General Conditions (AG-008 103D) for administering the subject program.

As the Līhu'ē Civic Center Redevelopment Feasibility Study neared completion, the Study recommended a possible phase two to the project. With the application deadline two weeks away, we decided to vie for funds for this "Phase II" of the Project. In addition, late last week, we broadened the scope to analyze the feasibility of affordable and workforce housing development at ideal sites within commercial areas near to the Līhu'ē Town Core including Kukui Grove and areas by Walmart, in addition to analyzing sites within the Town Core itself. Thus, the request was broadened from \$270,000 to \$300,000 to include the commercial areas as an additional scope for the study.