

DRAFT

Minutes of a Regular Meeting
of the Members of the
Hawaii Community Development Authority,
State of Hawaii

MEETING NO. 381
Wednesday, January 9, 2013

**AUTHORITY BUSINESS
(KAKAAKO, KALAELOA AND HEEIA)**

I. CALL TO ORDER/ROLL CALL

A regular meeting of the Members of the Hawaii Community Development Authority ("Authority"), a body corporate and public instrumentality of the State of Hawaii, was called to order by Mr. Brian Lee, Chairperson of the Authority, at 10:28 a.m. on Wednesday, January 9, 2013, at the Authority's principal executive offices at 461 Cooke Street, Honolulu, Hawaii 96813, pursuant to Article IV, Section 1 of the Authority's Bylaws.

Members Present: Linda Chinn (DHHL)
Randy Grune (DOT)
Miles Kamimura (for Kakaako)
Miles Kamimura (for Kalaeloa)
Kamaki Kanahele
Brian Lee
Amy Luersen
Lois Mitsunaga
Luis Salaveria (DBF)

Members Absent: Grady Chun
Richard Lim (DBEDT)
Dean Seki (DAGS)

Others Present: Anthony Ching, Executive Director
Lori Tanigawa, Deputy Attorney General
Loretta Ho, Asset Management Specialist
Patricia Yoshino, Secretary
Holly Hackett, Court Reporter

MATERIALS DISTRIBUTED:

1. Summary Minutes of Authority Business Meeting of November 7, 2012;
2. Action: Review of Legislative Proposals (a) Complete Streets Legislation and Testimony, (b) Public Hearing Notification and Testimony, (c) 2013 Capital Improvement project Requests, (d) Legislative Testimony Procedures (distributed at the meeting).

II. APPROVAL OF MINUTES

1. Regular Meeting of November 7, 2012

Chairperson Lee asked whether there were any corrections to the minutes of the November 7, 2012 meeting. There were no comments or corrections from the Members, and the minutes were approved as presented.

III. REPORT OF THE EXECUTIVE DIRECTOR

Executive Director Anthony Ching provided his report via a PowerPoint presentation (see Exhibit A).

There were no questions from Members or comments from the public on this agenda item.

IV. AUTHORITY BUSINESS

A. Information: Presentation on Complete Streets

Mr. Ching provided his report via a PowerPoint presentation (see Exhibit B).

Member Luersen stated that, as a planner, she strongly supported Complete Streets and the economic development benefits of having pedestrians and bikeways. It was good for our health and our kupuna. The concepts behind it make a lot of sense for the type of community we are trying to develop in Kakaako for health and economic reasons.

There were no comments from the public on Mr. Ching's report.

2. Action: Review of Legislative Proposals

(a) Complete Streets Legislation

Mr. Ching explained that the Complete Streets legislation is designated as GOV-813 and is part of the Governor's administrative package. It would establish a mandate for the Hawaii Community Development Authority ("HCDA") within all of its community development districts, not just Kakaako, to develop Complete Streets design standards along with infrastructure master plans and development plans. The testimony will be coordinated with the Department of Business, Economic Development & Tourism ("DBEDT"), as required by directive and the Governor's office.

Complete Streets provides for the affected county to provide positions regarding impacts to roadways owned by the county prior to HCDA adoption. It would ensure there is coordination and clarity that the development of Complete Streets design standards as described in the proposal will be consistent with best management practices to address any potential questions of liability. Whereas the county would typically address sidewalk types of improvements, the language in the proposal provides clarity that the design standards that the HCDA would adopt

would govern. It would provide a mechanism for the county to make known its position prior to HCDA adopting a particular design standard for a particular roadway segment.

There were no questions from Members or comments from the public on the agenda item.

Chairperson Lee entertained a motion for the Authority to adopt the draft legislative testimony and legislative protocol submitted by staff as its own.

A motion was made by Member Kanahele and seconded by Member Salaveria.

A roll call vote was conducted.

Ayes: Members Chinn, Grune, Kamimura (for Kakaako), Kamimura (for Kalaeloa), Kanahele, Lee, Luersen, Mitsunaga and Salaveria.

Nays: None.

The motion passed 9 to 0 with 7 excused (Members Chun (for Kakaako and Kalaeloa), Lim, Seki, and 3 members not yet appointed).

(b) Public Hearing Notification

Mr. Ching explained that the proposal was part of BED05-13, an administrative proposal of DBEDT. The public hearing proposal seeks to clarify notice requirements by the HCDA. It clarifies that when the HCDA conducts rulemaking hearings, notice would be published statewide. When there is a hearing on development permit activities, notice would be published only within the affected county.

Chairperson Lee asked if the proposal was being submitted in anticipation that there might be a neighbor island Authority.

Mr. Ching replied in the affirmative. He clarified that the provision would be that if a development permit hearing were located in the City and County of Honolulu, then notice would only need to be published in the City and County of Honolulu. Previously, the statute was ambiguous as it might require the HCDA to publish notices statewide in other counties.

Chairperson Lee entertained a motion for the Authority to adopt as the draft legislative testimony regarding public hearing notification.

A motion was made by Member Chinn and seconded by Member Kanahele.

A roll call vote was conducted.

Ayes: Members Chinn, Grune, Kamimura (for Kakaako), Kamimura (for Kalaeloa), Kanahele, Lee, Luersen, Mitsunaga and Salaveria.

Nays: None.

The motion passed 9 to 0 with 7 excused (Members Chun (for Kakaako and Kalaeloa), Lim, Seki, and 3 members not yet appointed).

(c) 2013 Capital Improvement Project Requests

Mr. Ching explained that the Governor and DBEDT had submitted Capital Improvement Project (“CIP”) requests to the Legislature. The first item for \$1.855 million was a re-authorization of the 19 project staff positions that comprise the bulk of the HCDA staff. There are a total of 23 staff positions in HCDA. The remaining 4 staff, consisting of the executive director, his assistant and 2 Kalaeloa staff, are funded entirely by the special Chapter fund.

The second CIP request would provide \$5 million for Complete Streets to establish a bike-sharing program and a demo street project, mostly likely in Kakaako.

The third item would be for Kewalo Basin Harbor intersection improvements to open up the harbor facilities to the public. Consistent with some studies that have been conducted, a 200-foot-wide crossing would be constructed that would extend from the middle of the block right next to the Charter building across the street to Ward Warehouse. The HCDA has had consultations with both Howard Hughes Corporation and the Office of Hawaiian Affairs.

The next item would provide \$4.5 million to construct Kakaako Waterfront Park amphitheater improvements and a community performing arts center facility.

The next item would provide \$3.5 million for repairs and maintenance to Kakaako Waterfront, Gateway and Kewalo Basin Parks.

The last item is \$1 million to replace stones in the jetty at the head of the Kewalo Basin channel to allow safe passage for surfers and other people accessing the water in that area.

Member Kanahele asked whether HCDA staff had civil service status.

Mr. Ching explained that all HCDA employees were exempt appointments.

There were no comments from the public on this agenda item.

(d) Legislative Testimony Procedures

Mr. Ching explained that in drafting or submitting testimony, the HCDA is obliged to comply with DBEDT as well as administrative directives and legislative

guidelines set by the agency and the Governor's office. All testimony is coordinated and reviewed by the DBEDT legislative liaison and coordinator. Also, in the course of developing testimony, HCDA coordinates testimony with other state agencies or governmental agencies where appropriate.

When he submits testimony and if he does not have the opportunity to bring the matter for approval by the Authority, Mr. Ching would include in the position statement a disclaimer that the testimony reflected his own position and not that of the Authority. Any testimony that he seeks to develop would be circulated amongst all Members upon submittal or approval by the appropriate administrative legislative protocols. In developing testimony, he might solicit some Members individually for their expertise and background on particular matters. If time does not permit him to bring up items in the course of Authority meetings in order to meet legislative timetables or administrative directives, he would clearly indicate that the testimony is his own and not that of the collective Authority.

Member Kanahele asked whether it would be appropriate for the executive director to submit testimony through the Chair or Vice-Chair, if it was not possible to get it to all the Members. He understood how the legislative process works and sometimes you have to submit instantly. He would be comfortable if one Member was able to have a first look because it could ricochet back to the Members who are ultimately responsible.

Member Kamimura asked if the disclaimer was just in the interest of time or determined by the matter that was at hand.

Mr. Ching explained that legislative hearings are within 24-48 hours notice. There would be no opportunity to appropriately convene a meeting for the Authority. With respect to Member Kanahele's concern, any Member could seek to submit testimony as his own. The protocol he was presenting was to cover his own actions and not make representations on behalf of the Authority.

Member Kanahele stated that he did not think it appropriate for any Member to submit testimony on their own unless it was cleared with fellow colleagues, at least with the Chair or Vice-Chair.

Chairperson Lee clarified that the situation is that if Mr. Ching testifies that he is representing the Authority, the Authority has either voted or made some decision. When testimony is created, Mr. Ching would send a copy to all Members at the same time that it is sent to the legislative committee.

Member Luersen stated that sending it to Members at the same time makes sense. However, if Members start discussing it via e-mail, it would be a violation of the Sunshine Law. The timing issue becomes important. Having a clear delineation between when it is the Authority and when it is the executive director is safer in terms of Sunshine Law rather than having only some Members see it.

Chairperson Lee stated that a member could testify as a private citizen as long as testimony was not submitted on HCDA letterhead. Notices are not only short, but sometimes during testimony, there will be questions asked without time to get answers ahead of time. Mr. Ching would have to give his opinion on technical matters of the Authority. In those instances, we would want him to be clear that it is his opinion and not the official position of the Authority. There was an issue last year with a bill on restructuring the nature of the Authority, and it may not have been clear whether some testimony represented the official position of the Authority or Mr. Ching's opinion on the issues. What we want to avoid is that kind of confusion.

Member Grune remarked that Authority had just voted on Complete Streets legislation. He asked whether in that instance the executive director could say that the Authority supports it.

Chairperson Lee replied in the affirmative, since the Authority had voted on it. There may be a time when something comes up as bills transform throughout the session that the Authority would be asked to take an official position on something. In those certain situations, we would ask for all Members' input so that Mr. Ching could give an official statement.

Member Luersen stated that the bottom of the Complete Streets draft testimony stated: "reflects the view of the position of the Executive Director and not necessarily of the Authority." Since the Authority had voted, it could now be changed to state, "This is the position of the Authority." However, any time it did not come before Authority, the disclaimer would be on the testimony.

Mr. Ching added that the statement would be included in the position statement as well as the footer so that it was abundantly clear that it was his own testimony.

Chairperson Lee added that it should be clear with the pronouns when "we" or "I" is included in testimony.

Chairperson Lee asked whether any member of the audience wished to comment.

Public Testimony:

Mr. Dexter Okada, former member of the Authority, stated that things happen so fast and when Mr. Ching is unable to get board approval, he did make disclaimers. His only problem was that Mr. Ching's testimony was submitted on HCDA letterhead. Even with a disclaimer, people look at the letterhead and assume it was from the HCDA. In reference to Member Kanahele's comment, Mr. Okada stated that he testified a lot, but just stated that he was a member of the board but these were truly his opinions and used his own letterhead.

Chairperson Lee asked whether Members had any comment about using HCDA letterhead.

Member Grune stated he was comfortable with it since the disclaimer is made. Mr. Ching was acting in his official capacity as executive director and was just stating that he was the executive director and these were his opinions.

Chairperson Lee stated that although the Authority may want to be precise, they would have to have some flexibility. Mr. Ching was the executive director, and the legislators would ask him for opinions about the Authority's business and it would be on letterhead.

Chairperson Lee entertained a motion for the Authority to adopt the legislative protocol submitted by staff as its own.

A motion was made by Member Salaveria and seconded by Member Chinn.

A roll call vote was conducted.

Ayes: Members Chinn, Grune, Kamimura (for Kakaako), Kamimura (for Kalaeloa), Kanahele, Lee, Luersen, Mitsunaga and Salaveria.

Nays: None.

The motion passed 9 to 0 with 7 excused (Members Chun (for Kakaako and Kalaeloa), Lim, Seki, and 3 members not yet appointed).

V. ADJOURNMENT

There being no further business, a motion was made by Member Kamimura and seconded by Member Grune to adjourn the meeting. By a show of hands vote, the motion carried unanimously.

The meeting adjourned at 11:08 am.

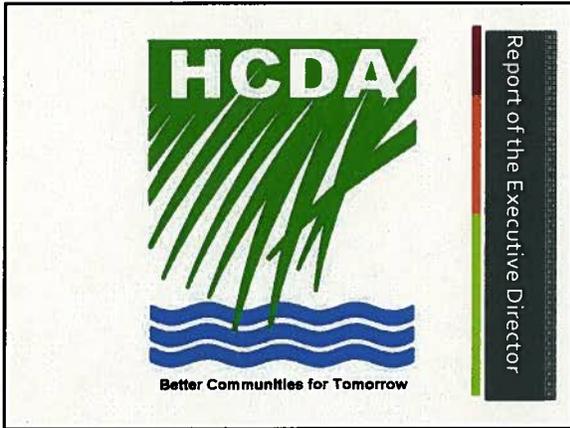
Respectfully submitted,

/s/

Miles Kamimura
Secretary

Attachments: Exhibit A - Report of the Executive Director
Exhibit B - Complete Streets: Community+Place

Note: The transcript of this meeting contains a verbatim record and should be consulted if additional detail is desired.



ED's January 2013 Report

- Summary Agency Financial Report
- Heeia Section
- Legislative Review
- Kalaeloa Section
- Kakaako Section
- Kewalo Basin Update
- Next Meeting

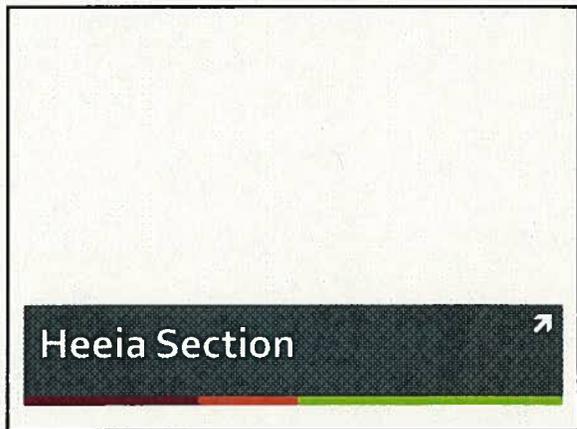
Kakaako/Kalaeloa Financial Summary

Current Month - November			Fiscal Year to Date		
Actual	Budget	Variance	Actual	Budget	Variance
(KA) 184,258	205,253	(20,995)	1,016,443	1,083,386	(66,943)
(KL) 22,628	22,628	(1,035)	126,487	128,835	2,652
Revenue	Expenditure	Net Change	Revenue	Expenditure	Net Change
(ID) 78,678	5,406,076	(5,327,398)	99,492	5,933,081	(5,833,589)
(LM) 63,009	223,062	(160,053)	393,361	480,855	(87,494)
(PFD) 538	38,944	(38,408)	6,758	262,425	(255,667)
(RH) -	612,664	(612,664)	155,070	1,010,816	(855,746)
(CL) 10,485	316	10,169	27,246	1,594	25,652
(Sec Dep) -	-	-	5,725	37,362	(31,637)
(KL) 18	123	(105)	130	2,015	(1,885)
[Heeia] -	-	-	-	-	-

Summary of HCDA Revolving Funds

	Description	Amount
Cash on Hand		
	HCDA Revolving Fund & Kakaako District Operating Fund	26,981,785
Outstanding Obligations		
	Subtotal - Known Obligations as of 02/29/2012	24,644,610
Cash Balance		2,337,175
Additional Cash		
	Kewalo Basin Harbor Operations Fund (for KBH only)	2,654,151
	Kalaeloa Community Development District Revolving Fund	99,319
	Kalaeloa Community Development District Operating Fund	44,925
	Heeia Community Development District Revolving Fund	50,000
	Subtotal Additional Cash Balance	2,848,395

- ### Personnel
- **Compliance Assurance & Community Outreach Officer Functions**
 - **Compliance Assurance**
 - Ensure Agency Compliance w/procurement protocols & directives
 - Conduct Staff Training As Needed
 - **Community Outreach**
 - Digital Format - Web Site and Public Consultation Portal
 - Within Each Community Development District for Regulatory and Agency Projects
 - **Legislative Coordinator**
 - **Media Relations**



Heeia Update

- **Appointment of Remaining Two Koolaupoko Residents Sought**
- **Field Trip for Members to be Scheduled Upon Appointment of Remaining Members**
- **Archeological Inventory Survey Underway**
 - **Notice to Proceed - Cultural Surveys Hawaii**
- **Support Given for Lessee (Kakoo Oiwli) Grant Applications**

Legislative Briefings Underway

- **DBEDT WAM Briefing Held on Tuesday Jan. 8th**
 - **Briefing Format & Testimony summarized all DBEDT Programs & Attached Agencies**
 - **No Questions for Staff**
 - **Follow-up Briefing for WAM Staff to be Scheduled**
- **DBEDT FINANCE Briefing – Thursday Jan. 10th**
 - **Similar Departmental Summary Testimony to be Provided**
 - **Follow-up Briefing for FIN Staff to be Scheduled**

HCDA COMMUNITY + PLACE

What is a
COMPLETESTREET
in Kakaako?

Traditional road classifications emphasize vehicle movement.

Complete Street Types emphasize the character of the entire street.

Image Courtesy of Sun et al. Complete Street Handbook

HCDA COMMUNITY + PLACE

COMPLETESTREET
Program Elements

- Pedestrian Countdown Signals
- Crosswalk Markings
- Landscape Buffer
- Street Tree
- Bicycle Sharrows
- Bicycle Lane Safely Located
- Bicycle Intersection Design
- Bus and Service Vehicle Pull-Out Lanes
- Omni-directional Crosswalk (Barnes Dance)
- Speed Tables

HCDA COMMUNITY + PLACE

COMPLETESTREET
Intersection Design

HCDA COMMUNITY + PLACE

KAKAAKO Transformations
Auahi & Keawe Street

Image Courtesy of Kamehameha Schools

HCDA COMMUNITY + PLACE

KAKAAKO Transformations
Auahi & Keawe Street

Image Courtesy of Kamehameha Schools

HCDA COMMUNITY + PLACE

KAKAAKO Transformations
Auahi & Cooke Street

Image Courtesy of Kamehameha Schools

