

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

Wednesday, March 2, 2016

**GENERAL BUSINESS**

**I. CALL TO ORDER/ROLL CALL**

A regular business meeting of the Members of the Hawaii Community Development Authority (“Authority” or “HCDA”), a body corporate and a public instrumentality of the State of Hawaii, was called to order by Chair Whalen at 9:07 AM March 2, 2016, at Authority’s principal offices at 547 Queen Street in Honolulu, Hawaii, 96813, pursuant to Article IV, Section 1 of the Authority’s Bylaws.

Members Present: George Atta (DPP)  
Donna Camvel  
Michael Golojuch, Sr.  
Shirley Swinney  
William Oh  
Jason Okuhama  
Steven Scott  
Wei Fang  
Beau Bassett  
Jade Butay  
Scott Kami  
John Whalen

Members Absent: Mary Pat Waterhouse  
Derek Kimura (DHHL)  
Amy Luersen  
D. Kalani Capelouto

Others Present: Aedward Los Banos, Interim Executive Director & ASO  
Deepak Neupane, Director Planning & Development - Kakaako  
Tessa Malama, Director of Planning & Development – Kalaeloa  
Lindsey Doi, Compliance Assurance & Community Outreach  
Laura Savo, Court Reporter  
Tommilyn Soares, Secretary  
Shelby Hoota, Media Specialist  
Mike Wong, Deputy Attorney General  
Diane Taira, Deputy Attorney General

## **II. APPROVAL OF MINUTES**

### **1. Kakaako Regular Meeting of February 3, 2016**

No comments or corrections were made. Minutes were approved as presented.

## **III. ED REPORT**

Mr. Los Banos provided a few highlights from each community development district.

### **Kalaelo Community Development District**

At its November meeting, HCDA board members voted unanimously in favor of a Memorandum of Agreement for HCDA to accept the conveyance of James Campbell Estate remnant parcels of land, north of Roosevelt Avenue. The James Campbell Estate is no longer interested in the conveyance of lands to HCDA and has since withdrawn from the Memorandum of Agreement.

Hunt companies have informed the HCDA about plans to proceed with a new development project called the Coral Crater Adventure Park which is anticipated to occupy approximately 40 acres of vacant land located Diamond Head side of the current FBI headquarters facility. A development permit will not be forthcoming as the Navy has expressed exercising their federal supremacy over local jurisdiction.

The Honolulu Fire Department is interested in entering into a Right of Entry on a 19-acre parcel (Mauka of the Heritage Park) for training activities.

### **Heeia Community Development District**

Kako'o Oiwi recently replaced one of their bridges that span one of the auwai on the premises. Increase in productivity is expected as they're wetlands are easier to access via the recently replaced bridge.

### **Kakaako Community Development District**

The required public notification for the Kewalo harbor development permit will be issued and the process for improvements of Kewalo Basin Harbor is anticipated to begin in May, starting with the public hearing.

The EMS rescue boat, that the HCDA authority approved, is expected to be delivered mid-March. A press conference to unveil the new rescue boat at Kewalo Basin Harbor will be held mid-April with Mayor Caldwell, Governor Ige and Howard Hughes presence to welcome the rescue boat and further HCDA's commitment to ocean safety.

Member Swinney asked whether the Navy federal supremacy would be subject to the Kalaelo development rules, and whether it would affect or impact the plans for the Kalaelo Energy Corridor. Mr. Los Banos stated the Hunt-Navy lease, regarding the Coral Crater development, states they are generally obliged to follow local jurisdiction development rules and that the Kalaelo Energy Corridor plans would not be affected as the Coral Crater development would stop at the property line. Mr. Los Banos also stated for

Member Swinney that the HFD would enter a Memorandum of Agreement or Understanding with HCDA for their training site when both parties are ready.

Member Atta asked, in regards to the Roosevelt discussion and the withdrawal of James Campbell's offer, if staff could look into whether the MOA with the City needs to be amended as there may now be some constraints or restrictions on the options available for the Roosevelt improvements. Mr. Atta stated he would like an analysis to either amend the MOA with the City to move forward smoothly as the city agreed to eventually take dedication. Mr. Los Banos clarified that the Campbell Estate is willing to entertain a future agreement when the project area has been identified.

No other comments or questions from the board or the public were received.

#### **IV. AUTHORITY MATTERS**

2. Decision Making: Shall the Authority Adopt Positions on Current Legislation Affecting the Hawaii Community Development Authority for the 2016 Legislative Session, as Recommended by Staff?

Mr. Los Banos and Ms. Lindsey Doi provided a list of bills that HCDA testified on and also bills that are being monitored. Mr. Los Banos highlighted a few bills that directly affect HCDA:

Kalaeloa Energy Corridor - HB 2047, HD1 – Requires HCDA to undertake and complete the Kalaeloa Energy Corridor. Consistent with Kalaeloa's goals, HCDA stated support of the bill's intent provided the project is funded by the legislature's approval of HCDA's \$6 million CIP request for the project.

Homeless Enforcement - SB 2562 – Relating to Public Real Property. Establishes temporary programs in debris removal from, and trespass to, public property to be led by DAGS and DPS in coordination and conjunction with each other. Temporarily amends and temporarily creates criminal trespass offenses relating to public property. HCDA testified and stated it supports measures that provide assistance to HCDA in addressing homeless situations in all Community Development Districts. Also stated support for a holistic approach of one state agency taking the lead on property removal, as HCDA does not have the staff, resources or budget to continue doing so indefinitely.

Private Streets – HB 2092 – Relating to Public Safety. Authorizes the authority to prohibit or restrict the stopping, standing, or parking of vehicles on sidewalks on private streets in the Kakaako community development district. HCDA provided general comments on how HCDA is working with the City to address private road issues. Provided notation that HCDA does not have the ability enforce violations beyond its planning and zoning rules.

Char Whalen suggested the board discuss and take a position (for purposes of submitting testimony on behalf of the board) on the legislative bills that directly affect HCDA and noted the high priority ones for the board to take a position are the one's that'll likely cross

over.

With discussion among board members, **Member Swinney motioned to adopt a position consistent with staff comments on HB 2047.** Requires HCDA to undertake and complete the Kalaeloa Energy Corridor. Staff comments state support of the bills concept, provided the project is funded by the legislative approval of HCDA's \$6 million CIP request for the Kalaleo Enterprise Energy Corridor. Bill text should be amended to reflect the same specifications as HCDA's Enterprise Energy Corridor Project plans or as Hawaiian Electric Company (HECO) requires.

Member Golojuch seconded. Board took a verbal vote and motion passed unanimously.

Board members discussed HB2092 (no companion) Relating to Public Safety. Authorizes the authority to prohibit or restrict the stopping, standing, or parking of vehicles on sidewalks on private streets in the Kakaako community development district. Bill will be moving into crossover. **Member Scott, as a business owner, made a motion to oppose HB 2092** with a note that in addition to the board's opposition there is litigation underway and a task force formed to address the private streets issue. Member Okuhama seconded the motion. Member Bassett asked if staff could offer a broader perspective beyond the business owner view. Ms. Doi provided background of the bill for Member Bassett and stated as the bill is written it would prohibit stopping, standing, parking in locations where there are unimproved sidewalks in the Central Kakaako area. Mr. Los Banos further clarified the bill and stated as the bill references stopping, standing, it is taken out of state traffic code, therefore essentially meaning no parking, loading or unloading. **Discussion among board members amended Member Scott's motion to submit comments with the caveat that litigation is underway and there is a task force that will address the private streets issue.** Member Okuhama seconded the motion. Chair Whalen took a verbal vote and motion passed unanimously.

HB 2302 (SB 2831 Companion Bill) Relating to Transit-Oriented Development. Establishes the Hawaii Interagency Council for Transit-Oriented Development within the Department of Business, Economic Development, and Tourism to institutionalize intergovernmental and interagency coordination on transit-oriented development planning statewide and appropriate funds. Members of the board agreed to monitor HB 2302.

HB 2561, Relating to Rental Housing. Establishes a goal of developing or vesting the development of at least 22, 500 affordable rental housing units ready for occupancy between 01/01/17 and 12/31/2026. Establishes a temporary special action team on rental housing to recommend actions by the Governor to achieve the goal. Places the team under the lieutenant governor's office for administrative purposes and designates the lieutenant governor as special action team chair. Board agreed to monitor HB 2561

SB 2562, Relating to Public Real Property. Establishes temporary programs in debris removal from, and trespass to public property to be run by DAGS and DPS in coordinating and conjunction with each other. Temporarily amends and temporarily creates criminal trespass offenses relating to public property. Board member discussed and voted to continue with the last vote at its previous meeting to support the measure and also support a holistic approach of one state agency taking the lead on property removal as HCDA does

not have the staff, resources or budget to continue doing so indefinitely.

SB 2816, Relating to Criminal Trespass. Adds the offense of criminal trespass onto state lands to Part II of Chapter 708, Hawaii Revised Statutes and amends criminal trespass in the second degree to include and apply to agricultural property owned by the government that is not fenced, enclosed or otherwise secured in a manner designed to exclude intruders. Ms. Doi stated there is a possibility that SB 2562 and SB 2816 could be merged and that staff would take the board's action on SB 2562 and apply that position to whatever this bill eventually will take on.

Chair Whalen asked the board members if there are other bills they'd like to discuss and take a position on. Ms. Doi provided a legislative timeline for the board members to better understand the next steps with the legislative bills. Ms. Doi also stated she would update the legislative matrix and email it out to board members weekly to keep members informed.

There were no other discussion from board members and no public comments received.

- 3. Decision Making: Shall the Authority Execute a Contract For Executive Recruitment Services for an Executive Director for The Hawaii Community Development Authority, Using Funds from the Hawaii Community Development Revolving Fund, Leasing & Management Subaccount? And also addressed the next item...

- 4. Information & Discussion: Status Update on the Executive Director Recruitment.

Mr. Deepak Neupane provided highlights for the board. The RFP closed, Friday, February 26, 2016 and HCDA received no responses. Mr. Deepak provided options for the board with the next steps.

Member Oh asked what the budget for the RFP consultant was. Mr. Neupane responded there were not costs stated.

Member Swinney motioned to enter into executive session. Member Golojuch seconded. All members unanimously approved entering into executive session.

Chair Whalen recessed the meeting at 10:26 am.

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Pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, the Authority convened in Executive Session at 10:26 am.

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The regular meeting was reconvened at 10:54 am.

Members discussed what the most expeditious and responsive method in generating responses to the RFP would be. Member Scott motioned to reissue the Request For

Proposals and hope to generate responses in time for the next board meeting.  
Member Swinney seconded the motion. All member unanimously approved.

5. Information & Discussion: Status Update Relating to Close Construction, Inc., vs. Hawaii Community Development Authority et al., vs. Mitsunaga & Associates, Inc., vs. DTRIC Insurance Company, Ltd.; Civil No. 14-1-0599-03

Due to litigation, Member Okuhama motioned to convene in executive session.  
Member Butay seconded the motion. All members unanimously approved entering into executive session.

Chair Whalen recessed the meeting at 11:05 am.

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Pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, the Authority convened in Executive Session at 11:05 am.

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The regular meeting was reconvened at 11:35 am.

**V. ADJOURNMENT**

Chairperson Whalen adjourned the regular meeting at 11:35 a.m.

Respectfully submitted,

/s/

John Whalen,  
Chair

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