

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

Wednesday, October 4, 2017

KAKAAKO BUSINESS

I. CALL TO ORDER/ROLL CALL

A general business meeting of the Kakaako 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 12:36 PM, October 4, 2017 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:

1. Wei Fang
2. Mary Pat Waterhouse
3. Beau Bassett
4. Jason Okuhama
5. Phillip Hasha
6. David Rodriguez
7. John Whalen

Members Absent: Kathy Sokugawa (non-voting)
Laurel Johnston
William Oh

Others Present: Jesse Souki, Executive Director
Lori Sunakoda, Deputy Attorney General
Deepak Neupane, Kakaako Planning Director
Lindsey Doi, Asset Manager
Garett Kamemoto, Communications and Community Outreach Officer
Francine Murray, HCDA Program Specialist
Tommilyn Soares, Secretary

II. APPROVAL OF MINUTES

The meeting minutes for August 2, 2017, were approved as presented.

Member Waterhouse noted a typo to the meeting minutes for September 6, 2017, at the top of page 7, “beset” should be corrected to “best,” with that correction, minutes were approved.

III. ACTION ITEMS

Shall the Authority Authorize the Executive Director to Execute a Contract to Doonwood Engineering Inc. to Provide Maintenance, Testing and Repairs to the Sewage Pumps and Backflow Preventer Systems for the HCDA at the Kakaako Waterfront Park, Gateway Park, and Kewalo Basin Park for a Three-Year Term, With Two, One Year Options to Extend in an Amount not to Exceed \$194,650 from the Hawaii Community Development Authority’s Revolving Funds, Public Facility Dedication Subaccount?

Ms. Lindsey Doi presented the report provided in the board packet.

Member Waterhouse asked how much was spent in the last two years that are comparable to the amount included in the agenda item.

Ms. Doi stated she does not have the specific amount; however, that cost will vary.

Member Hasha asked if fees are charged to those who utilize the parks for events.

Mr. Souki responded, staff will evaluate the potential impacts of an event and charge fees accordingly.

There was no further discussion by board members or public comment.

Member Waterhouse motioned for the authority to authorize the Executive Director to execute a contract to Doonwood Engineering, Inc., to provide maintenance, testing, and repairs to the sewage pumps and backflow preventer systems for the HCDA at the Kakaako Waterfront Park, Gateway Park, and Kewalo Basin Park for a three-year term, with two, one year options to extend in an amount not to exceed \$194,650.00 from the Hawaii Community Development Authority’s Revolving Funds, Public Facility Dedication Subaccount.

Member Fang seconded.

Ms. Doi conducted the roll call vote. Motion passed with 7 ayes and 2 excused. See the roll call sheet attached.

Shall the Authority Authorize the Executive Director to Execute a Contract with David's Fencing for the Installation of a Security Gate at Keawe Street and Ilalo Street in an Amount Not to Exceed \$30,000 from the Hawaii Community Development Authority's Revolving Funds, Public Facility Dedication Subaccount?

Ms. Doi presented the report provided in the board packet.

Member Bassett asked if anyone has been encountering problems with that area.

Ms. Doi responded that there have been complaints about illegal campers and trespassers.

Mr. Souki stated the area was previously treated as a street. The current lease with the University of Hawaii, John A Burns School of Medicine (JABSOM) covers that area and HCDA will be installing a gate for security purposes.

Member Okuhama asked where the parcel is located.

Ms. Doi responded it is at the beginning of Kakaako Waterfront park, Makai of Keawe Street and Ilalo Street

Member Waterhouse asked once the gate is installed, will the public have access to enter for the community garden?

Ms. Doi responded that all the Community Garden participants will have permits to access the area and that it will be open during business hours; however, HCDA may need to discuss an agreement for access to the garden with JABSOM.

There was no further comments or questions by the board.

There was no public testimony.

Member Okuhama motioned for the board to authorize the Executive Director to execute a contract with David's Fencing for the installation of a security gate at Keawe Street and Ilalo Street in an amount not to exceed \$30,000.00 from the Hawaii Community Development Authority's Revolving Funds, Public Facility Dedication Subaccount?

Member Bassett seconded.

Ms. Doi conducted the roll call vote. Motion passed with 7 ayes. 2 excused. See roll call sheet, attached.

Shall the Authority Authorize the Executive Director to Enter into a Memorandum of Agreement to Transfer Funds from the University of Hawaii's Applied Research Laboratory to the Hawaii Community Development Authority, to Conduct Planning Studies Relating to a Potential Transpacific Broadband Cable Landing Site in Kakaako Makai?

Deepak presented the report in the board packet and introduced DBEDT's Deputy Director Mary Alice Evans, who was present to answer any questions.

Member Waterhouse stated she understands that Verizon and Hawaiian TelCom provides these services and asked why is HCDA being involved?

Mr. Souki noted that HCDA, under its authorized statute, is allowed to provide assistance with sister state agencies, hence Deputy Director Mary Alice Evans attendance.

Ms. Evans stated there are private sector broadband cable landing stations on all islands. There are two critical existing broadband cables that are approaching its end-of-life in the next few years. At most, these broadband cables last about 25 years and Hawaii's demand for capacity is increasing.

Member Waterhouse asked if there will be any fees that HCDA will be charging?

Ms. Evans responded that there is a market range for these cable landing stations and feels HCDA may charge reasonable fees within that range to help generate revenue.

Member Waterhouse asked what the next steps are for the project.

Ms. Evans stated that if the study shows that Kakaako is a feasible site, other steps will need to be taken and at some point, a request will come back to the board for a site lease approval.

Chair Whalen asked if there will be a Request for Proposal (procurement) process?

Ms. Evans stated that DBEDT will conduct the RFP process.

Mr. Neupane added that HCDA will complete the Environmental Assessment.

Member Okuhama asked Ms. Evans if she knew any vendors in Hawaii that would respond to the RFP?

Ms. Evans outlined the RFP process and noted RCI was the most recent vendor that helped Hawaiian TelCom with its cable landing station.

Mr. Souki noted that the Memorandum of Agreement that was included in the board packet is a draft example for board members; however, the Memorandum of Agreement will be finalized and routed to HCDA's Deputy Attorney General for final review then to the board for approval.

Member Bassett asked if there has been any opposition from the Community?

Ms. Evans stated, from her knowledge there have been no opposition to other projects that have been completed.

Member Okuhama asked if \$150,000 will cover all costs?

Mr. Neupane responded that, currently, \$150,000 is adequate.

There was no other comments or questions by board members.

There was no public testimony.

Member Fang motioned for the board to authorize the Executive Director to enter into a Memorandum of Agreement to transfer funds from the University of Hawaii's Applied Research Laboratory to the Hawaii Community Development Authority, to conduct planning studies relating to a potential transpacific broadband cable landing site in Kakaako Makai?

Member Okuhama seconded.

Mr. Neupane conducted the roll call vote. Motion passed with 7 ayes and 2 excused.

Shall the Authority Add an Additional Member to the Existing Affordable Rental Housing Permitted Interaction Group, Pursuant to Hawaii Revised Statutes § 92-2.5(b), that was Created to Consider and Recommend Proactive Strategies for as to expand the range of housing opportunities in the Kakaako Community Development District?

Mr. Neupane deferred to the report in the board packet.

Member Bassett asked to confirm the current members participating in the Permitted Interaction Group.

Mr. Neupane confirmed, Members Fang, Okuhama and Chair Whalen.

Chair Whalen noted new board member Phillip Hasha's background and asked if he would be interested in being the fourth member.

Member Hasha agreed.

Member Rodriguez motioned for the board to add Member Hasha to the Affordable Rental Housing permitted Interaction Group.

Member Waterhouse seconded.

Chair Whalen called for a voice vote. Motion passed unanimously, with 7 ayes and 2 excused.

IV. EXECUTIVE DIRECTOR REPORT

Monthly and Status report on the following:

- a. Approved permit applications that did not require HRS§ 206E-5.6 public hearings.
- b. HCDA Park Update.

Mr. Souki mentioned that the HCDA Kakaako Gateway and Kewalo Basin Parks will be closed, for park maintenance and Kakaako Waterfront Park for health and safety concerns from park damages. The closures will begin October 15, 2017 at 10:00 PM. Mr. Souki and Mr. Kamemoto showed some pictures that included damage from fires, approximately 120 illegal camps/tents, damaged power lines, exposed electrical wires and damaged water lines that led to the decision to close the parks.

Mr. Souki explained that HCDA does not have criminal trespass enforcement authority, and as a result there are enforcement issues that arise that make it difficult for HCDA to manage the parks effectively. The City and County of Honolulu have the elements to manage parks and stated, eventually, the Kakaako Parks should be transferred over to the City.

Mr. Souki explained that reopening the parks are a priority and will be done in phases. HCDA staff will work with a cleanup crew, assess the damages, and start to repair damages so that the parks can be reopened.

Chair Whalen noted the closure of the City and County of Honolulu's Kamamalu park due to the repairs of the comfort station; however, he stated there have been no efforts done in that park to reopen it and said that the board would like to ensure that situation does not occur with HCDA's parks.

Mr. Souki mentioned that concerns arise because HCDA does not have criminal trespass enforcement authority. The current security vendor is only allowed to issue a notice of violation then assess fees; however, after hours they are advised to call 911 because security cannot enforce criminal trespass laws. HCDA staff is working to amend the current security contract to support criminal trespass enforcement by the Sheriffs during park closure.

Mr. Souki noted that HCDA will be requesting law enforcement authority from the legislature to enforce park closure trespass.

Member Bassett asked what is the process to deputize.

Mr. Souki responded that he is not sure but that the Department of Transportation will be requesting that authority for its Highways through the Legislature. He mentioned the timeline and process for members and stated that HCDA will request funding from the 2018 Legislature and that session usually ends in May.

Member Rodriguez noted that the Governor's Homeless coordinator will be considering a statewide coordinated effort for the upcoming legislative session as the State Department of Transportation and Department of Land and Natural Resources also have problems with illegal camping on their public parks and properties.

Chair Whalen said he thought the legislature provided HCDA with funding.

Mr. Souki said that it was the Department of Transportation that received \$2 million from the legislature, plus authority to spend an additional \$2 million; however, HCDA did not receive any funding.

Deputy Attorney General Lori Sunakoda provided the board information and process on the Sheriff's legal authority to enforce criminal trespass violations.

Member Bassett stated that Mr. Souki painted a dire situation at the parks; however, did not understand why it was necessary for all parks to be closed indefinitely if they are all not a health and safety hazard for the public.

Member Hasha asked how long can HCDA keep the parks closed?

Deputy Attorney General Lori Sunakoda responded and outlined the rules in accordance to Hawaii Administrative Rules Section 15-210-15(b), and that HCDA has authority for the park closure.

Member Bassett asked what the reasons were for closing the entire park if not every section is a health and safety hazard.

Member Waterhouse asked for the status of the Park Plan's first phase.

Mr. Souki noted that the Park Plan has not been approved and that Mr. Neupane and his staff are working on the final draft that may be brought to the board at the next meeting (November 1, 2017).

Member Bassett stated that he understands the desire to make the park safe and supports a park closure of those areas that are necessary and suggests HCDA staff communicate information on park activity, closure, etc. He also stated that looking long term, HCDA

needs to activate that space and recommends “buy-in” from the community to use that space. He stated that he does not want to isolate the community from the park and feels that grouping all parks for the closure is not feasible.

Mr. Souki responded that not all parks will be closed the entire time and that parks will be reopened in phases and outlined the next steps of the closure.

Member Hasha explained that there are deterrent alarms that HCDA staff may want to look into that can send alarms to go off if there are any violators in the park after hours.

Member Bassett noted that he receives calls from the surfers at Kewalo Basin and stated he does not have any answers for them regarding health and safety issues for a park closure.

Mr. Souki responded that he believes the best decision is to close all parks, and that Kewalo Basin will be closed due to park maintenance and will be reopened as soon as possible. He also stated that all calls may be referred to HCDA.

Chair Whalen noted that the key issue to maintain all Kakaako Parks is, “How do we enforce?”

There was no further discussion, comments or public testimony.

V. ADJOURNMENT

Chairperson Whalen adjourned the regular meeting at 2:48 p.m.

Approved and Submitted by,

John P. Whalen, Chairperson

Date Approved by HCDA Board