

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

Wednesday, November 1, 2017

KAKAAKO BUSINESS

I. CALL TO ORDER/ROLL CALL

A regular 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 10:00 AM, November 1, 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. Laurel Johnston
7. John Whalen
8. Kathy Sokugawa (non-voting)

Members Absent:

David Rodriguez
William Oh

Others Present:

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

II. APPROVAL OF MINUTES

The meeting minutes for October 4, 2017, were approved as presented.

III. ACTION ITEMS

Shall the Authority Authorize the Executive Director to Expend an Amount in Excess of \$25,000.00 to Procure the Services of a Hearings Officer for the Appeal and Contested Case Hearings for Docket Nos. ACC-2017-01 and DR-PET-2017-01 in Re the Petition of Golden Eagle Marine Charter Services Corp., and Docket Nos. ACC-2017-02 and DR-PET-2017-02 in Re the Petition of S.O.M. LLC from the Hawaii Community Development Revolving Fund, Leasing and Management Subaccount?

Chair Whalen noted that the board may convene in an Executive Meeting to consult with the Deputy Attorney General on this item.

Mr. Aedward Los Banos presented the report provided in the board packet and noted the action item is a follow up to the August 2017 where the board directed staff to hire a hearings officer for Docket Nos. ACC-2017-01, ACC-2017-02, DR-PET-2017-01, and DR-PET2017-02. The first solicitation deadline was extended resulting in one responsive bid that staff proposed awarding to, however, the Attorney General's (AG) office determined that one selected bidder was conflicted. HCDA staff disagreed with the conflict; however, deferred to the AG. The AG's office then provided other options for HCDA that included using a Deputy Attorney General from another agency, if there was one available, or hiring an Attorney using the AG's professional services list. The AG then determined that they could not assign a Deputy Attorney General from another agency. Given the circumstances, HCDA requested the AG procure a hearings officer using its professional services list.

Chair Whalen asked what the anticipated costs would be.

Deputy Attorney General Lori Sunakoda explained it is difficult to predict the extent of the case and provide an estimate at this point. She noted there are four separate docket numbers (cases) and provided a summary of usual procedures that a Hearings Officer would handle. She also noted that as part of the procurement and selection process, the AG will need an assurance that any unforeseen additional compensation will be guaranteed.

Member Hasha asked if the board can put a cap on the cost.

Ms. Sunakoda responded that is an option and the board's decision.

Chair Whalen noted his concern regarding the decreasing of HCDA's funds.

Member Johnston asked Ms. Sunakoda to check whether the AG's litigation fund can cover these costs.

Ms. Sunakoda confirmed she will check whether the State Litigation Fund can be utilized for HCDA's contested case hearing.

Member Waterhouse asked how other contested case hearings were handled in the past?

Mr. Souki noted he would not know historically how HCDA has handled these cases in the past; however, in other agencies a hearings officer would handle these quasi-judicial contested case hearings, where the board may be a party to the case.

Member Bassett made a motion for the board to enter executive session.

Member Johnston seconded.

Chair Whalen conducted a voice vote, all members unanimously approved.

Pursuant to Section 92-5 (a) (2), Hawaii Revised Statutes, the Authority convened in Executive Session at 10:10 a.m.

Chair Whalen reconvened meeting at 10:51 am.

There was no motion made.

There was no further comments or questions and no public testimony.

2. Shall the Authority Authorize the Executive Director to Execute a Contract for Security Guard and Social Outreach Services for the Hawaii Community Development Authority's Kakaako Parks for an Initial One-Year Term, plus two (2) Two-Year Options to Extend, using funds from the Hawaii Community Development Authority's Revolving Fund's, Public Facility Dedication Subaccount?

Mr. Jesse Souki provided background information and noted the current security contract will end in November 2017 and it was determined that HCDA will need outreach services and stored property procedures in place as prerequisites for enforcement of HCDA rules to take place.

Ms. Doi presented the report provided in the board packet and noted in addition to the current contract there will be two elements that will be added so that enforcement can take place. The current bid response will close on November 13, 2017 and staff hopes to award the contract as soon as possible.

Member Fang asked if there are viable security candidates with the proposed broad scope of services.

Ms. Doi responded yes, there are a few candidates and explained that the security contract will not require a vendor to retain a licensed clinical social worker; however, the vendor will have capabilities to contact the appropriate services necessary to offer individuals assistance that will help keep the parks clear and safe.

Mr. Souki added that the Attorney General has taken a position on what the prerequisites are before enforcement can take place which are outreach services and stored property procedures. The security vendor will be required to offer those services. Mr. Souki noted that currently, the Sheriff is conducting a service to help individuals that may need shelter by contacting the shelter to confirm availability and offering transportation vouchers if those shelters are not within a walking distance, and that the security vendor will conduct these types of outreach services along with the stored property services. If there is property that may need to be stored the security will note it in a written log and will also videotape those items. Mr. Souki noted that the enforcement will take place when the parks are closed from 10:00 p.m. and hopes that most of the individuals will abide by the park rules.

Chair Whalen conducted a voice vote to enter executive session. All members unanimously approved entering an executive meeting.

Pursuant to Section 92-5 (a) (2), Hawaii Revised Statutes, the Authority convened in Executive Session at 11:05 a.m.

Chair Whalen reconvened the meeting at 12:11 p.m.

Member Waterhouse stated she noticed there are duplication of services with Public Safety's (Sheriff) contract and the proposed Security contract and asked if Public Safety will no longer conduct the duplicate services?

Mr. Souki responded and stated that Public Safety is patrolling the parks; however, they are not conducting enforcement due to not having the outreach services and stored property procedures in order, as noted by the Attorney General.

PUBLIC TESTIMONY:

Wayne Takamine, Kakaako Makai Community Advisory Planning Council, stated his support.

There was no other public testimony or discussion by board members.

Member Hasha motioned for the board to authorize the Executive Director to execute a

contract for Security Guard and Social Outreach Services for the Hawaii Community Development Authority's Kakaako Parks for an initial one-year term, plus two (2) two-year options to extend, using funds from the Hawaii Community Development Authority's Revolving Fund's, Public Facility Dedication Subaccount.

Member Bassett seconded.

Ms. Doi conducted the roll call vote. Motion passed with seven ayes and two excused.

3. Shall the Authority Authorize the Executive Director to Expend up to \$200,000.00 from the Hawaii Community Development Authority's Revolving Fund, Public Facility Dedication Subaccount to make all necessary health and safety repairs to Kakaako Waterfront Park?

Ms. Lindsey Doi presented the report provided in the board packet and noted the request is for additional repairs to the Kakaako Waterfront Park that was closed due to health and safety concerns from illegal campers.

There was no questions or discussion from board members.

PUBLIC TESTIMONY:

Mr. Wayne Takamine, Kakaako Makai Community Advisory Planning Council, stated his support of the repairs to the Kakaako Waterfront Park.

Member Johnston motioned for the board to authorize the Executive Director to expend up to \$200,000.00 from the Hawaii Community Development Authority's Revolving Fund, Public Facility Dedication Subaccount to make all necessary health and safety repairs to Kakaako Waterfront Park?

Member Fang seconded.

Ms. Doi conducted the roll call vote. Motion passed with seven ayes and two excused.

Member Johnston left the meeting.

4. Shall the Authority Adopt the Revised Draft Kakaako Makai Park Master Plan and Direct the Executive Director to Amend the Makai Area Plan and Makai Rules to Incorporate the Master Plan?

Mr. Deepak Neupane presented the report provided in the board packet and referred to the proposed improvements listed on page 3 of the staff report. He noted the following revisions:

- Biergarten will be relocated to a different mound from the Ehime Maru memorial;

- The existing Ehime Maru memorial will remain (per 2017 House Concurrent Resolution 25);
 - Due to the financial implications and report provided by Colliers, improvements will be made to the existing amphitheater instead of developing a new amphitheater;
 - Park area will increase with the removal of the Sports complex; and
 - The existing Look Lab will be renovated and repurposed for a farmer's market and food concession.

Mr. Neupane also mentioned the Phase 1 and Phase 2 order of improvements and noted that the Public Facilities Dedication Subaccount can be utilized for some of the improvements.

Chair Whalen mentioned that the task force provided some comments that have been included in the draft. He also noted that the current draft is focused more on activating the current park for the community and residents' use and are much more achievable.

Member Okuhama added that the original master plan included improvements and developments that would take a much longer time in achieving and that the current revisions are a lot more achievable, timely.

Member Hasha asked if there is data on how many people used the park, daily, prior to the homeless encampments? And noted that the report did not include the number of people expected to utilize the park after the improvements.

Mr. Neupane responded that there was a general survey conducted on whether people utilize the park; however, the survey does record how many people utilize the park on a daily basis and/or an annual basis.

Mr. Souki added to Member Hasha's questions regarding the survey that Mr. Neupane's planning staff could conduct a pre- and post-survey on park users to use as a metric on how many people utilize the park.

Member Hasha asked about the volleyball courts that were suggested by board members at the last discussion and stated that he did not see reference to those suggestions in the current revision.

Mr. Neupane responded that the sand volleyball courts are included in the park expansion section of the report; however, was not included in the cost estimate or the phasing order.

Members Bassett, Hasha and Okuhama discussed including the sand volleyball courts in phase 1 to assist activating park-use.

Member Hasha asked about programming and whether a third-party contract to help with programming to activate the park is an option.

Mr. Souki responded that currently HCDA's Asset Management handles the park programming through permits and have been looking at ways to get interest from groups to utilize the park for events.

Member Bassett suggested a plan be developed in activating park use and suggests a task force to ensure park activation.

PUBLIC TESTIMONY:

Wayne Takamine of Kakaako Makai Community Advisory Planning Council mentioned that the Look Lab was scheduled for demolition in 2010 because it was determined there were hazardous materials and the cost would be too high to make improvements; therefore, he suggests demolishing the Look Lab.

Member Bassett noted that the revised draft mentions expansion to Kakaako Waterfront Park and asked if the Look Lab structure would be kept in perpetuity because that was not the intent of the task force.

Mr. Neupane stated that the existing Look Lab structure has always been a temporary use and can be noted as such on the draft revision if that is what the board would like. He added that there is an estimate of \$200,000.00 – \$300,000.00 to either demolish or repair the structure as it includes a remediation of hazardous materials.

Member Waterhouse noted that the Financial Task Force agreed that the Look Lab structure should be looked at and discussed among the Park Improvement Task Force.

Member Hasha and Member Bassett noted at this stage, the Look Lab structure should be noted as a temporary use until further research can be conducted.

There was no further public testimony, questions or discussion by the board members.

Member Okuhama motioned for the board to adopt the revised draft Kakaako Makai Park Master Plan, subject to addressing the temporary use of the Look Lab structure, include the Sand Volleyball courts in the first phase and direct the Executive Director to amend the Makai Area Plan and Makai Rules to incorporate the Master Plan.

Member Bassett seconded.

Mr. Neupane conducted the roll call vote. Motion passed with six ayes and three excused.

IV. REPORT OF THE EXECUTIVE DIRECTOR

Mr. Deepak Neupane updated the board on the status of the HCDA Community Garden community meeting and stated that the community felt a phase two analysis was necessary; therefore, staff is working on that study and it should be completed at the end of the month. He added that the Surfrider Foundation an environmental (beach cleanup) non-profit organization has shown interest in contributing to the community garden;

however, there have been no discussion on the long-term maintenance of the garden.

Member Bassett stated that he supports partnering with non-profit organizations; however, expressed concerns on possible revisions to the use of that area in the future and suggests incorporating language that reflect as such.

Chair Whalen mentioned a report that was completed by the Lincoln Institute regarding other US city jurisdictions regarding their reserved housing rules and how the recent HCDA reserved housing rules are similar. Chair Whalen asked Mr. Souki to forward that report to board members for their reference.

There was no further discussion, comments or public testimony.

V. ADJOURNMENT

Chairperson Whalen adjourned the regular meeting at 1:53 p.m.

Approved and Submitted by,

John P. Whalen, Chairperson

Date Approved by HCDA Board