

STATE OF HAWAII
HAWAII COMMUNITY DEVELOPMENT AUTHORITY
KALAELOA BUSINESS MEETING

Wednesday, June 5, 2019

MINUTES

I. CALL TO ORDER/ROLL CALL

A regular business meeting of the Kalaeloa Members, Hawaii Community Development Authority (“Authority” or “Board”), a body corporate and a public instrumentality of the State of Hawaii, was called to order by, John Whalen Chair of the Authority at 12:27 pm, June 5, 2019 at the Authority’s principal offices at 547 Queen Street in Honolulu, Hawaii, 96813.

Members Present: Mitchell Tynanes
Maeda Timson
Shirley Swinney
Beau Bassett
David Rodriguez
Mary Pat Waterhouse
Wei Fang
John Whalen, Chair

Members Excused: Mark Anderson (B&F Ex-Officio)
DHHL – non-voting
Kathy Sokugawa (DPP non-voting)

HCDA Staff Present: Garett Kamemoto, Interim Executive Director and Interim Kakaako
Planning and Development Director
Francine Murray, Interim Compliance Assurance & Community
Outreach Officer
Lindsey Doi, Asset Manager
Tommilyn Soares, HCDA Secretary to the Executive Director

Legal Counsel: Max Levins, Deputy Attorney General

II. APPROVAL OF MINUTES

The Kalaeloa Authority meeting minutes of May 1, 2019 were approved with one typo correction to Mr. Kamemoto's title at the top of the 2nd page under III. Information Items

III. INFORMATION AND DISCUSSION

Overview Presentation by the Hawaii Army National Guard (HIARNG) of Anticipated Projects for their Holdings within the Kalaeloa Community Development District.

Chair Whalen stated that a presentation will be made by the Hawaii Army National Guard regarding its anticipated projects within the Kalaeloa District.

Mr. Virgil Cadiente, Project Manager of the Hawaii National Guard (HIARNG) presented a briefing for the board that included the HIARNG's role, its issues and challenges, master plan-military construction/land acquisition, existing facilities, short-term development plan and recently completed projects.

Member Rodriguez expressed the board's appreciation in sharing the HIARNG's updates as those updates and planned projects are a part of HIARNG's jurisdiction and not HCDA's. Member Rodriguez asked if Mr. Cadiente can comment how (positively or negatively) these projects affect the surrounding Kalaeloa area.

Mr. Cadiente stated that he felt the planned projects will affect the area in a positive way as it will contribute to work for Contractors and Subcontractors. These projects will also help cut energy use and HIARNG's cost for utilities.

Discussion with Members Timson and Tynanes and Mr. Cadiente confirmed that the HIARNG's use of the common road ways have a negative impact to the community.

Member Timson asked Mr. Cadiente to provide an update on its water project.

Mr. Cadiente explained that he is not managing the water project, however he understands that HIARNG's desire is to modernize the water lines.

Member Rodriguez asked about the HIARNG's training exercises in Kalaeloa and reminded Mr. Cadiente that the surrounding area is a neighborhood and would be concerned about the noise impact to the community.

Mr. Cadiente noted that all HIARNG's training exercises that may have a noise impact is done in Hilo and at Schofield Barracks on Oahu.

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

Update Regarding the Issue Involving Stockpiled Material in the Kalaeloa Heritage Park

The Authority anticipates convening an executive meeting pursuant to HRS § 92-5(a)(4), to consult with the Board's attorneys on questions and issues pertaining to the Board's powers, duties, privileges, immunities and liabilities for the subject agenda item.

Mr. Garrett Kamemoto, Interim Executive Director provided a verbal update. Board members requested staff to research the option of applying for a Brownsfield grant from the U.S. Environmental Protection Agency (EPA) to help mitigate the stockpiled material. Mr. Kamemoto explained that the deadline to apply for a grant this year closed on January 31, 2019 and also noted that according to EPA "for sites contaminated by hazardous substances, persons including Government entities who may be found liable for the contamination are not eligible for grants. Liable parties may include all current owners, and operators, former owners and operators of the site at the time of disposal or treatment of hazardous substances on the site. Therefore, even owners who did not cause the contribution of the contamination may be held liable." Mr. Kamemoto explained that because of EPA's statements, it would be difficult for HCDA as the landowner of the stockpiled site to be successful in a receiving a Brownsfield Grant.

The board also asked staff to look at keeping the stockpile on site and remediating it in place to help lower the cost. Mr. Kamemoto explained that per the Department of Health's (DOH) requirements, HCDA will need to hire a consultant who DOH will work with on remediating the stockpile and provide information on whether remediating the stockpile in place is an option. Mr. Kamemoto noted that per DOH's requirements, staff will need to hire a consultant to work with DOH.

Member Timson asked, HCDA will need to hire a consultant to recommend what HCDA's choices are?

Mr. Kamemoto explained that the consultant will be directed to research the possibility of remediating the stockpile in place according to the regulating agencies; and if that is not an option after working with DOH what the next steps are and how then can HCDA remediate the stockpile with options and anticipated costs.

Member Rodriguez asked if HCDA has an estimate on how much it will cost to move the stockpile?

Mr. Kamemoto responded that HCDA does have a rough order of magnitude on what it would take. The consultants also indicated that if HCDA takes the next step on the rough order of magnitude that was provided, the consultant would then market the material and see if there are companies interested in taking and recycling the material. Mr. Kamemoto also explained that because the first contract is completed, HCDA staff will need to go through another procurement to secure a contractor for this second round of services that are being discussed.

Member Waterhouse asked if there was a cost provided to remediate the stockpile in place?

Mr. Kamemoto responded that the consultant did not provide that in the first contract, but that HCDA is looking to procure that in the second contract.

Chair Whalen asked if there is a possibility of hiring someone through a personal services contract rather than going through procurement to hire a consultant?

Mr. Kamemoto explained that staff is looking into that possibility.

Member Swinney stated that the staff report provided does not include the Kalaeloa Heritage and Legacy Foundation where the original stockpile was created and feels the staff report does not provide a good overview and background of this issue, and asked Mr. Kamemoto to include that piece in the summary of the staff report.

Mr. Kamemoto acknowledged Member Swinney's comment and stated that information can be included.

Member Timson stated that when HCDA hired the consultant, she was under the impression that the consultant would come back with all options to dispose of the stockpile. However, when the report was brought back for the board's review, the option to remediate the stockpile in place was not included and that board members then asked staff to research the option. Member Timson asked why that was not covered and provided as an option with the first contract with the consultant – Tetra Tech?

Mr. Kamemoto explained that the first contract with Tetra Tech was to sample, test and characterize the stockpile so that HCDA knew exactly what was in the stockpile. HCDA then asked Tetra Tech to provide a little more information beyond the contract to advise what Tetra Tech thought would be the options for HCDA with some costs – which was provided in the rough order of magnitude report. However, the big cost was testing and characterizing the materials. HCDA's next step is to hire a consultant to work with DOH per its rules and regulations on options to remediate the stockpile with cost estimates.

Member Fang motioned for the board to enter executive session.

Member Bassett seconded.

Chair Whalen conducted a voice vote. All members unanimously approved.

Deputy Attorney General Max Levins joined the board in executive session.

Pursuant to Section 92-5 (a)(2), Hawaii Revised Statutes, the Authority convened in Executive Session at 1:12 pm

Board Members met in an executive meeting from 1:12 pm until 1:35 pm.

Chair Whalen reconvened the board meeting at 1:35 pm.

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

IV. ACTION ITEMS

Shall the Authority Appoint Additional Members to the Kalaeloa Community Development District Plan and Rules Permitted Interaction Group.

Chair Whalen noted that the HCDA board appointed a permitted interaction group to provide recommendation on the Kalaeloa Community Development District Plan and Rules at its meeting held on March 6, 2019. Member Timson, Swinney and Golojuch were named to the taskforce. Member Golojuch's term to the HCDA board ended in April 2019 and Member Mitchell Tynanes appointed with his term beginning May 1, 2019.

Chair Whalen asked Member Tynanes to be a part of the taskforce and Member Tynanes accepted.

Chair Whalen conducted a voice vote. All members unanimously approved.

The Kalaeloa Community Development District Plan and Rules Permitted Interaction Group now includes Members Timson, Swinney and Tynanes.

There were no comments and no public testimony.

REPORT OF THE EXECUTIVE DIRECTOR Monthly Activities Update of the Kalaeloa Office

Mr. Kamemoto deferred to the report provided in the board packet.

There were no questions or comments and no public testimony.

VI. ADJOURNMENT

Chair Whalen adjourned the regular meeting at 1:36 pm.

Approved and Submitted by,

John Whalen, Chairperson

Date Approved by HCDA Board