



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

MEETING MINUTES KAKAAKO PUBLIC INFRASTRUCTURE AND FACILITIES WORKING GROUP

WEDNESDAY, OCTOBER 14, 2015
COUNCIL COMMITTEE MEETING ROOM
2nd FLOOR
HONOLULU HALE
3:30 p.m.

MEMBERS PRESENT

Co-Chair Carol Fukunaga, City Council
Co-Chair Suzanne Chun Oakland, State Senate
Leo Asuncion, Jr., Office of Planning
George Atta, Department of Planning and Permitting
Michael Formby, Department of Transportation Services
Donna Leong and Jennifer Waihee-Polk, Department of Corporation Counsel
Russell Tsuji, Department of Land and Natural Resources
Deepak Neupane, Hawaii Community Development Authority
Mike Wong, Department of the Attorney General
Roy Bumgarner, Imperial Plaza
Steve Scott, Scott Hawaii

MEMBERS ABSENT

Co-Chair Ryan Yamane, State House of Representatives
Aaron Landry, Ala Moana-Kakaako Neighborhood Board #11
Ross Sasamura, Department of Facility Maintenance

OTHERS PRESENT

Facilitator Thomas J. Mitrano, Mediation Center of the Pacific, Access ADR program
Dr. Barbara Polk, Mediation Center of the Pacific, Access ADR program

CALL TO ORDER

The meeting of the Kakaako Public Infrastructure and Facilities Working Group ("Working Group") was called to order by Co-Chair Carol Fukunaga ("Co-Chair Fukunaga") at 3:30 p.m.

OPENING REMARKS BY COUNCIL CHAIR ERNEST MARTIN

Council Chair Ernest Martin ("Chair Martin") provided opening remarks regarding the longstanding issue of private roads, especially in regards to the future development of Kakaako and its enormous potential to the City. Chair Martin stated that the issue had reached a critical juncture and was hopeful that the Working Group's end product would assist in bringing guidance to both the City Council and the State Legislature.

OPENING REMARKS BY CO-CHAIRS CAROL FUKUNAGA AND SUZANNE CHUN OAKLAND AND BRIEF OVERVIEW OF RESOLUTION 15-45, CD1, FD1, ESTABLISHING WORKING GROUP

Co-Chair Carol Fukunaga ("Co-Chair Fukunaga") provided opening remarks and stated that both the City Council and the State Legislature have been concerned about issues involving private roads, particularly in Kakaako. She provided a brief overview of Resolution 15-45, CD1, FD1, including that the Working Group was established to provide a comprehensive examination of the private roads in Kakaako and to recommend solutions and appropriate actions for City and State agencies. Co-Chair Fukunaga stated the intention of the Working Group was to focus on achieving the most equitable solution in dealing with infrastructure needs and improvements, to assist in achieving the vision of an improved and livable Kakaako.

Co-Chair Suzanne Chun Oakland ("Co-Chair Chun Oakland") provided opening remarks and stated that disputed roadways have been a longstanding issue statewide. She stated that the goal of the Working Group was to help address the issue in Kakaako, but that it may also produce recommendations that assist statewide in addressing other areas.

1. INTRODUCTION OF WORKING GROUP MEMBERS

Facilitator Tom Mitrano ("Facilitator") was introduced. Each Working Group member ("Member") introduced his or herself and provided an explanation as to how he or she, or his or her respective department, became involved with the Working Group.

2. DISCUSSION OF NOTICE AND AGENDA, QUORUM, AND MEETING MINUTES

It was explained that although Resolution 15-45, CD1, FD1 did not specify Sunshine Law requirements, the Working Group could issue notice and agendas six days prior to scheduled meetings, hold meetings in the Council Committee Room, issue standardized agendas, establish a quorum (specific number to be discussed and determined), allow an opportunity for the public to testify, and keep minutes. There were no objections by Members.

3. DISCUSSION RELATING TO MEMBER DESIGNEES

It was explained that if a Member was unable to attend a meeting, he or she may send a designee in his or her place. However, if a Member was going to miss more than one meeting, it was recommended that the same designee attend each meeting.

4. DISCUSSION OF PROPOSED NUMBER OF MEETINGS AND FINAL PRODUCT

It was explained that a total of three meetings, supplemented by smaller discussion groups, would be the best use of Members' time. After information gathering, a draft report would be provided to the Working Group for review and discussion during the second meeting. A final report would be provided to the Working Group for review and during the third meeting. A fourth meeting could be called, if necessary. It was explained that a voluminous report was not expected as the final product, but rather a set of recommendations by those who are most familiar with, and knowledgeable about, the issues associated with private roads to help City and State policymakers and executive agencies determine solutions.

5. DISCUSSION OF SMALLER WORKING GROUP FORMAT

It was discussed that Members would not be required to follow Sunshine Law requirements as stringent as those applicable to City Councilmembers. Members were encouraged to utilize smaller discussion groups to brainstorm ideas, and develop recommendations for consideration by the full Working Group.

6. DISCUSSION OF CURRENT CONDITIONS INVOLVING KAKAAKO PRIVATE ROADS AND SUBSEQUENT IDENTIFICATION OF KEY QUESTIONS AND ISSUES

Members were provided a packet containing brief background information regarding private roads in Kakaako. Discussion ensued regarding the clarification of existing ownership of private

roads in the central Kakaako area. Members discussed and identified the following key questions:

- Will the Working Group's recommendations impact the ongoing court cases?
- What is the legal status of private roads? What is the law regarding streets that do not have posted signs designating them as private? If no signs designating roads as private have been posted, what is the law regarding ownership after a designated period of years have passed (i.e. adverse possession, etc.)?
- Have private street "owners" been paying taxes? Are taxes required on privately owned roads?
- What actions have the State or Counties taken in other private road ownership situations/disputes (i.e. road surrender, no entity claiming ownership of road, etc.)?
- Would the Legislature/County Council need to take any affirmative action to address private road ownership disputes?

Discussion ensued regarding the identification of issues impacting maintenance, operations, and planning for private roads under current ownership situations. Members discussed and identified the following key questions:

- Who owns the surrounding streets on Map D-2 (from October 14, 2015 handout - County Division of Land Survey and Acquisition Map) and how is HCDA involved? Can Map D-2 be updated to reflect existing conditions as of October 2015? What is the historical timeline involving ownership changes in central Kakaako?
- Which private roads should receive the Working Group's highest priority?
- What is the current situation regarding parking on private roads in Kakaako? Which ones have parking restrictions? How much are businesses and/or drivers charged?
- What is the best way to restore maintenance to the private roads whose maintenance currently has been halted?
- Can a private road owner dedicate only the paved portion of the road to the public, and reserve the road right of way for private purpose? Can a person who dedicates a roadway to the public only dedicate the paved portion?

Discussion ensued regarding the identification of options for the City and/or State to acquire private roads or pursue other alternatives to provide safe roadways and infrastructure in Kakaako. Members discussed and identified the following key questions:

- What are the exact limitations on Honolulu city government's ability to plan for areas along private roads, or to upgrade them or utilities within their rights of way, if desired?
- How can private roads become public roads, what is the procedure, what is the cost, and which entity pays?

ANNOUNCEMENTS AND PUBLIC COMMENTS

There were no announcements or public comments offered.

NEXT MEETING

The next meeting is scheduled for Thursday, November 12, 2015, at 3:30 p.m. (Council Committee Meeting Room, 2nd Floor, Honolulu Hale).

ADJOURNMENT

The meeting was adjourned by Co-Chair Fukunaga at 5:00 p.m.

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