



**LINDA LINGLE**  
Governor  
**SIDNEY A. QUINTAL**  
Chairperson  
**SANDRA PFUND**  
Chief Executive Officer

## **ALOHA TOWER DEVELOPMENT CORPORATION**

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### **BOARD MEETING ALOHA TOWER DEVELOPMENT CORPORATION**

**January 27, 2010**

**9:30 a.m.**

**TOPA Financial Center, Bishop Street Tower  
700 Bishop Street, Suite 1701  
Honolulu, Hawaii 96813**

#### **MINUTES OF MEETING**

**ATDC BOARD MEMBERS PRESENT:** Sidney Quintal – Chairperson, C & C of Honolulu  
Pearl Imada Iboshi - DBEDT  
Russell Tsuji – DLNR  
Jason Okuhama  
Neal Otani

**ATDC BOARD MEMBERS EXCUSED:** Michael Formby - DOT

**ATDC STAFF PRESENT:** Sandra Pfund, Tom Otake, Deidre Harrison, Chris Sadayasu

**OTHERS PRESENT:** Sumner Howard, Wayne Higa, Bob Loy

**LEGAL COUNSEL PRESENT:** Gregg Kinkley, Deputy Attorney General

#### **A. CALL TO ORDER**

Chair Quintal called the meeting to order at 9:35 a.m., and stated that the Board was unable to attain quorum for the HMG portion of the meeting, and therefore, items involving the HMG will not be discussed today.

#### **B. APPROVAL OF MINUTES**

##### **1. Regular Meeting of January 6, 2010**

Ms. Pfund asked if the minutes could be approved without the HMG directors; Mr. Kinkley responded in the affirmative.

Chair Quintal asked if there were any changes to the meeting minutes; there were none.

*Chair Quintal asked for a motion to adopt the Meeting Minutes for January 6, 2010. A motion was made by Director Tsuji and seconded by Director Otani. A vote was taken and the motion passed unanimously.*

## **C. REPORT OF THE CHIEF EXECUTIVE OFFICER**

Ms. Pfund asked if the report could be given without the HMG directors; Mr. Kinkley responded in the affirmative.

Ms. Pfund referred to her written report in the Board packet and highlighted key matters of concern.

### **1. Administration and Financial Reports**

Ms. Pfund reviewed the financial material in the board packet, and advised that the ATDC Annual Report is being finalized at the printers. The HMG Secretary position is awaiting DBEDT approval.

### **2. Media Reports**

Ms. Pfund referred to the media articles in her written report.

### **3. Aloha Tower Project Area and Complex**

Ms. Pfund reported that public comments received during the public commentary period to the Draft Strategic Plan are included in the board packet.

Ms. Pfund also reported that a zoning clearance application was submitted for a new Chinese restaurant that will take-over the space of the previous Chinese restaurant at the marketplace.

Director Tsuji inquired about any bills at the legislature. Ms. Pfund responded that budget hearings were held before the House Finance (FIN) and Senate Ways and Means (WAM) committees as part of DBEDT's departmental presentation. She noted that no questions were asked of ATDC at the WAM hearing. During introductory testimony at the hearing, DBEDT Director Liu highlighted ATDC in his departmental overview. He asked to restore the ATDC budget for fiscal year 2011 (FY11), and spoke in support of an emergency appropriation bill for the settlement of the Hughes case.

Chair Quintal asked if there was any movement on bills. Ms. Pfund and Mr. Sadayasu reported on SB2942, HB2961, SB2676 and HB2523. Ms. Pfund reported that no hearings have been scheduled to date.

Ms. Pfund reported that staff has met with various legislators regarding bills affecting ATDC.

Chair Quintal commented that he attended the originally scheduled DBEDT budget hearing, but was unable to attend the re-scheduled hearing. Chair Quintal reinforced that the ATDC Board is doing the best job possible, and commended Ms. Pfund on her reports.

Director Tsuji inquired whether the settlement bill is being submitted as part of the Administration bill (ATG-1) or a subsequent ATG-number. Mr. Kinkley responded that the bill would be separately submitted from the ATG measures. Ms. Pfund remarked that First Deputy Attorney General Lisa Ginoza will attend any hearings on the matter, and that staff met with Senator Hee's aide, Ms. Moepono and advised on this budget request.

Chair Quintal remarked that the budget request is for the amount needed for the settlement, and inquired about the payment if the agency is abolished or moved. Ms. Pfund responded that wherever the agency ends up, that entity has to finalize payment. Mr. Kinkley remarked that the judge negotiating the settlement also inquired about this matter.

Ms. Pfund commented that the Federal Court can order garnishment against the State for the settlement payment after May 7, 2010. Mr. Kinkley commented that the Legislative session will adjourn just before May 7, 2010.

Director Tsuji inquired if there are any other bills affecting the agency. Ms. Pfund and Director Iboshi responded that there are no other formal reorganization bills, but that the last day to introduce bills is tomorrow, January 28, 2010.

Director Iboshi commented that there may be bills that are still alive from last year's session. Director Tsuji commented that those bills very rarely carry-over, and Director Iboshi remarked that they can carry-over.

Chair Quintal commended the Board and staff for doing their best during this Legislative session. Ms. Pfund thanked Chair Quintal for his support and attendance at the initial DBEDT budget hearing.

Chair Quintal commented that while he has experience at the City Council regarding budget issues, there are differences at the State level, and we must be prepared to answer questions posed to us.

**D. ITEMS FOR INFORMATION**

The Items for Information were deferred as they pertain to both ATDC and HMG, and there was a lack of quorum for the HMG Directors.

- 1. Harbors Modernization Plan**
- 2. ATDC Draft Strategic Plan Update Including Comments Received During the Public Commentary Phase**
- 3. Legislature 2010 - Updates**

**F. EXECUTIVE SESSION**

Mr. Kinkley, Ms. Pfund, Mr. Sadayasu, Mr. Otake and Ms. Harrison were requested to be present for the Executive Session.

- 1. Pursuant to section 92-5(a)(4), HRS, to consult with ATDC's attorneys on questions and issues pertaining to ATDC's powers, duties, privileges, immunities and liabilities regarding the Mediation proceedings with AHI ALOHA ASSOCIATES, LLC.**

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The Board entered into Executive Session at 9:50 a.m. and reconvened at 11:18 a.m.

(Director Okuhama departed at 11:00 a.m.)

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**G. ADJOURNMENT**

*A motion was made by Director Tsuji and seconded by Director Otani to adjourn the meeting at 11:19 a.m. A vote was taken and the motion passed unanimously.*

Respectfully submitted,

                  /Sandra Pfund/                    
Recorder