

INFRASTRUCTURE MANAGEMENT COMMITTEE

Council of the County of Maui

MINUTES

January 11, 2010

Council Chamber, 8th Floor

CONVENE: 10:31 a.m.

PRESENT: VOTING MEMBERS:

Councilmember Bill Kauakea Medeiros, Chair

Councilmember Joseph Pontanilla, Vice-Chair

Councilmember Gladys C. Baisa

Councilmember Sol P. Kaho'ohalahala

Councilmember Danny A. Mateo

Councilmember Michael J. Molina

Councilmember Michael P. Victorino (In 10:37 p.m.)

NON-VOTING MEMBERS:

Councilmember Wayne K. Nishiki

STAFF: Michael J. Geers, Legislative Analyst
Camille Sakamoto, Committee Secretary

Leinaala Kihm, Executive Assistant to Councilmember Bill Kauakea Medeiros

ADMIN.: Milton M. Arakawa, Director, Department of Public Works
David A. Galazin, Deputy Corporation Counsel, Department of the Corporation
Counsel

OTHERS: None

PRESS: *Akaku: Maui Community Television, Inc.*

CHAIR MEDEIROS: ...*(gavel)*... The Committee Chair of Infrastructure Management Committee, Bill Medeiros, and we have quorum so I will call this meeting of January 11th, 2010 to order. And I would like to introduce the Members that are present. We have Vice-Chair Joseph Pontanilla.

VICE-CHAIR PONTANILLA: Good morning, Chairman. Happy New Year.

CHAIR MEDEIROS: Good morning. We have Member Baisa. We have Member Kaho'ohalahala.

COUNCILMEMBER KAHO'OHALAHALA: Good morning, Chair.

INFRASTRUCTURE MANAGEMENT COMMITTEE MINUTES

Council of the County of Maui

January 11, 2010

CHAIR MEDEIROS: We have Council Chair and Member Mateo.

COUNCILMEMBER MATEO: Good morning, Chairman.

CHAIR MEDEIROS: We have Council Vice-Chair Member Molina.

COUNCILMEMBER MOLINA: Good morning, Chair.

CHAIR MEDEIROS: And excused this morning is Member Victorino. But also in attendance is our non-voting Member, Mr. Nishiki.

COUNCILMEMBER NISHIKI: Morning.

CHAIR MEDEIROS: Thank you for being here. Members, before we get started, we were all informed of the sad news for our colleague, Member Jo Anne Johnson. Her husband passed away, Jim Johnson, and at this time, Members, I'd like to ask all of you and Staff that's here this morning if we could have a moment of silence to honor our colleague and her husband in his passing.

(Moment of Silence)

CHAIR MEDEIROS: Members, thank you. And if our colleague, Mrs. Johnson is watching, we send our condolences and wish her well. At this time, Members, we'll continue with our Infrastructure Management Committee meeting by introducing the rest of the Staff that's here with us this morning. From the Department of the Corporation Counsel we have Mr. David Galazin. Good morning. And from the Department of Public Works we have the Director, Milton Arakawa. Good morning, Director.

MR. ARAKAWA: Good morning.

CHAIR MEDEIROS: And from my Committee Staff, we have Committee Secretary, Ms. Camille Sakamoto; and our Legislative Analyst, Mr. Michael Geers. Members, we have just one item on this agenda this morning. And the reason for that is we did have a site inspection this morning and we wanted to be sure that we didn't over schedule ourselves because we do have an afternoon meeting, I believe. And so, the first item on our agenda this morning, Members, and before we do that I'm going to ask our Staff if we have any testimony this morning, Staff?

MS. SAKAMOTO: No, Mr. Chair.

CHAIR MEDEIROS: No testimony. Okay. Without objections, Members, the Chair will close public testimony for this morning's meeting.

COUNCIL MEMBERS: No objections.

INFRASTRUCTURE MANAGEMENT COMMITTEE MINUTES
Council of the County of Maui

January 11, 2010

CHAIR MEDEIROS: Thank you, Members. So ordered.

ITEM NO. 36: ACCEPTING DEDICATION OF ROADWAY LOT AND ROAD WIDENING LOT FOR KIHEI KAUAHALE SUBDIVISION (KAHAAPO LOOP AND WAIPUILANI ROAD, KIHEI) (C.C. No. 09-335)

CHAIR MEDEIROS: So this morning we have one item and that is IM-36, accepting dedication of roadway lot and road widening lot for Kihei Kauhale Subdivision (Kahaapo Loop and Waipuilani Road in Kihei). The Committee is in receipt of County Communication No. 09-335, from the Director of Public Works, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF A ROADWAY LOT AND A ROAD WIDENING LOT FOR THE KIHEI KAUAHALE SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE." The purpose of the proposed resolution is to accept the dedication of Roadway Lot 25 (Kahaapo Loop) consisting of approximately 54,744 square feet; and Road Widening Lot 26, along Waipuilani Road in Kihei, consisting of approximately 4,842 square feet, affecting TMK: (2) 3-9-46:049. So, at this time, Members, I would like to ask the Director of Public Works, Director Arakawa, to give us an overview of this item. Director?

MR. ARAKAWA: Thank you, Mr. Chair. This item pertains to a proposed dedication of Roadway Lot 25 and Road Widening Lot 26 for the Kihei Kauhale Subdivision. Roadway Lot 25 is 54,744 square feet in area, and this comprises the interior street of the subdivision which is named Kahaapo Loop. This is generally 48 feet in width and there is also a Road Widening Lot 26, which is 4,842 square feet in area, and this provides required widening of Waipuilani Road which abuts and provides access to the subdivision. The widening ranges from approximately five feet along the makai frontage of the subdivision to approximately ten feet along the more mauka frontage closer to the Waipuilani-Liloa Drive intersection. The development received final subdivision approval on September 8, 2005. The improvements are complete and have been approved by the Department of Environmental Management on May 25, 2007, the Department of Water Supply on March 19, 2008, and the Department of Public Works on April 21, 2009. The Department of Public Works has reviewed the Warranty Deed and found it to be satisfactory. The document has also been reviewed and approved by the Department of the Corporation Counsel. A resolution entitled "ACCEPTING DEDICATION OF A ROADWAY LOT AND A ROAD WIDENING LOT FOR THE KIHEI KAUAHALE SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE" has been drafted, and the Committee's review and consideration of the proposed resolution is respectfully requested.

CHAIR MEDEIROS: Mahalo, Director Arakawa. Members, the Chair will open the floor for discussion and questions at this time. Members ... uh, Member Pontanilla?

VICE-CHAIR PONTANILLA: Thank you. Director Arakawa, the subdivision was granted final approval on November 2005, and what I'm hearing, uh, what you was that all of the improvements when I see April 21st, 2009 has been completed, you know it's like three

INFRASTRUCTURE MANAGEMENT COMMITTEE MINUTES

Council of the County of Maui

January 11, 2010

plus years to accept this dedication. I thought that when a subdivision is granted final approval already everything is approved as far as infrastructure.

CHAIR MEDEIROS: Director?

MR. ARAKAWA: Councilmember Pontanilla, that is one option that a subdivider may choose to embark on but typically what happens is that we grant final subdivision approval and it's basically a bonded final subdivision approval. So the applicant has not completed all the required improvements, and they post a bond basically giving the County assurance that they will do it after final subdivision approval. So that's what happened in this particular case.

VICE-CHAIR PONTANILLA: Thank you for that answer. And Chairman, if you could write a letter to or if anyone from the Finance Department or Corporation Counsel can answer this question, when subdivision is granted final approval, do we start collecting real property tax on those vacant lots?

CHAIR MEDEIROS: Corporation Counsel, would you be able to respond to that?

MR. GALAZIN: Member Pontanilla, I think you're correct in your first assessment that probably be a question for the Finance Department to answer.

VICE-CHAIR PONTANILLA: Okay. Maybe under your signature, Chairman, if we could write a letter to Finance . . . when does the real property tax portion kick in -- when a subdivision is given final approval or after all of the improvements have been completed and we accepting dedication of easements?

CHAIR MEDEIROS: Okay. Thank you, Member Pontanilla. Director Arakawa, would you know the answer to that?

MR. ARAKAWA: No, I don't, Mr. Chair.

CHAIR MEDEIROS: You don't. Okay. Thank you. All right, we'll --

VICE-CHAIR PONTANILLA: Thank you.

CHAIR MEDEIROS: --under my signature write to the Department of Finance for that question and answer.

VICE-CHAIR PONTANILLA: Thank you.

CHAIR MEDEIROS: Thank you, Member Pontanilla. Members, any other questions? Council Chair Mateo?

COUNCILMEMBER MATEO: Chairman, thank you.

INFRASTRUCTURE MANAGEMENT COMMITTEE MINUTES

Council of the County of Maui

January 11, 2010

CHAIR MEDEIROS: And Council Chair, before you proceed, thank you, I just want to recognize Member Victorino present this morning.

COUNCILMEMBER VICTORINO: Thank you, Chair.

CHAIR MEDEIROS: Thank you for being here. Thank you for that interruption, Council Chair Mateo.

COUNCILMEMBER MATEO: No problem, Chairman, thank you very much. Mr. Arakawa, can you tell me what the extent of the required improvements were?

MR. ARAKAWA: Okay. First of all, Roadway Lot 25 is basically the roadway within the subdivision, that's the loop road within the subdivision, includes the bulb-outs as well as the sidewalk and curb gutter within the subdivision. Along Waipuilani Road is basically a widening of the existing road that was required and along the project's frontage there's also a sidewalk which was required as well.

COUNCILMEMBER MATEO: Thank you. And the term that it took for this subdivision to complete its required improvements like the three and a half years, is that the norm?

MR. ARAKAWA: Depends on the subdivider. We would prefer actually that it get done sooner rather than later. But it kind of depends on the individual subdivider as far as how long they take. We try to be accommodating as far as the time frame; however, some subdivisions, as you know, have run into financial difficulties and in those cases we would seek to enforce getting the improvements done through some other means. But generally this is pretty much the norm.

CHAIR MATEO: Pretty much the norm. Thank you. And so the *norm* then has nothing to do with the County's permits; it has to do with the financial stability of the developer?

MR. ARAKAWA: That's one factor, yes. That's one factor that's entered into the equation. And I think generally most subdividers would prefer to get these improvements out of the way because the homeowners are already, once you grant final subdivision approval, properties can be conveyed to the homeowners or the actual owners of the lots. So most subdividers would prefer to just get the requirements out of the way.

COUNCILMEMBER MATEO: Thank you, Mr. Arakawa. Thank you, Chairman.

CHAIR MEDEIROS: Thank you, Council Chair Mateo. Members, any other questions? Seeing none. Members, at this time, with the request to inquire with the Department of Finance regarding the application with the property owners after final subdivision approval which we will be sending under my signature. So with that, Members, without objections the Chair will defer this item. Oh, Member Pontanilla has a question first.

INFRASTRUCTURE MANAGEMENT COMMITTEE MINUTES

Council of the County of Maui

January 11, 2010

VICE-CHAIR PONTANILLA: Mr. Chairman?

CHAIR MEDEIROS: Yes.

VICE-CHAIR PONTANILLA: You know the questions that I asked the Department regarding real property tax, you know, I can move forward on this one here. The question basically not only this subdivision but the many more subdivisions that come forward to us for accepting dedication but, you know, as far as moving this thing and accepting the roadway lot widening for this subdivision, I can move forward on this.

CHAIR MEDEIROS: Thank you, Vice-Chair Pontanilla. So you want that information more informational for you to have --

VICE-CHAIR PONTANILLA: Yes.

CHAIR MEDEIROS: --when you deliberate on other similar . . .

VICE-CHAIR PONTANILLA: Yes. Because Budget is coming up we need to take a look at all the avenues in regards to raising our revenues for this County. Thank you.

CHAIR MEDEIROS: Okay, thank you. Members, once again any questions? Seeing none. Then with that, Member Pontanilla is satisfied with getting that information after we take action. So the Chair will entertain a motion to recommend adoption of the proposed resolution and the filing of the communication.

VICE-CHAIR PONTANILLA: So move, Chairman, to accept the dedication of a roadway lot and a road widening lot for the Kihei Kauhale Subdivision pursuant to Section 3.44.015, Maui County Code.

COUNCILMEMBER VICTORINO: Mr. Chair, I second the motion.

CHAIR MEDEIROS: It has been moved by Committee Vice-Chair Pontanilla and seconded by Member Victorino. Members, any discussion?

VICE-CHAIR PONTANILLA: Chairman?

CHAIR MEDEIROS: Yes.

VICE-CHAIR PONTANILLA: It also includes the filing of County Communication No. 09-335.

CHAIR MEDEIROS: Thank you for that inclusion, Member Pontanilla. Any other further discussions? Otherwise, the Chair will call for the vote. All in favor of the motion, say aye?

INFRASTRUCTURE MANAGEMENT COMMITTEE MINUTES

Council of the County of Maui

January 11, 2010

COUNCIL MEMBERS: Aye.

CHAIR MEDEIROS: All opposed, say no.

Okay, it is passed unanimously with 7 ayes and 0 noes.

VOTE: AYES: Councilmembers Baisa, Kaho'ohalahala, Mateo, Molina, Victorino, Vice-Chair Pontanilla, and Chair Medeiros.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: Recommending ADOPTION of resolution and FILING of communication.

CHAIR MEDEIROS: Members, we have gone through our one and only item this morning other than our site inspection. But I want to . . . we have an afternoon meeting. Chair Kaho'ohalahala, would you like to announce that?

COUNCILMEMBER KAHO'OHALAHALA: Yes. Thank you, Chair. The Planning Committee has an evening meeting.

CHAIR MEDEIROS: Correct.

COUNCILMEMBER KAHO'OHALAHALA: It's at 6 o'clock at the Lahaina Civic Center and we're going to go over the Maui Island Plan, so I'm inviting the community to please attend.

CHAIR MEDEIROS: Okay. Thank you for that announcement of the time and location. Members, without any further questions or announcements, the Chair will, at this time, January 11, 2010, at 10:46 adjourn this meeting. . . .(gavel). . .

INFRASTRUCTURE MANAGEMENT COMMITTEE MINUTES
Council of the County of Maui

January 11, 2010

ADJOURN: 10:46 a.m.

APPROVED:



BILL KAUAKEA MEDEIROS, Chair
Infrastructure Management Committee

im:min:100111

Transcribed by: Jo-Ann Sato