

MINUTES
Special Call Minutes
December 3, 2019
7:30 p.m.
Government Center
6601 Main Street
Miami Lakes, Florida 33014

1. SPECIAL PRESENTATIONS:

Mr. Al Palacio, the president of Miami Dade Public School Internal Order of Police, stated the current site plan for the Lucida Project raises concerns. He stated the rise in mental health issues and active shooters incidents is something to consider when re-evaluating this site plan. When hypothesizing an active shooter incident, it needs to be kept in mind the Las Vegas shooting incident logistics. The Las Vegas shooter who was only acres away from a concert and shot from 15 floors up. This new building next to the school would only be 5 feet away and only a couple of stories. Pedophilia is another concern of his when looking at this site plan. His recommendations would be to relocate the building further back on the parcel, build a 6 feet or higher concrete wall between the school and residential property, have truss roofing, and have no windows facing the school.

Mr. Jose Bueno, Region Superintendent of Miami Dade Public Schools, stated the site plan setbacks were a concern of the Miami Dade Public School Board. There will only be 5 feet distance between the building, and where students will walk to classrooms and parents drop their children off. These setbacks are concern also because residents of the building may be conducting themselves in a way that is not appropriate for children. He would like to see a different location for windows that gives the students more privacy. He also brought up his concern about construction noise. He would hope that construction could be done only on the weekends, as the noise will disrupt learning and testing. In conclusion, he would like to see more of a collaborated effort between the Town, developers, and Miami Dade Public School system to come up with the best site plan possible.

Vice Mayor Nelson Rodriguez asked for Mr. Bueno to explain why a tree buffer was not a possible. Mr. Bueno explained where the trees were to be planted was the location of the school's underground plumbing pipes. In the future, the trees roots could cause major issues with the plumbing. There is possibility that the trees could be planted on the developer's side of the property.

2. ROLL CALL:

Mayor Manny Cid called the meeting to order at 7:35 PM.

The Town Clerk, Gina Inguanzo, called the roll with the following Councilmembers being present: Luis Collazo, Jeffrey Rodriguez, Marilyn Ruano, Vice Mayor Nelson Rodriguez and

Mayor Manny Cid. Councilmember Josh Dieguez was present via Zoom. Councilmember Carlos Alvarez was absent.

3. MOMENT OF SILENCE:

Rabbi Weiss led the invocation.

4. PLEDGE OF ALLEGIANCE:

Councilmember J. Rodriguez led the Pledge of Allegiance.

5. ORDER OF BUSINESS (DEFERRALS/ADDITIONS/DELETIONS):

There was no deferrals, additions, or deletions.

6. PUBLIC COMMENTS:

The Town Clerk, Gina Inguanzo, read the instructions of proper decorum that are to be respected and followed in the Council Chambers of the Town of Miami Lakes.

In-Person Public Comments:

Mr. Ramiro Inguanzo came before the Town Council and expressed his concerns regarding the setbacks that were approved when the variance was granted back in 2017. He stated that the proximity from the classroom building to the proposed private development is approximately 30 feet; he stated that is not enough distance. He also stated he advocated for a wall to be built as tall as possible, and that in many communities that has been done; he explained that a tall wall provides a buffer to noise and it provides security, privacy to all people on either side of the wall and that he thinks that would be the best solution. He agreed with Al Palacio's statements about the concrete wall. He feels this would be a better option than a tree buffer and emphasized the wall should be higher than 6 feet.

Mr. Bonnie Cintron came before the Town Council and stated the Town Council should consider changing the Town motto of "growing beautifully" to "maintaining the beauty." She feels all this growth of development and overcrowding the Town cannot handle. She explained that the Town needs to maintain what it already has.

Mr. Marcos Gutierrez came before the Town Council to express similar concerns about the setbacks. He was against the project back in January 2017 when it was first proposed to the Town Council with a site plan of 7 stories. The site plan was turned down by the Town Council then and he said rightfully so. In June 2017, the lawsuits were filed against the Town and councilmembers if the site plan was not approved again, he said this was red flag for him. He stated he knows the argument has been there are many schools that have private businesses or

residential property adjacent to them. However, he is not sure if there has ever been only a 5-foot setback and this needs to be investigated.

Remote Public Comments: Due to technical difficulties with users, remote public comments were unable to be heard.

7. APPOINTMENTS:

There were no Committee Appointments discussed.

8. COMMITTEE REPORTS:

There were no Committee Reports discussed.

9. CONSENT CALENDAR:

There were no items on the Consent Calendar items discussed.

10. ORDINANCE – FIRST READING:

There were no Ordinances in First Reading discussed.

11. ORDINANCE – SECOND READING:

There were no Ordinances in Second Reading discussed.

12. RESOLUTIONS:

There were no Resolutions discussed.

13. NEW BUSINESS ITEMS:

A. To Discuss updates on Lucida Project (Cid)

Mayor Cid opened the meeting with the history of how the Lucida Project came to be since he has been part of the Town Council. Mayor Cid stated that originally, the parcel was approved for a business building and when the site plan changed for a residential project, he voted against the site plan. He explained that other councilmembers at the time, voted for approval and therefore, the site plan was approved to build a residential property. Mayor Cid explained there had been several red flags for him on why he believes this parcel site plan needs to be re-reviewed. The red flags are the following:

- When the final approval of site plan was up for council discussion, the original developers sent a letter threatening to sue the Town of Miami Lakes and sue the Mayor and councilmembers individually, if the site plan was not approved. The Town Attorney said this was inappropriate and the lawsuits were able to be dropped.
- The original lobbyist associated with the project sent an email to the Town of Miami Lakes stating that he was no longer representing the project.
- In August 2019, the Florida Housing Corporation sent a letter to the Town of Miami Lakes stating the development would be for low-cost housing.
- Recently, the Town of Miami Lakes was informed the original developers sold the parcel and project to a new national development group, Rio Development.

Mayor Cid stated the new developers have said they are open for discussion in making plausible site plan changes. There has been discussion with the developers about planting mature trees along the school property, but the Mayor was told this is not feasible. The current window structure is of great concern. Mayor Cid thanked resident, Ramiro Inguanzo, for raising concerns with the Town Council about the site plans setbacks. The setback for a commercial property is 25 feet, and the current site plan's setback is only 5 feet from Bob Graham Educational Center.

The Town Attorney, Raul Gastesi, advised the Town Council to give him along with the Deputy Town Attorney, Lorenzo Cobiella, direction to do the following:

- Investigate if there are any violations in the development order or current site plan
- Review the statutes and case laws that would pertain to the issue
- Review the Quasi-Judicial Hearing to see if there is conduct, evidence, or testimony that would justify modification or revocation of the development order or site plan
- Review the actions of the current owner or prior owner of the property that would justify modification or revocation of the development order or site plan
- Review if there is any new laws that would justify modification or revocation of the development order or site plan
- Setup meetings between the Mayor and councilmembers with the developers to be able to express their concerns and recommendations

Vice Mayor Nelson Rodriguez stated that the votes should have gone in a different direction many years ago. Parkland and Vegas shooter happened after this site plan was approved. He liked all the recommendations that had been mention tonight regarding moving the building the south end of the property and building a 20-foot wall. He also recommended that all construction workers on site should get a background check.

Councilmember Dieguez stated that the Town Council at the time voted in the best interest of the Town of Miami Lakes based on the information available at the time. What happened at Parkland and Las Vegas would have never crossed their minds at the time. Also, easement rights were not known. He advised that no action be taken tonight, and the Town Attorneys do everything to make sure the developers are being complaint. He would like to see a sunshine meeting or at a regular council meeting for legal to come back with recommendations.

Councilmember Ruano stated she has always advocated for school safety. This is her number one priority and she was only a resident at the time. She along with many residents present tonight fought this project. She knows that the Town Council at the time of the

previous vote attacked every component of the Lucida Project. She is happy to hear the developers are willing to work with the Town and school district but that the public needs to keep in mind it may not be everything they hope for.

Councilmember Collazo expressed he was on the Dais and he voted against the original site plan along with every other member of the Town Council. He encourages the Town Attorney to come back with legal recommendations on how the Town can move forward and has loved all the recommendations expressed here tonight.

Councilmember J. Rodriguez stated he really would like to sit down with developers and work together with the Town Attorney on moving forward and re-evaluating the site plan.

Mayor Manny Cid made a motion to direct the Town Attorney Raul Gastesi to follow through with his legal advise to the Town Council. Vice Mayor N. Rodriguez seconded the motion but would like the Town Attorneys to meet with each councilmembers individually, to discuss Mr. Gastesi's findings before any councilmember meets with the developers. All were in favor.

14. MAYOR AND COUNCILMEMBER REPORTS:

There were no reports from the Mayor or Councilmembers discussed.

15. MANAGER'S REPORTS:

There were no Town Manager's Reports discussed.

16. ATTORNEY'S REPORTS:

There were no Attorney's Reports discussed.

17. ADJOURNMENT:

There being no further business to come before the Town Council, the meeting adjourned at 8:45 PM.

Manny Cid, Mayor

Attest:

Gina M. Inguanzo, Town Clerk