

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, APPROVING AND AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH BROWARD COUNTY REGARDING THE PLACEMENT OF A TOWER IN WEST LAKE PARK OR AN ANTENNA SYSTEM ON TOP OF THE CIRC RESIDENCES FOR THE P25 COMMUNICATION SYSTEM.

WHEREAS, on August 21, 2018, Broward County (“Applicant”) submitted an application to the City requesting Site Plan approval for a P25 telecommunication communication tower in West Lake Park (“WLP Site”) at 1200 Sheridan Street; and

WHEREAS, the Planning Manager and Planning Administrator (collectively, the “staff”) reviewed the Applicant’s requests in accordance with the criteria set forth in Article 6 of the City’s Zoning and Land Development Regulations for each request, and recommended to the Planning and Development Board (“Board”) that the Site Plan Application be approved with conditions; and

WHEREAS, on September 6, 2018, the Board reviewed the Site Plan Application based upon Staff’s Summary Report, the relevant criteria set forth in Article 6 for each request, the Applicants’ application and supporting documents and materials, along with all submitted written and oral testimony received during the public hearing from all parties and speakers, and forwarded its recommendations that the Site Plan review standards set forth in Article 6 had not been satisfied, and therefore, recommended that the Site Plan Application be denied; and

WHEREAS, on October 17, 2018, staff presented the Board’s and staff’s findings on the WLP Site Plan Application to the City Commission, and the City Commission requested that Applicant evaluate alternate sites that might be more suitable location(s) for the telecommunication tower and equipment, and continued the Site Plan Application item to its November 7, 2018 Commission meeting; and

WHEREAS, on November 7, 2018, the Applicant presented findings to the City Commission that an alternate site located on a building at 1776 Polk Street in Downtown Hollywood, known as the Circ Residences (“Circ Site”), offered comparable coverage and identified other components of concern, and as a result, the City Commission requested that Applicant evaluate the Circ Site further while it continued their consideration to the December 19, 2018 Commission meeting; and

WHEREAS, on December 19, 2018, the Applicant presented additional findings of the Circ Site to the City Commission, and the City Commission requested that Applicant continue to evaluate the Circ Site further, and based upon the additional findings

presented by the Applicant, the City Commission determined that the Circ Site was a more suitable location when compared to the WLP Site based upon the criteria in Article 6 and for the health, safety and welfare of all Broward County residents, and thus, continued the Site Plan Application item to a future date; and

WHEREAS, on January 8, 2019, Broward County initiated Chapter 164 proceedings (Resolution No. 2019-23) on the basis of the City's deferral of the its Site Plan Application for placement of a P25 Telecommunication Tower at the WLP Site; and

WHEREAS, on January 29, 2019, approximately three months after the City's original request, the Applicant commenced a 60 day feasibility study ("Study") of the Circ Site; and

WHEREAS, on April 8, 2019, the City hired consultant G.M. Selby to provide a technical evaluation of the Applicant's Study; and

WHEREAS, on April 9, 2019, the Applicant formally presented and discussed their Study and its findings at a Broward County Commission Workshop; and

WHEREAS, on April 16, 2019, the Broward County Commission directed the Applicant to move forward with the Site Plan Application for the WLP Site; and

WHEREAS, on May 7, 2019, the Broward County Commission amended a Deed Restriction allowing for the placement of a telecommunication tower at the WLP Site (Resolution No. 2019-264); and

WHEREAS, on June 5, 2019, the City Commission reviewed the Site Plan Application based upon Staff's Summary Report, the relevant criteria set forth in Article 6 for each request, the Applicants' application and supporting documents and materials, along with submitted written and oral testimony received during the public hearing from all parties and speakers, and determined that the Site Plan Application failed to satisfy the various review standards in Section 6.23 of the City's Land Development Code, and therefore denied the Site Plan Application for the WLP Site; and

WHEREAS, at a June 6, 2019 Joint Commission Meeting between the Broward County and City of Hollywood Commissions, a tentative "agreement" was reached that the parties would bring to their respective Commissions an Interlocal Agreement for their consideration, agreeing to some general terms for the ILA, and directed legal counsel and appropriate staff for both parties to work jointly on specific details for the respective Commissions to consider during their next Commission meetings; and

WHEREAS, the staff and legal counsel for both parties conferred and jointly prepared an Interlocal Agreement for their respective Commissions to consider, attached as "Exhibit A"; and

WHEREAS, the County Commission considered and approved the ILA at its June 18, 2019 County Commission meeting, with several changes.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated in this Resolution.

Section 2: That it approves and authorizes the execution, by the appropriate City officials, of the attached Interlocal Agreement with Broward County, together with such non-material changes as may be subsequently agreed to by the City Manager and approved as to form and legal sufficiency by the City Attorney.

Section 3: That this Resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this _____ day of _____, 2019.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY for the use and reliance of the City of Hollywood, Florida, only.

DOUGLAS R. GONZALES
CITY ATTORNEY