



Broward County Commission Regular Meeting

Meeting Date: 01/08/2019

Department: Finance & Administrative Services

Information

Requested Action

**MAYOR BOGEN INITIATIVE**

**PRESENTATION: UPDATE ON IMPLEMENTING NEW P25 RADIO ON SYSTEM**

**CONSENT AGENDA**

A motion was made by Dr. Sharief, seconded by Commissioner Geller and unanimously carried, to approve the Consent Agenda consisting of Items 1 through 51. At the request of the Mayor, Regular Items 53 and 54 were transferred to the Consent Agenda.

Each item voted on the Consent Agenda was passed by unanimous vote of the Commission unless otherwise indicated by record vote.

The following Items were withdrawn/deferred: 1B and 59B.

The following Items were pulled by the Board and considered separately: 5, 20, 42 and 44.

The following Item was pulled by a member of the public and considered separately: 37.

What Action Accomplishes

Is this Action Goal Related

Previous Action Taken

Source of Additional Information

Fiscal Impact

Attachments

*No file(s) attached.*



## Broward County Commission Regular Meeting

59.

Meeting Date: 01/08/2019  
 Director's Name: Bertha Henry  
 Department: County Administration

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## Information

## Requested Action

A. MOTION TO ADOPT Resolution No. 2019-023 initiating conflict resolution procedures with the City of Hollywood as provided by Chapter 164, Florida Statutes, the title of which is as follows:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, INITIATING THE CONFLICT RESOLUTION PROCEDURES PRESCRIBED IN CHAPTER 164, FLORIDA STATUTES; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

**ACTION: (T-11:22 AM) Approved. In addition, the Board approved authorizing the County to perform an Engineering Study on the Circ Hotel, and bring information and an item back to the Board at the next Commission Meeting as to a timeline and impact of an Engineering Study. Further, the Board approved authorizing the County Administrator to execute a contract for an expedited Engineering Study, as well as authorized the County Administrator to proceed with due diligence to negotiate a proposed lease with the property owner of the Circ Hotel subject to County Commission approval. (Refer to minutes for full discussion.) (See Yellow-Sheeted Additional Material, dated January 8, 2019, submitted at the request of Commissioner Furr.)**

**VOTE: 8-1. Commissioner Udine voted no.**

B. MOTION TO AUTHORIZE County Attorney, promptly upon conclusion or impasse of the Chapter 164 conflict resolution proceedings, to initiate any legal actions as may be necessary against the City of Hollywood, including but not limited to an action for a writ of mandamus, to obtain a decision on the application for site plan approval for the public safety communication tower proposed to be located on County-owned property in West Lake Park, Hollywood, Florida, and to appeal or seek other appropriate review of a denial or other adverse determination, if necessary.

**ACTION: (T-11:22 AM) Following discussion, the Board deferred Item 59B pending potential resolution of this item as discussed by the Board. (Refer to minutes for full discussion.) (See Yellow-Sheeted Additional Material, dated January 8, 2019, submitted at the request of Commissioner Furr.)**

**VOTE: 8-1. Commissioner Udine voted no.**

## Why Action is Necessary

The Resolution will initiate the process and procedures mandated by Chapter 164, Florida Statutes.

## What Action Accomplishes

Initiates the Chapter 164 dispute resolution process, and provides authorization to the County Attorney.

## Is this Action Goal Related

## Previous Action Taken

## Summary Explanation/Background

The County is in the midst of an ongoing upgrade, costing in excess of \$50 million, to the public safety regional communications system. The system relies upon a network of communication towers that facilitate the critical radio communications for first responders and other public safety officials. Based upon extensive coverage analyses and in coordination with vendors, consultants, and other industry professionals, the County has identified the locations for additional communication towers that must be sited and built to support the upgrade to the regional communications system. One of the identified locations for a communication tower is on County-owned property in West Lake Park in Hollywood.

On August 21, 2018, the County submitted an application to the Planning and Development Board of the City of Hollywood (the "City") for site plan approval ("Site Plan Application"). The City Planning Administrator reviewed the Site Plan Application and recommended

the Planning and Zoning Board forward a recommendation to the City Commission to approve the site plan with minor conditions related to unity of title and certain tree mitigation.

On September 6, 2018, the Planning and Development Board recommended the City Commission deny the County's Site Plan Application, contrary to the recommendation of the City Planning Administrator, and without articulating any valid basis for its recommendation.

On October 17, 2018, the City Commission unanimously continued (postponed) consideration of the Site Plan Application to its November 7, 2018, meeting, concurrently suggesting that the County consider other site locations such as the top of the newly constructed Circ residences building in downtown Hollywood.

On November 7, 2018, the City Commission again continued the item after extensively discussing alternate locations such as the Circ residences building. The County representatives at the meeting informed the City Commission that the Circ building is not designed for the construction of a rooftop radio tower and does not have space for the required generator, that preliminary engineering analyses indicate the building and roof would require substantial modification to support the tower and required ancillary equipment, and the additional time required to fully explore and engineer that site would impermissibly delay the implementation of the communications system. The City Commission nonetheless continued its consideration of the Site Plan Application to its December 19, 2018, meeting.

On December 19, 2018, the City Commission again postponed its vote on the Site Plan Application, this time indefinitely, until an engineering study can be done on utilizing the Circ building instead of the West Lake Park site.

The proposed communication tower at West Lake Park is a permitted use and appears to meet all the criteria for site plan approval. The failure of the City to approve the Site Plan Application, and the repeated delay by the City in either approving or denying the Site Plan Application, are negatively affecting the public safety of the entire county.

The item would invoke the Chapter 164 Governmental Conflict Resolution process for two purposes: (1) it would facilitate dialogue that might lead to collaborative resolution of this dispute; and (2) it is a required condition precedent for at least some court claims the County expects to assert if collaborative resolution is not achieved.

#### Source of Additional Information

René D. Harrod, Deputy County Attorney, 954-357-7600

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#### Fiscal Impact

Fiscal Impact/Cost Summary:  
Not determined at this time.

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#### Attachments

[Exhibit 1 - Copy of Chapter 164 Resolution](#)

[Additional Material - Information](#)

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**PROPOSED**

RESOLUTION NO. 2019-

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, INITIATING THE CONFLICT RESOLUTION PROCEDURES PRESCRIBED IN CHAPTER 164, FLORIDA STATUTES; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Broward County (the "County") is undertaking an extensive upgrade of the public safety regional communications system in order to improve the system's capacity to facilitate critical radio communications for first responders and other public safety officials;

WHEREAS, the upgrade of the radio communications system, including construction of additional radio communication towers, is critical and time-sensitive in light of the fact that critical components of the system have reached end-of-life, meaning technical expertise and spare parts necessary to resolve issues will not be guaranteed, and maintenance and support will be provided only on a "best efforts" basis;

WHEREAS, based upon extensive coverage analyses and in coordination with vendors, consultants, and other industry professionals, the County has identified the most appropriate locations for additional communication towers that must be sited and built to support the upgraded communications system, and one of those locations is certain County-owned property within West Lake Park, 1200 Sheridan Street, Hollywood, Florida;

WHEREAS, on August 21, 2018, the County submitted an application to the Planning and Development Board of the City of Hollywood (the "City") for site plan approval for the proposed communication tower and associated compound ("Site Plan Application"), and upon review, the City Planning Administrator recommended the City

1 Planning and Zoning Board forward a recommendation of approval to the City  
2 Commission with only minor conditions related to unity of title and certain tree mitigation;

3 WHEREAS, on September 6, 2018, the City Planning and Development Board  
4 recommended the City Commission deny the Site Plan Application despite the lack of any  
5 factual or legal basis for such denial and contrary to the recommendation of approval by  
6 the City Planning Administrator;

7 WHEREAS, on three occasions to date, namely October 17, 2018,  
8 November 7, 2018, and December 19, 2018, the City Commission considered the Site  
9 Plan Application and postponed its decision on the Site Plan Application, suggesting  
10 repeatedly in conjunction with such consideration that the County consider other sites for  
11 placement of the communication tower. The City's suggested locations have been  
12 determined by the County to be unsuitable based upon the location, timing, and  
13 engineering requirements for the radio communication system; and

14 WHEREAS, the County's existing radio infrastructure is outdated and will not be  
15 fully supported after December 31, 2018, and the ongoing delay caused by the City's  
16 refusal to approve the Site Plan Application is negatively affecting the public safety of the  
17 entire county and the implementation of the upgraded radio communication system,  
18 NOW, THEREFORE,

19  
20 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF  
21 BROWARD COUNTY, FLORIDA:

22  
23 Section 1. The above-stated recitals are true and correct and incorporated  
24 herein by reference.

1           Section 2.    It is the intention of the Board of County Commissioners to initiate  
2 the conflict resolution procedures provided by Chapter 164, Florida Statutes, prior to the  
3 initiation of any litigation that may be required to obtain the City’s decision on and approval  
4 of the County’s Site Plan Application.

5  
6           Section 3.    The issue in conflict involves the prompt and timely consideration  
7 and approval of the County’s Site Plan Application for a radio communication tower on  
8 certain County-owned property located within West Lake Park, 1200 Sheridan Street,  
9 Hollywood, Florida, and any appeal, other review proceeding, or judicial relief in  
10 connection with any unfavorable determination of same.

11  
12           Section 4.    The current conflict is between Broward County and the City of  
13 Hollywood.

14  
15           Section 5.    Severability.

16           If any portion of this Resolution is determined by any court to be invalid, the invalid  
17 portion will be stricken, and such striking will not affect the validity of the remainder of this  
18 Resolution. If any court determines that this Resolution, in whole or in part, cannot be  
19 legally applied to any individual, group, entity, property, or circumstance, such  
20 determination will not affect the applicability of this Resolution to any other individual,  
21 group, entity, property, or circumstance.



**Item #59**

**ADDITIONAL MATERIAL**

**Regular Meeting**

**JANUARY 8, 2019**

**SUBMITTED AT THE REQUEST OF**

**COMMISSIONER BEAM FURR**



## Miller, Clay

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**From:** Chip Abele <cabele@gcfr.com>  
**Sent:** Tuesday, January 8, 2019 8:53 AM  
**To:** Furr, Beam  
**Cc:** Dimitris Papaikonou; Peter Jago; Bruce Cavossa; Josh Levy  
**Subject:** County Antenna at Circ

**External Email Warning:** This email originated from outside the Broward County email system. Do not reply, click links, or open attachments unless you recognize the sender's **email address** (not just the name) as legitimate and know the content is safe. Report any suspicious emails to [ETSSecurity@broward.org](mailto:ETSSecurity@broward.org).

Good Morning Beam

I hope this finds you well.

I wanted to let you know we are ready and willing, subject to resolution of the remaining open items and a final lease, to proceed with the leasing of facilities and/or space for and erection of the County Antenna Systems onto the roof of the Circ Hotel and Residences Building.

I can also commit to you that our team of consultants and the core members of our staff assigned to this item, can and will commit to being available daily for the next several days or weeks to work with the County in pursuit of a positive resolution of the placement of the antennae and related systems onto and into our building.

This does not constitute a commitment to lease.

Best

### Privileged & Confidential Communication

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