



# City of Hollywood

Hollywood City Hall  
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Hollywood, FL 33020  
<http://www.hollywoodfl.org>

## Legislation Text

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Discussion On The Results Of The June 6, 2019 Joint Meeting Between The City Of Hollywood And Broward County, And To Consider An Interlocal Agreement (ILA) With Broward County Pertaining To Further Analysis Of The Placement Of A P25 Communication Tower At West Lake Park And Circ Residences Sites.

Staff Recommends: Discussion and direction on the Term Sheet/ILA.

### Explanation:

Broward County initiated Chapter 164 proceedings on January 8, 2019 (Resolution No. 2019-23) regarding deferral of the City's decision on Broward County's Site Plan Application for placement of a P25 Communication Tower at West Lake Park (WLP). On June 6, 2019, the City and County held a Joint Commission Meeting, which concluded with both Commissions agreeing to some general terms for a potential resolution of the dispute, and directed legal counsel and appropriate staff, for both parties, to work jointly on specific details for the individual Commissions to consider at their next available meetings.

The City received more than one final draft of the Interlocal Agreement (ILA) from County Staff with the last version(s) being received midday Monday (June 10, 2019). Although City Staff reviewed and provided feedback on the ILA to the County Attorney, the item (online) for the June 11, 2019 County Commission Meeting did not include the City's comments. The County Commission Meeting resulted in the County Commission giving additional changes to their legal counsel, which were submitted to the City later that day via a Term Sheet (Attachment 1). The County Commission also expressed their desire to finalize the ILA prior to their summer recess.

While discussing the Term Sheet/ILA it is also important for the City Commission to be aware of long-term and short-term financial implications that this will have on the City. Some of these are identified within the Term Sheet/ILA, however there are other costs that are not, such as paying G.M. Selby, etc.

### Background:

The Applicant's proposed site is within the West Lake Park, located south of Sheridan Street and west of West Lake Drive within the Hollywood Lakes neighborhood. West Lake Park is a regional park that includes the Anne Kolb Nature Center and a variety of outdoor recreational activities. The

park has an Open Space and Recreation Land Use, and is zoned as Governmental Use (GU), which allows for government uses, including communication towers and related structures. Broward County is proposing to construct and install a 300 foot communication tower and accessory structure, a critical component of the new Public Safety Radio System (P25), which includes the City of Hollywood Police and Fire users.

The proposed structure is flanked by the Southern Regional Wastewater Treatment Plant owned and operated by the City of Hollywood Public Utilities Department and the Eco Golf Club to the south, multifamily residential to the north, west and east, and a conservation area to the east. In fact, staff believes the proposed location of the structure will be within the Conservation Easement that was recorded as part of the Quit Claim deed from the City to the County in the 1990s. The communication tower and accessory structure are proposed to be located on the southwestern corner of West Lake Park, bordering Hollywood's Wastewater Treatment Plant. This location allows for the tower to be at its maximum separation from any neighboring residential property and nestled within the open space.

As required by the Zoning and Land Development Regulations, the Planning and Development Board provides a recommendation to the City Commission for Design and Site Plan.

On September 6, 2018, the Planning and Development Board forwarded a recommendation of denial to the City Commission by a vote of 0-6.

Subsequent to the Planning and Development Board meeting, the Applicant submitted additional supporting documentation.

On November 7, 2018, the City Commission determined that a better alternative site may be available and as such directed staff to study the CIRC Residences, located at 1780 Polk Street.

At the December 19, 2018 City Commission meeting, staff and CIRC Representatives presented the CIRC Site as an option for the antennas, in lieu of the communication tower proposed at West Lake Park. County representatives agreed that comparable coverage could be attained at the CIRC Site but they remained adamant that the CIRC Site was not viable due to uncertainties during construction. City Commission continued the item, requesting that further studies be made at the CIRC Site by the Applicant. The Applicant indicated that the item would be discussed during an upcoming County Commission meeting.

On January 8, 2019, the Broward County Commission, voted (8-1) to authorize County staff to look into the CIRC Site as an alternative site to West Lake Park. The County Commission also invoked conflict resolution proceedings pursuant to Florida Statue 164, as a result of the City of Hollywood's continuance of the Site Plan approval request for the communication tower in West Lake Park. City Representatives disagreed that such a measure is warranted given that the City Commission did not deny their request. The City also made the County Commission aware of a deed restriction limiting

uses at West Lake Park, including potentially the communication tower.

The item returned to the County Commission on January 29, 2019, where the County Commission voted (6-3) to move forward with a feasibility study to place the necessary equipment on the roof of the CIRC Residences instead of West Lake Park. Their vote included the following conditions:

1. The lease with CIRC would be on the next County Commission agenda on February 12, 2019. The lease needed to include, at a minimum, the general terms and equipment design and location.
2. The County's consultants, KCI Associates of NC and Mission Critical Partners, were given 60 days to complete a feasibility study, excluding FAA and FCC approvals.
3. The County and Consultants would continue to work with the City to identify and evaluate alternative sites for the tower.

During the Chapter 164 proceedings held on January 31, 2019, the City Attorney expressed the City's position that the case is not ripe and thus premature under Chapter 164. However, County Representatives indicated that the intent of the meeting was to establish a "Plan B" in the event the CIRC Site is determined not to be viable. As such, both Parties agreed to move forward with the CIRC Site as a priority, followed by an analysis of the City's Wastewater Treatment Plant, and then further evaluation of alternative sites such as at the Radius, Dania Pointe, and Oakwood Plaza.

Over the next 60 days, City, County and CIRC Representatives and Consultants met several times to discuss the structural feasibility and lease terms. On February 12, 2019, an item at the County Commission to discuss the lease agreement was withdrawn. The County Attorney stated that there were still a few outstanding items, such as the lease premise. Ultimately, the lease agreement would be coupled with the completion of the feasibility study, at which point the lease premise could be fully evaluated.

On February 25, 2019, the City and County staff engaged in further conversations regarding placement of the tower in east Hollywood. The City's primary focus was on the site plan associated with proceedings under Chapter 164, while the County's was to discuss "Plan B". The City provided an analysis as to why the County's preferred Plan B, the Wastewater Treatment Plant, was not a viable option. As a result, the preferred Plan B site reverted to West Lake Park.

At the February 26, 2019 County Commission meeting, County staff updated the County Commission on the CIRC Site and a Plan B should the CIRC prove not to be feasible. Due to continued concerns raised by the City, the County Commission recommended a Workshop to discuss the final findings of the feasibility study. To assist in meeting the fast approaching deadline for the P-25 Radio System, the City committed to assisting with any permitting and regulatory approvals that may be determined to be required.

On April 1, 2019, the County circulated the CIRC Hotel Feasibility Study Report and Appendices in preparation for the workshop. In response, City staff, in collaboration with consultant G.M. Selby,

prepared an analysis of the report. At the workshop held on April 8, 2019, KCI provided a summary of the report, stating that the CIRC Site was a viable option while identifying coverage, construction, cost and timeline challenges. While City staff presented a range of solutions to these challenges per the City Consultant's report, the County Commission concluded that due to the diminished coverage and shadowing issues, the CIRC Site was no longer an optimal option and progress would need to be made on Plan B, West Lake Park.

In response, G.M. Selby, in collaboration with City staff, drafted an updated response with a focus on the Evaluation of the RF Layout at the CIRC Site. This document was presented at the May 16, 2019 County Commission meeting, and the County Commission directed County staff to move forward with the West Lake Park Site and publish notice for a public hearing to modify the declaration of restrictive covenants for West Lake Park.

On May 7, 2019, the County Commission voted (8-1) to amend the deed restriction for West Lake Park, thus enabling the City Commission to consider the West Lake Park Site Plan. County staff and Commission indicated the intent was to allow both CIRC Site and West Lake Park options to move forward concurrently.

While the County Commission has expressed concern that the coverage at the CIRC Site is the primary detractor for the Site, the City Consultant, G.M. Selby, believes that the CIRC Site is a viable option and will have comparable coverage.

Chapter 164 proceedings are ongoing.

- Attachment 1: Term Sheet (June 11, 2019)
- Attachment 2: ILA Including Comments, Submitted to County (June 10, 2019)
- Attachment 3: ILA with City Consultant Comments
- Attachment 4: County Commission Agenda Item (June 11, 2019)
- Attachment 5: Building Permit Information for 4950 SW 40 Court
- Attachment 6: Building Permit Information for WLP (2018 submittal)
- Attachment 7: Building Permit Information for WLP (2019 submittal)
- Attachment 8: City Commission Site Plan Resolution
- Attachment 9: Additional Information from G.M. Selby (June 6, 2019)
- Attachment 10: Conservation Easement
- Attachment 11: CIRC Hotel Feasibility Study Report and Appendices (KCI)
- Attachment 12: Evaluation of CIRC Hotel Feasibility Study Report (G.M. Selby)
- Attachment 13: CIRC Hotel Feasibility Study Summary (KCI, Mission Critical, Motorola)
- Attachment 14: Evaluation of RF Layout at the CIRC Hotel (G.M. Selby)
- Attachment 15: Response to Broward County Comments (G.M. Selby)
- Attachment 16: Evaluation of Broward County Commission Comments (G.M. Selby)

Attachment 17: Site Plan Review Standards

Recommended for inclusion on the agenda by:

Andria Wingett, Assistant Director, Development Services

Shiv Newaldass, Director, Development Services

Gus Zambrano, Assistant City Manager/Sustainable Development