

WEST PALM BEACH

EST. 1894

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Mayor Keith A. James
Commission President Joseph A. Peduzzi (District 4)
Commissioner Cathleen Ward (District 1)
Commissioner Shalonda Warren (District 2)
Commissioner Christy Fox (District 3)
Commissioner Stephen Sylvester (District 5)

City Administrator Faye W. Johnson
City Attorney Kimberly Rothenburg
City Clerk Shaquita Edwards

City of West Palm Beach
City Commission
Pass/Fail Agenda
Monday, August 3, 2026
5:00 PM

In accordance with the provisions of the Americans with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall, within three days prior to any proceeding, contact the City Clerk's Office, 401 Clematis Street, West Palm Beach, FL 33401, (561) 822-1210.

1. **CALL TO ORDER- 5:00 PM**

2. **MOMENT OF SILENCE**

3. **PLEDGE OF ALLEGIANCE**

4. **CIVILITY AND DECORUM**

The City of West Palm Beach is committed to civility and decorum by its officials, employees and members of the public who attend this meeting. The City Code, Secs. 2-31(8), 2-31(18) and 2-31(22), provides in pertinent part:

- Officials shall be recognized by the Chair and shall not interrupt a speaker.
- Public comment shall be addressed to the City Commission as a whole and not to any individual on the dais or in the audience.
- Displays of anger, rudeness, ridicule, impatience, lack of respect and personal attacks are strictly prohibited.
- Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted.
- Offenders may be removed from the meeting.
- Any person desiring to address the Commission **shall** file a written request with the city clerk prior to consideration of the matter by the Commission or prior to the public comment portion of a meeting. The person wishing to speak **shall** complete a comment card for each agenda item the person wishes to address, which **shall** include the person's full name, address, and the numbered agenda item. The person will not be recognized if the comment card is not completed.

5. ADDITIONS / DELETIONS / REORGANIZATION OF AGENDA

6. PRESENTATION- **PRESENTED**

- 6.1. Florida Constitution proposed amendments presentation by State Representative Emily Gregory.

Originating Department:
Mayor's Office

7. CONSENT CALENDAR- **ALL ITEMS WERE APPROVED**

All items listed under the consent calendar are considered routine and will be enacted by one motion. There will be no separate discussion of these items.

- 7.1. Resolution No. 167-26(F) appropriating \$725,000 from the Art in Public Places Capital Reserves balance to commission artist Davina Semo to create a site-specific permanent public artwork for Currie Park.

Originating Department:
Mayor's Office

Ordinance/Resolution:

RESOLUTION NO. 167-26(F): A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OR TRANSFER OF CITY FUNDS IN FISCAL YEAR 2025/2026 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING ART IN PUBLIC PLACES CAPITAL FUND BUDGET TO PROVIDE APPROPRIATIONS TO DESIGN AND INSTALL A PERMANENT PUBLIC ARTWORK FOR CURRIE PARK; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

On February 4, 2026, at their regularly scheduled meeting, the AiPP committee voted unanimously to recommend to City Commission a public art commission by professional artist Davina Semo to design and install a permanent public artwork for Currie Park.

The allocated [Resolution No. 167-26(F)] amount is all-inclusive for the public art project: design, materials, insurance, installation, etc., associated with direct costs for the realization of the artwork.

The final design will be presented to the City Commission for Face of the City approval at a future date.

Resolution No. 167-26(F) appropriates \$725,000 from the AIPP Capital Fund Balance to implement the public art project.

Commission District 1: Commissioner Cathleen Ward.

Fiscal Note:

Approval will utilize Reserves to provide appropriations for public art commission by professional artist Davina Semo to design and install a permanent public artwork for Currie Park.

- 7.2. Resolution No. 170-26 authorizing the assessment of City liens in the total amount of \$12,818.11 for unpaid water service, sewer service, and stormwater charges for the month of April 2026.

Originating Department:

City Attorney's Office

Ordinance/Resolution:

RESOLUTION NO. 170-26: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING AND AUTHORIZING AN ASSESSMENT OF CITY LIENS FOR UNPAID WATER SERVICE, SEWER SERVICE AND STORMWATER SERVICE CHARGES FOR THE MONTH OF APRIL 2026; PROVIDING THAT SAID LIENS SHALL BE PRIOR IN DIGNITY TO ALL OTHER LIENS AGAINST THE ASSESSED PROPERTIES, SAVE AND EXCEPT A LIEN FOR TAXES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:

In accordance with the Code of Ordinances of the City of West Palm Beach, Florida, 2003, Sections 90-4 and 90-5, the City imposes liens on private real property for delinquent payments due for utility services.

The liens to be assessed by Resolution No. 170-26 are for unpaid water service, sewer service, and stormwater service charges for the month of April 2026.

The list of properties to be assessed and the associated charges totaling \$12,818.11 are provided in Resolution No. 170-26 as EXHIBIT A - Utility Lien List - April 2026.

Fiscal Note:

No fiscal impact.

8. RESOLUTIONS- **APPROVED**

- 8.1. Resolution No. 186-26 approving First Amendment to Convention Center - West Palm Beach Agreement between the City of West Palm Beach, West Palm Beach Community Redevelopment Agency, CityPlace Hotel LLC, Palm Beach County, and CityPlace South Tower II, LLC.

Originating Department:

City Attorney's Office

Ordinance/Resolution:

RESOLUTION NO. 186-26: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A FIRST AMENDMENT TO THE CONVENTION CENTER HOTEL – WEST PALM BEACH AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH, THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY, CITYPLACE HOTEL, LLC, PALM BEACH COUNTY AND CITYPLACE SOUTH TOWER II, LLC; PROVIDING FOR AN EFFECTIVE DATE; AND OTHER PURPOSES.

Staff Recommended Motion:

Approve Resolution No. 186-26.

Background Information:

County staff has requested the City to consider amending an Agreement between the City of West Palm Beach, the West Palm Beach Community Redevelopment Agency; CityPlace Hotel, LLC; Palm Beach County, and CityPlace South Tower II, LLC on November 30, 2012 (PILOT). Under the PILOT, Palm Beach County, as fee simple owner of the Hotel Land, was entitled to seek an exemption from ad valorem property taxation. To compensate for lost tax revenue, CityPlace Hotel agreed to make an annual payment in lieu of taxes to the CRA/City. The payment amount is generally based on hotel net operating income, an established valuation formula, and applicable millage rates.

The PILOT also addressed the land used for the hotel parking garage ("Garage Land"). Unlike the Hotel Land, the Garage Land was privately owned and taxable. The 2012 agreement therefore expressly required the Garage Land to remain on the tax rolls at all times. The hotel's costs associated with using that garage were nevertheless deductible as Hotel Operating Expenses when calculating NOI/PILOT payment. The parties are now contemplating changes associated with parking and potentially the ownership/tax status of that Garage Land. The proposed First Amendment is intended to provide flexibility for those changes. Importantly, it does not change the Hotel PILOT payment formula, payment schedule, or hotel valuation methodology.

Now, the proposed amendment makes two substantive changes, both involving the Garage Land.

1. The Garage Land no longer has to remain taxable.

The 2012 agreement says the Garage Land “at all times will remain on the Tax Rolls.” The amendment overrides that requirement. If the property is acquired by the County, receives a tax immunity or exemption under Florida law, and the new Hotel is constructed and has received final certificate of occupancy, the Garage Land may be removed from the tax roll and the original taxation requirement ceases to apply.

2. The agreement accommodates moving hotel parking somewhere else.

If hotel parking is relocated off the existing Garage Land, all references to the Garage Land are deleted from the agreement.

3. Parking expenses remain deductible even after relocation.

The original agreement specifically allowed expenses associated with the existing Garage Land to count as Hotel Operating Expenses. The amendment broadens this so that rent, charges, fees and costs under any parking lease or parking easement serving the Hotel remain deductible.

4. There is currently no replacement payment for lost Garage Land taxes.

If the Garage Land becomes tax exempt, the City/CRA loses that taxable value without receiving a corresponding Garage PILOT. The executive summary estimates the parcel currently generates approximately \$38,631 annually in total ad valorem taxes, of which roughly \$15,000–\$16,000 goes directly to the City.

5. Everything else stays intact.

The amendment expressly ratifies the remainder of the 2012 agreement. The Hotel PILOT itself, its payment schedule, valuation methodology, default provisions, etc., remain unchanged unless directly affected by these Garage Land provisions.

The CRA companion item is Resolution No. 26-23.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:

Estimated loss of \$38,631 in the Garage Land PILOT.

9. PUBLIC HEARING- **APPROVED**

- 9.1. Public Hearing and Second Reading of Ordinance No. 5148-25 granting to Florida Public Utilities Company a non-exclusive franchise for a period of thirty (30) years to sell, distribute, transport, and transmit natural, manufactured, or mixed gas in the City of West Palm Beach.

Originating Department:

City Attorney's Office

Ordinance/Resolution:

ORDINANCE NO. 5148-25: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA GRANTING TO FLORIDA PUBLIC UTILITIES COMPANY, ITS SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE FRANCHISE FOR A PERIOD OF THIRTY (30) YEARS TO SELL, DISTRIBUTE, TRANSPORT, AND TRANSMIT NATURAL, MANUFACTURED, OR MIXED GAS IN THE CITY OF WEST PALM BEACH, FLORIDA; PRESCRIBING THE TERMS AND CONDITIONS UNDER WHICH SAID FRANCHISE MAY BE EXERCISED; MAKING FINDINGS; PROVIDING SEVERABILITY; PROVIDING AN EFFECTIVE DATE UPON FINAL PASSAGE; AND REPEALING PRIOR ORDINANCE.

Staff Recommended Motion:

Approve Ordinance No. 5148-25 on Second Reading.

Background Information:

The City of West Palm Beach, Florida (the "City") owns and/or exercises control over the City's rights-of-way. On September 18, 1989, the City approved Ordinance No. 2319-89 (Ordinance-Agreement) creating a 30-year franchise agreement with Florida Public Utilities Company (FPU) granting FPU the right to distribute natural gas within the City, in exchange for paying the City a franchise fee of six percent (6%) of its gross revenue from the sale of gas to residential and general service commercial customers within the City's corporate limits.

The 1989 ordinance-agreement expired on September 30, 2019, and the City and FPU continued to operate under the terms of the 1989 ordinance-agreement.

Ordinance No. 5148-25 grants FPU a new 30-year franchise for distribution of natural gas within the City. This ordinance-agreement also corrects issues identified in City Internal Audit 20-03 by:

- Removing the provision allowing FPU to reduce franchise payments by the amount it pays in ad-valorem taxes. This change will result in a greater amount of franchise fees paid by FPU to the City;
- Strengthening audit language related to obtaining and auditing FPU data submitted to the City and used to calculate franchise fee payments; and
- Adding a penalty if FPU is found to be improperly paying the City.

Since First Reading, the following changes have been made:

- Section 1 definition of "Gross Revenue" was amended to clarify that taxes and uncollected fees are not considered "Gross Revenue".
- Section 8B - adds language to ensure the City has the right to obtain up to 5 years of records for auditing purposes.
- Section 8D - permits City to collect a 15% penalty should FPU underpay a franchise fees.
- Section 14A - requires FPU to retain records for no less than five years.
- Section 14B - requires FPU to identify the statutory authority for any records not provided when identified as confidential or exempt .
- Section 19 - adds that adoption of Ordinance 5148-25 does not waive any rights or obligations of the parties including payment of any franchise fees due under the 1989 ordinance-agreement.

The City finds that it is in the public interest and advances the health, safety, and welfare of its citizens to enter into this Franchise Agreement with Florida Public Utilities.

Fiscal Note:

Estimated revenue of \$150,000 for FY2026.

10. PUBLIC HEARING - QUASI-JUDICIAL- **APPROVED**

Disclosure of ex-parte communications, if any*
Swearing-in of witnesses.

- 10.1. Public Hearing and First Reading of Ordinance No. 5179-26 regarding the CityPlace Commercial Planned Development to adopt development regulations for the Convention Center District and Hotel II Subarea, and to transfer those development regulations and all future major amendments to Resolution No. 156-26; and

Discussion of Resolution No. 156-26 regarding a Major Planned Development Amendment to the CityPlace Commercial Planned Development to formally designate or identify the Convention Center District and Hotel II Subarea, and to establish the development regulations for said subarea; and

Discussion of Resolution No. 157-26 regarding a Major Planned Development Amendment to the CityPlace Commercial Planned Development for a Level III Site Plan Review of an 18-story, 400 room hotel with waivers within the Hotel II Subarea.

The request was submitted by Tyler Woolsey of Shutts & Bowen, LLP, on behalf of CityPlace South Tower II, LLC, for the property generally located at 900 S Rosemary Avenue.

Originating Department:
Development Services

Ordinance/Resolution:

ORDINANCE NO. 5179-26: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING ORDINANCE NO. 2267-89, AS AMENDED BY ORDINANCE NO. 3126-98, RELATING TO THE CITYPLACE COMMERCIAL PLANNED DEVELOPMENT, TO ADOPT DEVELOPMENT REGULATIONS FOR THE CONVENTION CENTER DISTRICT, GENERALLY LOCATED BETWEEN OKEECHOBEE BOULEVARD, HOWARD PARK, M STREET, N STREET, AND ALABAMA AVENUE; AND TO TRANSFER THOSE DEVELOPMENT REGULATIONS TO RESOLUTION NO. 156-26; PROVIDING A CONFLICTS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

FOR DISCUSSION ONLY: RESOLUTION NO. 156-26: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A MAJOR PLANNED DEVELOPMENT AMENDMENT TO THE CITYPLACE COMMERCIAL PLANNED DEVELOPMENT (CPD) TO ESTABLISH THE CONVENTION CENTER DISTRICT BOUNDARIES AND ESTABLISH THE HOTEL II SUBAREA AND ITS CORRESPONDING DEVELOPMENT REGULATIONS; DECLARING THIS RESOLUTION CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

FOR DISCUSSION ONLY: RESOLUTION NO. 157-26: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RELATING TO THE CITYPLACE DEVELOPMENT OF REGIONAL IMPACT (DRI) GOVERNED BY ORDINANCE NO. 5038-23, THE DEVELOPMENT ORDER FOR THE CITYPLACE DRI; APPROVING A LEVEL III SITE PLAN PURSUANT TO ORDINANCE NO. 5083-23 TO ALLOW THE CONSTRUCTION OF A 18-STORY HOTEL TOWER, INCLUDING WAIVERS, LOCATED AT 900 SOUTH ROSEMARY AVENUE; DECLARING THE SITE PLAN TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY, THE CONDITIONS OF APPROVAL OF THE CITYPLACE DRI DEVELOPMENT ORDER, AND THE REQUIREMENTS OF SECTION 94-35 OF THE CITY'S ZONING AND LAND DEVELOPMENT REGULATIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:

Approve Ordinance No. 5179-26 regarding the CityPlace Commercial Planned Development to adopt development regulations for the Convention Center District and Hotel II Subarea, and to and to transfer those development regulations and all future major amendments to Resolution 156-26. This motion is based upon the factual testimony presented, the application submitted, the staff report, the recommendation of the Planning Board, and the findings that the Major Planned Development Amendment to the CityPlace CPD meets all eight (8) of the required Amendment Standards found in Section 94-32 of the City of West Palm Beach Zoning and Land Development Regulations.

Discuss Resolution No. 156-26 regarding a Major Planned Development Amendment to the CityPlace Commercial Planned Development to formally designate or identify the Convention Center District and Hotel II Subarea, and to establish the development regulations for said subarea.

Discuss Resolution No. 157-26 regarding a Major Planned Development Amendment to the CityPlace Commercial Planned Development for a Level III Site Plan Review of an 18-story, 400 room hotel with waivers within the Hotel II Subarea, and generally located at 900 S Rosemary Avenue.

Background Information:

On March 8, 1999, the City Commission adopted Resolution No. 44-99, which amended Ordinance 3098-97 for the City Place Development of Regional Impact (DRI) and approved the Level III site plan for the Palm Beach County Convention Center Phase I and II. While the DRI and CityPlace CPD established an overall development program and maximum development capacity for the broader project, it did not adopt specific development regulations governing the Convention Center District, such as building height, floor area ratio (FAR), setbacks, lot coverage, or other site development standards. Thus, the properties surrounding the convention center lack a regulatory framework that provides clear guidance for future development and redevelopment activities. As a result, the separate properties are subject to their own development orders which must be amended individually to reflect any modifications.

The subject major planned development amendment before the City presents an opportunity to formally establish the Convention Center District within the CityPlace CPD and formulates a comprehensive framework for the various sub-areas within the district, and in this instance a set of development regulations for the proposed Hotel II Subarea. These regulations are intended to address the specific hotel development currently proposed at 900 South Rosemary Avenue, while also creating a predictable and enforceable framework for any future expansions, modifications, or redevelopments of the site. By utilizing the Downtown Master Plan's Zoning and Land Development Regulations as a reference, the Hotel II Subarea codifies standards related to building form, intensity, and site design. The subject amendments will ensure that future development within the Hotel II Subarea remains consistent with the vision and development parameters of the Cityplace DRI and CityPlace CPD.

The 900 South Rosemary Avenue site, while zoned CityPlace CPD, is located within the CityPlace Development of Regional Impact (DRI) which allows a mix of residential, retail, restaurant, office, hotel and entertainment uses, as well as the Palm Beach County Convention Center. The subject parcel of land, 900 South Rosemary Avenue, has always been a vacant property and since 2016 has served as additional overflow surface parking for the Hilton Hotel and Palm Beach County Convention Center. This surface parking lot is subject to the amendment and Level III site plan.

The CityPlace DRI requires that new buildings constructed within the DRI be approved as a Level III Site Plan Review by the Planning Board and City Commission. Staff has reviewed the application, and the proposed building conforms to the requirements of the DRI.

The proposed development will consist of a single 18-story (204') tall and 400-room full-service hotel. The proposed development requires waivers from the Hotel II Subarea Building Envelope requirements and the City Zoning and Land Development Regulations. The City Commission is authorized to grant waivers as part of the Level III Site Plan approval.

- Waiver #1: Hotel II Subarea Building Envelope
Requirement: Rosemary Avenue Active Use Liner for Levels 2 through 6 (72') is 60% of Buildable Lot Frontage.
Applicant's proposal/request: On Level 2, providing 44%
- Waiver #2: Hotel II Subarea Building Envelope
Requirement: L Street Active Use on Ground Level is 20% of Buildable Lot Frontage.
Applicant's proposal/request: Ground Level, providing 9.5%

- Waiver #3: Zoning and Land Development Regulations of Sec. 94-312. – Access to Streets
Requirement: Corner clearance distance for collector/non-thoroughfare is a minimum of 50' of clearance
Applicant's proposal/request: providing 43'-4" of clearance

The subject property, consisting of ± 1.80 acres, is generally located at 900 South Rosemary Avenue within Commission District 3: Commissioner Christy Fox.

The Planning Board recommended approval (4-0) of these requests to the City Commission after a Public Hearing on June 16, 2026.

11. COMMENTS FROM THE PUBLIC

Public comments are limited to three (3) minutes. Anyone wishing to address the Commission should complete a "Comments by the Public" card and present it to the City Clerk prior to the Public Comments. When you are called to speak, please go to the podium and state your name and address for the record prior to addressing Commission. The Commission will not discuss the matter nor respond to the comment this evening. Comments made will become part of the record and may be addressed at a later date.

12. COMMENTS BY THE MAYOR AND CITY COMMISSIONERS

13. ADJOURNMENT- 7:12 PM

*Pursuant to Resolution No. 179-95, adopted according to the provisions of Section 286.0115, Florida Statutes, members of the Commission shall disclose on the record: 1) ex-parte communications - verbal or written; 2.) written communications shall be placed in the record; and 3) site visits, investigations, etc. shall be disclosed.

NOTICE: If any person decides to appeal any decision made by the City Commission at this meeting, that person will need a record of the proceedings, and that, for such purposes, may need to ensure that a verbatim records of the proceedings be made, which record includes the testimony and evidence upon which the appeal is based. The City of West Palm Beach does not prepare or provide such record.