WEST PALM BEACH
EST. 1894

401 Clematis Street
West Palm Beach, Florida 33401
(561) 822-2222 (TTY) 800-955-8771
www.wpb.org

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, November 9, 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

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. 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.

6.1. Minutes of the September 8, 2026, Special City Commission Meeting.

Originating Department:
Mayor's Office

6.2. Minutes of the September 14, 2026, City Commission Meeting.

Originating Department:
Mayor's Office

6.3. Resolution No. 239-26 accepting a grant from the Florida Department of Transportation in the amount of $15,000 for litter prevention education through the Keep West Palm Beach Beautiful program; and

Resolution No. 238-26(F) recognizing and appropriating the grant funds in the Grant Programs Special Revenue Fund.

Originating Department:
Public Works & Support Services

Ordinance/Resolution:
RESOLUTION NO. 239-26: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ACCEPTING A LITTER CONTROL AND PREVENTION GRANT FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF $15,000 TO CONDUCT KEEP WEST PALM BEACH BEAUTIFUL ACTIVITIES; AUTHORIZING EXECUTION OF THE GRANT AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 238-26(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 2026/2027 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE GRANT PROGRAMS SPECIAL REVENUE FUND BUDGET TO RECOGNIZE A GRANT FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR LITTER PREVENTION AND CONTROL PROGRAMS AND TO PROVIDE APPROPRIATIONS FOR THE KEEP WEST PALM BEACH BEAUTIFUL PROGRAM; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:
The Florida Legislature has appropriated $800,000 in Fiscal Year 2026/2027 to the Department of Transportation in order to provide funding for litter prevention and control programs through certified Keep America Beautiful (“KAB”) Affiliates at the local level.

Keep West Palm Beach Beautiful, established by the City in February 2022, is a certified affiliate of Keep America Beautiful.

The Florida Department of Transportation (FDOT) awarded grant funding to Keep West Palm Beach Beautiful/City of West Palm Beach in an amount of up to $15,000 to be used to reimburse costs for litter prevention and control programs.

The City will provide an equal match in the amount of $15,000 for litter prevention and control programs. The City's grant match will be in the form of equivalent volunteer hours for the Keep West Palm Beach Beautiful Program.

Resolution No. 239-26 accepts the grant agreement between FDOT and Keep West Palm Beach Beautiful.

Resolution No. 238-26(F) recognizes and appropriates the grant funding.

Fiscal Note:
Approval of this item will accept and recognize the grant award and provide appropriations in the amount of $15,000 toward the Keep West Palm Beach Beautiful Program.

6.4. Resolution No. 248-26(F) amending the Fiscal Year 2026/2027 Miscellaneous Trust Fund Budget to authorize appropriations of $146,000 from the Federal Law Enforcement Forfeiture Receipts for investigative operating expenses.

Originating Department:
Police

Ordinance/Resolution:
RESOLUTION NO. 248-26(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 2026/2027 IN ACCORDANCE WITH SECTION 4.03 OF THE CITY CHARTER OF THE CITY OF WEST PALM BEACH, FLORIDA, FOR THE PURPOSE OF AMENDING THE MISCELLANEOUS TRUST FUND BUDGET TO PROVIDE APPROPRIATIONS FROM THE FEDERAL LAW ENFORCEMENT FORFEITURE RECEIPTS FOR LAW ENFORCEMENT INVESTIGATIVE EXPENSES OF THE WEST PALM BEACH POLICE DEPARTMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:
The Federal Law Enforcement Trust Fund expenditure of $146,000 will be used to achieve law enforcement objectives in accordance with the statutes and guidelines that govern the Federal Equitable Sharing Program as set forth in the current edition of the Department of Justice's Guide to Equitable Sharing for State and Local Law Enforcement. An excerpt from the current Guide to Equitable Sharing explains the permissibility of the proposed use: Law enforcement, public safety, and detention facilities--costs associated with the purchase, lease, construction, expansion, improvement, or operation of law enforcement, public safety, or detention facilities used or managed by the recipient agency.

Agencies must contact MLARS prior to using the Department of Justice equitable sharing funds for all improvement and expansion projects. For example, the construction of a new facility or minor renovations, including drywall, electrical, HVAC replacements, and internal modifications to an existing facility.

The West Palm Beach Police Department continues to need additional space for investigative personnel. The requested amount of $146,000 will cover the payments required for continuing operational expenses. The breakdown of the covered expenses is:

- $3,000 Repair and Maintenance Service Agreements
- $8,500 Electric Services
- $11,500 Contractual Services
- $123,000 Other Building Expenses

Resolution No. 248-26(F) appropriates $146,000 of Federal Law Enforcement Forfeiture Receipts for investigative operating expenses.

Fiscal Note:
Approval of this item will cover the payments required for the leasing of space and continuing operational expenses in the amount of $146,000.

6.5. Resolution No. 249-26 approving a Utility Work by Highway Contractor Agreement with the State of Florida Department of Transportation for incidental City Utility Work in conjunction with State Road No. 9 / I-95 Modification at Palm Beach Lakes Boulevard Interchange Project (from Robbins Drive to Executive Center Drive).

Originating Department:
Public Utilities

Ordinance/Resolution:
RESOLUTION NO. 249-26: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING A UTILITY WORK BY HIGHWAY CONTRACTOR AGREEMENT BETWEEN THE CITY OF WEST PALM BEACH AND THE FLORIDA DEPARTMENT OF TRANSPORTATION RELATING TO FDOT'S WORK ON STATE ROAD NO. NO. 9 / I-95 INTERCHANGE MODIFICATION AT PALM BEACH LAKES BOULEVARD; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:
The Florida Department of Transportation (FDOT) is undertaking an interchange modification project at SR9 / I-95 at Palm Beach Lakes Boulevard that includes improvements on Palm Beach Lakes Boulevard from Robbins Drive to Executive Center Drive. The planned bid solicitation schedule for the project is March/April 2027. The construction duration has not been determined by FDOT at this time.

The SR-9 / I-95 at Palm Beach Lakes Blvd Interchange Modification consists of widening Southbound and Northbound off-ramps to I-95 to add turn lanes at the interchange and widening Palm Beach Lakes Blvd to add turn lanes/receiving lanes for the traffic to and from I-95, signalized intersection upgrades including mass arms, light pole replacement, overhead signage addition, signage and pavement markings, and drainage improvements.

Within the 0.75-mile length FDOT Project corridor, incidental improvements to the City's existing utilities will be required ("Utility Work"). The Utility Work involves adjusting sanitary sewer manhole lids and water valve boxes to finished grade.

FDOT and the City have determined that it is in the best interest of the public and to the economic advantage of both parties to enter into a Utility Work by Highway Contractor Agreement (UWHCA) to accomplish the City's utility improvements ("Agreement"). Accordingly, the City's related utility work will be accomplished with the FDOT project at FDOT's expense.

Resolution No. 249-26 approves the Agreement with FDOT for the City's incidental utility adjustments within State Road No.9 / I-95 Modification project from Robbins Drive to Executive Center Drive.

Commission District 2: Commissioner Shalonda Warren.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:
No fiscal impact. The project is at FDOT's expense.

6.6. Resolution No. 254-26(F) authorizes amending the Community Development Fund and various other fund budgets for changes in estimated revenues and expenditures for Fiscal Year 2025/2026 ending September 30, 2026.

Originating Department:
Finance

Ordinance/Resolution:
RESOLUTION NO. 254-26(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 THE COMMUNITY DEVELOPMENT FUND AND VARIOUS OTHER FUNDS BUDGETS TO PROVIDE APPROPRIATIONS FOR CHANGES IN ESTIMATES FOR REVENUES AND EXPENDITURES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Background Information:
Section 166.241, F.S. (Municipalities) provides specific requirements for local governments to follow when adopting annual budgets, and one of the requirements allows for budget amendments, also known as "clean-up," to occur up to sixty (60) days after the fiscal year ends.

It states: "The adopted budget may be amended at any time during the fiscal year or within sixty (60) days following the end of the fiscal year. If the amendment increases the total amount of expenditures by fund or department, the budget amendment must be adopted in the same manner as the original budget unless otherwise specified in the local government's charter."

This is an annual resolution that authorizes changes to budget appropriations within the fiscal year to recognize additional budget allocations from revenues received, additional expenditures that have occurred, and for any transfers for accounting purposes.

GRANT CAPITAL PROJECT FUND & COMMUNITY DEVELOPMENT FUND

Executing the approved transfer from Resolution No. 24-22(F) to the Grant Capital Project Fund from the Community Development Fund.

LAND ACQUISITION FUND & NEIGHBORHOOD STABILIZATION PROGRAM FUND

Reporting transfer of property ownership from the Neighborhood Stabilization Fund to the Land Acquisition Fund.

Resolution No. 254-26(F) provides appropriations in various funds to account for changes in estimated revenues and expenditures in fiscal year 2025/2026.

Fiscal Note:
Approval of this item will provide appropriations for changes in estimated revenues and expenditures.

7. RESOLUTIONS- ALL ITEMS WERE APPROVED.

7.1. Resolution No. 250-26 approves the proposed sculptures "Points of View" by Tony Cragg for 10 & 15 City Place, commissioned by C Block Development, LLC to satisfy their public art requirement (1% escrow $3,487,500).

Originating Department:
Mayor's Office

Ordinance/Resolution:
RESOLUTION NO. 250-26: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE PROPOSED PUBLIC ART ARTWORK POINTS OF VIEW BY TONY CRAGG FOR 10 & 15 CITY PLACE COMMISSIONED BY C BLOCK DEVELOPMENT, LLC IN COMPLIANCE WITH THE PUBLIC ART ORDINANCE; PROVIDING AN EFFECTIVE DATE; AND OTHER PURPOSES.

Staff Recommended Motion:
Approve Resolution No. 250-26.

This motion is based on the findings that the proposed artworks meet the criteria set forth in Section 43-12 of the City Code, as reviewed by the Art in Public Places Advisory Committee.

Background Information:
On Wednesday, October 7, 2026, at their regularly scheduled meeting, the Art in Public Places Advisory Committee voted unanimously to recommend internationally acclaimed artist Tony Cragg for 10 & 15 City Place. Cragg will produce two (2) site-specific sculptures for these two (2) developments. The artwork proposal was presented by art advisor, Evian Kuznick.

ABOUT THE ARTIST

Renowned British sculptor Tony Cragg explores the complex relationships between nature, natural, and man-made materiality in creating his distinctive sculptural artworks.

He continues to explore the possibilities held intrinsically within new materials. These investigations produce unique art objects in varying materials, size, and structure. He has created over the decades his own vernacular vocabulary that is recognizable as a Tony Cragg artwork.

His works evoke movement and impermanence; objects appear seemingly caught in the transitory nature of becoming.

Cragg has held his studio practice in Wuppertal, Germany, since 1977. He studied at the Wimbledon School of Art, London (1969-1973) and at the Royal College of Art, London (1973-1977). Cragg was awarded the Turner Prize at the Tate Gallery, London, UK, in the same year that he represented Britain at the 43rd Venice Biennale in 1988. He was elected a Royal Academician in 1994, and in 2002 he was awarded Commander of the British Empire (CBE). He received the Praemium Imperiale for Sculpture, Tokyo, Japan (2007), was awarded the 1st Class Order of Merit of Federal Republic of Germany (2012), and was made Knight Bachelor in 2016.

Among his many major solo shows Cragg has exhibited extensively in museums worldwide including: Museo Nazionale Romano Terme di Diocleziano, Rome, Italy (2024); Castle Howard, York, UK (2024); Kunstpalast Düsseldorf, Germany (2024); Museu Nacional de Art Contemporânea, Lisbon, Portugal (2023); Kistefos Museum, Jevnaker, Norway (2023); Pinakothek der Moderne, Munich, Germany (2023); Albertina Museum, Vienna, Austria (2022); Lehmbruck Museum, Duisburg, Germany (2021+2007); Houghton Hall, Norfolk, UK (2021); Museo Brasileiro da Escultura e EcologiaI, São Paulo, Brazil (2019); Boboli Gardens, Florence, Italy (2019); Istanbul Modern, Istanbul, Turkey (2018); Teheran Museum of Contemporary Art, Theran, Iran (2017); Yorkshire Sculpture Park, Wakefeld, UK (2017); Museo Nacional de Bellas Artes de Cuba, Havana, Cuba (2017); Le Musée d'Art Contemporain du Luxembourg, Luxembourg (2017); Ludwig Museum, Koblenz, Germany (2017); Muzeum Wspólczesne Wroclaw, Wroclaw, Poland (2017); The State Hermitage Museum, St. Petersburg, Russia (2016); Von der Heydt Museum, Wuppertal, Germany (2016); Benaki Museum, Athens, Greece (2015); Gothenburg International Sculpture Exhibition, Gothenburg, Sweden (2015); Madison Square Park Conservancy, New York, USA (2014); Heydar Aliyev Center, Baku, Azerbaijan (2014); Musée d'art modern et contemporian de Saint-Étienne, Saint-Priest-en-Jarez, France (2013); National Taiwan Museum of Fine Arts, Taichung, Taiwan (2013); CAFA Art Museum in Beijing, Museum of Contemporay Art Chengdu, Shanghai Himalayas Art Museum, Shanghai China (2012); The Scottish National Gallery, Edinburgh, UK (2011); Nasher Sculpture Center, Dallas, TX, USA (2011); Musée du Louvre, Paris, France (2011); Staatliche Kunsthalle Karlsruhe, Germany (2009); Museum der Moderne, Salzburg, Austria (2009); Museum Unteres Belvedere, Vienna, Austria (2008); Museo de Arte de Lima-MALI, Peru (2007); Centro Cultural Recoleta, Buenos Aires, Argentina (2006); The Central House of Artists, Moscow, Russia (2005); Neues Museum Nürnberg, Germany (2005); Museu de Arte Contemporânea de Serralves, Porto, Portugal (2004); Kunst- und Ausstellungshalle der Bundesrepublik Deutschland, Bonn, Germany, (2003); MACRO Museo D'Arte Contemporanea, Roma, Italy (2003); Museo d'Arte Contemporanea di Roma, Rome, Italy (2003); Tate Gallery, Liverpool, UK (2000); Royal Academy of Arts, London, UK (1999); Whitechapel Art Gallery, London, UK (1997 + 1981); Museu d'Art

Contemporani de Barcelona, Barcelona, Spain (1997); Toyota Municipal Museum of Art, Toyota/Aichi, Japan (1997); Museo Nacional Centro de Arte, Reina Sofia, Madrid, Spain (1995); Centre Georges Pomipidou, Paris, France (1996); Van Abbemuseum, Eindhoven, The Netherlands (1993 + 1991); Contemporary Arts Houston Museum, Houston, TX, USA (1991); Newport Harbor Art Museum, Newport Beach, CA, USA (1990); Kunstsammlung Nordrhein-Westfalen, Düsseldorf, Germany (1989); Tate Gallery, London, UK (1989); Hayward Gallery, London, UK (1987); Documenta, Kassel, Germany (1987 + 1982); The Brooklyn Museum, Brooklyn, NY, USA (1986); Kröller-Müller Museum, Oterlo, The Netherlands (1982).

ABOUT THE ARTWORK

Point of View comprises two (2) stainless steel cast metal structures:

- Column 1: 25ft3in x 5ft8in x 7ft5in
- (770 x 173 x 226cm)
- Column 2: 25ft3in x 6ft2in x 7ft4in (770 x 188 x 224cm)
- Each column weighs approximately 4480 lbs.
- The distance between sculptures will be kept at 4’ 2” (127cm).

In fine art and public art, EN 1.4409 cast stainless steel (316L/CF3M) is highly valued by fine art foundries and sculptors. While many large, geometric steel sculptures are custom-fabricated by hand-forging or welding sheet metal together, 1.4409 is used specifically for cast metal sculptures to create complex, three-dimensional design.

The chemical compound of this steel, 1.4409, contains molybdenum; it is nearly immune to rust and pitting caused by acid rain, urban pollution, or high-salinity seaside environments.

Resolution No. 250-26 approves the proposed public sculpture "Points of View" by Tony Cragg for 10 & 15 City Place commissioned by C Block Development, LLC to satisfy their public art requirement.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:
No fiscal impact.

7.2. Resolution No. 251-26 adopting the 2026 Watershed Master Plan.

Originating Department:
Development Services

Ordinance/Resolution:
RESOLUTION NO. 251-26: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ADOPTING THE 2026 WATERSHED MASTER PLAN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:
Approve Resolution No. 251-26.

Background Information:
The City of West Palm Beach participates in FEMA's Community Ratings System (CRS) to reduce flood risk and lower insurance premiums for residents. CRS is a voluntary, credit-based incentive program under the National Flood Insurance Program (NFIP) that rewards communities for exceeding minimum floodplain management practices, such as adopting higher elevation standards, preserving open space, updating flood maps, and conducting public outreach.

The City currently has a Class 5 CRS rating, which entitles properties in the City to qualify for a 25% discount on flood insurance. In support of that effort to improve the City's CRS Class Rating, the City of West Palm Beach developed a Watershed Master Plan (WMP), the only remaining prerequisite to improve to a CRS Class 4.

The Watershed Master Plan analyzes potential flooding impacts on the City and provides general guidance for mitigation efforts. The study uses several sets of hydrological scenarios to identify the exposure to flooding for current and future conditions in the years 2050, 2080, and 2100. The WMP was prepared by Collective Water Resources, LLC, based on their independent analysis, with input from the City's Development Services, Public Utilities, Engineering, and Sustainability Departments.

The FEMA CRS program requires that a participating community adopt by Resolution the WMP. By adopting the 2026 WMP, the City will have enough points and meet the prerequisites to achieve a CRS Class 4 rating, resulting in a 30% discount on flood insurance premiums for City residents. The City will participate in a FEMA CRS recertification audit on November 13, 2026.

Resolution No. 251-26 adopts the 2026 WMP prepared by Collective Water Resources.

Fiscal Note:
No fiscal impact.

8. PUBLIC HEARING- APPROVED.

8.1. Public Hearing and First Reading of Ordinance No. 5188-26 approving an amendment to the Agreement for Sale and Purchase of Real Property with Publix Supermarkets to extend the Outside Closing Date.

Originating Department:
City Attorney's Office

Ordinance/Resolution:
ORDINANCE NO. 5188-26: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, GRANTING AN EXTENSION OF THE OUTSIDE CLOSING DATE FOR THE SALE OF CITY-OWNED PROPERTY LOCATED AT 202 – 206 NORTH SAPODILLA AVENUE TO PUBLIX SUPERMARKETS, INC., FOR DEVELOPMENT AS A SUPERMARKET; APPROVING AN AMENDMENT TO THE PURCHASE AND SALE AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:
Approve Ordinance No. 5188-26 at First Reading and schedule a Second Reading for November 23, 2026.

Background Information:
The City is the owner of certain real property located at 202, 204, and 206 North Sapodilla, consisting of approximately 0.79 acres, more or less (the "Property"), currently vacant and zoned Quadrille Business District-3.

By Resolution No. 272-25, the City Commission declared the property to be surplus, finding that it was not needed for City purposes, and authorized negotiations with Publix Super Markets, Inc.("Publix") for its sale. Publix desires to relocate its current supermarket within the West Palm Beach downtown to the Property to allow for a more expansive store in the downtown.

By Ordinance No. 5166-26, the City Commission approved the sale of the Property to Publix, provided a supermarket is located on the Property, along with other conditions. The City and Publix Supermarkets, Inc., executed that Agreement for Sale and Purchase of Real Property, dated April 16, 2026 (the "Agreement").

Section 9.1 of the Agreement provided an Outside Closing Date of December 1, 2026, after which the Agreement shall terminate if the Closing has not occurred by that date. However, Publix requires additional time to obtain all approvals for development of the properties and has requested an extension of the Outside Closing Date to May 26, 2027 (although it is anticipated that the Closing will occur before that date).

The previously passed Ordinance No. 5166-26 authorized the Mayor to execute the documents necessary for the sale and conveyance of the Property, excepting any amendment to the Agreement that would modify any material term. The Outside Closing Date is determined to be a material term for which any amendment requires City Commission approval.

Ordinance No. 5188-26 approves the extension of the Outside Closing Date, confirms Exhibit C to the Agreement listing the permitted title exceptions, and authorizes the Mayor to sign the Amendment.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:
No fiscal impact.

9. PUBLIC HEARING - QUASI-JUDICIAL- ALL ITEMS WERE APPROVED.

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

9.1. Public Hearing and First Reading of Ordinance No. 5183-26 regarding a request by Roger Ramdeen, of Shutts & Bowen, LLP, on behalf of CityPlace Retail, LLC, for an amendment to the CityPlace Development of Regional Impact (DRI) to change the Small Business Enterprise language contained in Section 3.29 of Ordinance No. 5038-23, which governs the CityPlace DRI.

Originating Department:
Development Services

Ordinance/Resolution:
ORDINANCE NO. 5183-26: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, RELATING TO A DEVELOPMENT OF REGIONAL IMPACT NOW KNOWN AS THE CITYPLACE DEVELOPMENT OF REGIONAL IMPACT; AMENDING SECTION 3.29 "MINORITY BUSINESS PARTICIPATION" OF ORDINANCE NO. 5038-23; REPEALING ALL ORDINANCES OR PORTIONS OF ORDINANCES IN CONFLICT HEREWITH; CONSTITUTING THIS ORDINANCE AS AN AMENDMENT TO THE DEVELOPMENT ORDER APPROVED BY THE CITY OF WEST PALM BEACH IN COMPLIANCE WITH LAW; PROVIDING AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:
Approve Ordinance No. 5183-26 on First Reading and schedule Second Reading for November 23, 2026.

This motion is based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board, and the findings that the request complies with the Comprehensive Plan and with the standards in Section 94-32 of the City's Zoning and Land Development Regulations.

Background Information:
The CityPlace Development of Regional Impact (DRI) was originally the Downtown Uptown DRI, a private redevelopment project approved by Ordinance No. 2268-89, which, other than the Kravis Center, was not constructed. The City's Community Redevelopment Agency (CRA) acquired the majority of the unbuilt development and pursued a new redevelopment plan which included a new mixed-use development as well as the Palm Beach County Convention Center. The proposed redevelopment required an amendment to create the current CityPlace DRI by the approval of Ordinance No. 3098-97. The CityPlace DRI has been amended and restated a few times, with the current DRI development regulations contained in Ordinance No. 5038-23.

The original Downtown Uptown DRI, approved in 1989, included language that required minority and women's business enterprise participation. The CityPlace DRI amended this language in Section 3.29 to state that the Developer needed to comply with the City's Minority and Women's Business Enterprise Ordinance and added that Palm Beach County needed to comply with its own minority and women's business participation requirements for the convention center. In 2012, the Section 3.29 language was amended to its current version, which references the City's Small Business Enterprise Ordinance as follows:

<u>MINORITY BUSINESS PARTICIPATION</u>

29. The Developer shall comply with the provisions of the City's Small Business Enterprise Ordinance. However, in the case of the Convention Center Project, the County shall adhere to its own applicable standards relating to the minority and women's business participation in that Project.

In 1997, the CityPlace DRI development was controlled by four (4) entities, the CRA, Palm Beach County, the Kravis Center and Badcock, which would be subject to Section 3.29 requirements, and the Kravis Center site was already constructed at the time. The majority of the DRI was developed by CityPlace Retail, LLC, under a lease from the CRA while Palm Beach County constructed the convention center. Once the CRA owned Tent Site started construction, only the Badcock site, now known as Opera Place, remains vacant; however, it does have an active, approved site plan.

The proposed changes to Section 3.29 are provided below (deleted language is ~~struck~~ and added language is <u>underlined</u>) and is followed by the rational for the proposed change.

~~MINORITY~~SMALL BUSINESS ENTERPRISE PARTICIPATION

29. The Developer shall comply with the provisions of the ~~City's~~ Small Business Enterprise ~~Ordinance~~requirements as established in the CityPlace Commercial Planned Development Regulations. However, in the case of the Convention Center Project, the County shall adhere to its own applicable standards relating to ~~the~~ minority and women's business participation in that Project.

Both when the original Downtown Uptown DRI was established in 1989 and when it became the CityPlace DRI in 1997, there were few owners that would be responsible for developing the vacant sites, so the City's goal was to have minority and women-owned businesses be able to participate in the development. By 2017, only the Tent Site, owned by the CRA, and the Badcock site, now known as Opera Place, remained vacant, with Opera Place having an approved site plan. Additionally, since over 900 fee simple and condominium residential units were constructed, there were no longer just four owners within the CityPlace DRI.

In 2019, CityPlace Retail, LLC, proposed demolishing the Macy's building and redeveloping the site as a mixed-use building, which required changes to the CityPlace CPD. As part of the development regulations established for the new redevelopment subarea, specific Small Business Enterprise standards were included in order to reinforce the DRI requirement in the CPD regulations. As CityPlace Retail, LLC, proceeded with additional redevelopment subareas, the Small Business Enterprise language was included as part of the development regulations, and also expanded to include Women and Minority Businesses as well. Staff supported the addition of the language to the CPD subareas to reinforce the intent of using Small Business Enterprise firms for the redevelopment projects.

The only property that is now vacant and not under construction is the Opera Place site. While this has an approved site plan, staff does not anticipate that it will be developed in accordance with that site plan; thus, the site will need to establish new development regulations as part of a new subarea, which will include the Small Business Enterprise requirement. Any other sites that wish to redevelop will include Small Business Enterprise requirements in their subarea development regulations. The amended language allows Palm Beach County to continue to follow its own requirements. The proposed amendment to move the Small Business Enterprise language from the CityPlace DRI to the CityPlace CPD ensures that any redevelopment will include small business participation. The change is also in compliance with City Executive Order 2025-01, which requires that the City remove Minority and Women Business Enterprise requirements.

The changes to Section 3.29 do not approve a specific project. Any specific project will be reviewed for compliance with the development regulations in the CityPlace DRI and the specific subarea requirements as a Level III Site Plan Review. The Level III Site Plan Review will require public hearings before the Planning Board and City Commission.

STANDARDS

The Planning Division has determined that the Major Planned Development Amendment to the CityPlace DRI meets all eight (8) of the amendment standards found in Section 94-32 of the City of West Palm Beach Zoning and Land Development Regulations.

Compliance with the above referenced standards is detailed in the Planning Board Staff Report (Attachment I).

PLANNING BOARD

At the Public Hearing on September 15, 2026, the Planning Board recommended approval (7-0) of the Major Planned Development Amendment to the City Commission after determining it complies with the amendment standards found in Section 94-32 of the City of West Palm Beach Zoning and Land Development Regulations.

NOTICE

Individual notices were mailed to all property owners within 500 feet of the area covered by the Major Amendment. Signs for the Major Amendment were posted on the property on August 31, 2026.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:
No fiscal impact.

9.2. Public Hearing of Resolution No. 217-26 regarding a request by Roger Ramdeen of Shutts & Bowen LLP, on behalf of CityPlace Retail, L.L.C., for a Major Planned Development Amendment to the CityPlace Commercial Planned Development (CPD) to amend the CityPlace Core Development Regulations to update the Small Business Enterprise requirement language, to add provisions for the Helipad/Veristop use in the Hibiscus Garage Subarea and for other miscellaneous text updates.

Originating Department:
Development Services

Ordinance/Resolution:
RESOLUTION NO. 217-26: 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 TO AMEND THE CITYPLACE CORE DEVELOPMENT REGULATIONS TO UPDATE THE SMALL BUSINESS ENTERPRISE REQUIREMENT LANGUAGE, TO ADD PROVISIONS FOR THE HELIPAD/VERTISTOP USE IN THE HIBISCUS GARAGE SUBAREA AND FOR OTHER MISCELLANEOUS TEXT UPDATES; DECLARING THIS RESOLUTION CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Staff Recommended Motion:
Approve Resolution No. 217-26.

This motion is based upon the application submitted, the staff report, factual testimony, the recommendation of the Planning Board, and the findings that the request complies with the Comprehensive Plan and with the standards in Section 94-32 of the City's Zoning and Land Development Regulations.

Background Information:
The CityPlace Core Development Regulations govern the permitted uses and the development regulations for what is known as CityPlace, generally the commercial portion of the CPD located north of Okeechobee Boulevard. The CityPlace Core must adhere to the overall development capacity established in the CityPlace DRI.

Resolution No. 115-25 created the Hibiscus Garage Subarea to provide additional levels to the "B" Block Hibiscus Garage located at 530 Hibiscus Street to provide additional parking for the two (2) office towers currently under construction at 550 South Rosemary Avenue. Construction of the additional parking levels has begun. At the time of the original Hibiscus Garage Subarea application, the applicant had discussions with staff regarding the installation of a facility to accommodate electric Vertical Takeoff and Landing aircraft on top of the Hibiscus Garage. At the time, there were insufficient details to include this in the Hibiscus Garage Subarea amendment. Since Resolution No. 115-25 was approved, the applicant refined the vertistop use and its requirements, which led to the basis for amendment to the CityPlace Core regulations. As part of the Major Planned Development Amendment, the applicant proposed other amendments and updates to the CityPlace Core Development Regulations as well. Based on discussions with staff, some of the proposed changes are not moving forward. These dealt primarily with items that overlap with items that are included with the updates to the Downtown Master Plan. In addition to the new vertistop allowance within the Hibiscus Garage Subarea and the associated changes to the Hibiscus Garage Subarea Building Envelope, the Small Business Enterprise language is being updated, and miscellaneous text changes are being proposed. The proposed changes are discussed in depth below.

VERTISTOP

Electric Vertical Takeoff and Landing (eVTOL) aircraft are small flying vehicles (Figure 1), that provide an aerial connection between fixed locations. The applicant has requested that the top of the Hibiscus Garage include a landing deck that would allow eVTOL aircraft to provide on-demand service to CityPlace. The applicant has stated that this alternative mode of transportation could help reduce trips on the City's roadway network. The landing deck, passenger lounge, and electric chargers are collectively known as a vertistop. The Zoning and Land Development Regulations do not include a specific "vertistop" use; however, a vertistop would fall within the Helipads, helistops, w/out permanent mooring and service facilities use (Helipad/Vertistop). The Helipad/Vertistop use is not specifically called out as a permitted use within the CityPlace CPD, so this amendment would add it as an allowed use within the Hibiscus Garage Subarea, subject to the approval of a Level III Site Plan by the City Commission for the design of the actual vertistop deck and lounge. It is important to note that for the CityPlace CPD, the Helipad/Vertistop use is limited to electric vehicles only. Traditional aviation fuel helicopters may not utilize the Helipad/Vertistop.

Figure 1
eVTOL Aircraft



SMALL BUSINESS ENTERPRISE

The original Downtown Uptown DRI and later the CityPlace DRI included language that required minority and women's business enterprise participation and was later amended that development in the DRI follow the City's Small Business Enterprise Ordinance. As development regulations to redevelop various subareas within the CityPlace Core were approved, the requirement to provide a minimum of 15% Small Business Enterprise (SBE) firm participation was codified within the subarea requirements. As redevelopment construction started, the applicant approached staff with concerns that there were insufficient SBE firms for them to achieve the 15% minimum requirement. Therefore, the development regulations were expanded to allow Minority and Women Business Enterprise (MWBE) firms to be used to meet the 15% participation minimum. While the construction within CityPlace is not a City project, the City's Office of Small Business reviewed the information provided for the CityPlace redevelopment to ensure that a minimum 15% participation was achieved.

Due to Federal and State executive orders, the City may no longer accept MWBE firms as a unique entity to satisfy participation minimums. It is worth noting that this does not exclude minority or women-owned SBE firms from satisfying the SBE minimum requirement. The applicant has again raised the concern that they will not be able to meet the 15% minimum requirement exclusively using SBE firms and thus requested to lower the 15% minimum requirement. After discussion with the applicant, the Office of Small Business recommended that the 15% minimum participation be kept as a goal. If the Developer makes a good faith effort but cannot fulfill the 15% SBE participation minimum, the Developer must submit evidence to the Office of Small Business to verify the good faith efforts in meeting the minimum. If, after reviewing the submitted information, the Office of Small Business determines that, after making a good faith effort, the Developer was unable to meet the 15% minimum, then the lesser percentage will be accepted. The Small Business Enterprise Inclusion language is Section X of the attached Amended CityPlace Core Development Regulations and mirrors the language approved by the City Commission as part of the Hotel II Subarea, south of Okeechobee Boulevard.

MISCELLANEOUS TEXT UPDATES

This amendment to the CityPlace Core Development Regulations includes updates to standardize nomenclature and numerical references throughout the text. Text was also added to clarify provisions dealing with car share, green building programs, and additional outdoor activities in the Himmel Hall and CityPlace Plaza subarea. The car share language primarily clarifies that if there is no car share provider in the City, the "car share" parking spaces may not be converted to general parking spaces but rather must remain for shared mobility or carpool use. The green building change provides an alternative green building certification organization in addition to the current LEED reference. The added outdoor activities include the allowance of a stage and outdoor seating for viewing live events. These would be reviewed as part of a Special Use Permit.

STANDARDS

The Planning Division has determined that the Major Planned Development Amendment to the CityPlace Core Development Regulations meets all eight (8) of the amendment standards found in Section 94-32 of the City of West Palm Beach Zoning and Land Development Regulations.

Compliance with the above-referenced standards is detailed in the Planning Board Staff Report (Attachment I).

PLANNING BOARD

At the Public Hearing on September 15, 2026, the Planning Board recommended approval (7-0) of the Major Planned Development Amendment to the City Commission after determining it complies with the amendment standards found in Section 94-32 of the City of West Palm Beach Zoning and Land Development Regulations.

NOTICE

Individual notices were mailed to all property owners within 500 feet of the area covered by the Major Amendment. Signs for the Major Amendment were posted on the property on August 31, 2026.

Commission District 3: Commissioner Christy Fox.

Fiscal Note:
No fiscal impact.

10. 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.

11. COMMENTS BY THE MAYOR AND CITY COMMISSIONERS

12. ADJOURNMENT- 8:28 P.M.

*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.