

Only those spaces used for their community center would qualify; there are nine spaces. In response to Commissioner Rodstrom, Ms. Alarcon advised that there have been issues with visitors and jumping the fence, vandalism and so forth.

There was no objection.

In response to Mayor Seiler concerning residential parking permit, Ms. Alarcon advised that being homesteaded (in Fort Lauderdale) is part of the criteria; fulltime, permanent resident. In response to Commissioner Rodstrom, Ms. Alarcon indicated the program cost has been examined. The concept was that parking meter revenue would be earmarked to support lifeguards. Five additional lifeguards and stands were added to the north beach. The meters are generating about \$500,000 and the lifeguard cost is close to \$750,000. Mayor Seiler requested the topic be placed on a conference agenda in the interest of streamlining.

Commissioner Rogers requested this item as well as other requests should be placed on some form of a tracking report.

#### **I-C – Bonnet House – Special Event Permitting**

Terry Rynard, Acting Director of Parks and Recreation, indicated this has to do with an annual agreement for permitting Bonnet House events on property both on the west side of A-1-A and beach property on the east side; specifically to allow for approval of events at the staff level that do not impact the public beach purposes easement.

Stephanie Toothaker, representing Bonnet House, reviewed slides concerning the request. A copy of the slides is attached to these minutes. The Bonnet House does not feel the City has a right to regulate what kind of alcohol they serve on their private property. Staff would prefer a limitation to beer, champagne and wine.

Ms. Toothaker and other representatives of Bonnet House responded as follows to questions raised by the Commission. Glass containers would be prohibited. Bonnet House would be responsible for cleanup. It is unlikely that the entire 1,500 feet of beach area would be used for any one event unless the Air and Sea Show returns, for example, and in those types of events, Bonnet House would have to receive individual permission. For those types of events, there would be some type of sanitary facility. The sidewalk would not be used for an event, only the sand. Mayor Seiler wanted assurance that both sidewalks remain open. Ms. Rynard indicated it is addressed in the original deed. Bonnet House beach does not include the sidewalk, but Bonnet House Property East does include the sidewalk. In order to use the sidewalk, Bonnet House would have to come back to the Commission.

Commissioner Rodstrom expressed support in the request. Both Mayor Seiler and Commissioner Rodstrom also expressed support in the signage, but Mayor Seiler did not want to open the sign ordinance. It was understood that Bonnet House would work with the City Attorney's Office on the signage. Discussion ensued concerning permitting alcohol on the beach as part of event applications. Ms. Toothaker clarified the Bonnet House is raising the question of sale of alcohol on private property; for the 300 feet of beach only. Mayor Seiler was concerned about the message that would be sent by allowing containers and types of alcohol in this area other than permitted by the City's rules. He was uncertain about extending anything beyond the private beach area. Some discussion ensued about delineating the private beach area. Mayor Seiler wanted to

clearly show to the public that it is a private event where alcoholic beverages are permitted.

Mayor Seiler suggested the City logo be placed on the signage. Patrick Shavloske, representing the Bonnet House, indicated that would not be objectionable.

There was consensus approval for the ordinances to be presented on first reading and the events agreement simultaneously with second reading of the ordinances.

**I-D – Amendment to Employee Voluntary Deferred Compensation Program to Allow for Participant Loans**

Doug Wood, Director of Finance, highlighted the history of the City's voluntary deferred compensation program for employees and the request to amend the plan to allow for participants to take out loans detailed in Commission Agenda Report 11-0620. Currently withdrawals are only permitted on an emergency basis. This amendment would be at no cost to the City except for staff monitoring changes by the plan administrators.

Mayor Seiler questioned the extent of City staff time that would be necessary. Both Mr. Wood and Dennis Stone, Employee Benefits Coordinator, indicated it would be minimal. Mr. Stone advised that the administrators provide an annual report to the City, and other than that, there actually is not any time spent by staff on a monthly basis. In response to Mayor Seiler and Vice Mayor DuBose, Mr. Wood indicated that there is no cost recovery for City time. He went on to note the repayment terms. Aaron Schwartz, representing Nationwide Retirement Solutions, and Fernando Deaguero, representing International City Management Association Retirement Corporation (ICMA), responded to questions about this program and the City's DROP Program. The City Auditor provided an overview for more clarity. The City Attorney wanted to first obtain a tax attorney's opinion to be assured that a single default would not jeopardize the City's plan and to see what other cities have loan options. Mr. Schwartz advised that any default by an individual would rest with that individual. Such loan options are exercised in many other cities across the country through Nationwide. He elaborated upon the difficulties with using the hardship option to withdraw money and that the loan option has proven helpful. In a sense it could remove some of the fiduciary burden from the City. He could not respond to Commissioner Rodstrom's question of whether the City would be indemnified as to the tax liability. Vice Mayor DuBose noted the benefit this would provide to employees aside from the hardship avenue. Mr. Deaguero explained there would be potential fiduciary liability when an employee seeks a hardship withdraw under false pretenses and if it is approved by the City, it could jeopardize the plan. In Fort Lauderdale the administrators or Nationwide and ICMA, would be responsible for screening the hardship applications. Under the loan provisions, it is the administrators' responsibility. Mayor Seiler requested other cities be contacted to determine if any have an opinion on file as noted by the City Attorney. The City Auditor indicated when employment is terminated, the entire loan balance is due which becomes a taxable event. He hoped that employees are made fully aware.

There was consensus approval for the matter to return for a vote when the City Attorney is comfortable with the noted tax issue.