COUNCIL AGENDA: JULY 16, 2013

SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT - BOYS AND GIRLS CLUB OF PORTERVILLE - FAMILY CONCERT AT MURRY PARK – AUGUST 24, 2013

SOURCE: Finance Department

COMMENT: The Boys & Girls Club of Porterville and Nico’s Concessions are requesting approval to hold a family concert at Murry Park on Saturday, August 24, 2013 from 4:00 p.m. to 9:00 p.m. This concert will be held near the Community Pool and proceeds will benefit Boys & Girls Club of Porterville.

This application is submitted in accordance with the Community Civic Events Ordinance No. 1326, as amended and has been routed according to the ordinance regulations and reviewed by all departments involved. All requirements are listed on the attached Application, Agreement and Exhibit A and Exhibit B.

RECOMMENDATION: That Council approve the Community Civic Event Application and Agreement from Boys and Girls Club of Porterville and Nico’s Concessions, subject to the Restrictions and Requirements contained in Application, Agreement, Exhibit A and Exhibit B.


D.D. Appropriated/Funded C.M. Item No. 17
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A
COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

DO YOU HAVE? Event Flyer? E-mail address? Website?
Application date: 2/19/13 Event date: August 24, 2013
5/15/13 Event time: 4:00 p.m. – 6:00 p.m.

Name of Event: Doe Family Concert in the Park

Sponsoring organization: Doe Family
Address: 344 E Moore Ave Porterville CA 93257
Authorized representative: Matthew Yeadon
Phone #: (559) 756-5422
Event chairperson: Richard Sanchez
Phone #: (559) 756-4612
Location of event: 524 N. Belmont St. Porterville CA 93257
*524 N. Park Rd.
(Location map must be attached)

Type of event: Doe Family Concert

Non-profit organization status: 77-0309289

City services requested: (fees associated with these services will be billed separately):
Barricades (quantity): 6 Street sweeping Yes No
Police protection: Yes No Refuse pickup Yes No
Other: 

Parks facility application required: Yes No Attached
Assembly permit required: Yes No Attached

STAFF COMMENTS (list special requirements or conditions for event):

Appr. Deny

Pub. Works Dir
Comm. Dev. Dir.
Field Svcs. Mgr.
Fire Chief
Parks Dir.
Police Chief
Admin. Svcs. Dir.
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER
ACTIVITY TO BE HELD ON PUBLIC PROPERTY

What constitutes a Community Civic Event?
A non-profit organization wishes to sponsor an event that is open to the community at large and will utilize public
property. Most of the time, Community Civic Events require street or sidewalk closures. This application must be
submitted NO LESS THAN 30 DAYS PRIOR to the date of the event in order to obtain City Council approval.

All City Code requirements are described in ordinance 15-20 (e) 1-23 and as amended in ordinance 1613. For a full
description please visit our City of Porterville website at www.ci.porterville.ca.us/covt/CityClerk/, Porterville Municipal
Codes. For questions or concerns please call 559-782-7451 or 559-782-7457. Any person who violates the provisions
in this code, shall be deemed guilty of either a misdemeanor or an infraction, with penalties of one hundred ($100) for
the first violation.

Liability insurance: The sponsoring organization/applicant agrees to provide and keep in force during the term of this
permit a policy of liability and property damage insurance against liability for personal injury, including accidental
death, as well as liability for property damage which may arise in any way during the term of this permit. The City of
Porterville and Successor Agency to the Porterville Redevelopment Agency shall be named as additional insured. A Certificate of Liability Insurance and Additional Insured Endorsement sample forms are enclosed for your convenience. This original certificate and endorsement shall be submitted to the Finance Department prior to the City of Porterville Council’s approval. The council shall condition the granting of a CCE permit upon the sponsoring entity’s filing with the council a policy of public liability insurance in which the city has been named as insured or coinsured with the permittee. The policy of insurance shall insure the city, its officers, and its employees against all claims arising out of, or in connection with, the issuance of the CCE permit or the operation of the permittee or its agents or representatives, pursuant to the permit. The policy of insurance shall provide coverage of no less than one million dollars ($1,000,000.00) per occurrence of bodily injury and property damage, combined single limit (Ordinance 15-20(e) 18)

Alcohol liability insurance: Organization/Applicant will obtain an alcohol permit if any alcoholic beverages are to be
served. The insurance policy shall be endorsed to include full liquor liability in an amount not less than one million
dollars ($1,000,000) per occurrence. The City of Porterville shall be named as additional insured against all claims
arising out of or in connection with the issuance of this permit or the operation of the permitted, his/her agents or
representatives pursuant the permit. Claims-made policies are not acceptable.

Health permit: Organization/Applicant will obtain or ensure that all participants obtain a ‘Temporary Food Facilities’
permit(s) from the Tulare County Public Health Department, if any food is to be served in connection with this
Community Civic Event. To contact the Tulare County Environmental Health Department located at 5957 S. Mooney
Bivd., Visalia, CA, 93277, call 559-733-6441, or fax information to 559-733-6932; or visit their website:
www.tularehhsa.org.

First aid station: Organization/Applicant will establish a first aid station, with clearly posted signs, to provide basic
emergency care, such as ice/hot packs, bandages, and compresses.

Agreement: The sponsoring organization/applicant agrees to comply with all provisions of the Community Civic
Event Ordinance 15-20(e), as amended, and the terms and conditions set forth by City Council and stated in Exhibit
‘A.’ The sponsoring organization/applicant agrees, during the term of this permit, to secure and hold the City free and
harmless from all loss, liability, and claims for damages, costs and charges of any kind or character arising out of,
relating to, or in any way connected with his/her performance of this permit. Said agreement to hold harmless shall
include and extend to any injury to any person or persons, or property of any kind whatsoever and to whomever
belonging, including, but not limited to, said organization/applicant, and shall not be liable to the City for any injury to
persons or property which may result solely or primarily from the action or non-action of the City or its directors,
oficers, or employees.

(Name of Organization) NICO'S
(Signature) (Signature) 5/11/13
(Date)
CITY OF PORTERVILLE

VENDOR/PARTICIPANT LIST IN CONNECTION WITH THE APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Name of event: Family Concert in the Park
Sponsoring organization: Boy 2 Circle Club of Porterville
Location: 97 N. Park Dr. Event date: 8/17/13 Event time: 4:00-10:00

All vendors are required to complete the business license permit form. List all firms, individuals, organizations, etc., that will engage in selling at or participate in the above-named event. NO PERMIT WILL BE ISSUED WITHOUT THIS INFORMATION. Vendors with no valid City of Porterville business license are required to pay $1 per day to the City, with the exceptions of non-profit organizations per City of Porterville Municipal Code 15-20(E) Community Civic Events (16). This form should be completed at the time of application, but must be submitted NO LESS THAN ONE WEEK PRIOR TO THE EVENT.

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<tr>
<th>Vendor name</th>
<th>Address/Telephone</th>
<th>Business License required?</th>
<th>Type of Activity</th>
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<td>Vendor list 1 week before event</td>
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*Municipal Code 15-20(E) Community Civic Events (16): Business License Fees: Any individual, company, firm, concessionaire, fair operator, carnival operator, etc., who engages in, conducts, organizes, or promotes business for profit shall pay a business license fee of one dollar ($1.00) per day per amusement, entertainment, exhibit, ride or per booth, space, stall, stand or other unenclosed location used for the purpose of advertising, promoting, or sale of, or taking orders for, goods or services; except that no individual, company, firm concessionaire, fair operator, carnival operator, etc., who possesses a valid City business license shall be subject to separate licensing pursuant to this subsection 15-16.

The nonprofit sponsor shall collect said fee and remit the fee to the city within five (5) working days following the CCE. Said remittance shall be accompanied by a complete list of participants and consecutively numbered receipts written in triplicate, containing the name, address and telephone number of the licensee, and the licensee’s California seller’s permit number. Said receipts shall be furnished by the city. One copy of the receipt shall be furnished to the licensee, one copy filed with the finance department of the city, and one copy retained by the CCE sponsor for a period of three (3) years for audit purposes.
CITY OF PORTERVILLE
REQUEST FOR STREET CLOSURES AND PUBLIC PROPERTY USAGE IN CONNECTION WITH THE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER
ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Name of event: **Free Family Concert in the Park**
Sponsoring organization: **Boys and Girls Club of Porterville**

Event date: **August 17, 2012**
Hours: **4:00 pm - 10:00 pm**

**ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:**

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<td>Sidewalks</td>
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<td>Parking lots and spaces</td>
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REQUIREMENTS FOR COMMUNITY CIVIC EVENT

BOYS & GIRLS CLUB OF PORTERVILLE
NICO'S CONCESSIONS

AUGUST 24, 2013

Finance Director:
   M. Bemis

Business License has no requirements.

Public Works Director:
   B. Rodriguez

Community Development Director:
   B. Dunlap

Field Services Manager:
   B. Styles

No comments.

Fire Chief:
   G. Irish

No comment.

Parks and Leisure Services Director:
   D. Moore

Fill out Parks reservation form and pick up debris following the concert.

Police Captain:
   D. Haynes

Please see proposed conditions and requirements.

Administrative Services Director:
   P. Hildreth

Please see Exhibit A, page 1.
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Boys & Girls Club of Porterville
Event: Family Concert at Murry Park
Event Chairman: Richard Sanchez, Nico’s Concessions
Location: Murry Park
Date of Event: August 24, 2013
Time of Event: 6:00 pm to 9:00 pm

RISK MANAGEMENT: Conditions of Approval

That the Boys & Girls Club of Porterville and Nico’s Concessions provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than $1,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville, its Officers, Employees, Agents and Volunteers as ‘Additional Insured’ against all claims arising from, or in connection with, the Permittee’s operation and sponsorship of the aforementioned Community Civic Event.

A. Said Certificate of Insurance shall be an original (fax and xerographic copies not acceptable), the Certificate shall be signed by an agent authorized to bind insurance coverage with the carrier, and the deductible, if any, shall not be greater than $1,000.

A. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less that A: VII, and the insurance company must be an ‘admitted’ insurer in the State of California.
CITY OF PORTERVILLE/POLICE DEPARTMENT
Community Civic Event Application

Boys & Girls Club – Free Concert in the Park
August 24, 2013

Proposed Conditions/Requirements for Event:

➢ City Council approval is required for all street closures.

➢ On all streets approved for closure, ensure adequate barricades/barriers are used to warn motorists of non-access and prevent vehicle access to those designated areas.

➢ Food vendors should provide inspection certificates from the Tulare County Health Department to members of the organizing committee, to ensure food product safety.

➢ An Outside Amplifier Permit has been requested and granted. However, event organizers shall not allow music to be played so loud as to unreasonably disturb the peace and good order of any residents or business establishments in the surrounding area.

➢ At conclusion of event, event organizers shall ensure that all park property, streets and sidewalks in the area of the event are promptly cleared of any vehicles, equipment, booths or other materials related to the event.

Dan Haynes, Captain
Porterville Police Department
CITY OF PORTERVILLE
OUTSIDE AMPLIFIER PERMIT
(City Ordinances #18-9 & 18-14)

This application must be submitted ten (10) days prior to the date of the event. A copy of this permit must be at the operating premises of the amplifying equipment for which this registration is issued.

1. Name and home address of the applicant: Richard scenario
   524 N Baldwin st. Porterville Ca 93257

2. Address where amplification equipment is to be used: 97 N Park Drive

3. Names and addresses of all persons who will use or operate the amplification equipment: Richard scenario
   524 N Baldwin st. Porterville Ca 93257

4. Type of event for which amplification equipment will be used: Concert

5. Dates and hours of operation of amplification equipment: August 24, 2013 4:00pm - 9:00pm

6. A general description of the sound amplifying equipment to be used: Microphones and Speakers

Section 18-9  It shall be unlawful for any person within the city to use or operate or cause to be operated or to play any radio, phonograph, jukebox, record player, loudspeaker, musical instrument, mechanical device, machine, apparatus, or instrument for intensification or amplification of the human voice or any sound or noise in a manner so loud as to be calculated to disturb the peace and good order of the neighborhood or sleep of ordinary persons in nearby residences or so loud as to unreasonably disturb and interfere with the peace and comfort.

   The operation of any such instrument, phonograph, jukebox, machine or device in such manner as to be plainly audible at a distance of one hundred feet (100') from the building, structure, vehicle, or place in which, or on which it is situated or located shall be prima facie evidence of a violation of this section. (Ord. Code § 6311)

Section 18-14  It shall be unlawful for any person to maintain, operate, connect, or suffer or permit to be maintained, operated, or connected any sound amplifier in such a manner as to cause any sound to be projected outside of any building or out of doors in any part of the city, except as may be necessary to amplify sound for the proper presentation of moving picture shows, or exhibiting for the convenience of patrons within the building or enclosure in which the show or exhibition is given, without having first procured a permit from the chief of police, which permit shall be granted at the will of the chief of police upon application in writing therefore, but which permit, when granted, shall be revocable by the city council whenever any such loudspeaker or sound amplifier shall by the council be deemed objectionable, and any such permit may be so revoked with or without notice, or with or without a formal hearing, at the option of the council, and in the event of the revocation of any such permit, the same shall not be renewed, except upon application as the first instance. (Ord. Code § 6312)

Penal Code Section 415 (2)  Any of the following persons shall be punished by imprisonment in the county jail for a period of not more than 90 days, a fine of not more than four hundred dollars ($400), or both such imprisonment and fine: (2) Any person who maliciously and willfully disturbs another person by loud and unreasonable noise.

I hereby certify that I have read and answered all statements on this registration form and that they are true and correct.

Signature of Applicant
Date

THIS OUTSIDE AMPLIFIER PERMIT HAS BEEN APPROVED. HOWEVER, WE URGEO YOU TO REMAIN CONSIDERATE OF THE GENERAL PEACE AND ORDER OF THE NEIGHBORS IN THE AREA. FAILURE TO ABIDE BY THESE REGULATIONS CAN RESULT IN REVOKATION OF THE PERMIT.

City of Porterville, Chief of Police/Designee
Date
ACORD™ CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 04/22/2013

CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFER NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. IF SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Pacific Coast E&S Insurance Service
2235 MERCURY WAY, SUITE 110
SANTA ROSA CA 95407

CONTACT NAME:
PHONE (A/C, NO, Ext):
FAX (A/C, No):
E-MAIL ADDRESS:
PRODUCER CUSTOMER ID:

INSURED
NICO’S
RICHARD SANCHEZ, DBA:
524 N. BELMONT
PORTERVILLE, CA 93257

INSURER(S) AFFORDING COVERAGE
NAIC #
INSURER A: SCOTTSDALE INSURANCE COMPANY 14041297
INSURER B:
INSURER C:
INSURER D:
INSURER E:
INSURER F:

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE Terms, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

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DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

CERTIFICATE HOLDER IS NAMED AS ADDITIONAL INSURED WITH RESPECTS TO THEIR INTEREST IN THE OPERATIONS OF THE NAMED INSURED. * 10 DAY NOTICE OF CANCELLATION DUE FOR NON PAYMENT OF PREMIUM.

CANCELLATION

ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

CITY OF PORTERVILLE
124 N. MAIN
PORTERVILLE, CA 93257

Copyright, 1988-2010 ACORD CORPORATION. All rights reserved.
THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED - DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

<table>
<thead>
<tr>
<th>Name Of Additional Insured Person(s) Or Organization(s)</th>
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<tr>
<td>CITY OF PORTERVILLE</td>
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<tr>
<td>124 N. MAIN</td>
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<td>PORTERVILLE, CA 93257</td>
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Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

Section II - Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

A. In the performance of your ongoing operations; or

B. In connection with your premises owned by or rented to you.