
SOURCE: Finance Department

COMMENT: Wal-Mart Distribution Center and Valley Children’s Hospital are requesting approval to hold a 5K run on Saturday, September 21, 2013, from 5:00 p.m. to 11:00 p.m. This evening run will start at the Porterville Fairgrounds. Requested street closure is West Street from W. Scranton Avenue to W. Edison Ct. Proceeds will benefit the Valley Children’s Hospital.

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 Wal-Mart Distribution Center and Valley Children’s Hospital, subject to the Restrictions and Requirements contained in Application, Agreement, Exhibit A and Exhibit B.

ATTACHMENT: Community Civic Event Application and Agreement, Street Route, Exhibit A, Exhibit B, Map, Outside Amplifier Permit and Certificates of Liability.

D.D. Mº Appropriated/Funded Mº C.M. Item No. 18
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A
COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

<table>
<thead>
<tr>
<th>DO YOU HAVE?</th>
<th>Event Flyer?</th>
<th>E-mail address?</th>
<th>Website?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>10/4/13</td>
<td></td>
<td>9/21/13</td>
</tr>
</tbody>
</table>

Event date: 9/21/13
Event time: 5:00 pm - 11:00 pm

Name of Event: Neon City Run
Sponsoring organization: Valley Children's Hospital
Walmart DC 6021
Address: 1305 S. F St. Porterville CA
Authorised representative: Marcos Zuniga
Phone # 559-714-7625
Address: 1903 Martinho Ave Tulare CA
Event chairperson: Bivane @ Walmart Distribution 783-6003
Location of event: Porterville fair grounds, Teapot Dome Ave, Rd 224
Type of event: 5K run fundraiser for Children's Miracle

Non-profit organization status: 501-C3

City services requested:
- (fees associated with these services will be billed separately):
  - Barricades (quantity): 0
  - Police protection: Yes
  - Other:

Parks facility application required: Yes
Assembly permit required: Yes

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

<table>
<thead>
<tr>
<th>Approve</th>
<th>Deny</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Pub. Works Dir</td>
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<tr>
<td></td>
<td>Comm. Dev. Dir.</td>
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<tr>
<td></td>
<td>Field Svcs. Mgr.</td>
</tr>
<tr>
<td></td>
<td>Fire Chief</td>
</tr>
<tr>
<td></td>
<td>Parks Dir.</td>
</tr>
<tr>
<td></td>
<td>Police Chief</td>
</tr>
<tr>
<td></td>
<td>Admin. Svcs. Dir.</td>
</tr>
</tbody>
</table>

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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/govt/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 will not be served.

Authorized Representative Initials

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.

Authorized Representative Initials

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 Blvd., Visalia, CA, 93277, call 559-733-6441, or fax information to 559-733-6932; or visit their website: www.tularehhhsa.org.

Authorized Representative Initials

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.

Authorized Representative Initials

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, officers, or employees.

Walmart P.C. 0021

(Name of Organization)

Signature

(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: Neen City Run

Sponsoring organization: Wal-Mart D.C. 2021

Location: Fair Grounds

Event date: 9/21/13

Event time: 5:00 pm

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.

<table>
<thead>
<tr>
<th>Vendor name</th>
<th>Address/Telephone</th>
<th>Business License required?</th>
<th>Type of Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vendors @ Porterville Fair Grounds</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*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 enclosed 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 E/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: Neon City Run

Sponsoring organization: Walt-Meier DC. (0021)

Event date: 9/21/13

Hours: 5:00 pm - 11:00 pm

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

<table>
<thead>
<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trugot Dome</td>
<td>7:30 pm</td>
<td>10:00 pm</td>
<td>SK Run 40/8</td>
</tr>
<tr>
<td>Rd 224</td>
<td>7:30 pm</td>
<td>10:00 pm</td>
<td>SK Run 40/8</td>
</tr>
<tr>
<td>West St</td>
<td>Scranton Ave</td>
<td>11:00 pm</td>
<td>SK Run</td>
</tr>
<tr>
<td>Dirt Road off Rd 224</td>
<td>7:30 pm</td>
<td>11:00 pm</td>
<td>Please see map.</td>
</tr>
</tbody>
</table>

**Note:** Into city property by the football field, on to bathrooms, crossing into corner of Scranton and West.

5 Booths handing out bracelets, will supply Portable lighting

<table>
<thead>
<tr>
<th>Sidewalks</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Parking lots and spaces</th>
<th>Location</th>
<th>Activity</th>
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</thead>
</table>

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REQUIREMENTS FOR COMMUNITY CIVIC EVENT

WAL-MART DISTRIBUTION CENTER

VALLEY CHILDREN'S HOSPITAL

NEON CITY 5K RUN

SEPTEMBER 21, 2013

Finance Director:
M. Bemis

Public Works Director:
B. Rodriguez

Community Development Director:
B. Dunlap

Field Services Manager:
B. Styles

Fire Chief:
G. Irish

Parks and Leisure Services Director:
D. Moore

No comment.

Barricades may be obtained and returned at 555 N. Prospect Street

No comment.

No vehicles to be parked on grass. Participant safety will need to be provided when participants are in east unpaved parking lot at Sports Complex and when they head west across the lot onto Sports Complex grass.

Police Captain:
D. Haynes

See Conditions/Requirements for Special Event in Exhibit B.

Administrative Services Director:
P. Hildreth

See attached Exhibit A, page 2.

EXHIBIT A, Page 1
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Wal-Mart Distribution Center and Valley Children’s Hospital
Event: Neon City 5K Run
Event Chairman: Marcos Zuniga
Location: Porterville Fairgrounds
Date of Event: September 21, 2013
Time of Event: 5:00 p.m. to 11:00 p.m.

RISK MANAGEMENT: Conditions of Approval

That the Wal-Mart Distribution Center 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, Successor Agency to the Porterville Redevelopment Agency, 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.

Approval of the Community Civic Events Permit by the Porterville City Council pertains only to authorized activities conducted at designated locations within the incorporated area of the City of Porterville, and such approval shall not be construed or interpreted to authorize sponsor utilization of public right-of-ways outside of the jurisdiction of the City of Porterville.
CITY OF PORTERVILLE
Community Civic Event Application

Neon City Run, Sept. 21, 2013

Proposed Conditions/Requirements/Recommendations:

➢ City Council approval is required for all roadway closures involving roadways within their jurisdiction.

➢ The proposed route is not clearly defined on the map provided. It appears that event organizers intend to close portions of West Street, Road 224 (North of Tea Pot Dome Avenue), and portions of Tea Pot Dome Avenue (Avenue 128). West Street and the portion of Road 124 stated are within the jurisdiction of the City of Porterville, but Tea Pot Dome Avenue falls within the jurisdiction of Tulare County and the California Highway Patrol. Those inanities will have to be contacted for approval to close any portion of Tea Pot Dome Avenue.

➢ The Police Dept. does not recommend allowing closure of one-half of the street as proposed in the CCE application. Allowing closure of one-half of the street and allowing pedestrians to walk around on the other half creates a very unsafe condition. We believe this presents a significant hazard to participants and should not be permitted.

➢ Should the event and roadway closures be authorized, I make the following recommendations:

  ▪ The effective use of cones and/or barricades to properly warn motorists of the street closure and keep them out.

  ▪ At the conclusion of the event, the barricades or cones shall be removed from the roadway and the roadway be shall be cleaned of any debris or hazards that could negatively affect traffic.

  ▪ Event organizers shall contact Sergeant R. Carrillo of the Porterville Police Department/Traffic Unit for additional recommendations in relation to traffic concerns and the safety of event participants. 559-782-7408 or 559-782-7400.

Dan Haynes, Captain
Porterville Police Department
(559) 782-7565
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: Marcos Zuniga
   1905 Martinho Ave. Tulare, CA.

2 Address where amplification equipment is to be used: Porterville Fairgrounds, Porterville Sports Complex.

3 Names and addresses of all persons who will use or operate the amplification equipment:

4 Type of event for which amplification equipment will be used: Neon City Run

5 Dates and hours of operation of amplification equipment: 9/21/13 7:30 pm

6 A general description of the sound amplifying equipment to be used: General DJ equipment.

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 convenient hearing 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 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: 9/10/13]

THIS OUTSIDE AMPLIFIER PERMIT HAS BEEN APPROVED. HOWEVER, WE URGE 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 REVOCATION OF THE PERMIT.

[Signature of Porterville Police Chief]
[Date: 6-25-73]
CERTIFICATE OF LIABILITY INSURANCE

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFER NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY 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: Marsh USA, Inc.
1188 Avenue of the Americas
New York, NY 10036
Alex Walton, Lead Requester at Marsh.com
J48574-GA.WC-12-13
6021 EVENT

INSURED:
WALMART STORES, INC.
Its Subsidiaries and its Affiliates
702 Southwest 8th Street
Bentonville, AR 72716

CONTACT:
NAME: ________________________
PHONE: (Arc. No. Ext): __________
FAX: (Arc. No.): __________
E-MAIL: ________________________
ADDRESS: ________________________

INSURER AFFORDING COVERAGE:
INSURER A: National Union Fire Insurance Company
19445
INSURER B: N/A
INSURER C: N/A
INSURER D: N/A
INSURER E: N/A

COVERAGE:

<table>
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<tr>
<th>TYPE OF INSURANCE</th>
<th>INSCRIBED LIMIT</th>
<th>POLICY NUMBER</th>
<th>EXPIRY LIMIT</th>
<th>EXPIRY DATE</th>
<th>LIMITS</th>
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<tbody>
<tr>
<td>GENERAL LIABILITY</td>
<td>$1,000,000 Self-Insured Retention</td>
<td>7140383</td>
<td>09/12/2012</td>
<td>09/10/2013</td>
<td>EACH OCCURRENCE: $1,000,000</td>
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</tbody>
</table>

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

RE: STORE #6291, 1030 SOUTH F STREET, PORTERVILLE, CA 93257; CMN FUND-RAISER - NEON CITY RUN; AVENUE 128/TEAPOT DOME AVENUE - ROAD 224 - WEST STREET COUNTY OF TULARE AND CITY OF PORTERVILLE ARE ADDITIONAL INSURED, AT MA, WHERE REQUIRED BY WRITTEN CONTRACT.

CERTIFICATE HOLDER:
CITY OF PORTERVILLE
ATTN: PATRICE HILDEBRETH
391 N. MAIN STREET
PORTERVILLE, CA 93257

CANCELLATION:
SHOULD 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:
Laura Quackenbush

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ENDORSEMENT

This endorsement, effective 12:01 A.M. 9/15/2012 forms a part of
Policy No. GL 714-63-63 issued to WAL-MART STORES, INC.
by NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA.

ADDITIONAL INSURED - WHERE REQUIRED UNDER CONTRACT OR AGREEMENT

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE FORM

SECTION II - WHO IS AN INSURED, is amended to include as an additional insured:

Any person or organization to whom you become obligated to include as an additional insured under this policy, as a result of any contract or agreement you enter into which requires you to furnish insurance to that person or organization of the type provided by this policy, but only with respect to liability arising out of your operations or premises owned by or rented to you. However, the insurance provided will not exceed the lesser of:

- The coverage and/or limits of this policy, or
- The coverage and/or limits required by said contract or agreement.

[Signature]
AUTHORIZED REPRESENTATIVE

61712 (12/06)