

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.

ATTACHMENT: Community Civic Event Application and Agreement, Exhibit A, Exhibit B, Map, Outside Amplifier Permit and Certificate of Liability Insurance.

D.D. MB Appropriated/Funded MB C.M. J Item No. 17

CITY OF PORTERVILLE

291 N. Main Street, Porterville, CA 93257
559-782-7451 Fax: 784-4569 www.ci.porterville.ca.us



(Incomplete applications can delay permit process)

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 pm - 10:00 pm

Name of Event: Free Family Concert in the Park

Sponsoring organization: Bay Area Club of Porterville Phone # (559) 756-5422
Address: 344 E Madison Ave Porterville Ca 93257

Authorized representative: Matthew Keel Phone # (559) 756-5422
Address: _____

Event chairperson: Richard Sanchez Phone # (559) 354-4612
* 524 N. Belmont St Porterville Ca 93257

Location of event 97 N. Park Rd.
(Location map must be attached)

Type of event: Free Family Concert

Non-profit organization status: 77-0309289

(IRS Determination)

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 | | |
|-------|-------|-------------------|-------|
| _____ | _____ | Bus. Lic. Spvr. | _____ |
| _____ | _____ | 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/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)*

 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

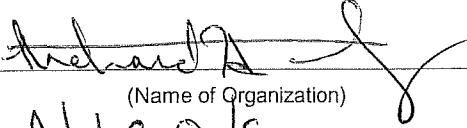
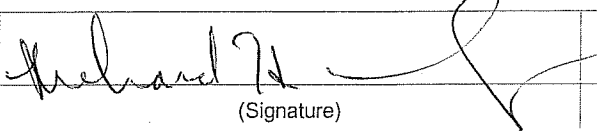
Health permit: Organization/Applicant **will obtain or ensure** that all participants obtain a 'Temporary Food Facilities' permit(s) from the Tulare County Public Health Department, if any food is to be served in connection with this Community Civic Event. To contact the Tulare County Environmental Health 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.tularehhsa.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.

| | | |
|---|---|-------------------|
|  (Name of Organization) NICOLS |  (Signature) | 5/14/13 (Date) |
|---|---|-------------------|

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 & Girls Club of Porterville

Event date: August 17, 2013 Hours: 4:00 pm - 10:00 pm

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

Closed

| <u>Street Name</u> | <u>From</u> | <u>To</u> | <u>Activity</u> |
|--------------------------------|-----------------|-----------|-----------------|
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| <u>Sidewalks</u> | <u>From</u> | <u>To</u> | <u>Activity</u> |
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| <u>Parking lots and spaces</u> | <u>Location</u> | | <u>Activity</u> |
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REQUIREMENTS FOR COMMUNITY CIVIC EVENT

BOYS & GIRLS CLUB OF PORTERVILLE
NICO'S CONCESSIONS

AUGUST 24, 2013

| | |
|---|---|
| Finance Director: <i>M. Bemis</i> | Business License has no requirements. |
| Public Works Director: <i>B. Rodriguez</i> | |
| Community Development Director: <i>B. Dunlap</i> | |
| Field Services Manager: <i>B. Styles</i> | No comments. |
| Fire Chief: <i>G. Irish</i> | No comment. |
| Parks and Leisure Services Director: <i>D. Moore</i> | Fill out Parks reservation form and pick up debris following the concert. |
| Police Captain: <i>D. Haynes</i> | Please see proposed conditions and requirements. |
| Administrative Services Director: <i>P. Hildreth</i> | 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 than 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 Sanchez
524 N. Belmont 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 Sanchez
524 N. Belmont 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: Microphone 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 operated, or connected any or 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 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.

Richard Sanchez
Signature of Applicant

8/14/13
Date

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]
City of Porterville, Chief of Police/Designee

6-26-13
Date

ACORD™ CERTIFICATE OF LIABILITY INSURANCE

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

CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS 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).

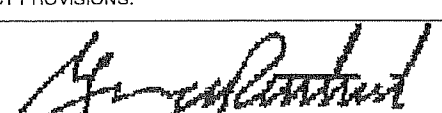
| | | | |
|---|---|----------------|----------|
| PRODUCER Pacific Coast E&S Insurance Service 2235 MERCURY WAY, SUITE 110 SANTA ROSA CA 95407 | CONTACT NAME: | | |
| | PHONE (A/C, NO, Ext): | FAX (A/C, No): | |
| | E-MAIL ADDRESS: | | |
| | PRODUCER CUSTOMER ID #: | | |
| INSURER(S) AFFORDING COVERAGE | | NAIC # | |
| INSURED NICO'S RICHARD SANCHEZ, DBA: 524 N. BELMONT PORTERVILLE, CA 93257 | 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.

| INSR LTR | TYPE OF INSURANCE | ADDL INSR | SUBR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS | |
|----------|--|-------------------------------------|--------------------------|---------------|-------------------------|-------------------------|--|--|
| A | GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> _____ <input type="checkbox"/> _____ GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC | <input checked="" type="checkbox"/> | <input type="checkbox"/> | CPS1680386 | 04/22/2013 | 04/22/2014 | EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea Occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 1,000,000 PRODUCTS-COMP OP AGG \$ 1,000,000 | |
| | AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | | | COMBINED SINGLE LIMIT (Ea Accident) \$ BODILY INJURY (Per Person) \$ BODILY INJURY (Per Accident) \$ PROPERTY DAMAGE (Per Accident) \$ \$ \$ |
| | <input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$ | <input type="checkbox"/> | <input type="checkbox"/> | | | | | EACH OCCURRENCE \$ AGGREGATE \$ \$ \$ |
| | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y/N <input type="checkbox"/> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Mandatory in NH If yes, describe under DESCRIPTION OF OPERATIONS below | N/A | <input type="checkbox"/> | | | | | <input type="checkbox"/> WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER \$ E.L. EACH ACCIDENT \$ EL DISEASE-EA EMPLOYEE \$ EL DISEASE-POLICY LIMIT \$ |
| | | <input type="checkbox"/> | <input type="checkbox"/> | | | | | |
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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 INTERST IN THE OPERATIONS OF THE NAMED INSURED. / * 10 DAY NOTICE OF CANCELLATION DUE FOR NON PAYMENT OF PREMIUM.

| | |
|---|---|
| CERTIFICATE HOLDER CITY OF PORTERVILLE 124 N. MAIN PORTERVILLE, CA 93257 | 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  |

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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

| Name Of Additional Insured Person(s) Or Organization(s) |
|--|
| CITY OF PORTERVILLE 124 N. MAIN PORTERVILLE, CA 93257 |
| 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.