

COUNCIL AGENDA: AUGUST 6, 2013

SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT – KIWANIS CLUB OF
PORTERVILLE - AMERICAN CROWN CIRCUS, INC - AUGUST 8 - 12, 2013

SOURCE: Finance Department

COMMENT: Kiwanis Club of Porterville and American Crown Circus, Inc. are requesting approval to hold a circus from Thursday, August 8 through Monday, August 12, 2013, at the ball field area of the Heritage Center, behind Vallarta Market.

This request is being made under Community Civic Event Ordinance No. 1326, as amended. The application has been routed according to the ordinance regulations and reviewed by all departments involved. All requirements are listed on the attached Application, Agreement, Exhibit A and Exhibit B.

RECOMMENDATION: That the Council approve the attached Community Civic Event Application and Agreement submitted by the Kiwanis Club of Porterville and American Crown Circus, Inc., subject to the stated requirements contained in the Application, Agreement, Exhibit A and Exhibit B.

ATTACHMENT: Community Civic Event Application and Agreement, Exhibit A, Maps, Exhibit B, Outside Amplifier Permit, Insurance Certificate and Business License Application.

D.D. MB Appropriated/Funded MB C.M. J Item No. 26

APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A
COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

_____	_____	Bus Lic Spvr	_____
_____	_____	Pub Works Dir	_____
_____	_____	Comm Dev Dir	_____
_____	_____	Field Svcs Mgr	_____
_____	_____	Fire Chief	_____
_____	_____	Parks Dir	_____
_____	_____	Police Chief	_____
_____	_____	Deputy City Mgr	_____

Att^{no} MARIA - ANITA
Business License

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.

Authorization: This permit must be submitted **NO LESS THAN 30 days PRIOR** to the date of the event in order to obtain City Council approval.

City Code requirements:

- At least 48" must remain clear on sidewalks for pedestrian traffic.
- Do not block any entrance to or exit from buildings.
- Area must be accessible to emergency and safety personnel and vehicles.
- Electrical cords must be approved and installation checked by the Fire Department.

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 shall be named as additional insured. **When the location of the event is in Downtown Porterville, the Porterville Redevelopment Agency must also be named as additional insured.** The amounts of such insurance and any additional requirements are listed in Exhibit "A." A Certificate of Liability Insurance form sample is enclosed for your convenience. **This original certificate shall be submitted to the Finance Department prior to the City of Porterville Council's approval.**

RO - 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.**

RO - 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 559-733-6932; or visit their website: www.tularehhsa.org.

RO - 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.

RO - 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.

American Crown Circus, Inc.	<u>[Signature]</u>	<u>7/31/13</u>
(Name of Organization)	(Signature)	(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: American Crown Circus

Sponsoring organization: ~~American Crown Circus, Inc.~~ KIWANIS CLUB OF PORTERVILLE

Event date: August 8, 9, 10, 11 & 12, 2013 Hours: 5:00 pm to 9:00 pm

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

Closed			
<u>Street Name</u>	<u>From</u>	<u>To</u>	<u>Activity</u>
<u>Sidewalks</u>	<u>From</u>	<u>To</u>	<u>Activity</u>
<u>Parking lots and spaces</u>	<u>Location</u>	<u>Activity</u>	
200	Vacant Lot across from the Old Fairgrounds on E Olive Ave., behind La Vallarta Market.	Acrobatic circus	

REQUIREMENTS FOR COMMUNITY CIVIC EVENT
CITY OF PORTERVILLE
KIWANIS CLUB OF PORTERVILLE
AMERICAN CROWN CIRCUS, INC.
AUGUST 8-12, 2013

Finance Director:
M. Bemis

Public Works Director:
B. Rodriguez

No comment.

Community Development Director:
B. Dunlap

The proposed site is the ball field area of the Heritage Center, which is publicly owned. The vacant lot across from the new courthouse - previously the fairgrounds - is owned by a private individual. No use of that property would be allowed through the proposed CCE without written authorization by that property owner. Without the approval, no access from Olive Avenue would be available since the access points are under private ownership. This also means that access to the site for parking would likely flow through Eastridge Circle, and an uncontrolled intersection at Plano Street and Eastridge Circle. This should be looked at more closely.
Comply with the City's noise standards, provide temporary on-site striped parking at one space for every 50 square feet of assembly area (not including center ring or staging).

Field Services Manager:
B. Styles

No comment.

Fire Chief:
G. Irish

Will require a fire and life safety inspection for compliance with Title 19 and California Fire Code, 2010, prior to opening.

Parks and Leisure Services Director:
D. Moore

Lot to be left in same condition as upon arrival.

Police Captain:
D. Haynes

Please see Proposed Conditions/Requirements in Exhibit B.

Administrative Services Director:
P. Hildreth

Please see Exhibit A, page 2.

EXHIBIT A, Page 1

REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Kiwanis Club of Porterville
Event: American Crown Circus
Event Chairman: Leo Osorio, Treasurer
Location: Vacant Lot on East Olive Avenue
Date of Event: August 8-12, 2013
Time of Event: 5:00 PM to 9:00 PM

RISK MANAGEMENT: Conditions of Approval

That the American Crown Circus, Inc., 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 and Successor Agency for 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.
- B. 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

Temporary Business License Application

Proposed Conditions/Requirements for American Crown Circus August 8-12, 2013:

- No possession, sales or consumption of alcohol on the premises.
- Must provide a minimum of two (2) licensed/uniformed security officers to provide interior/exterior security during hours of the event.
- Must provide exterior lighting sufficient to illuminate areas subject to pedestrian/vehicular traffic related to the event during hours of darkness.

Dan Haynes, Captain
Porterville Police Department
(559) 782-7565

Exhibit B

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: American Crown Circus
4088 Pleasant Rd., Las Vegas, NV 89018
- 2 Address where amplification equipment is to be used: Vacant Lot across from the Old Fairgrounds on E Olive Ave., behind La Vallarta Market
- 3 Names and addresses of all persons who will use or operate the amplification equipment: _____
Roberto Osorio 4088 Pleasant Rd., Las Vegas, NV 89018
- 4 Type of event for which amplification equipment will be used: _____
Acrobatic circus.
- 5 Dates and hours of operation of amplification equipment: _____
August 8, 9, 10, 11 & 12, 2013 5:00 pm to 9:00 PM
- 6 A general description of the sound amplifying equipment to be used: _____
PC, amplifier and 4 speakers. Music will be inside a fully enclosed tent to minimize noise.

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 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]
Signature of Applicant

7-5-13
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

7-16-13
Date



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

7/11/13

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS 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 Allied Specialty Insurance 85 N.E. Loop 410 Suite 600 San Antonio, TX 78216	CONTACT NAME:
	PHONE (A/C, No, Ext):
INSURED American Crown Circus, Inc. 4088 Pleasant Road Las Vegas NV 89108	FAX (A/C, No):
	E-MAIL ADDRESS:
INSURER(S) AFFORDING COVERAGE	
INSURER A:	T.H.E. Insurance Company
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			CPP0102289-02	01/27/13	01/27/14	EACH OCCURRENCE \$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						MED EXP (Any one person) \$
	GEN'L AGGREGATE LIMIT APPLIES PER:						PERSONAL & ADV INJURY \$ 1,000,000
	<input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						GENERAL AGGREGATE \$ 3,000,000
	AUTOMOBILE LIABILITY						PRODUCTS - COMP/OP AGG \$ 1,000,000
	<input type="checkbox"/> ANY AUTO						
	<input type="checkbox"/> ALL OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$
	<input type="checkbox"/> HIRED AUTOS						BODILY INJURY (Per person) \$
	<input type="checkbox"/> SCHEDULED AUTOS						BODILY INJURY (Per accident) \$
	<input type="checkbox"/> NON-OWNED AUTOS						PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB						
	EXCESS LIAB						EACH OCCURRENCE \$
	<input type="checkbox"/> OCCUR						AGGREGATE \$
	<input type="checkbox"/> CLAIMS-MADE						
	DED						
	RETENTION \$						
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						WC STATU-TORY LIMITS
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)						OTH-ER
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. EACH ACCIDENT \$
							E.L. DISEASE - EA EMPLOYEE \$
							E.L. DISEASE - POLICY LIMIT \$

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

ADDITIONAL INSURED WITH RESPECTS TO THE OPERATIONS OF THE NAMED INSURED ONLY:
CITY OF PORTERVILLE, SUCCESSOR AGENCY TO THE PORTERVILLE REDEVELOPMENT AGENCY.

LOCATION: HERTIGATE FIELD, PORTERVILLE, CA
FOR THE DATES: 8/08/13 THROUGH 8/13/13

CERTIFICATE HOLDER

CANCELLATION

CITY OF PORTERVILLE
SUCCESSOR AGENCY TO THE PORTERVILLE
REDEVELOPMENT AGENCY
291 N. MAIN ST.
PORTERVILLE, CA 93257

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

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ADDITIONAL INSURED – DESIGNATED PERSON OR ORGANIZATION

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s)
CITY OF PORTERVILLE, SUCCESSOR AGENCY TO THE PORTERVILLE REDEVELOPMENT AGENCY.
LOCATION OF SPOT: HERTIGATE FIELD, PORTERVILLE, CA FOR THE PERIOD 8/08/13 TO 8/13/13, BUT ONLY AS RESPECTS TO THE OPERATIONS OF THE NAMED INSURED.
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

A. In the performance of your ongoing operations; or

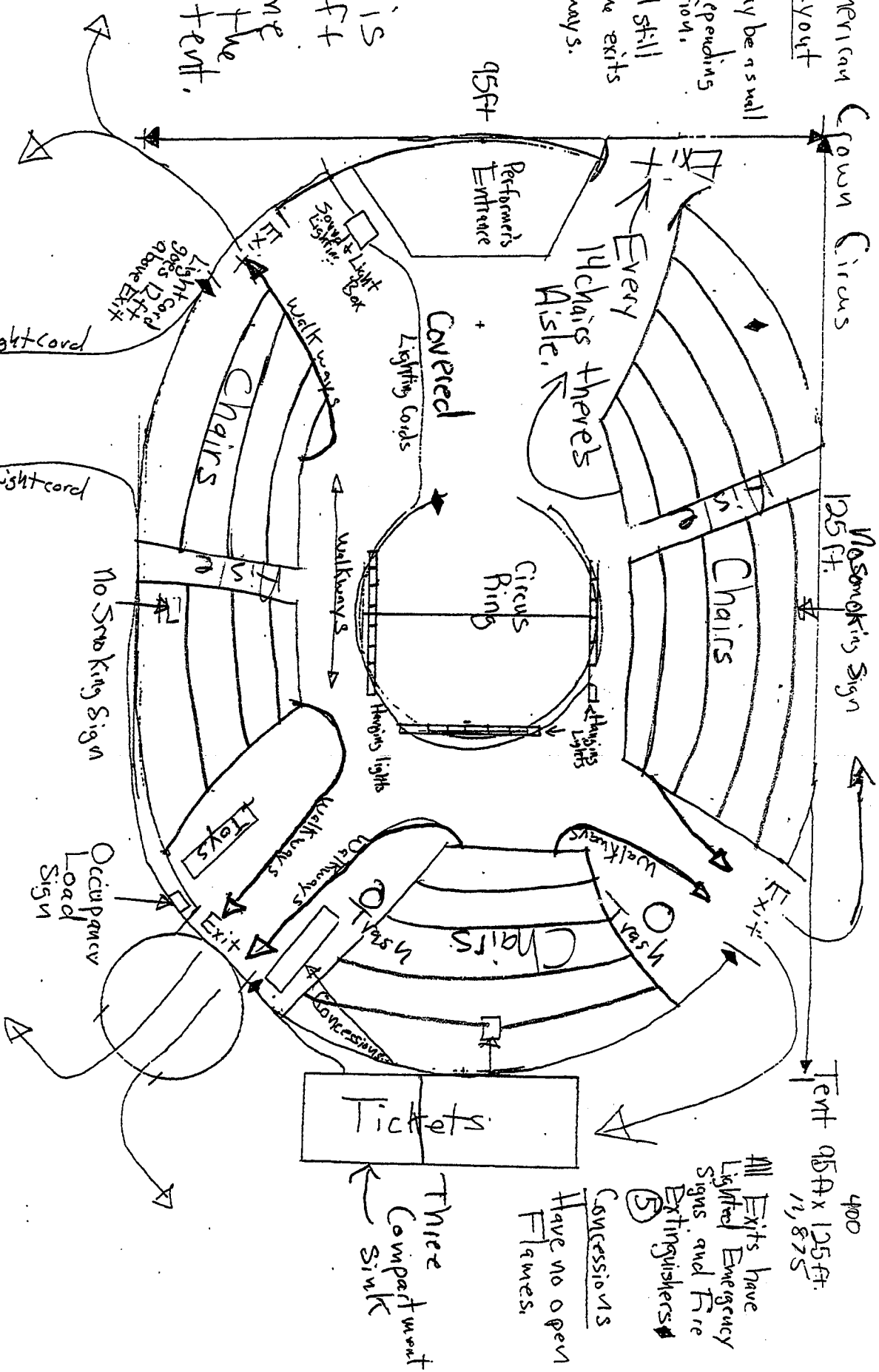
B. In connection with your premises owned by or rented to you.

American Circus Layout

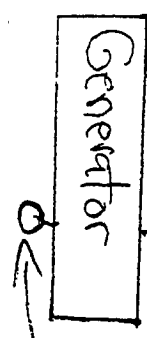
There may be usual change depending on location. There will still be all the exits and walkways.

There is a 20 ft fire lane around the circus tent.

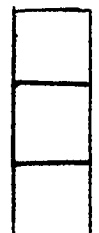
Scale: 2 in. = 25 ft



All electrical wiring is covered by electrical covering boxes.

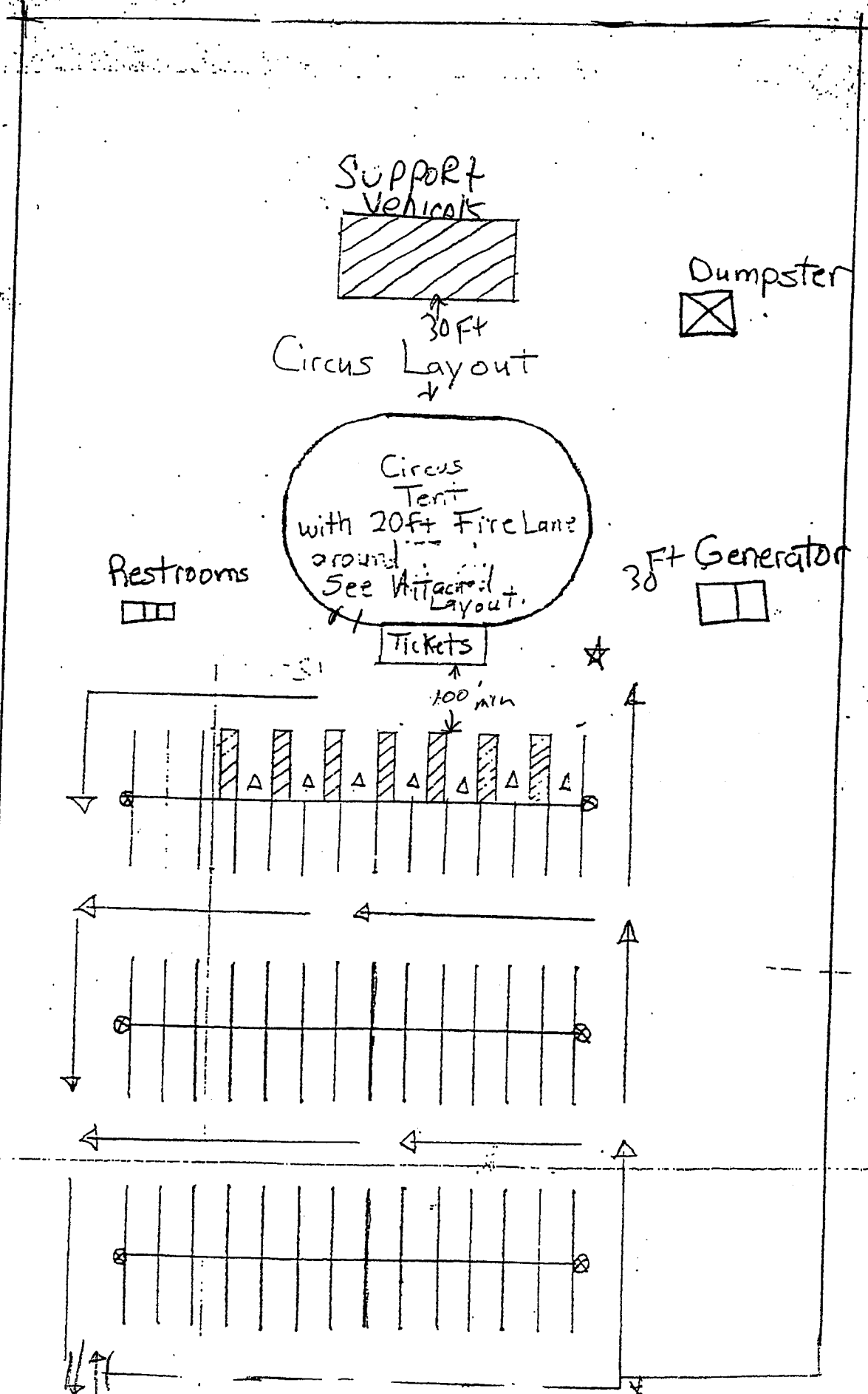


Generator



Restrooms

Parking Layout



Proposed location: American Crown Circus

Date(s): Aug. 8, 9, 10, 11 & 12, 2013

Location: Behind Vallarta Market





CITY OF PORTERVILLE

291 N. MAIN ST., PORTERVILLE, CA. 93257

(559) 782-7457

Attn: Frank

Application for City Business License

Total (10) Pages Faxed

DUE	PAST DUE
For XXXXX Beginning	
Period XXXXX Ending	
Temporary License For:	
Day(s) From Aug. 8, 2013 Thru Aug. 12, 2013	

FEE MUST ACCOMPANY APPLICATION

Allow 10 to 21 days for necessary inspections and approvals. Licensee is responsible for compliance with all ordinances of the City of Porterville i.e. Fire, Health, Building and Zoning Codes.

☐ RENEWAL ☒ NEW ☐ OWNERSHIP CHANGE ☐ ADDRESS CHANGE ☐ NAME CHANGE

LICENSE NO. 97200768

TAX NO. 88-0344571

CA. LIC. 2069116

BUSINESS
NAME

American Crown Circus, Inc.

MAILING
ADDRESS

4088 Pleasant Rd.

Las Vegas, NV 89108

BUSINESS
ADDRESS

Vacant Lot across from the Old Fairgrounds on E Olive Ave., behind La Vallarta Market.

BUSINESS PHONE NO. 702 493-2894

PLEASE INDICATE OWNERSHIP STATUS:

☐ INDIVIDUAL

☐ PARTNERSHIP

☒ CORPORATION

☐ NON-PROFIT

List owners, partners, or officers

Title

SS#

Residence Address

City

Zip

Residence Phone

Francisco Osorio President 464-15-6649 4088 Pleasant Rd., Las Vegas, NV 89018 702 592-7812

Leo Osorio Treasurer 464-15-5919 4088 Pleasant Rd., Las Vegas, NV 89018 702 493-2894

DESCRIPTION OF BUSINESS (give details)

Acrobatic Circus that includes jugglers, clowns, acrobats & magicians. No exotic animals or rides.

Amusement Devices on Premises?
☐ Yes ☒ No Number

Coin Operated Machines
☐ Yes ☒ No Number

Provide separate list (name, address, phone if owned and operated by vending company).

Do you store hazardous or flammable materials?

☐ Yes ☒ No

In case of emergency notify:

Phone

If so, list type and quantity:

1. Roberto Osorio 702 241-6927

IMPORTANT READ AND SIGN BELOW -- RETURN WITH FEE. VALIDATED LICENSE WILL BE MAILED TO YOU

5 ~~3~~ CIRCUS
\$200 PER DAY
NO. OF DAYS AT \$200 PER DAY = \$ 800.00 CK # 3916

ADDITIONAL INFORMATION
SEE ATTACHMENT

need \$200.00 more
plus \$100.00 Applic. fee
\$300.00

FEES DUE: \$

REFUNDS for overpayment must be requested in writing within six months of payment date.

PAST DUE - Cumulative penalty of 25% per month will be added to fee

I certify the above information is correct. (make any corrections as needed.)

Signed by:

L. Osorio

Office/Title

Treasurer

Application Date 7/05/13

ALL BUSINESS SIGNS WITHIN THE CITY LIMITS MUST BE APPROVED BY THE PLANNING DEPARTMENT.

NOTE: Additional City permits may be necessary before the owner can commence business.

Approved

Date

FOR OFFICE USE ONLY

Approved

Date

Approved

Date

1. Licensing

MB

3. Building

[Signature]

5. Police

2. Accounting

4. Fire

6. Planning

REQUIREMENTS/CONDITIONS

AMOUNT PAID	DATE ISSUED	BY	SIC#	SCHEDULE	DT BUSINESS DISCONTINUED	LICENSE NUMBER
						9810

Notify City if you change your business address, name, ownership, nature of business, or if you are no longer doing business in Porterville.

PLEASE RETURN ALL COPIES