

COUNCIL AGENDA: JULY 15, 2014

SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT – WAL-MART DISTRIBUTION AND CHILDREN'S HOSPITAL CENTRAL CALIFORNIA – NEON CITY 5K RUN – SEPTEMBER 13, 2014

SOURCE: Finance Department

COMMENT: Wal-Mart Distribution Center and Children's Hospital Central California are requesting approval to hold a 5K run on Saturday, September 13, 2014, from 7:30 p.m. to 9:00 p.m. This evening run will start at the Porterville Fairgrounds. Requested city street closure is West Street from W. Scranton Avenue to W. Edison Ct. Proceeds will benefit the Children's Hospital Central California.

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 Children's Hospital Central California, 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 Certificates of Liability.

D.D. MB Appropriated/Funded MB C.M. J Item No. 16

# 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: 6/10/14 6/9/14 Event date: 9/13/14  
Event time: 7:30 pm

Name of Event: Neon City Run

Sponsoring organization: Children's Hospital Central California  
Nat Mart D.C. Phone # 783-1109

Address: 1300 S. F st. Porterville CA

Authorized representative: Marcos Zuniga Phone # 559-719-7625

Address: 1905 Martinho Ave Tulare CA.

Event chairperson: Marcos Zuniga Phone # 559-719-7625

Location of event Porterville Fairgrounds, Teapot Dome Ave,  
Porterville Sports complex (location map must be attached) W Scranton Ave, West St.

Type of event: 5K fun run/fund raiser for Children's  
hospital Central California

Non-profit organization status: 501 C 3 BL# 002901

(IRS Determination)

City services requested (fees associated with these services will be billed separately):

Barricades (quantity): N/A Street sweeping Yes        No X

Police protection Yes        No X Refuse pickup Yes        No X

Other:       

Parks facility application required: Yes        No X Attached       

Assembly permit required: Yes        No X 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/](http://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

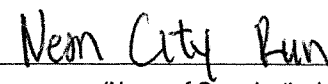
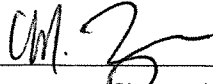

**Health permit:** Organization/Applicant **will obtain or ensure** that all participants obtain a 'Temporary Food Facilities' permit(s) from the Tulare County Public Health Department, if any food is to be served in connection with this Community Civic Event. To contact the Tulare County Environmental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

TO BE HELD ON PUBLIC PROPERTY

Name of event: Neon City Run TO BE HELD ON PUBLIC PROPERTY

Sponsoring organization: Wal-Mart DC.

Location: Porterville Fairgrounds Event date: 9/13/14 Event time: 7:30pm

[illegible]

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: Wal-Mart D.C.

Event date: 09/13/14 Hours: 7:30 pm - 9:00 pm

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

Closed <span style="float: right;">W. Edison Ct</span>			
Street Name	From	To	Activity
West st.	W. Scranton Ave	<del>Ave. 128</del>	Neon City Run route
Ave. 128	West st.	S. Westwood Rd	Neon City Run route
→ County Streets			
Sidewalks	From	To	Activity
Parking lots and spaces	Location		Activity
	Parking will be at the		
	Porterville fairgrounds.		

REQUIREMENTS FOR COMMUNITY CIVIC EVENT  
WAL-MART DISTRIBUTION CENTER  
CHILDREN'S HOSPITAL CENTRAL CALIFORNIA  
NEON CITY 5K RUN  
SEPTEMBER 13, 2014

Finance Director:  
*M. Bemis*

Public Works Director:  
*B. Rodriguez*

Community Development Manager:  
*J. Phillips*

Field Services Manager:  
*B. Styles*

If barricades are needed they may be may be obtained and returned at 555 N. Prospect Street.

Fire Chief:  
*G. Irish*

No comment.

Parks and Leisure Services Director:  
*D. Moore*

No vehicles to be parked on grass. Any set up at the Sports Complex may commence after soccer games have concluded. Event staff will need to be cognizant of football game/spectators present during the event. Traffic control/safety must be addressed in the south access road and east parking lot of the Sports Complex.

Police Captain:  
*D. Haynes*

See Conditions/Requirements for Special Event in Exhibit B.

Administrative Services Director:  
*P. Hildreth*

In addition to the insurance requirements, Risk Management requires all participants sign a waiver of liability releasing the City. Minor Participants must have parents sign a waiver for them also, with slightly different language.

## REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Wal-Mart Distribution Center and Children's Hospital Central  
California  
Event: Neon City 5K Run  
Event Chairman: Marcos Zuniga  
Location: Porterville Fairgrounds  
Date of Event: September 13, 2014  
Time of Event: 7:30 p.m. to 9:00 p.m.

### RISK MANAGEMENT: Conditions of Approval

That 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 than 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. 13, 2014**

### 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 entities 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. 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 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
- 2 Address where amplification equipment is to be used: 2700 W. Teapot Dome Ave Porterville
- 3 Names and addresses of all persons who will use or operate the amplification equipment: Rene Velarde, 1300 S. 1st St. Porterville CA.
- 4 Type of event for which amplification equipment will be used: Neon City Run
- 5 Dates and hours of operation of amplification equipment: 9/13/14 from 7:30 pm to 11:30 pm.
- 6 A general description of the sound amplifying equipment to be used: General D.J. 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 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.

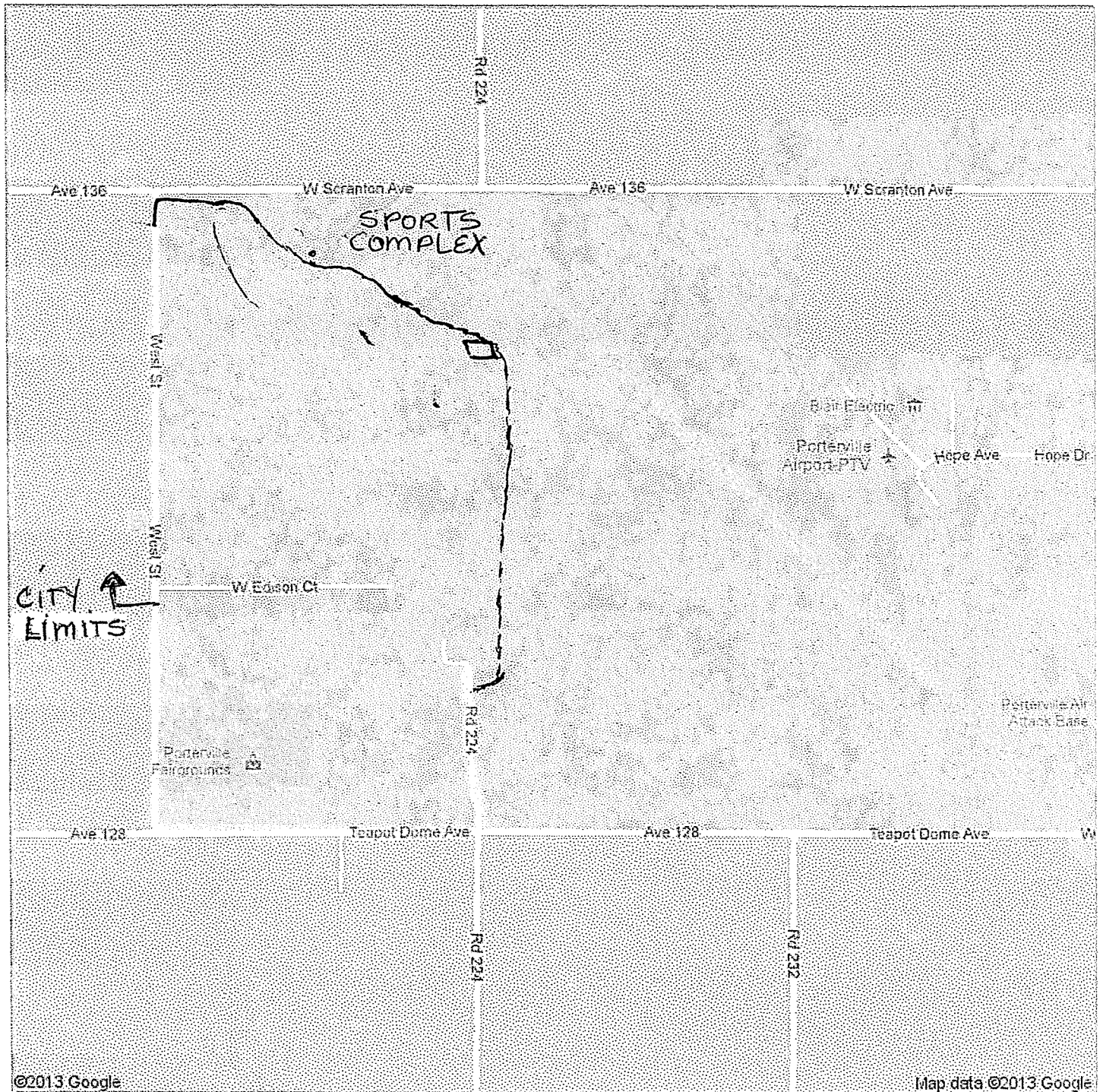
[Signature]  
Signature of Applicant

9/13/14  
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

9-17-14  
Date





# CERTIFICATE OF LIABILITY INSURANCE

 DATE (MM/DD/YYYY)  
09/11/2013

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).

<b>PRODUCER</b> Marsh USA, Inc. 1166 Avenue of the Americas New York, NY 10036 Attn: Walmart.cerrequest@Marsh.com		<b>CONTACT NAME:</b> PHONE (A/C, No, Ext): FAX (A/C, No): E-MAIL ADDRESS:	
J48574-G-A-WC-13-14	6021	EVENT	<b>INSURER(S) AFFORDING COVERAGE</b> INSURER A: National Union Fire Insurance Company INSURER B: N/A INSURER C: INSURER D: INSURER E: INSURER F:
<b>INSURED</b> WAL-MART STORES, INC. Its Subsidiaries and Its Affiliates 702 Southwest 8th Street Bentonville, AR 72716			NAIC # 19445 N/A

**COVERAGES** **CERTIFICATE NUMBER:** NYC-006650178-04 **REVISION NUMBER:** 2

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 SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GENL AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC		5302647 \$1,000,000 Self-Insured Retention	09/15/2013	09/15/2014	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ NIL PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COM/OP AGG \$ 2,000,000
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	<b>UMBRELLA LIAB</b> <b>EXCESS LIAB</b> <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input type="checkbox"/>	N/A			WC STATUTORY LIMITS OTH-ER 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)

RE. STORE #6021, 1300 SOUTH F STREET, PORTERVILLE, CA 93257; CMN FUND-RAISER - NEON CITY RUN THROUGH 9/21/2013; AVENUE 128/TEAPOT DOME AVENUE - ROAD 224 - WEST STREET COUNTY OF TULARE AND CITY OF PORTERVILLE ARE ADDITIONAL INSURED, ATIMA, WHERE REQUIRED BY WRITTEN CONTRACT.

## CERTIFICATE HOLDER

CITY OF PORTERVILLE  
 ATTN: PATRICE HILDRETH  
 291 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  
 of Marsh USA Inc.

Laura Quackenbush

*Laura Quackenbush*

© 1988-2010 ACORD CORPORATION. All rights reserved.

**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

**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.

  
\_\_\_\_\_  
AUTHORIZED REPRESENTATIVE