

STAFF REPORT
COUNCIL MEETING DATE:
September 12, 2011

ITEM FOR COUNCIL CONSIDERATION:

Special Event Permit for the 2011 Avocado Festival

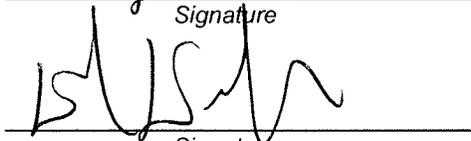
Report prepared by: Erin Maker, Environmental Coordinator
Department: Public Works


Signature

Reviewed by
Public Works
Director:


Signature

Reviewed by
City Manager:


Signature

STAFF RECOMMENDATION:

That the City Council:

- 1. Approve the issuance of a Special Event Permit for the 2011 Avocado Festival in accordance with the attached conditions of approval and Festival description.**
- 2. Make the determination that during the hours of Festival operation the area within the beer garden boundaries as set forth in the attached map, is a Public Park, pursuant to C.M.C §10.28.010.**
- 3. Authorize expenditure of City resources as detailed in this report.**

I. BACKGROUND/DISCUSSION:

The California Avocado Festival organization has submitted a Special Event Application for the 2011 Avocado Festival. The annual festival is scheduled for Friday, October 7 through Sunday, October 9. The festival operates on Linden Avenue between Carpinteria Avenue to the north and 6th Street to the south and involves portions of the intersecting streets. Linden Avenue will close Thursday morning for preparation and set up and is expected to be reopened to traffic late Sunday night. Friday, the festival is proposed to be operated only in the 800-900 blocks of Linden from 11:00am to 10:00pm.

On Saturday the festival would operate from 10:00am to 9pm, and on Sunday from 10:00am to 6pm. A map of the festival area including activities and pertinent information is attached to this report and is made a part of the Permit.

As with prior Festivals, this Special Event Permit application is being brought to the City Council for approval in order to: operate in the public right-of-way; permit the consumption of alcoholic beverages on City property; and to authorize the expenditure of City funds for provision of supplemental Sheriff's Deputies and Public Works personnel as described. Staff is recommending that this Special Event Permit be approved with the attached list of conditions.

There are two changes in festival operations this year. For the 25th anniversary, the Avocado Festival will open at 11:00am on Friday, October 7, instead of at 4:00pm as in years past. Also, designated smoking areas have been added to comply with City regulations restricting smoking in public places (see event map for locations).

II. ANALYSIS:

- A. Special Event Permit:** With any special event, public safety is paramount. The City and event organizers work closely to ensure everyone has a good time in a safe environment. Measures taken to protect public health and safety include:
1. **Mandatory Food Safety Meeting and Inspections:** The event organizers facilitate an annual meeting with County Health Department representatives to educate and advise event food vendors on food safety requirements for outdoor festivals. County inspectors visit each booth prior to opening and must sign-off that they have met myriad food safety requirements prior to the preparation and serving of food to the public.
 2. **Mandatory Alcoholic Beverage Servers Training:** All volunteers that serve alcohol are required to participate in State Alcoholic Beverage Control (ABC) server training intended to minimize public intoxication and violations of regulations on the sale and serving of alcohol.
 3. **Event Security:** Event organizers contract for private security to protect backstage areas and vendor and event property during off hours.
 4. **Public Safety:** Event organizers pay for supplemental law enforcement services during the event. Also, a Safety Area at the event, operated by the Sheriff's, Fire District, Red Cross, and HOST Volunteers, would provide general public safety information and also serve as a central location for persons having medical issues, lost children, etc.
 5. **Hours of Operation, Entertainment and Event Rules:** Event organizers have stated their intent is to operate a family friendly event that fits with the character and interests of the Carpinteria community. Each year event organizers make adjustments intended to improve the event in meeting its goals. Hours of operation, entertainment, vendors, and other aspects of event operations are discussed with City staff in order to ensure they support event objectives and to anticipate any public health and safety issues. Also, rules applying to event participants are established that prohibit bringing pets, smoking in unauthorized areas, and other conduct that has been determined to be unsafe. The City's permit requires these rules to be posted at all entrances to the event and for their enforcement by the event organizers.
- B. Alcohol Sales & Consumption:** The City may permit alcohol sales & consumption in the identified Beer Garden area (see attached map), by declaring the area to be a public park and approving the subject Special Event Permit. This is necessary since alcohol sales and consumption is not normally allowed within the street right-of-way area where the event is held. CMC 10.28.010(M), defines a Special Event as any event in a public park where regulated alcoholic beverages are to be consumed. ABC issues a permit to the festival for the event that establishes conditions/restrictions on the sale and consumption of alcohol, including

defining the beer garden area and limiting the hours of sale. The ABC license application is consistent with the Special Event permit request. Hours of operation proposed for alcohol sales are 11am to 9pm on Friday; 10am to 8pm on Saturday, and 10am to 5pm on Sunday, stopping sales one hour before the event closes.

- C. Use of Public Resources:** Each year the City supports the Festival by providing Sheriff's Deputies, Public Works personnel, and electricity. In the past, the Council has determined that there are numerous benefits to the Community due to the Festival and that the services provided by the City are an appropriate use of public resources.

The cost for law enforcement for last year's event was \$8,207. Actual law enforcement costs for the event have risen as the event has grown, but have been stable for the past several years. Through agreement with the Festival organizers, the City has paid the first \$5,000 in law enforcement costs and the Festival pays all costs over that amount. That agreement is reflected in condition no.17 of the attached Special Event Permit Conditions. The estimated cost for this year's law enforcement service is \$9,000, and is based on approximately 150 man-hours.

The cost of public works personnel to provide traffic control, street closures, and no- parking signs is approximately \$5,200. Some of this cost is direct overtime during the hours of the event, and some is the opportunity cost of providing these services during normal working hours.

The cost of electricity is not known, but is minimal compared to the other costs. Much of the power needed for the event is provided via portable biodiesel fueled generators supplied by the event organizers. Additionally, cleaning of sidewalks and streets after the Festival has been performed by Public Works. Cleaning will continue this year, and is scheduled for the week after the Festival. It costs approximately \$6,500 for sidewalk cleaning on Linden Avenue from Carpinteria Avenue to 5th Street.

- D. Waste and Recycling:** A variety of measures are taken by the Festival and City to reduce the amount of waste from the event that goes to the landfill and to prevent pollution. During the event, several storm drain inlets are blocked in order to prevent liquid waste from entering storm drains and the waste water from post-event cleaning (mentioned above), is recycled. Event organizers contract for janitorial service to maintain an adequate number of clean restroom facilities and to sort/recover recyclables from the event waste stream. Consistent with City regulations, the event prohibits vendors from using non-recyclable plastic take-out food containers and also does not allow vendors to provide customers with film plastic bags. The event permit requires documentation and reporting of the waste stream and diversion amounts.

III. FINANCIAL CONSIDERATIONS:

Costs associated with City support of the event, as noted above, include \$5,000 for law enforcement services and approximately \$12,000 in Public Works personnel and other labor and contract costs. These anticipated costs are included in the City's adopted budget.

The Avocado Festival's beneficial economic impact to the community has been discussed in previous years in conjunction with the City's subsidy of the event. The extent of the beneficial impact on the local economy is difficult to ascertain. One aspect to the economic benefit is the opportunity for local non-profit fundraising. In recent years, non-profit net annual proceeds from the event have been approximately \$200,000. Further, it has been generally acknowledged in previous years that the

festival provides additional sales and bed tax, and future tourism dollars by promoting the City as a nice place to visit.

IV. ACTION OPTIONS:

Staff Recommendation:

- a. Approve issuance of a Special Event Permit for the 2011 Avocado Festival in accordance with the attached conditions of approval and project description.
- b. Make the determination that during the hours of Festival operation the area within the beer garden boundaries as set forth in the attached map is a public park.
- c. Authorize the use of public resources in support of the event as described above

Alternative Action 1: Approve issuance of a Special Event Permit for the 2011 Avocado Festival in accordance with modified conditions, parameters for sales and consumption of alcohol and/or use of public resources.

Alternative Action 2: Deny issuance of a Special Event Permit for the 2011 Avocado Festival and provide direction to staff.

V. ATTACHMENTS:

- Special Event Permit Application/Permit for the California Avocado Festival for 2011
 - Project Description
 - Beer Garden Map
 - Event Map
 - Road Closure Map
- Conditions of Approval attached to Permit
- List of Participating Non-Profit Organizations.

VI. Principals Expected at Meeting:

- Avocado Festival Executive Board Members Mike Lazaro and Gary Dobbins and Executive Director Tina Frontado

City of Carpinteria, California



DEPARTMENT OF PUBLIC WORKS

SPECIAL EVENT PERMIT APPLICATION

<u><i>Chris W. ...</i></u> Public Works Director	<u><i>J. ...</i></u> Lieutenant	<u><i>+570</i></u> City Manager
<u><i>8/31/11</i></u> Date	<u><i>8-31-11</i></u> Date	<u> </u> Date

Applicant: California Avocado Festival Inc., PO Box 146, Carp. CA 93014 684-0038
Name Address Phone

Alternative Contact: Gregg Carty 451-6861
Name Address Phone

Brief description of proposed event and request: See Attached

Event Date: 10/07/11-10/09/11 Start Time: Fri. 11am, Sat. 10am, Sun. 10am To: Fri. 10pm, Sat. 9pm, Sun. 6pm

Assemble Time: See Attached Place: Linden Ave.

Disassemble Time: Sun. 6:30pm Place: Linden Ave.

Estimated Number of Participants: 60K Flow

Type and estimated number of vehicles, animals, structures and/or equipment on site: 4 Stages/

2 Large Tents: Expo, performing Arts/48 A&C Vendors/

22 Food Vendors/38 Commercial Vendors/7 Kids Area vendors/Bouncers

Support Requirements: Traffic Crowd Control Street Closure Other

Will this event cause any disturbance, noise or congestion in the vicinity of the proposed event?

Yes No

If yes, please explain and give mitigating measures: _____

Will food or beverages be sold at the event? Yes No

If yes, what are you selling: 2 Beer Booths/3 Wine Booths/Food Items w/Avo

Route to be traveled (include diagram): See Attached Public Works Plan

Plans for traffic control (include diagram): _____

Applicant shall submit traffic plans, event diagrams and any other information required to analyze the event and its impacts. The City may require additional information or requirements as necessary to ensure safe use of the City's facilities and or property. The City may attach additional Permit Conditions prior to the issuance of the permit and associated requests.

IMPORTANT: Before any special event permit application is approved, the Sheriff's Department must confirm traffic control plans. Traffic control is the responsibility of the event organizer. Contact the Sheriff's Office at 684-5405 ext. 426

2011 California Avocado Festival
Project Description and Outline
8-30-~~Date~~, 2011

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1. FESTIVAL CONCEPT AND OVERVIEW

- A. The California Avocado Festival is a community event designed for our local non-profits as well as local business to generate income. The festival also serves as a major fund raising opportunity for many of the local non-profits including the Chamber of Commerce.
- B. The Festival was organized in 1986 as a non-profit (501C-3) California corporation called the California Avocado Festival, Inc. The directors of the Festival are comprised of community members.
- C. Historically, the Festival has drawn some 60,000 attendees during the two and a half days. Visitors come primarily from all over Southern California. Since the Festival coverage on the "Food Network" and the "Travel Channel", our visitors seem to be coming from all over the southland.

2. HOURS OF OPERATION

- A. This year in honor of our 25th Anniversary the Festival will operate full scale on Friday (10/07/11) from 11:00AM to 10:00PM, on Saturday (10/08/11) from 10:00AM to 9:00PM and Sunday (10/09/11) from 10:00AM to 6:00PM.
- B. Preparation for the Festival begins Thursday morning (10/06/11) with the placing of the canopies and tents for the food court along the 900 block of Linden Ave. This is in preparation of Friday opening.
- C. The Friday festival will take place in the 800 & 900 blocks of Linden. Most food booths will be open and there will be music at the Seal Fountain & Main Stage.
- D. Arts and Crafts will be setup Saturday morning.
- E. Beer and wine sales manned by the Chamber of Commerce will cease at 9:00 PM on Friday, 8:00 PM on Saturday and 5:00 PM on Sunday, (1 hour before closing).
- F. The music will stop at 10:00 PM on Friday, 9:00 PM on Saturday and 6:00 PM on Sunday.
- G. All vendors will cease selling at 10:00 PM on Friday, 9:00 PM on Saturday and 6:00 PM on Sunday.

3. SITE AND ACTIVITIES

- A. Linden Avenue (900): Is a mixed use area, Commercial Booths, Avocado Expo Tent and the High School Cheerleader's "Largest Vat of Guacamole" site.
- B. Linden Avenue (800): Food Booths will be concentrated on the east side of Linden, leaving a clear zone around the fountain. The fountain area will be left for acoustic music presentations. There will be tables and chairs in front of the Seal Fountain Stage and also on Wullbrandt Way. The Festival beer and wine booths will be located in this block.

- | | |
|--|-------------------|
| 12. 7 th Street: 500 Block to Yucca | Fri-Sun 8am-10pm |
| 13. 8 th Street: 4900(Von's & Cactus to Linden) | Thur-Sun 8am-10pm |
| 14. 8 th Street: 5000, ½ block to alley | Fri-Sun 8am-10pm |
| 15. 9 th Street: 4900, ½ block to alley | Thur-Sun 8am-10pm |
| 16. Wullbrandt Way (5000), ½ block to alley | Fri-Sun 8am-10pm |
| 17. 9 th &Cactus: 4parking spaces sw corner of lot2 | Fri-Sun 8pm-10pm |
| 18. 9 th Street from Yucca to Elm | Fri-Sun 8am-10pm |
- C. Additional Trolley Stop in front of Carpinteria & Linden Pub on Carpinteria Ave.
4950-4960 Carpinteria Ave. - No Parking Sat-Sun 7am-10pm
- D. Post Permit Parking only on 9th Street
- E. Parking by Permit only for Festival Operations North Side of 8th St. from Von's Driveway to Maple Ave.
- F. Prufrocks Parking on 6th Street
- G. Turn off Seal Fountain
- H. The Festival requests 2011 "Vendor Event Access Cards" for closed street areas for loading/unloading only as provided in the past. There are 5 areas designated by 5 different colors/60 of each:
1. Arts & Crafts
 2. Commercial
 3. Food
 4. Entertainment
 5. General
- These will be needed by Friday, September 2nd. Please see attached for example.

6. STREET CLOSURES, DETOURS AND TRAFFIC CONTROL

1. The Festival will close the 700 block of Linden Ave. to Carpinteria Ave. Thursday October 7th through Sunday, October 9th, 2011 and will be open by 11:00pm
2. Public Works will place traffic detour signs at the following locations with respect to street closure times noted in above items #1 and #2.
 - Elm Avenue at 9th, 8th, and 6th Streets place (north/south arrow)
 - Maple Avenue at 8th, and 7th Streets (north/south arrow)
 - Linden Avenue, south of Carpinteria Avenue (east/west arrow)
 - Linden Avenue, north of Carpinteria Avenue (head of control cones)
 - Linden Avenue, north of 6th Street (south arrow)
4. No Parking on 8th Street from Von's Driveway to Elm – Operations parking
5. Traffic control cones will be placed at the intersection of Carpinteria Avenue and Linden Avenue to detour southbound Linden Avenue traffic onto Carpinteria Avenue by way of left turn and right turn movements only.
6. Traffic signal sequencing shall not be modified at the intersection of Carpinteria Avenue and Linden Avenue.
7. Festival volunteers will open closed streets on Sunday night after vendors and equipment have been removed and street clean up is complete. Public Works will monitor area during cleaning and opening of streets. All public works items will be placed at corners for pickup on Monday morning. Items such as beverage trailers, portable restrooms and roll off containers will either be located on private property or be situated close to the curbs so as to not impede traffic or pose any hazards.
8. Festival volunteer will pick up all shuttle bus direction signs.
9. The rest of Linden Avenue to be closed from 8:00am Friday – 11:00pm Sunday.
10. 8th Street between Linden Avenue and Yucca from 8:00am Thurs. - 11:00pm Sunday.
11. 9th Street between Linden Avenue to Yucca from 8:00am Thurs. - 11:00pm Sunday.

7. ALCOHOL SERVICE

- A. The California Avocado Festival is the 2011 sole vendor of beer and wine in the public right-of-way at the Festival. Approval of this special event permit will permit such vending and suspend the City's ban on consumption in the specified public area for the Festival hours only.
- B. Beer and wine sales shall be from 11:00am to 9:00pm on Friday, 11:00am until 8:00pm on Saturday and 11:00am until 5:00pm on Sunday.
- C. The Festival shall acquire the necessary ABC permit and insurance.
- D. Beverages will be poured into plastic containers unique to their operation.
- E. Consumption of beer and wine sold by the Festival shall be limited to the designated area on Linden Ave. between 8th Street and 9th Street including the Main Stage area on 9th Street, the Avo Performing Stage seating area and the small area of Wullbrandt Way. (see attached map)
- F. The Festival will hire a qualified guard to monitor compliance at each booth.
- G. The Festival will provide 12 guards around the perimeter of the festival to assure consumption occurs within the City's suspended ban areas (see attached map)
- H. The Festival will require alcohol server awareness training for shift volunteers.

8. POLICE, FIRE, SECURITY AND COMMUNICATIONS

- A. The Santa Barbara County Sheriff's Department controls all necessary law enforcement and procedures under contract to the City of Carpinteria.
- B. The Festival will provide for a licensed security guard service to handle property security before and after the Festival hours of operation. The Festival will contract for security on Thursday, Friday and Saturday evenings with the number of personnel to be determined based on the number and location of exhibits.
- C. The Festival requests either the "Command Post" vehicle from the Sheriff's Department or the Fire District's mobile trailer to serve as an emergency services point at the Festival. The Fire District will be contacted for the feasibility of having an on site EMT during the Festival.
- D. First Aid, EMT, and advanced life support will be provided through normal channels: Carpinteria-Summerland Fire District and American Medical Resources. Santa Barbara County regulates the positioning of paramedic vehicles and there is every effort to maintain availability within 5 minutes of the Festival area.
- E. The Festival will obtain sufficient numbers of portable radios and/or cellular phones for trouble shooting, information requests, calls for service and emergencies. A portable or base station will be provided for the communications trailer to enhance the dispatching of EMT personnel.
- F. The Fire District will require proof of flame-resistance for each tent erected. In addition, proper fire extinguishers shall be provided by the tent contract for each booth employing open flame cooking or for larger enclosed tents, as required by the Uniform Fire Code.
- G. The "no dog" ordinance will be enforced by the County Sheriffs Dept and there will be new signs posted at all entrants.

9. UTILITIES, SANITATION, TRASH, ETC.

- A. The Festival will be responsible for the hook-up of all electrical appliances in a safe manner according to the Uniform Electrical Code. Vendors will be asked not to bring household type appliances or halogen lights because of their typically heavy draw on current.
- B. On-site trash and garbage will be collected by a professional janitorial service contracted by the festival for that purpose. Trash and Recycling will be disposed of in 3 40-yard roll-off containers (plus one smaller container) that are donated by E.J. Harrison & Sons of Ventura. They will be located in the Vons parking lot and on 7th Street. The contractor is also providing numerous collection receptacles in the Festival area.
- C. Festival volunteers will assist in overall clean up of the area around the Festival site and will supervise and assist the on-site clean up on Saturday and Sunday evenings.

- D. Appropriate containers for waste oils and grease will be provided for the food vendors and will be disposed of by a rendering company. The Festival will clean any excess grease or oils on the sidewalk or street. A post washing facility (self-contained) is being pursued for the food booth area. Food vendors are being required to place appropriate flooring on the street to catch any cooking oils. All county health requirements will be met.
- E. Portable sanitary facilities will be provided at various locations: CHS, 9th and Yucca, 9th and Cactus, 8th and Yucca, 7th and Linden. The Festival will contract for servicing of the facilities twice on Saturday and once on Sunday. Toilets will be placed Friday afternoon and picked up on Monday morning. Hand washing facilities will be placed at most sites.
- F. The Health Department of the County of Santa Barbara is the lead agency for controlling food vending at the Festival. All food vendors are required to attend a pre-Festival meeting at City Hall with Health Department officials and must undergo a final inspection prior to first sales on Friday. All vendors will comply with Health Department rules and regulations.
- G. The Festival will supply standard and handicap bathrooms and sinks at City bathroom locations. City will lock City bathrooms.

10. INSURANCE

- A. The Festival will contract for a \$1,000,000 liability insurance naming the City of Carpinteria as an additional insured. The Festival will also provide proof of insurance as required to the Carpinteria Unified School District and any other property owners who make facilities available to the Festival.
- B. Proof of insurance is also required of all vendors who are selling any product/service at the Festival. Any Attraction using the City right-of-way will be required to include the city of Carpinteria as an "also insured" as well as the Festival.

11. PERMITS AND APPROVALS

The following permits, approvals or notifications will be obtained by the representative agencies for the Festival:

- A. Special Activities Permit (City of Carpinteria): by the Festival
- B. Carpinteria Unified School District: Festival permit to use parking
- C. Sales Tax permit: Festival will remind affected vendors
- D. Health Permits: Vendors obtain for their booths from County
- E. City will request Festival police services from Sheriff
- F. Street closure info from Festival to Fire, EMS and Schools

12. KEY FESTIVAL PERSONNEL

1. Gregg Carty	Festival President/Operations	451-6861(cell)
2. Mike Lazaro	Operations/Entertainment	403-7631(cell)
3. Gary Dobbins	Media	448-4771 (cell)
4. Jeff Moorhouse	Treasurer	452-3506(cell)
5. Leo Fortunato	Contests Chair	566-3321(work)
6. Tina Fanucchi	Executive Director	680-9893(Avo cell)
7. Rob Godfrey	Arts & Crafts Chair	684-4558(work)
8. Melinda Bie	Retail Chair	680-6459(cell)
9. Pam Densmore	Kid's Area Chair	403-9680(cell)
10. Dave Durflinger	City Liaison	684-5405(work)
11. Karen Gebhart	Executive Assistant	684-0038(Avo Office)

City of Carpinteria
SPECIAL EVENTS PERMIT
CONDITIONS OF APPROVAL
FOR THE
2011 CALIFORNIA AVOCADO FESTIVAL

The 2011 California Avocado Festival Special Event Application and "Project Description and Outline" in its entirety, is incorporated into this Special Event Permit. This permit and the following special conditions supplement the Project Description and Outline and are established pursuant CMC 10.68, Special Event Permits. In case of a conflict between the Special Event Permit application and materials and the following conditions of approval, the conditions shall take precedence.

1. The Festival Committee shall properly notify the downtown merchants and nearby residents of Festival events no less than 1 week prior to the beginning of the Festival. The Festival Committee shall coordinate with the weekly Farmers Market and Carpinteria Creative Arts event to move to Parking Lot #3 on Thursday, October 6, 2011.
2. All City, State, and Local laws shall be complied with.
3. The operator of the event shall establish event rules for attendance whereby animals (except assistance for the disabled) and conduct/activities that threaten pedestrian safety, including but not limited to bicycle riding and skateboarding within the event grounds, are prohibited. Event operators shall post the rules at all entrances to the event. Event operators shall be responsible for monitoring and enforcement, which may include requesting violators to leave the event.
4. In order to protect the safety of the public, the event operator shall establish event rules for exhibitors whereby operating standards and prohibited conduct are described, including but not limited to: compliance with the City's prohibition on the use of non-recyclable plastic take-out food containers; set-up and tear-down schedule; vehicle access and parking; and security and display parameters. Event rules shall be provided to each exhibitor and vendor prior to the event and receipt acknowledged by signature thereof.
5. Sound generation shall be limited to levels allowed in accordance with General Plan policies.
6. Festival operation staff shall ensure that festival events and commercial participants are notified to cease activity and close booths by the hour approved by this permit. This shall be done by personal conversation at least one half-hour prior to the close of each festival day.
7. Minor modifications to these conditions, pursuant to requests from an authorized Avocado Festival representative, may be approved by the City Manager.

8. The Avocado Festival Committee is hereby held responsible to maintain the site in a clean, neat and orderly fashion at all times. All trash shall be properly disposed of and all display booths and/or related festival supplies shall be removed. The Festival is responsible for maintenance of City trash cans within and near the event boundaries.
9. A Festival representative shall sign these conditions prior to issuance of the Special Events Permit.
10. Gross receipts subject to sales tax shall be reported to the State Board of Equalization in a manner designating the City of Carpinteria as point of sale.
11. The Festival shall provide certificates of insurance per the requirements on the second page of the application prior to the event.
12. Alcohol sales shall be limited to the hours specified in the application, i.e., Friday, 11:00 a.m. to 9:00 p.m.; Saturday, 10:00 a.m. to 8:00 p.m.; and Sunday, 10:00 a.m. to 5:00 p.m. No open outside beverage containers shall be allowed within the event boundaries.
13. Festival Committee shall meet with City staff, Sheriff's Department personnel, and affected local liquor store and restaurant owners prior to the event to discuss the sale of alcohol during the event.
14. Festival Committee shall be responsible to clean and re-supply existing City Restrooms at Parking Lots #1 and #3, when in use during the festival hours.
15. By October 21, 2011, the California Avocado Festival shall provide a report to the City that describes the total amount of waste generated from the event and the amount of material diverted from landfills for recycling.
16. Street closures, detours, traffic control, and parking restrictions shall be regulated as specified in the Project Description and Outline dated August 30, 2011.
17. The California Avocado Festival shall comply with Municipal Code §8.52 Smoking Regulations. The Code prohibits smoking in all public places where other persons can be exposed to secondhand smoke. Pursuant to §8.52.060 D, the applicant shall designate a smoking area where smoking may be permitted subject to the conditions listed in §8.52.060 C
18. The 2011 California Avocado Festival shall pay for all law enforcement costs related to the event above the City's \$5,000.00 contribution.

APPROVED BY THE CITY COUNCIL ON SEPTEMBER 12, 2011.

I HAVE READ, UNDERSTOOD, AND WILL COMPLY WITH THE ABOVE STATED CONDITIONS.

CITY OF CARPINTERIA
STANDARD INDEMNIFICATION AND INSURANCE PROVISIONS
For
SPECIAL EVENTS

Special Event: California Avocado Festival
Scheduled for: October 7, 8 & 9, 2011

INDEMNIFICATION

California Avocado Festival, Inc. shall defend, indemnify and save harmless the CITY, its officers, agents and employees from any and all claims, demands, damages, costs, expenses (including attorney's fees), judgments or liabilities arising out of this Agreement or occasioned by the performance or attempted performance of the provisions hereof; including, but not limited to, any act or omission to act on the part of the or his agents or employees or other independent directly responsible to him; except those claims, demands, damages, costs, expenses (including attorney's fees), judgments or liabilities resulting solely from the negligence or willful misconduct of the CITY.

EVENT SPONSOR shall notify CITY immediately in the event of any accident or injury arising out of or in connection with this Agreement.

INSURANCE

Without limiting the EVENT SPONSOR indemnification of the CITY, EVENT SPONSOR shall procure the following required insurance coverage at its sole cost and expense. All insurance coverage are to be placed with insurers which (1) have a Best's rating of no less than B+: VIII, and (2) are admitted insurance companies in the State of California. All other insurers require the prior approval of the CITY. Such insurance coverage shall be maintained during the term of this Agreement. Failure to comply with the insurance requirements shall place EVENT SPONSOR in default. EVENT SPONSOR shall provide a certified copy of any insurance policy to the CITY within ten (10) working days of scheduled event.

1. General Liability Insurance. The general liability insurance shall include personal injury liability coverage, shall afford coverage for all premises and operations of EVENT SPONSOR and shall include contractual liability coverage for this Agreement between CITY and EVENT SPONSOR. The automobile liability insurance shall cover all owned, non-owned and hired motor vehicles, which are operated on behalf of EVENT SPONSOR pursuant to EVENT SPONSOR activities hereunder. CITY, its officers, employees, and agents shall be named as Additional Insured on any policy. A copy of the endorsement evidencing that the CITY has been added as a named additional insured on the policy, must be attached to the certificate of insurance. The limit of liability of said policy or policies for general and automobile liability insurance shall not be less than \$1,000,000 per occurrence combined single limit for bodily injury

and property damage. Personal injury liability coverage shall also be in the amount of not less than \$1,000,000 per occurrence and aggregate. Said policy or policies shall include severability of interest or cross liability clause or equivalent wording. Said policy or policies shall contain a provision of the following form: "Such insurance as is afforded by this policy shall be primary and contributory to the full limits stated in the declarations, and if the CITY has other valid and collectible insurance for a loss covered by this policy, that other insurance shall be excess only." Said policy or policies shall provide that the CITY shall be given thirty (30) days written notice prior to cancellation or expiration of the policy or reduction in coverage.

CONTRACTOR shall submit to the office of the designated CITY representative certificate(s) of insurance and endorsements documenting the required insurance as specified above, prior to this Agreement becoming effective. Current certificate(s) of insurance shall be maintained at all times in the office of the designated CITY representative, as a condition precedent to any payment by CITY under this Agreement. The approval of insurance shall neither relieve nor decrease the liability of the CONTRACTOR.

2. A signed copy of this Agreement shall be submitted to the CITY of Carpinteria, Department of Public Works, Carpinteria, California, 93013 prior to the event for which permission is requested.

Dean A. Coats 8-30-11
Organization Representative Dated

Chris W. [Signature] 8/31/11
Public Works Director Dated

City Manager Dated

2010 California Avocado Festival Non-Profits

A Touch of Love Foundation

Carpinteria Beautiful = \$2,700/Largest

Carpinteria Community Church Youth Group

Carpinteria High School Booster Club = \$4,000/Largest

Carpinteria High School Cheerleaders

Carpinteria High School Environmental Club = \$92/Largest

Carpinteria High School Sophomore Class = \$580/Largest

Carpinteria Lions Club = \$14,500/Largest

Carpinteria Middle School

Carpinteria Rotary Club = \$2,480/Not Largest

Carpinteria Rotary Club Morning

Carpinteria Valley Arts Council

Carpinteria Valley Chamber of Commerce

Cub Scouts Pack 50 = \$1,120/Not Largest

Destined for Grace

Donate Life/One Legacy

First Baptist Church of Carpinteria = \$400/Not Largest

Girls Inc. of Carpinteria

Kinderkirk Preschool & Daycare Center

Lou Grant Parent Child Workshop

Masonic Lodge 444

Santa Barbara Botanic Gardens = \$712/Not Largest

Santa Barbara Crusade

Unity Shoppe/Santa Ynez Band of Chumash Indians