

COMMISSION AGENDA ITEM EVENT AGREEMENT DOCUMENT ROUTING FORM

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Today's Date: ___10/11/2016

DOCUMENT TITLE: WINTERFEST AGREEMENT	ST, INC. – WINTERFEST FAMILY FUN DAY - EVENT
	CAM #: 16-1132 ITEM #: CM-2 CAM attached: ⊠YES □NO
Routing Origin: CAO Router Nam	ne/Ext: A. Sperling/5001 Action Summary attached: XYES NO
CIP FUNDED: ☐ YES ☒ NO	Capital Investment / Community Improvement Projects defined as having a life of at least 10 years and a cost of at least \$50,000 and shall mean improvements to real property (land, buildings, or fixtures) that add value and/or extend useful life, including major repairs such as roof replacement, etc. Term "Real Property" include: land, real estate, realty, or real.
1) City Attorney's Office: Docume	ents to be signed/routed? YES NO # of originals attached: 1
Is attached Granicus document Fina	al? ⊠YES □NO Approved as to Form: ⊠YES □NO
	rney's Name Initials
2) City Clerk's Office: # of original	s:/_ Routed to: Gina Ri/CMO/X5013 Date:
3) City Manager's Office: CMO LC	og #: <u>M+53</u> Document received from: <u>M</u>
Assigned to: L. FELDMAN S	S. HAWTHORNE C. LAGERBLOOM
APPROVED FOR LEE FELDMA	N'S SIGNATURE N/A FOR L. FELDMAN TO SIGN
	(Initial/Date) C. LAGERBLOOM
(Initial/Date) PENDING APPRO Comments/Questions:	VAL (See comments below)
Forward originals to Mayor	CCO Date: DIS U
4) City Clerk's Office: Retains 1 or Rec/5348 Return one fully executed original to	iginal and forwards 2 copies to: Carolyn Bean/Parks and
Original Route form to Astrid Spe	rling Rev. 5/6/16

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CITY OF FORT LAUDERDALE OUTDOOR EVENT AGREEMENT

THIS AGREEMENT is made by and between:

CITY OF FORT LAUDERDALE, a municipal corporation of the State of Florida, referred to hereinafter as "City",

and

WINTERFEST, INC., a Florida not for profit corporation, whose principal place of business is 512 NE 3rd Avenue, Fort Lauderdale, Florida 33301, and who is referred to hereinafter as "Applicant" or "Sponsor".

WHEREAS, the Applicant wishes to hold an outdoor event and has submitted an application pursuant to the requirements of Section 15-182 of the Code of Ordinances of the City of Fort Lauderdale, Florida; and

WHEREAS, the Applicant is willing to obtain the requisite insurance, and is willing to indemnify and hold harmless the City of Fort Lauderdale for any damage to persons or property that might occur during or as a result of the outdoor event; and

WHEREAS, on October 5, 2016, by Motion, the City Commission of the City of Fort Lauderdale authorized the proper City Officials to execute this Agreement.

NOW, THEREFORE, in consideration of the mutual promises made herein, the parties agree as follows:

The foregoing recitals are true and correct, and:

1. Effective Date.

The Effective Date of this Agreement is the date upon which City Commission approval is granted.

2. Outdoor Event.

The Applicant is permitted to operate or sponsor the "WINTERFEST FAMILY FUN DAY" (referred to hereinafter as the "Event") outdoors only at the location(s) and time(s) set forth in the attached Outdoor Event Agreement Schedule One and Site Map (if applicable), which is attached hereto and made a part hereof.

3. General Requirements.

- (1) If the Event includes use of fireworks, in advance of the Event the Applicant shall obtain a fireworks permit from the City's Fire Department. The Applicant shall comply with all applicable state laws regarding the use of fireworks.
- (2) The Applicant shall provide sanitary facilities of the type and in a sufficient number specified by the requirements established by the City's Department of Sustainable Development.
- (3) The Applicant shall coordinate with the City's Department of Sustainable Development who will schedule appropriate City staff to conduct electrical inspections of all electrical facilities whether power is supplied by local utilities or is self-provided by generator systems. The Applicant shall permit the City staff to conduct electrical inspections of all electrical facilities.
- (4) The Applicant shall coordinate with the City's Department of Transportation and Mobility who shall review the event application and determine necessary parking requirements.
- (5) If the Event includes the sale or distribution of any food or beverages, the Applicant shall comply with all applicable State, County and City health code requirements. This shall be evidenced by a permit by the appropriate entity.
- (6) If the Event includes use of tents, awnings, or canopies, in advance of the Event the Applicant shall submit current flameproof certificates to the City's Fire Department. The Applicant shall not hold or sponsor the Event until the Fire Department has provided written approval of the use of any tents, awnings, or canopies.
- (7) In advance of the Event the Applicant shall submit a written plan to the City Police Department that regards crowd control and traffic direction. The Applicant shall not hold or sponsor the Event until the Police Department has provided written approval of the Applicant's plan. The Applicant shall bear the cost of staff necessary to implement the crowd control and traffic direction plan. Police costs shall be exempt from prior notice requirements.
- (8) In advance of the Event the Applicant shall submit a written plan to the City's Fire Department that regards Fire safety and EMS. The Applicant shall not hold or sponsor the Event until the Fire Department has provided written approval of the Applicant's plan. The Applicant shall bear the cost

- of staff necessary to implement the fire safety and EMS plans. Fire and EMS costs shall be exempt from prior notice requirements.
- (9)Unless the Applicant meets the requirements for exception found in Section 15-184 of the Code of Ordinances of the City of Fort Lauderdale, Florida, in advance of the Event the Applicant shall provide a certificate of insurance satisfactory to the City's Risk Manager. The certificate shall show that the Applicant has obtained comprehensive general liability insurance with a policy limit of not less than one million dollars (\$1,000,000.00) combined single limit coverage, which shall include property damage, bodily injury, and death. The "City of Fort Lauderdale" shall be named as an additional insured. If the Event includes the dispensing, serving, sale, or distribution of any alcoholic beverage, the Applicant shall in addition provide liquor liability insurance with a policy limit of not less than of five hundred thousand dollars (\$500,000.00). The Applicant shall not hold or sponsor the Event until the City's Risk Manager has provided written approval of the Applicant's certificate of insurance or insurance policy.
- (10) The Applicant shall indemnify and hold harmless the city for any damage to person or property that occurs during or as a result of the operation of the Event.
- (11) In advance of the Event the Applicant shall submit a written plan to the City's Parks and Recreation Department that indicates the proposed location of any temporary structure, such as a barricade, fence, tent, concession stand, ticket booth, and grandstand. The written plan shall include information about the planned removal of any temporary structure after the Event. The Applicant shall not hold or sponsor the Event or erect any temporary structure until the City's Parks and Recreation Department has provided written approval of the Applicant's temporary structure plan. The Applicant shall bear the cost necessary to implement the temporary structure plan.

4. Outdoor Event Site.

The City does not warranty that the event site will be available during the approval event period. Further, no such warranty is granted as to the suitability of the event site for the particular event activity. Any and all event sites may be subject to change and/or relocation upon the written direction of the City Manager.

5. Restoration of public property.

If the Event includes use of public property the Applicant shall be responsible for, and shall maintain, all areas of the public property used. Maintenance means the prompt

and complete removal of Event-generated trash or debris and the repair or restoration of any public property that was damaged as a result of the Event. Public property means real and personal property that is not privately owned and includes, but is not limited to, any sidewalk or paved surface, any tree, plant, shrub, bench, light fixture, traffic signal, parking meter, trash barrel or sign.

The City shall inspect the Event site location(s) for damage within twenty-four hours of the conclusion of the Event and the City shall provide the Applicant with a written report of any damage found on public property. The report shall state the cost of repair(s) necessary to restore the public property. Within fourteen days of the Applicant's receipt of this report the Applicant shall pay the cost of repair or challenge the City's report by a writing addressed to the Director of the City's Parks and Recreation Department. Resolution of any such challenge shall be made by the City Manager; the Applicant agrees to abide by the City Manager's decision.

6. Reimbursement of expenses.

Should the City incur expenses as a result of the Event, the City shall provide the Applicant with an invoice of expenses. Within fourteen days (14) of the Applicant's receipt of any invoice the Applicant shall pay the invoice or challenge the City's invoice by a writing addressed to the Director of the City's Parks and Recreation Department. Resolution of any such challenge shall be made by the City Manager; the Applicant agrees to abide by the City Manager's decision.

7. Authority of the City of Fort Lauderdale City Manager.

The City of Fort Lauderdale City Manager and his designee, the Director of the City of Fort Lauderdale Parks and Recreation Department (referred to hereinafter as "the Director") shall have the authority to suspend all or any part of the Event when the City Manager or the Director determines that the Event, or its attendees, or its spectators, pose(s) a threat to the public health, safety, or welfare. The City Manager also reserves the right to immediately revoke permission, suspend, modify or terminate the event or any portion upon his written determination or in the event any of the elements of the agreement are violated.

8. Compliance with laws.

(1) The Applicant shall at all times comply with all federal and state laws or statutes, and with the rules, regulations, and ordinances of City and any other governmental agency having jurisdiction including, but not limited to, those relating to noise, building, zoning, gambling, fire protection, liquor regulation, and hours of operation. The Applicant shall further take all precautions and use extreme care to conduct its operations in a safe and prudent manner with respect to its agents, employees and visitors to its Event.

- (2) The Applicant shall comply with the applicable sections of the Americans with Disabilities Act of 1990 (42 U.S.C. 126), which prohibits discrimination of handicapped individuals by denying them the right to participate in or benefit from the services provided at the Event. The Applicant understands that it is responsible for compliance with this Act. The Applicant guarantees that individuals with disabilities will be able to attend, enter, and use all the facilities at the Event.
- (3) The Applicant agrees to secure and pay for all licenses and permits required by any governmental agency having jurisdiction, including City. If the Event includes the use of any item that is or that may be protected from infringement, such as but not limited to copyrights, patents and trademarks, the Applicant shall, in advance of the Event, provide City with documentation that shows that the Applicant has obtained the applicable license, permit or permission and that all associated all fees have been paid in full. The provisions of this paragraph apply specifically, but not exclusively, to ASCAP, BMI, SESAC, and any other similar organization that may require written permission and payment of a fee for use of protected material.

9. Limitation of Liability

- (1) The City desires to enter into this Agreement only if in so doing the City can place a limit on the City's liability for any cause of action for money damages due to an alleged breach by the City of this Agreement, so that its liability for any such breach never exceeds the sum of \$100.00. Applicant hereby expresses its willingness to enter into this Agreement with Applicant's recovery from the City for any damage action for breach of contract or for any action or claim arising from this Agreement to be limited to a maximum amount of \$100.00.
- (2) Accordingly, and notwithstanding any other term or condition of this Agreement, Applicant hereby agrees that the City shall not be liable to Applicant for damages in an amount in excess of \$100.00, for any action for breach of contract or for any action or claim arising out of this Agreement. Nothing contained in this paragraph or elsewhere in this Agreement is in any way intended to be a waiver of the limitation placed upon City's liability as set forth in Article 768.28, Florida Statutes.

10. Transfer of Rights.

To the extent this Agreement creates rights that vest in the Applicant, the Applicant shall not transfer any rights to any other individual or entity.

11. Venue.

Venue to enforce the provisions of this agreement shall be Broward County, Florida.

12. Incorporation.

This Outdoor Event Agreement, together with the attached Schedule One and Site Map (if applicable), constitute the whole of the Agreement between the parties. The written approvals issued by the various City departments or staff members and the various documents submitted by the Applicant, including the application, are supplemental to this Agreement. In the event of a conflict, the terms of this Agreement control.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals as of the date first above written.

ATTEST:

JEFFREY A. MODARELLI City Clerk CITY OF FORT LAUDERDALE, a Florida municipal corporation.

LEE R. FELDMAN, City Manager

Approved as to form:

COLE J CORERTINO Assistant City Attorney

APPLICANT/SPONSOR

WITNESSES:	WINTERFEST, INC., a Florida not for
DOWN Place [Witness print/type name] [Witness print/type name]	President Vice President Authorized Signatory (Please provide corporate authorization) ATTEST
	Print Name]
CORPORATE SEAL	
STATE OF FLORIDA: COUNTY OF BROWARD:	
October, 2016, by Lisa	acknowledged before me this 4 day of S. Founds as President
of WINTERFEST, INC., a Florida not f to me or □ has produced	or profit corporation, who is personally known as identification.
(NOTARY SEAL)	Notary Public, State of Florida (Signature of Notary Taking Acknowledgment)
CRISTINA AGNONE Notary Public - State of Florida My Comm. Expires Jun 29, 2018 Commission # FF 127567	Name of Notary Typed, Printed or Stamped My Commission Expires: When Printed or Stamped My Commission Number: When Printed or Stamped



CPISTINA ABNONE
Netzry Public - State of Ficunda
My Corona Expression 29, 2018
Commission # 85, 127567



SCHEDULE ONE

1 Name of Applicant:

Winterfest, Inc

2 Name of Outdoor Event:

Winterfest Family Fun Day

3 Date of Setup:

Sunday, November 20, 2016

4 Time of Setup:

7:00am

5 Date of Event:

Sunday, November 20, 2016

6 Time of Event:

12:00pm- 4:00pm

7 Date of Breakdown:

Sunday, November 20, 2016

8 Time of Breakdown:

10:00pm

9 Event Location:

Huizenga Plaza- 32 E. Las Olas Blvd

10 Road Closings:

Yes- Las Olas Blvd from Andrews Ave to SE 1st Ave

11 Alcohol:

No

12 Special Permission:

Amplified Music/ Extended Road Closure- No

CITY OF FORT LAUDERDALE ST SPECIAL EVENT APPLICATIONS

Submit a COMPLETED APPLICATION, SITE PLAN and SITE PLAN NARRATIVE by email 60 days before your planned event. Events Planned for July or August must be submitted by May 1st.

After you submit the application with your fee you will be contacted to

meet with the Special Events team to review:

rev 07/22/15

- Facility/Location requested 2. Compliance with City ordinances
- 3. Special permits required 4. Other Charges for City Services

Fae must accompany application

At least 60 days prior to event \$200.00

59 to 30 days prior to event \$400.00

Less than 30 days prior to event Denied unless approved by City Manager or designee

1 of 6

Special permanes Other Charges for City Services Other Charges for City Services A. Other Charges for City Services
 Special Papers Other Charges for City Server Other Charges for City Server Security requirements Security requirements Environmental issues/effects on surrounding areas
5. Second rental issues/ellects
6. Little
PART I: EVENT REQUEST
Char Community
Event Name Winterfest Family Full Day Recretion Other Community
Evnected Sustained
Event Name Wintertest ration Awareness Recretion Other Community Purpose of event (check one): Fundraiser Expected sustained trendance Expected sustained trendance No No No No November
Purpose of event (check one). Expected maximum attendance 2500 Expected
the file event boot.
If yes, please list past dates, locations diversified Lawn. Location during previous years: Riverside Lawn. Entertainment, etc.)
Detailed Description (Activities, Vendors, Entertainment, etc.)
Detailed Description (Activities, Verialis)
houses, arts and crafts, vendois and me
Children's activities bounce houses, arts and crafts, vendors and mu
A A A Muizenga Plaza
DATE
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EVENT DAY 1: 11-20-16 AM/PM
EVENT DAY 2:AM/PM
EVENT DAY 2:AM/PM
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RREAKDOWN: 11-20-16
than 3 days will be subject to sp
*events scheduled for more than 3 days will be subject to sp
PART II: APPLICANT
Phone: 954-747 0494
Organization Name Winterless, tile.
For-Profit Non-profit Private Cate, Zip: Fort Lauderdale, Florida, 33301
Address: 512 Northeast 3rd Avenue Lorida Federal ID #: 450050000
Address: 512 Northeast 3'd Avendo lorida Federal ID #: 650059092
- :tion: lune 78, 1700
Date of registration. <u>Jone 25.</u> Fax: <u>954-767-0665</u>
Email Address: <u>dawn@winterfestparade.co</u>

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Two Authorizing Officials for the Organization President: Lisa Scott-Found	
President: <u>Lisa Scott-Founds</u> Secretary: Lisa s	
LISO DUKO	
Event Coard	Phone: 954-562-7021
Event Coordinator Name Dawn Read Title: Event Director	10/16: _ 954 7/-
Title:	Will you be on-site? X Yes Cell: 954-767-0686
Dawn@winterfstparage com	Cell: OS X Yes
Additional Contact Name Kath Kelebaa	754-292-6312
	Min.
E-mail address:kathy@winterfetparade.com Event Production Company (if oth than applicant).	you be on-site? X Yes
ac.com	754-292-6314
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	East.
	Fax:
All City permits must be obtained aron the City's Department of	f Suntain
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	License #:	
	Phone:	
Company:		
Name of electrician: X Yes Entertainment If yes, what type of entertainment will be the	_No ere? Any notable performers?	
If yes, what type of entertainment		
Fencing or Barricades * Include proposed fences in your Site Plan & N	K_No Narrative	
- Effects		
Name & Contact of Company conducti	ng the show:	
* State Health Dept. John Litscher at (954) 6 be inspected by the Fire Rescue Department to serving food. A fire extinguisher is required on the outside of the booth. Ins	32-8094 must be notified to 4 (954) 828-5080 ht, Capt. Bruce Strandhagen at (954) 828-5080 ht, Capt. Bruce Strandh	•
Music If yes, what music format(s) will be use	 No d? (amplified, acoustic, recorded, live, MO) 	C, DJ, etc):
DJ, band tbd List the type of equipment you will use		
bd Days and times music will be played:		
Soundproofing equipment?Ye		
Parking Impact Yes X		rough the Transportation &
Events manual Appendix. To exposition	spproved Maintenance of Trails of the Speci sion will vote on it. Some Forms of the Speci the process you may want to selectons co approved	al Events Director for each in be found in the Special
Las Olas Blvd from SE 1st Avenue	to Andrews Avenue	
Are you planning to charge admiss lf yes, how much? \$	sion?	YesXNo
Are you requesting to fence the ex		_Yes v.
Are you planning on having any ty If yes, State Health Departr Call John Litscher at 954-63	HELIT HOST DO HOURS & F	_Yes X.No _XYes _No
Are you planning on selling alcohour of yes, how will the beverages be s	olic beverages? erved? (Draft truck, cold plate, mini-ba ta	yes <u>X</u> No
rev 07/22/15	applicant initials	service, etc.)
		3 of 6

rue volunta		
If ver on servin	ng free alcoholic beverages? be giving it to? Invited allest	
, VGS, Who will you E	ng free alcoholic beverages? be giving it to? Invited guests, dignitar have music? be in detail (Amplified? Acquetics o	
Are you planning to play or If yes, please describ	giving it to? Invited a	
If yes, please do	have musica	ies for a r
	have music? De in detail (Amplified? Acoustic? Type:	No Yes X No
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ine Green Checklist in the S	Cycling and s	101
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be provided at all City	ts Manual Appendix can help you. Portable Cleaning Contact: Annette Couning Inmediately after completion of event or you illities and parks. You are responsible for second	Toilets are regulated by Broward County.
lents or Canopies	ilities and parks	an Phone: ar
	, and for the same and the same	ou will be subject to fees
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a regardan mere are multiple canop	Panache, Jeanette West Cations and size of each canopy or tent is re pies, if they are going to be used for cookin	equired A possiti
Toilets	5 to be used for cookin	g or if there are Tents (with
*All toilets must be removed within 24	hours, Broward County	(With Walls).
to (954) 467-4898 to ensure compliant	hours, Broward County requires a copy of your minimum standards.	your contract or in Yes X No
Transportation Plan		and of invoice to be faxed
* Any events larger than 5,000 people	e musibave an annu	
	e musihave an approved Transportation Pla	in. eventtam@fortlaude X No
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rev 07/22/15

Police

Your event may require Security. Depending on your event it may be possible to supplement some of the City Police services with a private third-party security company if their security plan is approved by the City Police department. If you want to use a private security company you or the security company must present the proposed security plan along with the businesses business license and contact information with the events application. The Police will review the plan and let you know if it will meet City requirements.

If a Fort Lauderdale Police Vehicle is required then a Hold-Harmless Agreement must be signed and Liability coverage of a minimum of ONE MILLION DOLLARS must be provided.

Security Plan	X_YesNo		
Security Company	Yes X_No	·	
NameHector Mo	artinez, FLPD	Contact	

PART V: APPLICANT'S ACCEPTANCE

The information I have provided on this application is true and complete to the best of my knowledge. If I have not submitted my application within the deadline and according to the rules outlined in the Special Events Manual it may be denied.

Before receiving final approval from the City Commission, I understand that I (and the production company, if applicable) must furnish an original certificate of General Liability insurance naming the City of Fort Lauderdale as additionally insured in the amount of at least one million dollars (\$1,000,000) or greater as deemed satisfactory by the City Risk Manager, and an original certificate of liquor liability insurance in the amount of five hundred thousand dollars (\$500,000) if alcohol is being served. Other liability insurance and fees may also be required up to 30 days in advance of the event.

I understand that a City of Fort Lauderdale Parks and Recreation sponsored activity has precedence over the event requested above and I will be notified if any conflicts arise.

I understand that the City of Fort Lauderdale Police Department will determine all security requirements and that Emergency Medical Services is required by City Ordinance to be onsite during all special events.

Any cancelations need to be made by phone to each department representative providing services at least 24 hours before the scheduled event time or the organizer will be liable for any associated fees.

I understand that the City has a noise ordinance. If at any time during the event it is determined by law enforcement personnel, code enforcement personnel, parks and recreation personnel, or any other city representative that the entertainment or music is causing a noise disturbance, I will be directed to lower the volume to an acceptable level as determined by City staff. If a second noise disturbance arises during the event, I may be directed to shut down the music or entertainment for the remainder of the event. I agree to abide by all provisions of the noise control ordinance and understand that my failure to do so may result in a civil citation, a physical arrest, or the shutting down of the event.

do so may result in a civil citation, a physical ariest, or the shutting down of the event.			
Name of applicant	Title		

Date

Email completed application at least 60 days ahead of your planned event to:

events@fortlauderdale.gov

Please mail the application fee (payable to the City of Fort Lauderdale) to: Jeff Meehan, Special Events Coordinator 1350 W. Broward Boulevard, Fort Lauderdale, FL 33312 Phone: (954) 828-6075 Fax: (954) 828-5650

Please include the following with the application if necessary:

- * Maintenance of Traffic plan including the placement and number of barricades, signs, directional arrows, cones, message boards, and name of the barricade and/or traffic signs company being used.
- * Event Site Plan & Narrative including stage(s), other entertainment locations, activities, booths, restrooms, canopies, dumpsters, tencing, generators, etc.

(See Next Page)