

RESOLUTION No. 2009-215-1161

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING A TEMPORARY SPECIAL EVENTS PERMIT FOR EVENTS HELD IN CONJUNCTION WITH FEDEX ORANGE BOWL 2010, PRO BOWL 2010 AND SUPER BOWL XLIV (SUPER BOWL FORTY-FOUR); PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Miami Gardens is the host City for The FedEx Orange Bowl, Pro Bowl 2010 and Super Bowl XLIV, and

WHEREAS, there are restaurant establishments lawfully existing within the City that wish to host events in conjunction with the aforementioned events, and

WHEREAS, City Council would like to provide a mechanism to control any such events and to ensure the safety of the City's residents and compliance with the City's Codes and Ordinances,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

Section 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Resolution.

Section 2. AUTHORIZATION: The City Council of the City of Miami Gardens hereby authorizes City Staff to issue temporary Special Events Permits ("Permits") for events held in conjunction with The FedEx Orange Bowl, Pro Bowl 2010 and Super Bowl XLIV based upon the following terms and conditions:

- a. Permits shall only be effective from January 1, 2010 through February 9, 2010.

- b. Permits shall only be permitted for lawfully licensed and permitted restaurants, holding valid City of Miami Gardens Local Business Licenses and Certificates of Use.
- c. Permits shall only be permitted in the BU-1, BU-1A, BU-2 and BU-3 Zoning District(s).
- d. Restaurants applying for a permit shall be required to comply with all other Codes and Ordinances including the fire codes and Noise Ordinance.
- e. Those restaurants applying for a permit with alcoholic beverage licenses must comply with all State and local regulations relating to all alcoholic beverage licenses, including permitted hours of sales.
- f. Private duty security or off-duty police officers shall be provided by the permittee(s) at its own expense. City staff, upon review of a completed application, shall determine the number of officers required.
- g. Permittees shall comply with all parking requirements for restaurant uses in accordance with the approved Site Plan for the establishment and in accordance with applicable City regulations.
- h. Permits shall not be applicable to cabarets, nightclubs, bars or other similar establishments.
- i. Permittees shall be required to indemnify the City and to provide insurance to the City listing the City as an additional insured.
- j. All Permits shall automatically expire on February 9, 2010 at 2:00 a.m.
- k. Permittees shall be required to complete the application attached hereto as Exhibit "A" and pay a Five Hundred (\$500.00) Dollar non-refundable

application fee and a One Thousand (\$1,000.00) Dollar deposit ("Deposit") to the City. This Deposit shall be refunded to permittee upon expiration of the Permit in the event permittee has complied with all of the rules and regulations relating to the issuance of the Permits. In the event permittee does not comply with all of the rules and regulations, the City shall retain the Deposit.

- I. Permittees with outstanding code enforcement violations shall not be eligible for a Permit.

Section 3. GRANTING OF A PERMIT: The Granting of a Permit herein shall not entitle the Permittees to any other Permit for future purposes.

Section 4: REVOCATION OF A PERMIT: The City of Miami Gardens reserves the right to revoke any permits granted herein, in the event the City determines that a permittee(s) has not complied with any of the rules or regulations provided herein. Any such violations of the rules and regulations provided for herein shall immediately deem the permit revoked. The City shall have the immediate right, through the City of Miami Gardens Police Department, to close any establishment that has been granted a permit for this purpose and the permittees release the City of Miami Gardens from any and all liability with respect to that matter.

Section 4. EFFECTIVE DATE: This Resolution shall take effect immediately upon its final passage.

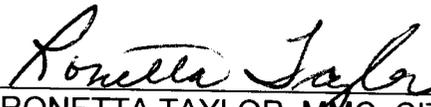
PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS

Resolution No. 2009-215-1161

AT ITS REGULAR MEETING HELD ON DECEMBER 9, 2009.


SHIRLEY GIBSON, MAYOR

ATTEST:


RONETTA TAYLOR, MMC, CITY CLERK

PREPARED BY: SONJA KNIGHTON DICKENS, ESQ.
CITY ATTORNEY

SPONSORED BY: COUNCILWOMAN BARBARA WATSON

MOVED BY: Vice Mayor Gilbert
SECOND BY: Councilwoman Watson

VOTE: 7-0

Mayor Shirley Gibson	<u>X</u> (Yes)	___ (No)
Vice Mayor Oliver Gilbert, III	<u>X</u> (Yes)	___ (No)
Councilman Melvin L. Bratton	<u>X</u> (Yes)	___ (No)
Councilman Aaron Campbell	<u>X</u> (Yes)	___ (No)
Councilwoman Barbara Watson	<u>X</u> (Yes)	___ (No)
Councilwoman Sharon Pritchett	<u>X</u> (Yes)	___ (No)
Councilman André Williams	<u>X</u> (Yes)	___ (No)



City of Miami Gardens Agenda Cover Memo

Council Meeting Date:	12/9/2009		Item Type: <i>(Enter X in box)</i>	Resolution	Ordinance	Other	
				X			
Fiscal Impact: <i>(Enter X in box)</i>	Yes	No	Ordinance Reading: <i>(Enter X in box)</i>	1st Reading		2nd Reading	
		X		Public Hearing: <i>(Enter X in box)</i>	Yes	No	Yes
			X				X
Funding Source:	<i>(Enter Fund & Dept)</i> NA		Advertising Requirement: <i>(Enter X in box)</i>	Yes		No	
						X	
Contract/P.O. Required: <i>(Enter X in box)</i>	Yes	No	RFP/RFQ/Bid #:	<i>(Enter #)</i>			
		X					
Sponsor Name	Councilwoman Watson		Department:	City Council			

Short Title:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING A TEMPORARY SPECIAL EVENTS PERMIT FOR EVENTS HELD IN CONJUNCTION WITH FEDEX ORANGE BOWL 2010, PRO BOWL 2010 AND SUPER BOWL XLIV (SUPER BOWL FORTY-FOUR); PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

Staff Summary:

The City of Miami Gardens is the host City for The FedEx Orange Bowl, Pro Bowl 2010 and Super Bowl XLIV. There are restaurant establishments lawfully existing within the City that wish to host events in conjunction with the aforementioned events. The City would like to provide a mechanism to control any such events and to ensure the safety of the City's residents and compliance with the City's Codes and Ordinances. The attached resolution establishes a permitting process that will require the following:

- a. Permits shall only be effective from January 1, 2010 through February 9, 2010.
- b. Permits shall only be permitted for lawfully licensed and permitted restaurants, holding valid City of Miami Gardens Local Business Licenses and Certificates of Use.
- c. Permits shall only be permitted in the BU-1, BU-1A, BU-2 and BU-3 Zoning District(s).
- d. Restaurants applying for a permit shall be required to comply with all other Codes and Ordinances including the fire codes and Noise Ordinance.
- e. Those restaurants applying for a permit with alcoholic beverage licenses must comply with all State and local regulations relating to all alcoholic beverage licenses, including permitted hours of sales.
- f. Private duty security or off-duty police officers shall be provided by the permittee(s) at its own expense. City staff, upon review of a completed application, shall determine the number of officers required.

**ITEM J-1) CONSENT AGENDA
RESOLUTION
Special Events Permit**

- g. Permittees shall comply with all parking requirements for restaurant uses in accordance with the approved Site Plan for the establishment and in accordance with applicable City regulations.
- h. Permits shall not be applicable to cabarets, nightclubs, bars or other similar establishments.
- i. Permittees shall be required to indemnify the City and to provide insurance to the City listing the City as an additional insured.
- j. All Permits shall automatically expire on February 9, 2010 at 2:00 a.m.
- k. Permittees shall be required to complete the application attached hereto as Exhibit "A" and pay a Five Hundred (\$500.00) Dollar non-refundable application fee and a One Thousand (\$1,000.00) Dollar deposit ("Deposit") to the City. This Deposit shall be refunded to permittee upon expiration of the Permit in the event permittee has complied with all of the rules and regulations relating to the issuance of the Permits. In the event permittee does not comply with all of the rules and regulations, the City shall retain the Deposit.
- l. Permittees with outstanding code enforcement violations shall not be eligible for a Permit.

Proposed Action:

Councilwoman Watson recommends that the City Council approve the attached Resolution.

Attachment:

Application for Special Event.



TEMPORARY SPECIAL EVENTS PERMIT
(Events held in conjunction with Super Bowl XLIV, Pro Bowl 2010 and The FedEx Orange Bowl)

Please complete and submit the following information to the
Development Services Department
Telephone: 305-622-8000
1515 NW 167th Street, Building 5, Suite 200
Miami Gardens, Florida 33169

Applicant's name ("Permittee"): _____
Mailing address: _____
Address of business _____
Phone: _____ fax: _____
Contact person: _____
Email address: _____
Date of event: _____ (only one date per permit)
Number of attendees _____
Description of event _____

Hours of operation: _____

Acknowledgement of rules and regulations:

I hereby acknowledge that I have read, understand, and will comply the rules and regulations referenced below.

Signature
As _____ (Must be signed by a Corporate Officer or Owner)
Of _____ (Name of entity).
Date: _____

For Official City Use Only:

Zoning District of event location: _____
Review of licensing history: _____ (Initial)
Confirm with Code Enforcement that there are no open violations _____ (Initial)
Insurance Certificate received _____ (Initial)
Application Fee and Deposit received _____ (Initial)
Number of Police Officers or Private Duty Officers required _____

Approved by (name and title): _____ Date: _____

ⁱThe City of Miami Gardens is not affiliated with the National Football League, Pro Bowl, The Bowl Championship Series, or The FedEx Orange Bowl or any of its affiliates and is not hereby authorizing any person or entity to use designs, symbols, logos or names affiliated with these entities.

1. Permittee agree to each and all clauses set forth in this Permit. Failure by Permittee to abide by any clauses set forth in this agreement gives the City the right to (1) immediately revoke the Permit (2) require Permittee, immediately upon notice of violation, to cease all operations, and (3) shall forfeit any and all deposits paid to City for the privilege of obtaining a permit.
2. The laws of the State of Florida and local ordinances of the City of Miami Gardens and Miami-Dade County shall control.
3. Permittee also agrees to comply with all State and local Regulations relating to all alcoholic beverage licenses, including permitted hours.
4. Permittee shall provide private duty security or off-duty Miami Dade police officers in the number stated above.
5. Permittee shall comply with all parking requirements for restaurant uses in accordance with the approved Site Plan for the location, and in accordance with applicable City regulations.
6. The Permit shall automatically expire at 2:00 a.m. on the date of the event.
7. The Granting of a Permit shall not entitle the Permittee to any other Special Events Permits for future purposes.
8. The City of Miami Gardens reserves the right to revoke any Special Events Permits granted herein in the event the City determines that the Permittee has not complied with any of the rules or regulations provided herein, and all deposits shall be deemed forfeited.
9. The City shall have the immediate right through the City of Miami Gardens Police Department to close any establishment that has been granted a Special Events Permit for this purpose and the Permittee shall release the City of Miami Gardens from any and all liability with respect to that matter.
10. Permittee acknowledges that the City does not have the right to permit Permittee to use trademarks of the NFL or the Member Clubs, including, but not limited to, the terms "National Football League," "NFL," "Super Bowl," "Pro Bowl," their respective logos, and the names, symbols, helmet and uniform designs of the Member Clubs ("Marks"). Permission to use Super Bowl and/or Pro Bowl marks must be granted by the NFL. The City is hereby disclaiming any and all liability for Permittees improper use of such Marks.
11. Permittee acknowledges that the City does not have the right to permit Permittee to use trademarks of the BCS or the Member Clubs, including, but not limited to, the terms "Fed Ex Orange Bowl," "BCS," "Bowl Championship Series" their respective logos, and the names, symbols, helmet and uniform designs of the Member Clubs ("Marks"). Permission to use Orange Bowl marks must be granted by the BCS. The City is hereby disclaiming any and all liability for Permittees improper use of such Marks.
12. Permittee shall obtain and keep in force at all times during the full period for which the privileges hereunder are granted, a policy or policies of public liability and property damage insurance, protecting the City, its officers, agents and employees against any and all liability due to death, injury or damage to property arising out of, or any way incidental to Permittee's activities. Permittee shall provide the policy or policies in comprehensive form, in an amount of not less than One Million (\$1,000,000.00) Dollars combined single limit, per occurrence, bodily injury, including death and property damage. The insurance policy shall also contain broad form contractual coverage applicable to this Permit, and shall specifically, include the indemnification and hold harmless clause contained herein. Permittee must provide that the CITY is listed as an additional insured on said policy. Such certificate of insurance shall be submitted to the City prior to the issuance of a Permit.
13. Permittee shall indemnify and hold harmless the City of Miami Gardens, its agents, officers and employees from and against all claims, liabilities, suits, damages, costs and expenses, including reasonable attorneys' costs and fees, related to (i) the issuance of a Permit to Permittee, and (ii) for injury to, including death of, persons (whether they be third persons or employees of the parties hereto) or any loss of or damage to property in any manner arising from the negligence of Permittee, and (iii) Permittees' misuse of any Marks.
14. Permittee acknowledges that it has read these duties and responsibilities outlined herein and agrees to follow all rules and guidelines as directed. The issuance of a permit is subject to Permittee satisfactorily submitting all requested application materials, and full payment of all designated fees. It is the responsibility of the Permittee to be aware of these Rules and Guidelines as well as all applicable governing laws. It shall be Permittee's duty to insure that all employees and agents of Permittee are knowledgeable of and abide by all Rules and Guidelines and applicable governing laws.
15. In the event that the City is required to file legal action against Permittee to collect any amounts due under this application and permit, the City shall be entitled to its costs of collection, attorney's fees and costs, and interest at the maximum rate allowable by law. The laws of the State of Florida shall govern this application and permit and venue shall lie in Miami-Dade, Florida.