

ACTION SHEET
CITY COUNCIL COMMITTEE MEETING OF 03/25/15
ITEM FROM FINANCE COMMITTEE MEETING OF 03/16/15

ISSUE:

18. Request for Approval of an Ordinance Amending Subsection 23.6-2 SFCC 1987 to Permit the Sale and Consumption of Alcohol at the Railyard Park for the Bike and Brew Event (Councilor Lindell, Mayor Gonzales, Councilors Maestas and Bushee) (Kate Noble)

Committee Review:

City Council (request to publish) (approved)	02/25/15
Public Works Committee (scheduled)	03/09/15
City Business Quality of Life Committee (approved)	03/11/15
City Council (Public Hearing)	03/25/15

Fiscal Impact – No

FINANCE COMMITTEE ACTION: APPROVED AS DISCUSSION ITEM

FUNDING SOURCE:

SPECIAL CONDITIONS OR AMENDMENTS

Approved with amendments.

STAFF FOLLOW-UP:

VOTE	FOR	AGAINST	ABSTAIN
COUNCILOR TRUJILLO			
COUNCILOR RIVERA			
COUNCILOR LINDELL			
COUNCILOR MAESTAS			
CHAIRPERSON DOMINGUEZ			

3-17-14

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, MARCH 9, 2015**

ITEM 8

REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING SUBSECTION 23.6-2 SFCC 1987 TO PERMIT THE SALE AND CONSUMPTION OF ALCOHOL AT THE RAILYARD PARK FOR THE BIKE AND BREW EVENT (COUNCILOR LINDELL, MAYOR GONZALES AND COUNCILOR MAESTAS) (KATE NOBLE)

PUBLIC WORKS COMMITTEE ACTION: Approved on Consent

FUNDING SOURCE:

SPECIAL CONDITIONS / AMENDMENTS / STAFF FOLLOW UP:

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON TRUJILLO			
COUNCILOR BUSHEE	Not Present at this time		
COUNCILOR DIMAS	X		
COUNCILOR DOMINGUEZ	X		
COUNCILOR RIVERA	X		

City of Santa Fe, New Mexico

LEGISLATIVE SUMMARY

Bill No. 2015-6

Alcohol at Railyard Park

SPONSOR(S): Councilor Lindell, Mayor Gonzales, Councilors Maestas and Bushee

SUMMARY: The proposed bill amends Subsection 23-6.2 SFCC 1987 to permit the sale and consumption of alcohol at the Railyard Park for the Bike and Brew event.

PREPARED BY: Rebecca Seligman, Legislative Liaison Assistant

FISCAL IMPACT: No

DATE: March 17, 2015

ATTACHMENTS: Amendment – Finance Committee
Bill
FIR
Subsection 23-6.3 SFCC 1987 – Regulations for the Sale and Consumption of Alcohol at City Parks; Administration.

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO BILL NO. 2015-6
Bike & Brew at the Railyard

Mayor and Members of the City Council:

I propose the following amendment(s) to Bill No. 2015-6:

1. On page 3, line 12, after "corporation." *insert* the following:
"The event sponsor shall comply with the requirements of 23-6.3 SFCC 1987, except that the alcohol content, to allow for craft beer, may exceed five percent (5%) alcohol."

Respectfully submitted,

Finance Committee

ADOPTED: _____

NOT ADOPTED: _____

DATE: _____

Yolanda Y. Vigil, City Clerk

1 **CITY OF SANTA FE, NEW MEXICO**

2 **BILL NO. 2015-6**

3 **INTRODUCED BY:**

4
5 Councilor Signe Lindell

6 Mayor Javier Gonzales

7 Councilor Joseph Maestas

8 Councilor Patti Bushee

9
10 **AN ORDINANCE**

11 **AMENDING SUBSECTION 23-6.2 SFCC 1987 TO PERMIT THE SALE AND**
12 **CONSUMPTION OF ALCOHOL AT THE RAILYARD PARK FOR THE BIKE AND**
13 **BREW EVENT.**

14
15 **BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:**

16 **Section 1. Subsection 23-6.2 SFCC 1987 (being Ord. #2012-20, as amended) is**
17 **amended to read:**

18 **23-6.2 Permitted Locations for the Sale and Consumption of Alcohol on**
19 **City Property.**

20 The sale or consumption of alcoholic beverages is permitted at the following locations on
21 city property:

22 A. The Santa Fe community convention center and adjacent outdoor spaces under
23 the center's control;

24 B. That area of the Santa Fe municipal airport main terminal building and adjacent
25 areas operated as a restaurant; and

1 C. The Marty Sanchez Links de Santa Fe (golf course).

2 D. The area of the Forty Marcy Ballpark designated for concessions and seating
3 shall be used for the sale and consumption of only beer and only at professional baseball games.

4 (1) A special dispenser permit shall be used to dispense alcohol. The alcohol
5 dispenser shall comply with all state and local laws and regulations for dispensing
6 alcohol pursuant to the special dispenser permit.

7 (a) Persons desiring to consume beer shall be required to wear a
8 wristband that restricts consumption to a maximum of three (3) twelve (12)
9 ounce beers during the course of a professional baseball game.

10 (i) The wristband shall be nontransferable and shall be
11 issued to verify age and to indicate the number of alcoholic beverages
12 purchased.

13 (ii) The purchase of alcoholic beverages shall be limited to
14 one (1) purchase per person at one (1) time.

15 (iii) Twelve (12) ounce beverage containers shall be used for
16 beer.

17 (iv) Alcoholic beverage containers shall be distinguishable
18 from nonalcoholic beverage containers.

19 (b) The sale of beer shall terminate at the end of sixth inning of the
20 professional baseball game.

21 (c) In addition to alcoholic beverages, food and non-alcoholic
22 beverage drinks shall be sold. Water shall be provided at no cost.

23 (d) A manager of the alcohol vendor shall be present at all times in
24 the concession area. A photograph of the manager and his or her name shall be
25 posted at the point of sale of alcoholic beverages. At all times, the manager shall

1 wear a nametag that identifies him or her as the manager.

2 (e) Alcohol servers shall not drink alcohol during baseball games.

3 (f) The vendor shall place signs in the concession area and outside
4 the concession area that indicate the illegality of selling, serving and providing
5 alcohol to minors and intoxicated persons.

6 (2) Any professional baseball league games subject to this section, shall not
7 take precedence over the scheduling of local youth baseball leagues using Fort Marcy
8 Ballpark.

9 E. An area of the Railyard Park, designated as a drinking area and permitted in
10 accordance with all city and state requirements, including Subsection 23-6.3 SFCC 1987, may be
11 used for the sale and consumption of beer and wine only, during the annual Bike and Brew
12 Festival, if a valid permit is acquired from the Santa Fe Railyard Community Corporation. This
13 section shall be reviewed by the governing body within one (1) year from the date of adoption.

14 F. Buildings owned by another party located on land owned by the city.

15 [F]G. On land or buildings owned by the city for which the city has entered into a lease
16 with another party for six (6) months or more except for the Railyard Park, Plaza and Alameda
17 (as defined in the Deed of Conservation Easement dated October 1, 2004) where alcohol is
18 prohibited, unless specifically permitted under Subsection 23-6.2 SFCC 1987.

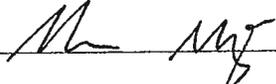
19 [G]H. In or on railroad cars located on railroad tracks except as prohibited by state or
20 federal law.

21 All other applicable approvals required by state or city laws and regulations shall be
22 obtained prior to the sale or consumption of alcoholic beverages on the property described in this
23 subsection 23-6.2.

1 APPROVED AS TO FORM:

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 FOR

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KELLEY A. BRENNAN; CITY ATTORNEY

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M/Legislation/Bills 2015/2015-6 Alcohol at Railyard Park

**City of Santa Fe
Fiscal Impact Report (FIR)**

This Fiscal Impact Report (FIR) shall be completed for each proposed bill or resolution as to its direct impact upon the City's operating budget and is intended for use by any of the standing committees of and the Governing Body of the City of Santa Fe. Bills or resolutions with no fiscal impact still require a completed FIR. Bills or resolutions with a fiscal impact must be reviewed by the Finance Committee. Bills or resolutions without a fiscal impact generally do not require review by the Finance Committee unless the subject of the bill or resolution is financial in nature.

Section A. General Information

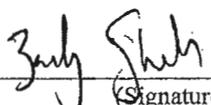
(Check) Bill: X 2015-6 Resolution: _____
(A single FIR may be used for related bills and/or resolutions)

Short Title(s): AN ORDINANCE AMENDING SUBSECTION 23-6.2 SFCC 1987 TO PERMIT THE SALE AND CONSUMPTION OF ALCOHOL AT THE RAILYARD PARK FOR THE BIKE AND BREW EVENT.

Sponsor(s): Councilor Lindell, Mayor Gonzales and Councilor Maestas

Reviewing Department(s): City Attorney's Office / Community Development

Person Completing FIR: Rebecca Seligman / Kate Noble Date: 2/18/15 Phone: 955-6501 / 955-6915

Reviewed by City Attorney:  Date: 2/19/15
(Signature)

Reviewed by Finance Director:  Date: 2-19-2015
(Signature)

Section B. Summary

Briefly explain the purpose and major provisions of the bill/resolution.

The purpose of the bill is to amend subsection 23-6.2 SFCC 1987 to permit the sale and consumption of alcohol at the Railyard Park for the Bike and Brew event if a valid permit is acquired from the Santa Fe Railyard Community Corporation.

Section C. Fiscal Impact

Note: Financial information on this FIR does not directly translate into a City of Santa Fe budget increase. For a budget increase, the following are required:

- a. The item must be on the agenda at the Finance Committee and City Council as a "Request for Approval of a City of Santa Fe Budget Increase" with a definitive funding source (could be same item and same time as bill/resolution)
- b. Detailed budget information must be attached as to fund, business units, and line item, amounts, and explanations (similar to annual requests for budget)
- c. Detailed personnel forms must be attached as to range, salary, and benefit allocation and signed by Human Resource Department for each new position(s) requested (prorated for period to be employed by fiscal year)*

1. Projected Expenditures:

- a. Indicate Fiscal Year(s) affected – usually current fiscal year and following fiscal year (i.e., FY 03/04 and FY 04/05)
- b. Indicate: "A" if current budget and level of staffing will absorb the costs
"N" if new, additional, or increased budget or staffing will be required
- c. Indicate: "R" – if recurring annual costs
"NR" if one-time, non-recurring costs, such as start-up, contract or equipment costs
- d. Attach additional projection schedules if two years does not adequately project revenue and cost patterns
- e. Costs may be netted or shown as an offset if some cost savings are projected (explain in Section 3 Narrative)

X Check here if no fiscal impact

Column #:	1	2	3	4	5	6	7	8
	Expenditure Classification	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs Recurring or "NR" Non-recurring	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs -- Recurring or "NR" Non-recurring	Fund Affected

Personnel*	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Fringe**	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Capital Outlay	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Land/ Building	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Professional Services	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
All Other Operating Costs	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Total:	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____

* Any indication that additional staffing would be required must be reviewed and approved in advance by the City Manager by attached memo before release of FIR to committees. **For fringe benefits contact the Finance Dept.

2. Revenue Sources:

- a. To indicate new revenues and/or
- b. Required for costs for which new expenditure budget is proposed above in item 1.

Column #:	1	2	3	4	5	6
	Type of Revenue	FY _____	"R" Costs Recurring or "NR" Non-recurring	FY _____	"R" Costs -- Recurring or "NR" Non-recurring	Fund Affected

_____	\$ _____	_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____	_____
Total:	\$ _____	_____	\$ _____	_____	_____	_____

3. Expenditure/Revenue Narrative:

Explain revenue source(s). Include revenue calculations, grant(s) available, anticipated date of receipt of revenues/grants, etc. Explain expenditures, grant match(s), justify personnel increase(s), detail capital and operating uses, etc. (Attach supplemental page, if necessary.)

N/A

Section D. General Narrative

1. Conflicts: Does this proposed bill/resolution duplicate/conflict with/companion to/relate to any City code, approved ordinance or resolution, other adopted policies or proposed legislation? Include details of city adopted laws/ordinance/resolutions and dates. Summarize the relationships, conflicts or overlaps.

No.

2. Consequences of Not Enacting This Bill/Resolution:

Are there consequences of not enacting this bill/resolution? If so, describe.

The City would host an event that would pale in comparison to similar outdoor industry festivals in other Western states (i.e. Colorado). This would mean the City would miss an economic development and tourism opportunity and an opportunity to provide additional entertainment options to all of its residents.

3. Technical Issues:

Are there incorrect citations of law, drafting errors or other problems? Are there any amendments that should be considered? Are there any other alternatives which should be considered? If so, describe.

None that staff is aware of.

4. Community Impact:

Briefly describe the major positive or negative effects the Bill/Resolution might have on the community including, but not limited to, businesses, neighborhoods, families, children and youth, social service providers and other institutions such as schools, churches, etc.

Approval of the bill has the potential to enhance a successful event which meets a number of city goals including providing a tourism attraction in the shoulder season, developing the outdoor industry, leveraging local businesses and beautiful landscapes, promoting healthy lifestyles and alternatives modes of transportation and bringing activity to the Railyard Park.

Form adopted: 01/12/05; revised 8/24/05; 4/17/08

23-6.3 Regulations for the Sale and Consumption of Alcohol at City Parks; Administration.

A. When the governing body has authorized the sale and consumption of alcohol for an event or events at a city park, pursuant to an amendment in subsection 23-6.2 SFCC 1987, the event sponsor shall comply with the following regulations:

(1) Designated drinking area.

(a) The designated drinking area, with one main entrance/exit and a mandatory buffer, to prevent the circulation of alcohol outside of the designated drinking area, shall be illustrated on a diagram that shall be submitted to the city manager or his designee, at least thirty (30) days before the event(s). The diagram shall include the dimensions of the drinking area, the location of the main entrance/exit, the height and width of the mandatory buffer, which shall be at least five feet (5') high and five feet (5') wide, and the locations for the placement of the advertising described in paragraph (4), below.

(b) The seating capacity in the designated drinking area shall be comprised of no more than twenty-five percent (25%) of the seating capacity of the event. The seating capacity of the designated drinking area shall be posted in the designated drinking area.

(2) Alcohol provider. Alcohol providers shall comply with all applicable state and local laws and shall:

(a) Obtain a special dispenser permit for beer and wine only that shall be approved by the state of New Mexico and the city of Santa Fe.

(b) At the main entrance of the designated drinking area and at the point of sale of alcohol, verify the age of each person so that underage persons are prohibited from entering the designated drinking area or purchasing alcohol.

(c) Prohibit persons from leaving the designated drinking area with alcoholic beverages;

(d) Ensure that alcohol servers are at least twenty-one (21) years old and are licensed by the state.

(e) Ensure that a manager, who has been identified prior to the event(s) by the event sponsor, is present at all times in the designated drinking area. A photograph of the manager and his or her name shall be posted at the point of sale of alcoholic beverages. At all times, the manager shall wear a nametag that identifies him or her as the manager.

(f) Prohibit alcohol servers from drinking alcohol during the event.

(g) Place signs in the designated drinking area and outside the designated drinking area that indicate the illegality of selling, serving and providing alcohol to minors and intoxicated persons.

(3) Alcohol limits. The only allowable alcoholic beverages at permitted event(s) are beer and wine.

(a) During the permitted event, only three (3) alcoholic beverage per person are allowed. One (1) alcoholic beverage is "twelve (12) fluid ounces of regular beer (5% alcohol)" or "four (4) fluid ounces of wine (12% alcohol)."

(i) Twelve (12) ounce beverage cups shall be used for beer and four (4) ounce beverage cups shall be used for wine.

(ii) For beer and wine tasting events, the total number of tastes shall not exceed the two (2) alcoholic beverage limit described in paragraph (a), above.

(iii) Alcoholic beverage cups shall be distinguishable from nonalcoholic beverage cups.

(b) Nontransferable wristbands shall be issued to verify age and to indicate the number of alcoholic beverages purchased.

(c) The purchase of alcoholic beverages shall be limited to one (1) purchase per person at one (1) time.

(d) Alcohol service shall cease at least one (1) hour before the end of the permitted event or for a baseball game at the end of the sixth inning.

(e) In addition to alcoholic beverages, food and non-alcoholic beverage drinks shall be sold. Water shall be provided at no cost.

(4) Security. Security officers shall be hired and paid for by the event sponsor(s).

(a) A minimum of two (2) security officers shall be stationed at the main entrance/exit of the designated drinking area and shall be present at all times the designated drinking area is in operation.

(b) A minimum of two (2) security officers shall monitor the parking lots and other areas of the city park to ensure the alcohol is not being consumed outside the designated drinking area.

(c) Security guards shall possess a current license issued by the New Mexico Private Investigations Board as a level two security guard pursuant to the Private Investigations Act, Chapter 61, Article 27B NMSA 1978, as may be amended thereafter from time to time.

(5) Advertising.

(a) Advertising of alcohol or tobacco at any city park is prohibited.

(b) The event sponsor shall place banners in conspicuous locations in the designated drinking area and throughout the park that:

(i) Display phone numbers and names of organizations that provide free rides for intoxicated persons; and

(ii) Provide information about the effects of alcohol abuse.

(c) The city manager or his designee shall approve the number of, size and locations of the above-described banners.

B. *Administration.* The city manager or his designee shall ensure that:

(1) Authorized event sponsors are in compliance with the requirements of this section.

(2) Any agreement in effect on the effective date of this section (adopted May 30, 2012), shall be amended to comply with the requirements of this section.
(Ord. #2012-20)