



# City of Santa Fe, New Mexico

## LEGISLATIVE SUMMARY

Bill No. 2015-28

### Alcohol at Mariachi Extravaganza

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**SPONSOR(S):** Councilor Trujillo

**SUMMARY:** The proposed bill amends Subsection 23-6.2 SFCC 1987 to permit the sale and consumption of alcohol at Fort Marcy Ballpark for the Fiesta Council Mariachi Extravaganza Concert.

**PREPARED BY:** Rebecca Seligman, Legislative Liaison Assistant

**FISCAL IMPACT:** No

**DATE:** July 13, 2015

**ATTACHMENTS:** Substitute Bill  
FIR  
Bill

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

2 **BILL NO. 2015-28**

3 **INTRODUCED BY:**

4  
5 Councilor Ronald Trujillo

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9  
10 **AN ORDINANCE**

11 **AMENDING SUBSECTION 23-6.2 SFCC 1987 TO PERMIT THE SALE AND**  
12 **CONSUMPTION OF ALCOHOL AT FORT MARCY BALLPARK FOR THE FIESTA**  
13 **COUNCIL MARIACHI EXTRAVAGANZA CONCERT.**

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 shall  
3 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 Fort Marcy ballpark, designated as a beer, wine and margarita garden,  
10 and permitted in accordance with all city and state requirements, may be used for the sale and  
11 consumption of beer and wine during the fiesta council mariachi extravaganza concert, if a valid  
12 permit is acquired from the city of Santa Fe. The event sponsor shall comply with the  
13 requirements of 23-6.3 SFCC 1987, except that alcohol content may exceed the allowable limit to  
14 permit the sale of margaritas. This section shall be reviewed by the governing body within one (1)  
15 year from the date of adoption.

16 [E]E. An area of the Railyard park, designated as a beer garden and permitted in  
17 accordance with all city and state requirements, may be used for the sale and consumption of beer  
18 and wine, during the bike and brew festival if a valid permit is acquired from the Santa Fe  
19 railyard community corporation. This section shall be reviewed by the governing body within  
20 one (1) year from the date of adoption.

21 [F]G. Buildings owned by another party located on land owned by the city.

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

1           [H]. In or on railroad cars located on railroad tracks except as prohibited by state or  
2 federal law.

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

6 APPROVED AS TO FORM:

7   
8 \_\_\_\_\_

9 KELLEY A. BRENNAN, CITY ATTORNEY

**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: \_\_\_\_\_ Resolution:  X

(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 FORT MARCY BALLPARK FOR THE FIESTA COUNCIL MARIACHI EXTRAVAGANZA CONCERT.

Sponsor(s): Councilor Trujillo

Reviewing Department(s): City Attorney's Office / City Clerk

Persons Completing FIR: Rebecca Seligman / Yolanda Vigil Date: 6/18/2015 Phone: 955-6501 / 955-6521

Reviewed by City Attorney: *Valley A. Berman* Date: 6/29/15  
(Signature)

Reviewed by Finance Director: *[Signature]* Date: 6-29-2015  
(Signature)

**Section B. Summary**

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

The proposed resolution amends Subsection 23-6.2 SFCC 1987 to permit the sale and consumption of alcohol at Fort Marcy Ballpark for the Fiesta Council Mariachi Extravaganza concert.

**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)

Finance Director: \_\_\_\_\_

X   Check here if no fiscal impact

Column #:	1	2	3	4	5	6	7	8
	Expenditure Classification	FY 14-15	"A" Costs Absorbed or "N" New Budget Required	"R" Costs Recurring or "NR" Non-recurring	FY15-16	"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 Stenographer Costs	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
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

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**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.

None staff is aware of

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**2. Consequences of Not Enacting This Bill/Resolution:**

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

If not enacted alcohol could not be served at the Mariachi Extravaganza event at Fort Marcy Ballpark.

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**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.

N/A

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**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.

The resolution will make it possible to serve alcohol at the Mariachi Extravaganza event at Fort Marcy Ballpark which has the potential to boost community participation.

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

**ACTION SHEET  
ITEM FROM THE  
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING  
OF  
MONDAY, JULY 6, 2015**

**ITEM 10**

REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING SUBSECTION 23-6.2 SFCC 1987 TO PERMIT THE SALE AND CONSUMPTION OF ALCOHOL AT FORT MARCY BALLPARK FOR THE FIESTA COUNCIL MARIACHI EXTRAVAGANZA CONCERT (COUNCILOR TRUJILLO) (YOLANDA VIGIL)

**PUBLIC WORKS COMMITTEE ACTION: Approved**

**FUNDING SOURCE:**

**SPECIAL CONDITIONS / AMENDMENTS / STAFF FOLLOW UP:**

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON TRUJILLO			
COUNCILOR BUSHEE	Excused		
COUNCILOR DIMAS	X		
COUNCILOR DOMINGUEZ	X		
COUNCILOR RIVERA	X		

**POSTPONED ITEM**

- 9. REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO SEEK SOLUTIONS TO SANTA FE'S HOUSING AFFORDABILITY CRISIS, SPECIFICALLY AS IT RELATED TO GENTRIFICATION, INEQUITY, AND THE WIDENING GAP BETWEEN RICH AND POOR IN SANTA FE; PROVIDING A FRAMEWORK FOR HOUSING AND URBAN PLANNING POLICY (COUNCILORS MAESTAS, DOMINGUEZ, BUSHEE, AND TRUJILLO) (ALEXANDRA LADD)**

**Committee Review:**

City Business Quality of Life Committee (Scheduled)	07/08/15
Finance Committee (Scheduled)	07/13/15
Council (Scheduled)	07/29/15

This matter was postponed to July 27, 2015 under Approval of Agenda.

**CONSENT AGENDA DISCUSSION**

- 10. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING SUBSECTION 23-6.2 SFCC 1987 TO PERMIT THE SALE AND CONSUMPTION OF ALCOHOL AT FORT MARCY BALLPARK FOR THE FIESTA COUNCIL MARIACHI EXTRAVAGANZA CONCERT (COUNCILOR TRUJILLO) (YOLANDA VIGIL)**

**Committee Review:**

City Business Quality of Life Committee (Scheduled)	07/08/15
Council (Request to publish)	07/08/15
Finance Committee (Scheduled)	07/13/15
Council (Public hearing)	08/12/15

Councilor Rivera said the emails were sent today to Ray Sandoval and City Manager. Mr. Snyder said he still had to sign the permit.

Ms. Vigil said she was not privy to that communication. Mr. Jessie Guillen was communicating on this issue.

Councilor Rivera said because the City Manager has not signed off on it, the event is not approved yet. He asked how the Committee could look at this.

Ms. Vigil suggested the Committee just go ahead and proceed. What staff normally does is meet and have a meeting with all staff involved in the request and fine tune it and have it all in place and then forward it to the City Manager for his approval.

Councilor Rivera asked where this goes next.

Chair Trujillo said it goes next to Finance.

Ms. Vigil said it was to be at CBQL on July 8<sup>th</sup> but that meeting was postponed to July 22<sup>nd</sup>. The next Council meeting is day after tomorrow.

Mr. Guillen said he has not seen that either.

Mr. Sandoval said the way this normally works is once the reservation is put in, the permit not issued until 30 days previous to the event. We decided this time to follow the normal rules with the permit signed at 30 days out. In this day and age, signing contracts and other documents cannot wait until 30 days out. We were confused because we were told to meet with the neighborhoods. We did that. Until last year and the Zozobra permit moving, the City Manager has never signed off on a permit. The standard procedure of 30 days is no longer workable in today's litigious society.

Councilor Rivera read a memo from the City manager. He said he is waiting for feedback from the neighborhood discussions. He was not sure if it would be ready for Council on Wednesday and not sure how to proceed. He asked if the Committee would move it forward without approval.

Ms. Vigil agreed that is the best thing to do. She had not spoken with the City Manager. They couldn't market anything. If they want to proceed with having the event at Ft. Marcy, that is a different story.

Chair Trujillo said it is being marketed now that it will be taking place but the marketing has no mention of alcohol.

Ms. Vigil said if the Committee wants to go to another item she could go speak to the City Manager.

Chair Trujillo announced a 5-minute recess so Ms. Vigil could do that.

The Public Works Committee recessed at 5:12 p. m. and reconvened at 5:16 p. m.

Ms. Vigil said she spoke with the City Manager. This is just standard practice with the City Manager and staff. They will meet with Mr. Sandoval. The reason is because this is a bigger event and they are asking for light and noise variances and he wants to make sure everything is in line and he wants to hear the feedback from the neighbors. But it can go forward.

Chair Trujillo said alcohol for the event is not approved

Ms. Vigil agreed. If it is not approved we would withdraw at the public meeting on the 12<sup>th</sup>.

**Chair Trujillo moved for approval, pending approval by the City Manager. Councilor Dominguez seconded the motion.**

Councilor Dominguez suggested one of the things we can do to help is have some legislation introduced and approved stating the framework and guidelines. He asked Mr. Guillen to get started on something like that and he would be happy to introduce it. We don't have to reinvent the wheel every year. He added that the best practices about serving alcohol is that they are still subject to some of the guidelines like wrist bands.

Ms. Vigil referred to page 3 of the ordinance compliance that included, no minors, double fencing, security, etc. This will be beer, wine, and margarita garden area.

Councilor Dominguez asked, in terms of margarita, how they measure that consumption.

Ms. Vigil right now the alcohol limits say 3 alcoholic beverages per person. But Council can make a separate requirement for margaritas. She recommended putting in a limit. We can amend the ordinance. If you want and she could prepare an amendment to the ordinance.

Mr. Sandoval said they are small 8 oz. cups.

Ms. Vigil said they could limit people to two.

Mr. Guillen pointed out that an 8 oz. margarita does not denote how much alcohol is in it. You might want to designate the actual amount of alcohol in it.

Councilor Dominguez agreed to work with him and the Prevention Alliance to come up with a recommended amount and bring it forward to Council.

Mr. Sandoval said he represented Fiesta Council and we would support limits.

Councilor Dominguez was glad they are interested in implementing those limits and best practices.

**The motion passed by unanimous voice vote.**

## **DISCUSSION AGENDA**

Chair Trujillo acknowledged the members of the soccer community who were present.

### **11. RECOMMENDATIONS AND DRAFT OF THE 2017-2021 INFRASTRUCTURE CAPITAL IMPROVEMENTS PLAN (ICIP) (ISAAC PINO)**

#### **Committee Review:**

Finance Committee – Draft (Scheduled)	07/13/15
Public Works Committee – Final (Scheduled)	07/27/15
Finance Committee – Final (Scheduled)	08/03/15
Council – Final (Scheduled)	08/12/15

Councilor Dominguez asked Mr. Pino to include any changes in this process and the process they had last year.

Mr. Pino said they worked closely with DFA. There were ministerial changes. They are still shooting at giving them the top 5 priorities by September. Ms. Huseman has the notebook with all the details and could get it to the Committee electronically or on paper. The list in the packet conforms to DFA regulations.

Councilor Ives said he was struggling with this, because if it's a Farmers Market it's a commercial event, commenting he is trying to understand and make sure we're following our own guidelines appropriately.

Mr. Guillen said, "We looked at it closely, so yes we are."

**MOTION:** Councilor Ives moved, seconded by Councilor Lindell, to adopt Resolution No. 2015-62, with the proposed amendment [Exhibit "1"].

**DISCUSSION:** Mayor Gonzales said, "Councilor Ives, I wanted to just state for the record and the Council that this was a request that I had made to the Farmer's Market. I want to be very clear that this was not a reverse request that the Farmer's Market was looking or necessarily coming in to expand operations in the Plaza. I know Councilor Dominguez, a big focus has been to assure that there are farmers present on the south side so we can address some of your goals in terms of food security, and I want to assure the Council that that continued to be the priority, as well as the Railyard for the organization as they considered when would be an appropriate time, how many dates would be appropriate so that there would not be any type of reallocation of farmers, if you will, to the Plaza, as opposed to the south side. Please convey my thanks to the organization for being willing to try this out. It's along the lines of the People to the Plaza. We're going to bring farmers to the Plaza. I think that's going to be a wonderful Sunday in September for all of our community. It's a one time event. We've agreed to kind of take a look at it and see how people like it, and if they respond well, maybe next year we can expand the number of days, if it's appropriate. But I do want to assure Councilors Dominguez and Rivera. I know food security and having the presence of the Farmers in the south side is important that the organization stay very true to that through this process."

**VOTE:** The motion was approved on the following Roll Call vote:

**For:** Mayor Gonzales, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

**Against:** None.

**Absent for the vote:** Councilor Bushee.

**10 (n) REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING FOR AUGUST 12, 2015: BILL NO. 2015-28: AN ORDINANCE AMENDING SUBSECTION 23-6.2 SFCC 1987, TO PERMIT THE SALE AND CONSUMPTION OF ALCOHOL AT FORT MARCY BALLPARK FOR THE FIESTA COUNCIL MARIACHI EXTRAVAGANZA CONCERT (COUNCILOR TRUJILLO). (JESSE GUILLEN)**

*Councilor Bushee arrived during this presentation*

Councilor Ives said he's trying to understand the mechanics of this. He said we have the beergarden at functions during Fuego games, but he isn't totally clear what is proposed here in terms of the mariachi concert – what is access like, where it will be located and those kinds of things

Mr. Guillen said this is going to be held for the Mariachi Extravaganza by the Fiesta Council, and what they've proposed is to have a designated wine, beer and margarita garden within the Ft. Marcy ballpark. According to regulations it can be only 25% of the size of the entire venue, so they will designate that. It will be approved by the City Manager where that area is. He said there are various guidelines as to a buffer between the inside and the outside of that garden. Security guards will have to be checking ID's and all of that. So there are regulations governing that aspect.

Councilor Ives observed that 25% of the ball park would be a very sizable beergarden, and asked if that is really what is proposed.

Mr. Guillen said nothing has been proposed yet, that's simply according to regulations, that's the maximum they can have.

Councilor Ives said it may behoove us as a Council to rethink what we're doing with regard to alcohol at parks, because we've opened some doors and suspects there will be many more and we'll be faced with this question time and again. He thinks it's time we started looking at some type of overarching policy to incorporate. He said it appears the changes that we propose to be making in terms of how we'll be doing these events into the future.

Councilor Dominguez said this is just a Request to Publish and he anticipates proposing some amendments by the time this gets to Council for a vote, to deal with some of the best practices to which Councilor Ives might be alluding, and just having some general, best practices that we can apply to some of these events. He said when the issue of bring alcohol in parks came up, the fear from those advocates who are looking for responsible behavior, were worried that we were opening the door for more of these sorts of activities and events. Having said that though, he thinks there are pretty significant and good best practices out there that we can apply that probably should be amended and tweaked as years go by and as we gain more experience in how to deal with alcohol in these sorts of venues. He will be bringing amendments that talks about the details and how we will measure the alcohol contents of a margarita by the time we get to Finance Committee.

Councilor Maestas said his comments are consistent with Councilor Ives. This is an Ordinance and it's the highest level of legislation we have which requires a public hearing. His issue is that we keep adding these events, and he doesn't like an Ordinance to be event specific. There's no guarantee that they are going to sustain themselves in the future. He said as we make the transition to a tighter Ordinance that isn't event specific, that we fix the areas available and they can be open for events. Perhaps we can delegate some of this down to the administrative level if we limit the areas in these City facilities. He supports this, but he doesn't want us to come back and say the Extravaganza moved back to the opera. He would like to come up with a better way to maintain appropriate Council oversight, but not include these date specific events in the Ordinance.

**MOTION:** Councilor Dominguez moved, seconded by Councilor Trujillo, to approve this request.

**For:** Mayor Gonzales, Councilor Bushee, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

**Against:** None.

**10 (o) CIP PROJECT #611B UPDATE – 2015 AIRPORT TERMINAL IMPROVEMENTS, SCHEMATIC PLANS. (MARY MacDONALD) (INFORMATIONAL ONLY)**

Councilor Ives said some people in the community have been very deeply involved in proposing alternatives, and he is unsure if those alternatives have ever "seen the light of day or been considered by anybody or any of the groups," or any anybody to whom presentations have been made. He said a number of presentations are noted in the packet, but if there is only one option, it begs the question about whether or not there is significant input in terms of determining a best pathway forward. He said, for example, in looking at the one schematic which is the last page in the packet, it shows arrivals coming in at the western portion of the gate and they appear to be heading directly outside to the sidewalk.

Councilor Ives continued saying there is almost always one stop he always makes when he gets off an airplane which is to the bathroom. And the bathrooms are all the way across the airport on the other side of the entry. He would like to take a little more time in the process. He would like to try to make sure the efforts of others in the community who are deeply interested in these issues have an opportunity to present them in some forum. He would like to see that happen at the Airport Advisory Board so there can be full consideration. He asked Mr. Bulthuis to comment.

Mr. Bulthuis said that is exactly the process they've been following for the past 8 months. They have engaged the community with an opportunity to comment, make suggestions, present alternatives through that process at the Airport Advisory Board. He said he believes the individuals he is speaking about have done that, and have been present at the meetings and has the opportunity to present ideas. He said many of those have been included in the Phase 1 construction plan moving forward now. He said they weren't able to incorporate all the ideas, given the project budget we have, but that dialogue did take place in the suggested form.

Councilor Ives said he is encouraged to hear that, and said he has only been to one meeting of the Advisory Board meetings where the future master plan has been discussed. He would like to be better educated, when he has a chance, as to what is being proposed here rolls into the master planning process. He said there is a sense of where we want to end up, and it begs the question of interim plans leading to that point in time. He looks forward to getting with Jon and talking more about that.

**ACTION SHEET**  
**CITY COUNCIL COMMITTEE MEETING OF 07/29/2015**  
**ITEM FROM FINANCE COMMITTEE MEETING OF 07/13/2015**

**ISSUE:**

23. Request for Approval of an Ordinance Amending Subsection 23-6.2 SFCC 1987 to Permit the Sale and Consumption of Alcohol at Fort Marcy Ballpark for the Fiesta Council Mariachi Extravaganza Concert. (Councilor Trujillo) (Jesse Guillen)

**Committee Review:**

Public Works Committee (approved)	07/06/15
City Business Quality of Life Committee (scheduled)	07/22/15
City Council (request to publish)	07/08/15
City Council (public hearing)	08/12/15

Fiscal Impact – No

**FINANCE COMMITTEE ACTION:**

Approved as Discussion item.

**FUNDING SOURCE:**

**SPECIAL CONDITIONS OR AMENDMENTS**

Approved with amendments.

**STAFF FOLLOW-UP:**

Direction to staff.

VOTE	FOR	AGAINST	ABSTAIN
COUNCILOR TRUJILLO	X		
COUNCILOR RIVERA	Acting Chair X		
COUNCILOR LINDELL	Excused		
COUNCILOR MAESTAS	X		
CHAIRPERSON DOMINGUEZ	Excused		

06/29/2015

~~MOTION: Councilor Maestas moved, seconded by Councilor Trujillo, to approve this request.~~

~~VOTE: The motion was approved unanimously on a voice vote.~~

23. **REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING SUBSECTION 23-6.2 SFCC 1987, TO PERMIT THE SALE AND CONSUMPTION OF ALCOHOL AT FORT MARCY BALLPARK FOR THE FIESTA COUNCIL MARIACHI EXTRAVAGANZA CONCERT (COUNCILOR TRUJILLO). (JESSE GUILLEN) Committee Review: Public Works Committee (postponed) 07/06/15; City Business Quality of Life Committee (scheduled) 07/22/15; City Council (request to publish) 07/08/15; and City Council (public hearing) 08/12/15. Fiscal Impact – No.**

Councilor Trujillo said there has been some concern, because part of the amendment is to serve Margaritas. He said he would like to hear from the Fiesta Council President, David Ortiz about his plans in this regard.

**David Ortiz Santa Fe Fiesta Council**, Mr. Ortiz said the Fiesta Council currently is conducting an RFP, with the deadline at the end of the week. He said they have strict guidelines in the RFP, one of which is that the alcohol must be contained in the beergarden and no closer than 150 feet to the entertainment, and poured in glasses and the beer and wine is measured. They also requested that the margarita be pre-mixed so no one is making alcoholic drinks on the premises and that everybody receives the established volume level, which is than 6-8 ounces in a margarita, a pre-drink maximum allowed in the beer garden, and that there is an entrance and exit required, with a 3 drink maximum. There will be security in place both in the beer garden, on the field and they will be doing a search of backpacks so people don't come into the event with alcohol that is detrimental to the public.

Councilor Trujillo said that's what he wanted and asked Ms. Mann-Lev to comment.

**Shelley Mann-Lev, Director, Santa Fe Prevention Alliance**, said she appreciates the Committee's attention to this issue, and she respects the detailed respect and consideration given by the Fiesta Council. She has information about standard drinks. She said she wants to remind City Councilors in 2009, in response to a concert at Ft. Marcy where there were alcohol sales, the Council gave tremendous deliberation to whether they wanted to allow the service of alcohol at events on public property. An Ordinance was adopted banning the sale of alcohol at public events, with the exception of the Convention Center, long term leases on public property, the golf course and one other place – all parks, ballfields, recreational facilities.

Ms. Mann-Lev continued saying since 2009, two exemptions have been granted, one to Fuego games and the other for Bike and Brew which is an adult event, following best practices. She said it seems the Fiesta Council has familiarized itself with best practices, and it sounds as if they are willing to follow those. She said if the Council chooses to grant the waiver following best practices in the Ordinance, a critical piece is that each drink be no more than a standard drink, that the 3 drink limit. She said it is possible to measure 1.5 ounces of alcohol of 80 proof in one drink. She said margaritas can range from 2-

3 standard drinks in one drink. It's not so much the ounces of the margarita as the ounces of alcohol in the margarita and what kinds of alcohol. She said it is possible to create a recipe for a margarita that is 8 ounces that is one standard drink. She said the Ordinance talks about 12 ounces of regular beer, a craft beer is 8-9 ounces.

Ms. Mann-Lev continued saying, the Prevention Alliance feels strongly that for family events for mixed ages in public settings the City maintain its ban. She said this event has been primarily an adult event when it was held at the opera and the Convention Center. In the change, it's not clear what kind of event because the ticket prices are much less than in the past, and it's in a setting that may invite a larger community of participation which would be a wonderful thing. They also would like the Council to consider the intent behind the existing Ordinance and whether a waiver should be granted.

Councilor Maestas said it sounds like there is a lot of variability in margaritas. He said all of the previous waivers have been for beer and wine, and now we're allowing margaritas. He asked what three 12-ounce beers are equal to how many margaritas.

Ms. Mann-Lev said it depends on how the margaritas are made. Generally, 1 margarita is 2-3 standard drinks – three 12-ounces of regular beer. She would not recommend that margaritas and other drinks be served. It isn't possible to make a margarita that is one standard drink, but it is challenging.

Councilor Maestas said perhaps we should identify the volume of the margarita, noting we did so for the beer.

Ms. Mann-Lev said the reason for the volume of beer is because that is a standard drink – 12 ounces of regular beer. She reiterated that craft beer tends to be 7-8% alcohol, so one 12-ounce of many of the craft beers is equal to 1.5 standard drinks.

Councilor Maestas said we have an Ordinance, and we keep amending it and adding events that could become dated and that is his concern with amending the ordinance. He supports the waiver, but he is uncomfortable with introducing a non-beer alcoholic beverage. He said there are so many variables and doesn't think we should grant 3 margaritas which has a higher alcohol content, regardless of how it's fixed and how much alcohol is in the mix. He said we should designate the volume of the margarita as a best practice. He can't support 3 margaritas, and wants the volume to be set.

Mr. Ortiz said he said he neglected to say that they aren't allowing 3 margaritas in the venue, and 2 was the maximum. He said they have a band system with 3 beers and 2 margaritas, and they can have only 3 drinks maximum. He said they will have a ticker tape system where they can be notified if people need a safe ride home, or such.

Councilor Trujillo said there is a way to make a one-drink margarita and he would recommend that whoever gets the contract that they make the mix in large containers.

Mr. Ortiz said he is asking for the standard margarita mix.

Councilor Trujillo said he would ask him to make sure.

Councilor Maestas asked if only one drink can be sold at a time.

Mr. Ortiz said yes, and by law they can have only one drink at a time, and they can't purchase two drinks, one for their buddy. It is a buy band, one per person. The drinks have to be consumed on premises in the beer garden.

Councilor Maestas said what if people want to start with a beer and then have a margarita.

Mr. Ortiz said there is a time frame between the purchase of drinks.

Councilor Maestas asked what happens if people buy a beer for someone else after they are maxed out – will there be spotters.

Mr. Ortiz said the business has its security and we have our own security.

Councilor Maestas would like to limit the margaritas to two each, and asked the volume that will be served.

Mr. Ortiz said it is a 6 oz. cup with ice.

Councilor Maestas would like to specify that it is a 6 ounce drink for a margarita.

Acting Chair Rivera said then Councilor Maestas, you are recommending two 6-ounce margaritas.

Mr. Ortiz noted all drinks must be poured in a glass.

Ms. Mann-Lev said it's helpful to have a common language. It doesn't matter whether a margarita is 12 ounces or 6 ounces, what matters is how much liquor is in it, because a margarita isn't straight alcohol. If you say a margarita that contains 1 standard drink serving of alcohol, would be 1 or 1 ½ ounces of 80 proof. But if you specify one standard serving of alcohol in the margarita, the 6 or 8 ounces doesn't matter, the alcohol content that matters.

Councilor Trujillo asked if a margarita could be 12 ounces.

Ms. Mann-Lev said it could be if they only use an ounce of 100 proof hard liquor or 1½ ounces of 80 proof.

Mr. Ortiz said this isn't a rock concert, this is a mariachi concert and the demographic of patrons are people over 30 years of age. He said he has no problem in dictating the amount of alcohol delivered in each drinks.

Councilor Trujillo asked that once the RFP is issued, the vendor attend the Council meeting when we vote on this, because we definitely will have questions regarding their "mixology."

Mr. Ortiz said that will be done.

Councilor Maestas asked if the Committee can look at the RFP.

Mr. Ortiz said the RFP has been issued and he will provide a copy of that RFP.

Councilor Maestas said there is no designated termination of the sale of alcohol at this event, but there is for the Fuego games. He would like to see a termination.

Mr. Ortiz said the gates open at 4:00 p.m., the event is from 6:00 p.m. to 10:00 p.m., and his understands that they must cease sales of alcohol an hour before the end of the event, which would be 9:00 p.m.

Councilor Maestas asked Ms. Mann-Lev about the termination of sales one hour before the end of the event.

Ms. Mann-Lev said that is a minimum, and is an acceptable practice, noting sales are ceased in the 6<sup>th</sup> inning of the Fuego games. She said 1½ hours would be better to avoid liability issues for the licensee and the City since this is on public property.

Councilor Maestas would like that to be specified.

Jesse Guillen, City Legal, said 23-6.3 specifies that alcohol service shall cease at least one hour before the end of the permitted event, so that covers all events, and sees no need to add that provision.

Councilor Maestas said the Ordinance provides that water should be provided at no cost, and he would like it to be explicit that water shall be made available throughout the event.

Responding to Councilor Maestas, Mr. Guillen said the specific provision is just for Fuego games, but that can be added to this specifically, so it is applicable to all events – water shall be made available at no cost throughout the entire event. He said it can be added to 23-6.2, so it is a blanket provision for any current and future revisions to the Ordinance. He said on page 1 it can be inserted as a new A. It would apply to all events.

Mr. Guillen said Ms. Vigil pointed out that in 23-6.3, that says, "In addition to alcoholic beverages, food and non-alcoholic beverages, water shall be provided at no cost." So that covers that.

Acting Chair Rivera said Ms. Mann-Lev said one standard drink of alcohol equals a 12-ounce beer. He said his concern is being able to have 2 margaritas and 1 beer as well. Should we be specific to 3 beers, 3 glasses of wine or two 6-ounce glasses of margaritas. He said this may the cleanest to avoid mixing and make sure you can have only two margaritas.

Councilor Maestas said he agrees.

Responding to Councilor Maestas, Mr. Ortiz said it is a 12 ounce beer and a 4 ounce glass of wine. He said if the margarita is made with the standard amount of alcohol, everything contains the same amount of alcohol. He doesn't think you need to do 3 margaritas, 3 beers, and you can do 3-3-3, because it will all contain the same amount of alcohol no matter what they are consuming.

The Committee continued its discussion on how many drinks and the alcohol content.

Councilor Maestas said he can't agree to 3 margaritas.

Ms. Mann-Lev said she wishes they would just do beer and wine, because it's difficult to measure the alcohol content of margaritas and other mixed drinks and it's where a lot of people get into trouble. She said it is your prerogative and opportunity make that decision to limit drinks to beer and wine as you make this exemption.

**MOTION:** Councilor Trujillo moved, seconded by Acting Chair Rivera, to approve this request with a limit of two 6-ounce margaritas, with best practices, and that the bartender be advised on the composition of alcohol in the margaritas.

Councilor Maestas said and this would allow the mixing of beer and margaritas, but the overall limit on margaritas would be 2, with the 3 drink maximum. He doesn't like the idea of mixing the drinks. He said the neighborhood is concerned about the additional event in terms of alcohol and the noise.

Councilor Trujillo asked Mr. Ortiz to comment on whether the Fiesta Council would compromise on other things.

Mr. Ortiz said he wants to maintain the best practices. He said he is amenable to whatever the Council decides. He said he has been in the neighborhood, and the neighborhood are very happy that it is an early event and being cut-off at 10:00 p.m., so the noise won't bother them, and we're not blocking the streets. He has met with the neighborhoods and they seem to like it. He said they are looking at a maximum of 5,000 people, probably about 2,000, noting this is the first year.

**MOTION TO AMEND:** Councilor Maestas moved to amend the motion to provide that we not allow the mixing and that we limit margaritas to 2, and if they commit to margaritas, they stay on margaritas. **THE MOTION DIED FOR LACK OF A SECOND.**

Responding to Councilor Trujillo, Ms. Mann-Lev said, "Generally, the way margaritas are made, one margarita is equivalent to 2-3 standard drinks as they are currently made. You would have to adjust the recipe, so I think you're wise to have smaller containers, because people like to insert more alcohol. So I think it's easier with 6-ounces to make it equivalent to one standard drink. I think it may still be challenging for the bartenders."

**VOTE:** The motion failed on the following Roll Call vote:

**For:** Councilor Trujillo.

**Against:** Councilor Maestas and Acting Chair Rivera.

**Explaining his vote:** Councilor Rivera said, "I think it's not an easy decision. These are the days like the Mayor said when you wonder why you ran for Council. I'm going to vote no, because it doesn't follow the best practices as recommended by Shelley and her group. I'm not opposed to this. I'm not opposed to the beer and the wine. The margaritas throws a whole different element into it, and I think if it was just two margaritas, or 3 beers or 3 glasses of wine I would be probably a little more comfortable with that. So that's my vote."

**MOTION:** Councilor Maestas moved, seconded by Councilor Trujillo, to approve this request and allow the serving of margaritas in addition to beer and wine, and that the beer and wine be subject to the established best practices, but there be a limit of two margaritas and that there be no mixing of beer or wine with the margaritas.

**DISCUSSION:** Councilor Trujillo said he will second the motion because he wants this to move forward.

**VOTE:** The motion was approved unanimously on a voice vote.

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**END OF CONSENT CALENDAR DISCUSSION**  
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**25. 2008 PARKS BOND UPDATE. (OSCAR RODRIGUEZ)**

- A. **FINAL ACCOUNTING REPORT PURSUANT TO RESOLUTION 2015-50 – 2008 PARK BOND.  
PUBLIC HEARING**
- B. **2008 PARKS BOND PROGRAM**
- C. **PRESENTATION BY THE STATE AUDITOR'S OFFICE REGARDING SCOPE OF WORK FOR NEW AUDIT OF 2008 PARKS BOND PROGRAM.**

Items 25(A), (B) and (C) are postponed to the Finance Committee meeting of August 17, 2015.

**26. RECOMMENDATIONS AND DRAFT of 2017-2021 INFRASTRUCTURE CAPITAL IMPROVEMENTS PLAN (ICIP). (ISAAC PINO)**

A copy of *Projects Funded to Date*, prepared and distributed by staff, is incorporated herewith to these minutes as Exhibit "5."