

City of Santa Fe, New Mexico

LEGISLATIVE SUMMARY

Bill No. 2016-15

Alcohol at Ft. Marcy (Wine)

SPONSOR(S): Councilors Trujillo, Lindell and Ives

SUMMARY: The proposed bill relates to the sale and consumption of alcohol on city property; amending Subsection 23-6.2 SFCC 1987 to authorize the sale and consumption of wine only in the areas designated for concessions and seating at Fort Marcy ballpark in accordance with state and local laws and regulations.

PREPARED BY: Jesse Guillen, Legislative Liaison

FISCAL IMPACT: No

DATE: March 22, 2016

ATTACHMENTS: Bill
FIR

1 CITY OF SANTA FE, NEW MEXICO

2 BILL NO. 2016-15

3 INTRODUCED BY:

4
5 Councilor Ronald S. Trujillo

6 Councilor Signe I. Lindell

7 Councilor Peter N. Ives

8
9
10 AN ORDINANCE

11 RELATING TO THE SALE AND CONSUMPTION OF ALCOHOL ON CITY PROPERTY;
12 AMENDING SUBSECTION 23-6.2 SFCC 1987 TO AUTHORIZE THE SALE AND
13 CONSUMPTION OF WINE ONLY IN THE AREAS DESIGNATED FOR CONCESSIONS
14 AND SEATING AT FORT MARCY BALLPARK IN ACCORDANCE WITH STATE AND
15 LOCAL LAWS AND REGULATIONS.

16
17 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

18 Section 1. Subsection 23-6.2 SFCC 1987 (being Ord. #2012-20) is amended to

19 Read:

20 23-6.2 Permitted Locations for the Sale and Consumption of Alcohol on City Property.

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

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

25 B. That area of the Santa Fe municipal airport main terminal building and adjacent areas

1 operated as a restaurant; and

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

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

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

8 (a) Persons desiring to consume beer or wine shall be required to wear a
9 wristband that restricts consumption to a maximum of three (3) twelve (12) ounce
10 beers or three (3) four (4) ounce glasses of wine during the course of a professional
11 baseball game, or any combination of beer and wine not to exceed a total of three (3)
12 beverages per person.

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

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

17 (iii) Twelve (12) ounce beverage containers shall be used for
18 beer.

19 (iv) Four (4) ounce beverage containers shall be used for wine.

20 (~~i~~v) Alcoholic beverage containers shall be distinguishable from
21 nonalcoholic beverage containers.

22 (b) The sale of beer and wine shall terminate at the end of sixth inning of
23 the professional baseball game.

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

1 (d) A manager of the alcohol vendor shall be present at all times in the
2 concession area. A photograph of the manager and his or her name shall be posted at
3 the point of sale of alcoholic beverages. At all times, the manager shall wear a
4 nametag that identifies him or her as the manager.

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

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

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

11 E. An area of Fort Marcy ballpark, designated as a beer, wine and margarita garden, and
12 permitted in accordance with all city and state requirements, may be used for the sale and
13 consumption of beer and wine during the fiesta council mariachi extravaganza concert, if a valid
14 permit is acquired from the city of Santa Fe. The event sponsor shall comply with the requirements of
15 subsection 23-6.3 SFCC 1987, except that alcohol content may exceed the allowable limit to permit
16 the sale of margaritas. Margaritas must contain no more than one and one-half (1.5) ounces of alcohol
17 per drink, and shall be served in six (6) ounce beverage cups. Any alcoholic beverage served shall not
18 be greater in size or alcohol content than the generally accepted standard drink. Purchases of
19 margaritas are limited to two (2) per person, and shall be regulated by all conditions provided in
20 subsection 23-6.3 SFCC 1987. Consumers shall either consume only margaritas, or wine and beer,
21 but shall not consume a combination of margaritas and wine or beer. Alcohol providers shall follow
22 best practices at all times. This section shall be reviewed by the governing body within one (1) year
23 from the date of adoption.

24 F. An area of the Railyard park, designated as a beer garden and permitted in
25 accordance with all city and state requirements, may be used for the sale and consumption of beer and

1 wine, during the bike and brew festival if a valid permit is acquired from the Santa Fe railyard
2 community corporation. This section shall be reviewed by the governing body within one (1) year
3 from the date of adoption.

4 G. Buildings owned by another party located on land owned by the city.

5 H. On land or buildings owned by the city for which the city has entered into a lease
6 with another party for six (6) months or more except for the Railyard Park, Plaza and Alameda (as
7 defined in the Deed of Conservation Easement dated October 1, 2004) where alcohol is prohibited.

8 I. In or on railroad cars located on railroad tracks except as prohibited by state or
9 federal law.

10 All other applicable approvals required by state or city laws and regulations shall be obtained
11 prior to the sale or consumption of alcoholic beverages on the property described in this subsection
12 23-6.2.

13 **Section 2. Review.** The provisions of this Ordinance shall be reviewed one year from
14 the effective date of this Ordinance.

15
16 APPROVED AS TO FORM:

17 

18
19 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: X Resolution: _____

(A single FIR may be used for related bills and/or resolutions)

Short Title(s): AN ORDINANCE RELATING TO THE SALE AND CONSUMPTION OF ALCOHOL ON CITY PROPERTY; AMENDING SUBSECTION 23-6.2 SFCC 1987 TO AUTHORIZE THE SALE AND CONSUMPTION OF WINE ONLY IN THE AREAS DESIGNATED FOR CONCESSIONS AND SEATING AT FORT MARCY BALLPARK IN ACCORDANCE WITH STATE AND LOCAL LAWS AND REGULATIONS.

Sponsor(s): Councilors Trujillo, Lindell and Ives

Reviewing Department(s): City Attorney's Office

Persons Completing FIR: Alfred Walker/Jesse Guillen Date: 3/10/16 Phone: x6967/x6518

Reviewed by City Attorney: Kelly A. Brennan Date: 3/11/16
(Signature)

Reviewed by Finance Director: [Signature] Date: 3-14-2016
(Signature)

Section B. Summary

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

This bill would amend the provision permitting the sale of alcohol at Fort Marcy ballpark to include the sale of wine. Currently only beer is available during baseball games, and this bill would allow for the sale of wine in accordance with existing regulations.

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 _____	"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.

None identified.

2. Consequences of Not Enacting This Bill/Resolution:

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

Status quo of serving beer only at Fort Marcy Ballpark.

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 identified.

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 this bill would permit the sale of wine, in addition to beer, at Fort Marcy Ballpark.
