

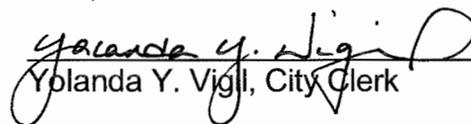


# City of Santa Fe, New Mexico

# memo

DATE: March 23, 2016  
TO: Mayor Gonzales & City Councilors

VIA:   
Brian K. Snyder, City Manager

FROM:   
Yolanda Y. Vigil, City Clerk

## **ITEM & ISSUE**

Request from the National Dance Institute of New Mexico (NDI NM) for a waiver of the 300 foot location restriction and approval to allow the dispensing/consumption of alcoholic beverages at the NDI NM Dance Barns (Parking Lot), 1140 Alto Street, which is within 300 feet of Aspen Community Magnet School, 450 La Madera and La Comunidad De Los Ninos, 1121 Alto Street.

## **BACKGROUND AND SUMMARY**

Pursuant to §60-6B-10 NMSA 1978, a request from NDI New Mexico for a waiver of the 300 foot location restriction has been submitted to allow the dispensing/consumption of alcoholic beverages at their Annual Gala. This event will be held on Saturday, May 7, 2016 from 4:30 p.m. to 11:00 p.m.

Attached are letters from Principal David Nez, Aspen Community Magnet School, and Carl Gruenler, Santa Fe Public Schools, stating that they will refrain from issuing a decision regarding opposition or non-opposition to this request. Also attached is a letter of no opposition from Jo Lynne Catanach, PMS Children's Services (La Comunidad de Los Ninos).

## **ACTION REQUESTED**

I hereby request that the City Council indicate its decision on the request for a waiver of the 300 foot location restriction and approval to allow the dispensing/consumption of alcoholic beverages on May 7, 2016 from 4:30 p.m. to 11:00 p.m. at the NDI NM Dance Barns (Parking Lot), 1140 Alto Street.

Attachments: Letter/Applicant  
Letter/Aspen Community Magnet School  
Letter /PMS Children's Services  
Letter/Santa Fe Public Schools  
Special Dispenser Permit Application  
§60-6B-10 NMSA 1978

**ALCOHOL & GAMING DIVISION | SPECIAL DISPENSER PERMIT APPLICATION** (\$60-6A-12 NMSA)

**FEE PER DAY:**  \$25.00 Private Event (Catered), No. of Days: 1  \$50.00 Public Event, No. of Days:        (ALL FEES ARE NON-REFUNDABLE)

A copy of all approved permits are sent to the Special Investigations Division of the Department of Public Safety, and DPS will request additional information, if needed.

**LICENSE HOLDER INFORMATION:** Liquor License # 476 Clear of Citations/Holds:  Yes  No Date Application Filed:       

Business Name (DBA): Kelly Liquor Barn Owner Name: YONGI JO Local Option District (LOD):         
Mailing Address: 2885 Cerrillos Rd City, State & Zip: Santa Fe, NM 87507  
Phone: 505 471 3960 Fax No.: 505 471 8199 Email Address:       

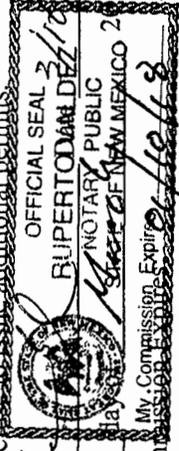
**EVENT INFORMATION:** Description and Name of Event NDI - NM 2016 GIALA Date(s) / Duration of Event: May 7, 2016  
Physical Address of Event and Name of Building or Business 1140 Alto Street

**Check all that apply:**  Indoor Event Only  Outdoor Event Only  Beer Garden  All Ages Event  
Time Event Begins: 4:00 PM Time Event Ends: 12:00 AM Total Number of Attendees Expected at Event: 500  
Time Alcohol Service Begins: 4:30 PM Time Alcohol Service Ends: 11:00 PM Total Number of Attendees Expected to Consume Alcohol: 475  
Security, describe: Arrow Protective Services Number of Security 9 Security Contact Name Trujillo Contact Telephone # 505 995 888

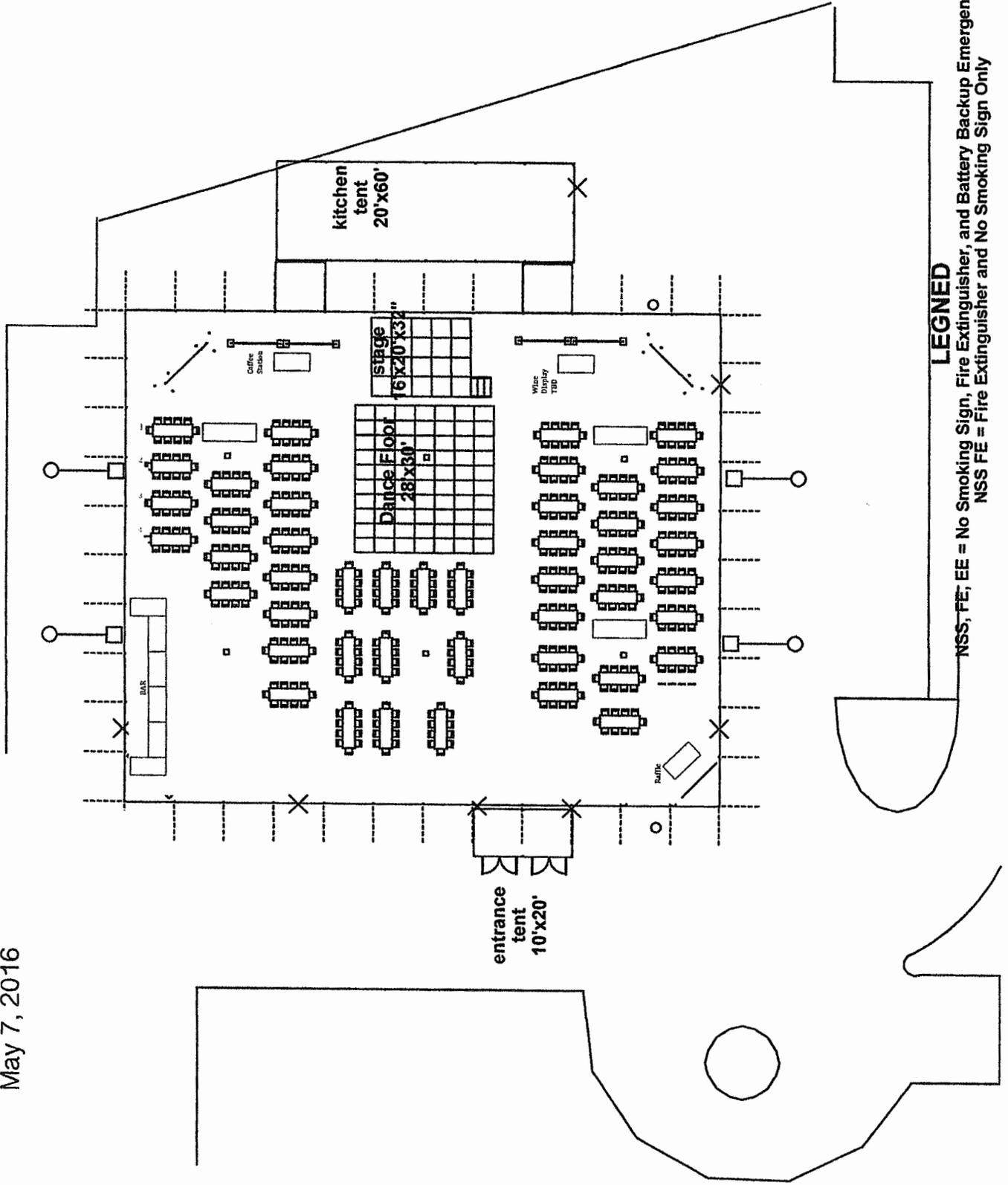
Note: Licensee's employee(s) assigned to work security, must work this exclusively and may not serve at the Event.  
**SPONSOR INFORMATION:** Sponsor of Event: NDI New Mexico Name of Contact: Felicia Ponca Phone: 505 670 6570  
**APPROVAL OF PROPERTY OWNER:** Print Name: Maria Wolfe Signature: Maria Wolfe Date: 3/16/16 Phone: 505 983-7646  
**NAME OF BUSINESS, and LOCATION OF PROPERTY:** NDI New Mexico | 1140 Alto St. Santa Fe, NM 87501 X-102

**LICENSE HOLDER & SERVER CERTIFICATION:** I, YONGI JO (Licensee) hereby certify that this application is signed by Licensee or authorized person under this License, that the Event is within the same Local Option District as the Dispenser's License and that Event is not within 300 feet of a church or school unless alcoholic beverages were sold there prior to July 1, 1981 or a waiver is obtained from the local governing body. I further certify that all persons providing the service of alcoholic beverages at the Event are currently Server Certified, that they are all my employees, and that ALL the information in this Application and the Attachments, is true and correct. Licensee Agrees that if any statements or representations herein are found to be false, the Director may refuse to issue additional permits.

*Must sign before a Notary:*  
Licensee Name (print) YONGI JO Signature [Signature]  
NOTARY: State of New Mexico, County of Santa Fe, Subscribed and Sworn to before me on this 16 day of March, 2016  
Signature of Notary Public: [Signature] Title: Notary Public My Commission Expires 10/13  
**LOCAL GOVERNING BODY APPROVAL:** Print Name:        Title:         
Signature        Date        Phone:        Fax:       



**ALCOHOL & GAMING DIVISION USE ONLY:** Application Must Include: Payment of Fees, per day (listed on top of page), Floor Plan - (w/photos) and Detailed Server List  
Approved by:        Date:         
Assigned Permit Number:        Approved Permit Sent on:        By:  Email  Fax



**LEGEND**

NSS, FE, EE = No Smoking Sign, Fire Extinguisher, and Battery Backup Emergency Exit Sign  
NSS FE = Fire Extinguisher and No Smoking Sign Only



# NDI NEW MEXICO

## TEACHING CHILDREN EXCELLENCE

March 17, 2016

Mayor Javier Gonzales  
Santa Fe City Councilors  
City of Santa Fe  
200 Lincoln  
Santa Fe, NM 87501

Dear Honorable Mayor Javier and City Councilors,

This letter is to request approval for a "Special Dispenser Permit" for the National Dance Institute of New Mexico (NDI NM's) Annual Gala on Saturday, May 7, 2016 at The Dance Barns, located at 1140 Alto Street, from 4:30pm to 11pm. This year's Gala, Rollin on the Rio, celebrates the rivers of the world and the importance of water conservation and education.

Attached are letters from Aspen Community Magnet School and Santa Fe Public Schools (SFPS) Carl Gruenler. In accordance with our letter to SFPS (also attached), NDI NM will:

- Only serve Host Liquor and non-alcoholic beverages;
- Provide proof of our General Liability Insurance, naming the district and licensee (Liquor Barn) of the Special Dispenser Permit as additional insured with limits of no less than \$2,000,000. Please note that the General Liability Insurance policy expiration date is 04/15/14, NDI New Mexico will provide proof of insurance renewal to the City Clerk no later than April 16, 2014;
- Show proof of Workers Compensation for the employees of the Lessee;
- And provide Auto Liability insurance, should the Lessee own any vehicles. Please note that NDI New Mexico does not own any vehicles, therefore proof of insurance is not required according to Jackee Munoz, Pom & Associates Insurance Broker for SFPS district.

We have contracted with Liquor Barn to hold the "Special Dispenser Permit" license. Liquor Barn will also provide licensed servers for alcohol service, during our "adults-only" dinner. The event will be held in an enclosed 100' x 120' tent, located in the parking lot at The Dance Barns.

This event is our largest fundraiser of the year, with an estimated 500 guests in attendance, in support of our In-school, Residency and After-school programs. This year NDI New Mexico will teach 9,500 elementary school children in 96 rural, urban and Native American programs hosted 34 communities in New Mexico.

The site-plan of the event identifying the location of the beverage station is enclosed. The location of our tent is within 300 ft. of the track and field property line from the Aspen Community Magnet School.

Arrangements have been made for our guests to park at The Dance Barns lower parking lot, Bicentennial Pool, Mary Esther Gonzales Senior Center, Aspen Community Magnet School and La Familia Medical Center parking lots. Our guests will be shuttled from the respective parking lots to The Dance Barns by Michael's Valet and Private Ride. Guests with a handicap permit will be permitted to park in designated areas in the upper lot of The Dance Barns. During this event we will provide 9 security officers to patrol the adjacent lots and at The Dance Barns from Arrow Security/Michael Trujillo, between 4:00pm and midnight.

NDI New Mexico's programs inspire children to work hard, never give up, do their personal best and be healthy. Our evaluations show that the result is a genuine sense of achievement and self-respect that can change the life of a child. NDI New Mexico is proud to align itself with community organizations that are leaders in education, health and arts that foster the development of children.

We appreciate your support to our request and thank you on behalf of the children of New Mexico.

Yours in teaching children excellence,



Russell Baker  
Executive Director

Enclosure(s)

cc: Yolanda Vigil, City Clerk  
Superintendent Joel Boyd, Santa Fe Public Schools  
Aline Harris-Ellis, Director of Development, NDI NM



March 15, 2016

Russell Baker, Executive Director  
NDI New Mexico  
C/O 1140 Alto Street  
Santa Fe, NM 87501

RE: NDI New Mexico Annual Gala

Dear Mr. Baker:

Thank you for your request of March 3, 2016 regarding the event to be held at The Dance Barns (1140 Alto Street, Santa Fe, New Mexico) on Saturday, May 7, 2016, from 4:30 pm – 11pm. Below are excerpts from the Santa Fe Public School District Board of Education Policy 623 "Certain Special Events within 300 Feet of District" adopted on December 18, 2012.

In accordance with the School Alcohol-Free Zone Act and NMAC 60-6B-10, the Santa Fe School District promotes and encourages an alcohol-free environment for District students and the District community, on school property, and within 300 feet of District property related to the functions of public schools.

The District will refrain from issuing a decision regarding opposition or non-opposition to the City of Santa Fe regarding special events where liquor will be sold consumed within 300 feet of school district property and instead will refer the City of Santa Fe to this policy.

Sincerely,

A handwritten signature in black ink, appearing to read "Carl Gruenler".

Carl Gruenler  
Deputy Superintendent for Business Operations  
Santa Fe Public Schools

C: Joel Boyd, Superintendent

# Aspen Community Magnet School



3/16/2016

To Whom It May Concern,

For your review, I have attached Santa Fe Public Schools' policy and position regarding your request. Aspen Community Magnet School supports Santa Fe Public Schools' position on this matter.

The board policy, attached, states the board will refrain from opposing or supporting.

**Certain Special Events Within 300 Feet of District 623 Santa Fe Public Schools  
Adopted December 18, 2012 Board of Education Policy Manual** ©Walsh, Anderson, Gallegos,  
Green and Trevino P.C. 2012

The Board adopts this policy in order to promote uniformity and efficiency in responding to requests from the City of Santa Fe regarding the District's opposition or non-opposition to special events where liquor will be sold and consumed within 300 feet of school district property. In accordance with the School Alcohol-Free Zone Act and NMAC 60-6B-10, the District promotes and encourages an alcohol-free environment for District students and the District community, on school property, and within 300 feet of District property related to the functions of a public school.

The District will refrain from issuing a decision regarding opposition or non-opposition to the City of Santa Fe regarding special events where liquor will be sold or consumed within 300 feet of school property and instead will refer the City of Santa Fe to this policy.

**Legal Reference:** NMSA 1978, §§22-5A-3 (2005), 60-6B-10 (1997). Santa Fe, N.M. Code §§ IV, XXIII-SFCC 1978.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'David Nez', written over a horizontal line.

Client#: 124530

NATIDANC

**ACORD**<sup>TM</sup>

**CERTIFICATE OF LIABILITY INSURANCE**

DATE (MM/DD/YYYY)

4/01/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> HUB International Ins Svcs Inc P.O.Box 5080 Santa Fe, NM 87502 505 982-4296 CA Lic #0757776	<b>CONTACT NAME:</b> Susan Carr <b>PHONE (A/C, No, Ext):</b> 505-982-4296 <b>E-MAIL ADDRESS:</b> susan.carr@hubinternational.com	<b>FAX (A/C, No):</b> 866-621-0427
	<b>INSURER(S) AFFORDING COVERAGE</b>	
<b>INSURER A:</b> Riverport Insurance Company		36684
<b>INSURED</b> National Dance Institute of New Mexico Inc 1140 Alto Street Santa Fe, NM 87501		

**COVERAGES**

**CERTIFICATE NUMBER:**

**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR GENL AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	X	RIC0014267	04/15/2015	04/15/2016	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$100,000 MED EXP (Any one person) \$5,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$3,000,000 PRODUCTS - COMP/OP AGG \$3,000,000 \$
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS		RIC0014267	04/15/2015	04/15/2016	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENT ON \$ \$0.		REL0014268	04/15/2015	04/15/2016	EACH OCCURRENCE \$5,000,000 AGGREGATE \$5,000,000 \$ WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A			

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

GALA EVENT: May 16, 2015 at Dance Barns, Santa Fe NM

**CERTIFICATE HOLDER**

**CANCELLATION**

Santa Fe Public Schools  
 610 Alta Vista  
 Santa Fe, NM 87505

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

*Robert L. Madsen*

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Client#: 124530

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CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 4/01/2015

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PRODUCER: HUB International Ins Svcs Inc, P.O.Box 5080, Santa Fe, NM 87502, 505 982-4296 CA Lic #0757776. CONTACT NAME: Susan Carr, PHONE (A/C, No, Ext): 505-982-4296, FAX (A/C, No): 866-621-0427, E-MAIL ADDRESS: susan.carr@hubinternational.com. INSURER(S) AFFORDING COVERAGE: INSURER A: Riverport Insurance Company, NAIC #: 36684.

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

Table with columns: INSR LTR, TYPE OF INSURANCE, ADDL INSR, SUBR WVD, POLICY NUMBER, POLICY EFF (MM/DD/YYYY), POLICY EXP (MM/DD/YYYY), LIMITS. Rows include: A GENERAL LIABILITY (Commercial General Liability, \$1,000,000), A AUTOMOBILE LIABILITY (Any Auto, Hired Autos, \$1,000,000), A UMBRELLA LIAB (Excess Liab, \$5,000,000), and WORKERS COMPENSATION AND EMPLOYERS' LIABILITY.

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

CERTIFICATE HOLDER: Liquor Barn Fine Wine Shop, 2885 Cerrillos Road, Santa Fe, NM 87507. CANCELLATION: SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE: Robert A. Muebeck



Client#: 124530

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DATE (MM/DD/YYYY)

4/01/2015

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PRODUCER: HUB International Ins Svcs Inc, P.O.Box 5080, Santa Fe, NM 87502, 505 982-4296 CA Lic #0757776. CONTACT NAME: Susan Carr, PHONE: 505-982-4296, FAX: 866-621-0427, E-MAIL ADDRESS: susan.carr@hubinternational.com. INSURER(S) AFFORDING COVERAGE: INSURER A: Riverport Insurance Company, NAIC #: 36684.

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Table with columns: INSR LTR, TYPE OF INSURANCE, ADDL SUBR INSR WVD, POLICY NUMBER, POLICY EFF (MM/DD/YYYY), POLICY EXP (MM/DD/YYYY), LIMITS. Rows include General Liability, Automobile Liability, Umbrella Liability, and Workers Compensation.

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

EVENT: 2015 Gala
Certificate Holder named Additional Insured as respects General Liability Insurance per attached policy form RPCG7412 0805

CERTIFICATE HOLDER

CANCELLATION

Walter Burke Catering
P O Box 914
Santa Fe, NM 87504

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Robert A. Mackoch

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**60-6B-10. Locations near church or school; restrictions on licensing.**

No license shall be issued by the director for the sale of alcoholic beverages at a licensed premises where alcoholic beverages were not sold prior to July 1, 1981 that is within three hundred feet of any church or school. A license may be granted for a proposed licensed premises if the owner or lessee has, prior to establishment of a church or school located within three hundred feet of the proposed licensed premises, applied for, been granted and maintained a valid building permit for the construction or renovation of the proposed licensed premises and has filed on a form prescribed by the director a notice of intention to apply for transfer of a license to the proposed licensed premises. A license may be granted for a proposed licensed premises if a person has obtained a waiver from a local option district governing body for the proposed licensed premises. For the purposes of this section, all measurements taken in order to determine the location of licensed premises in relation to churches or schools shall be the straight line distance from the property line of the licensed premises to the property line of the church or school. This provision shall not apply to any church that has been designated as an historical site by the cultural properties review committee and which does not have a regular congregation.