

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

2 **RESOLUTION NO. 2021-64**

3 **INTRODUCED BY:**

4
5 Mayor Alan Webber

6 Councilor Signe I. Lindell

7 Councilwoman Renee Villarreal

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10 **A RESOLUTION**

11 **EXTENDING THE TIME PERMITTED FOR THE TEMPORARY USE OF CITY**
12 **SIDEWALKS, STREETS, RIGHTS-OF-WAY, OR OTHER SPECIFIED PROPERTY FOR**
13 **THE SALE AND CONSUMPTION OF ALCOHOL, PURSUANT TO SECTION 23-**
14 **6.1(E)(5), SFCC 1987.**

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16 **WHEREAS**, as a result of the COVID-19 pandemic, increased outdoor seating at
17 restaurants became a strategy for social distancing and economic survival;

18 **WHEREAS**, as a result of the demand for larger footprint alcohol service permits that
19 included increased outdoor spaces, the New Mexico Regulation and Licensing Department,
20 Alcoholic Beverage Control Division (“RLD/ABC”) began issuing temporary permits to
21 restaurants that were scheduled to expire on October 31, 2021;

22 **WHEREAS**, on June 24, 2020, the Governing Body of the City of Santa Fe also took steps
23 to allow the increased use of outdoor areas for alcohol service when it adopted Ordinance No. 2020-
24 14, which permitted the use of any City sidewalk, street, right-of-way, or other specified property
25 for the sale and consumption of alcohol as a result of restrictions imposed to suppress the spread of

1 COVID-19; and

2 **WHEREAS**, the initial right to use City property for the sale of alcohol was set to expire
3 on October 31, 2020, but the Governing Body later adopted Ordinance No. 2020-28, which
4 extended the permitted sales through October 31, 2021, in line with the State’s known timeline;
5 and

6 **WHEREAS**, the Governing Body also amended its ordinance to allow sales of alcohol on
7 land that is leased for fewer than six months, in addition to land leased for longer than six months,
8 with the goal that restaurants interested in continuing outdoor dining would negotiate leases with
9 the City for either short-term, seasonal, or long-term use of the City’s property;

10 **WHEREAS**, on October 26, 2021, RLD/ABC extended the expiration date of its
11 temporary increased license program by six months, ending April 31, 2022; and

12 **WHEREAS**, as of October 26, 2021, no leases have been negotiated to replace the short-
13 term permits, but restaurants desire to continue their use of city property and to continue alcohol
14 service; and

15 **WHEREAS**, Section 23-6.1(E)(5) states that its term may be extended either by the
16 adoption of an ordinance or a resolution; and

17 **WHEREAS**, the continued demand for social distancing and outdoor seating, and the
18 unpredictability of the COVID-19 pandemic and its impact on daily life, necessitates the extension
19 of the permitted use of City sidewalks, streets, rights-of-way, or other specified property for the
20 sale and consumption of alcohol.

21 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
22 **CITY OF SANTA FE** that the expiration date for the use of City sidewalks, streets, rights-of-way,
23 or other specified property as specified in Section 23-6.1(E) SFCC 1987 is hereby extended to
24 allow negotiation of leases and shall expire when the RLD/ABC Division ceases to permit the use
25 of a temporary change/expansion of liquor license premises for the sale and consumption of

1 alcohol.

2 PASSED, APPROVED, and ADOPTED this 10th day of November, 2021.

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ALAN WEBBER, MAYOR

7 ATTEST:

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10 KRISTINE MIHELICIC, CITY CLERK

11 APPROVED AS TO FORM:

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14 ERIN K. McSHERRY, CITY ATTORNEY

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25 *Legislation/2021/Resolutions/2021-64 Extension for Alcohol Consumption on City Property*

FISCAL IMPACT REPORT

General Information:

(Check) Bill: _____ Resolution: X

Short Title(s): Extension for Alcohol Consumption on City Property

Sponsor(s): Mayor Webber and Councilor Lindell

Reviewing Department(s): TOURISM Santa Fe

Staff Completing FIR: Randy Randall Date: 11/4/21 Phone: 955-

Reviewed by City Attorney: *Eric McCreary* Date: Nov 5, 2021

Reviewed by Finance Director: *Mary McCoy* Date: Nov 5, 2021

Summary:

The proposed Resolution extends the time permitted for the temporary use of City sidewalks, streets, rights-of-way, or other specified property for the sale and consumption of alcohol. Section 23-6.1(E)(5) allows the such an extension by the adoption of either a resolution or ordinance. The proposed extension will expire when the Regulation and Licensing Department, Alcoholic Beverage Control Division, ceases to permit the use of a temporary change/expansion of liquor licensed premises for the sale and consumption of alcohol. The Governing Body could also end the extension by rescinding this Resolution, should it be adopted.

Departments Affected:

TOURISM Santa Fe, City Clerk, Planning and Land Use, and Community and Economic Development

Consequences of Not Enacting Legislation:

Those restaurants that currently utilize City rights-of-way as a temporary expansion of their licensed premises would no longer be able to do so. This could have negative economic consequences for local restaurants.

Conflict, Duplication, Companionship, or Relationship to Other Legislation:

This Resolution relates to Ordinance No. 2020-14 that originally permitted the use of City rights-of-way for the same and consumption of alcohol through October 31, 2020 and Ordinance No. 2020-28 that extended the expiration date to October 31, 2021.

Performance and Administrative Implications:

Fiscal Implications:

As of October 26, 2021 no leases have been negotiated to replace the short-term permits. It is unknown what the fiscal impact would be for any leases signed with establishments wishing to continue the use of City property for the sale and consumption of alcohol.

Fiscal Impact

_____ Check here if no fiscal impact

Expenditures

Expenditure Type	FYE ___	FYE ___	FYE ___	Require BAR (Y/N)	Recurring (R) or Non-recurring (NR)	Fund	3-Year Total Cost
<u>Personnel and Benefits*</u>	\$ _____	\$ _____	\$ _____	_____	_____	_____	_____
<u>Capital Outlay</u>	\$ _____	\$ _____	\$ _____	_____	_____	_____	_____
<u>Contractual/</u>	\$ _____	\$ _____	\$ _____	_____	_____	_____	_____
<u>Professional Services</u>							
<u>Operating</u>	\$ _____	\$ _____	\$ _____	_____	_____	_____	\$ _____
<u>Total:</u>	\$ _____	\$ _____	\$ _____				\$ _____

* This includes all staff time associated with executing the job functions of the proposed legislation.

Expenditure Narrative:

Revenue

Revenue Type	FYE ___	FYE ___	FYE ___	Recurring (R) or Non-recurring (NR)	Fund
General Fund	\$ _____	\$ _____	\$ _____	_____	_____
Special Revenue	\$ _____	\$ _____	\$ _____	_____	_____
CIP	\$ _____	\$ _____	\$ _____	_____	_____
Enterprise	\$ _____	\$ _____	\$ _____	_____	_____
Internal Service	\$ _____	\$ _____	\$ _____	_____	_____
Trust and Agency	\$ _____	\$ _____	\$ _____	_____	_____
Federal	\$ _____	\$ _____	\$ _____	_____	_____
Other	\$ _____	\$ _____	\$ _____	_____	_____
Total	\$ _____	\$ _____	\$ _____		

Revenue Narrative:
