



City of Santa Fe, New Mexico

memo

DATE: March 2, 2015

TO: Mayor Gonzales & City Councilors

VIA: 
Briant 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.

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 16, 2015 from 4:30 p.m. to 11:00 p.m.

Attached are letters from Principal Gerard M. Flores, 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.

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 16, 2015 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/Santa Fe Public Schools
Special Dispenser Permit Application
§60-6B-10 NMSA 1978



NDI NEW MEXICO

TEACHING CHILDREN EXCELLENCE

February 10, 2015

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

Dear Honorable Mayor Gonzales and City Councilors,

This letter is to request approval for a "Special Dispenser Permit" for the National Dance Institute of New Mexico (NDI-NM) Annual Gala on Saturday, May 16, 2015 at The Dance Barns, located at 1140 Alto Street, from 4:30pm to 11pm. This year's Gala celebrates literacy and our theme is Imagine the Possibilities.

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 (KellysLiquor 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 04/15/15, NDI New Mexico will provide proof of insurance renewal to the City Clerk no later than April 21, 2015;
- 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 Kellys 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 100x120 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 7,400 elementary school children from 82 schools in 33 rural, urban and Native American communities in New Mexico, with 1,680 students from Santa Fe.

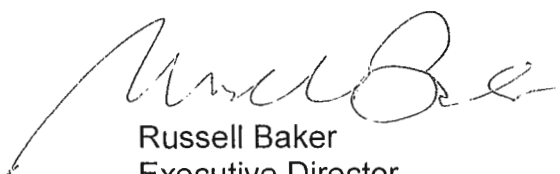
The site-plan of the event identifying the location of the beverage station is enclosed. The location of our tent is within 300 ft. of the track and field property line from the Aspen Community Magnet School.

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 nine security officers to patrol the adjacent lots and at The Dance Barns from Arrow Protective Security / Delores 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

Client#: 124530

NATIDANC

ACORDTM

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

4/22/2014

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).

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
INSURED National Dance Institute of New Mexico Inc 1140 Alto Street Santa Fe NM 87501		INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	

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 INSR	SUBR 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 GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	X		RIC0013841	04/15/2014	04/15/2015	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 ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			RIC0013841	04/15/2014	04/15/2015	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$0			REL0013842	04/15/2014	04/15/2015	EACH OCCURRENCE \$5,000,000 AGGREGATE \$5,000,000 \$ WC STATUTORY LIMITS OTHER 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? <input type="checkbox"/> Y/N (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)
 Certificate Holder named Additional Insured as respects General Liability Insurance per attached policy form RPCG7412/0805.

CERTIFICATE HOLDER City of Santa Fe P O Box 909 Santa Fe, NM 87504	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 <i>Robert J. Machock</i>
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ACORD™

Client#: 124530

NATIDANC

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 4/01/2014

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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).

PRODUCER: HUB International Ins Svcs Inc, Santa Fe, NM 87502. CONTACT NAME: Susan Carr, PHONE: 505-982-4296, FAX: 866-621-0427, E-MAIL ADDRESS: susan.carr@hubinternational.com. INSURER(S) AFFORDING COVERAGE: 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 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) Certificate Holder named Additional Insured as respects General Liability Insurance per attached policy form RPCG7412 0805

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. Masbeck

Aspen Community Magnet School



2/2/2015

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 Treviño, 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 district 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 read 'Gerard M. Flores', written in a cursive style.

Gerard M. Flores



January 29, 2015

Mr. Russell Baker, Executive Director
NDI New Mexico
1140 Alto Street
Santa Fe, NM 87501

Dear Mr. Baker;

Thank you for your letter of January 23, 2015 requesting a one-time "Special Use Permit" for the NDI New Mexico Annual Gala to be held on Saturday, May 16, 2015 at The Dance Barns, located at 1140 Alto Street, from 4:30pm to 11:00pm. 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
Chief Business Officer
Santa Fe Public Schools

cc: Joel Boyd, Superintendent
Geno Zamora, SFPS Legal Counsel

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

Fee Per day: \$50.00 Public Event

\$25.00 Private Event (Catered) (all fees are non refundable)

A copy of all approved permits will be sent to the Special Investigations Division of the Department of Public Safety. They will notify you directly if they need additional information.

LICENSE HOLDER INFORMATION Liquor License # 476

Business Name (DBA) KELLY LIQUOR BARN Owner Name STAR INVESTMENT Local Option District SANTA FE, CITY
Mailing Address 2885 CERILLOS ROAD City, State & Zip 2885 CERILLOS RD. SANTA FE, NM 87507

Contact Telephone # 505 471-3960 Fax # 505-471-8199 Email Address LIQUORBARN @ QWESTOFFICE.NET

Circle those that apply - All Age Event - Beer Garden - Indoor/Outdoor Wrist Band / Stamps EVENT INFORMATION Event Begin Time 4:30pm End Time 11:00pm

Description and Name of Event NDI-NM GIALA Date(s) of Event 5/16/15 Alcohol Service Begin Time 4:30pm End Time 10:00pm

Physical Address of Event and Name of Building or Business 1140 Alto Street Number of Persons expected to Drink 450

Description of Security ARROW Protective Security Number of Security 9 Security Contact Name Delores Trujillo Contact Telephone # 505-995-8689

SPONSOR INFORMATION

Sponsor of Event NDI New Mexico Contact Name Felicia Ponca Contact Telephone # 505-670-6570

BUILDING/PROPERTY OWNER APPROVAL

Name (print) NDI New Mexico Signature [Signature] Telephone # 505-983-7646 Date 2/11/2015
Russell Baker

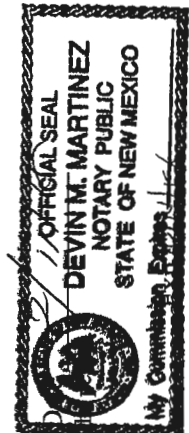
LICENSE HOLDER & SERVER CERTIFICATION: I, YANISIC JO (Licensee) hereby certify that this event is within the same local option district as the dispenser's license, that event is not within 300 Ft. of a church or school unless alcoholic beverages were sold there prior to July 1, 1981 or a waiver is obtained from the local governing body. I further certify that all persons providing the service of alcoholic beverages are server certified and that they are my employees and that ALL the information in this application is true and correct.

NOTE: List of servers including name, server permit # and server expiration date must be attached to permit application. Licensee agrees that if any statements or representations herein are found to be false, the director may refuse to issue additional permits.

Licensee Name (print) YANISIC JO Signature [Signature]
All profits derived from the sale of liquor will go only to the licensee.

NOTARY INFORMATION Only the owner or authorized person under this license may sign

Subscribed and Sworn before me this 11 day of Feb, 2015 Notary Public [Signature]



LOCAL GOVERNING BODY APPROVAL

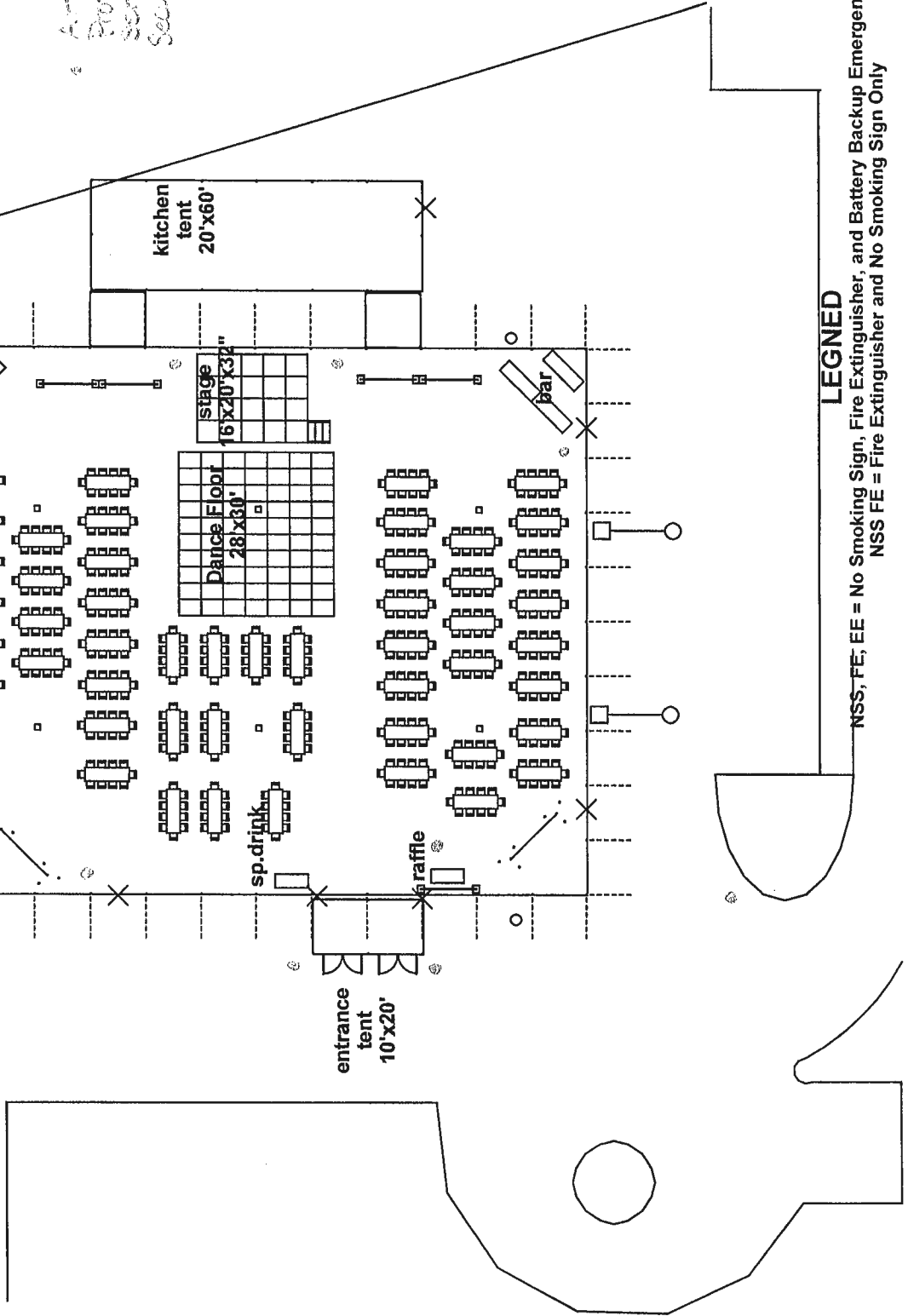
Print Name _____ Title _____ Date _____ Signature _____ Phone _____ Fax _____

ALCOHOL & GAMING DIVISION USE ONLY

Approved by: _____ Date _____ Permit Number _____
Attachments: 1) Floor plan - (Pictures) _____ 2) Fees per day (listed on top of page) _____ 3) Server information list _____

2014 Layout National Dance Institute Gala May 3th, 2014

48- 8'x30' banquet tables
480 chairs (10 chairs per table)



*Amputee
Prosthetic
Services
Security Guards*

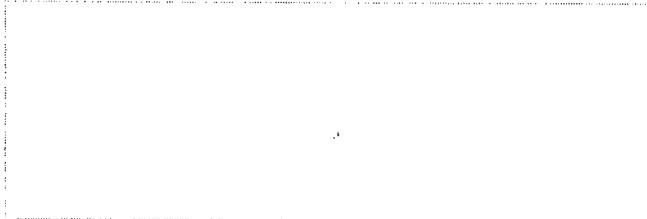
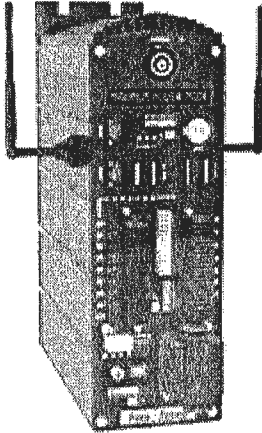
LEGEND

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



Map of:
1140 Alto St
Santa Fe, NM 87501-2461

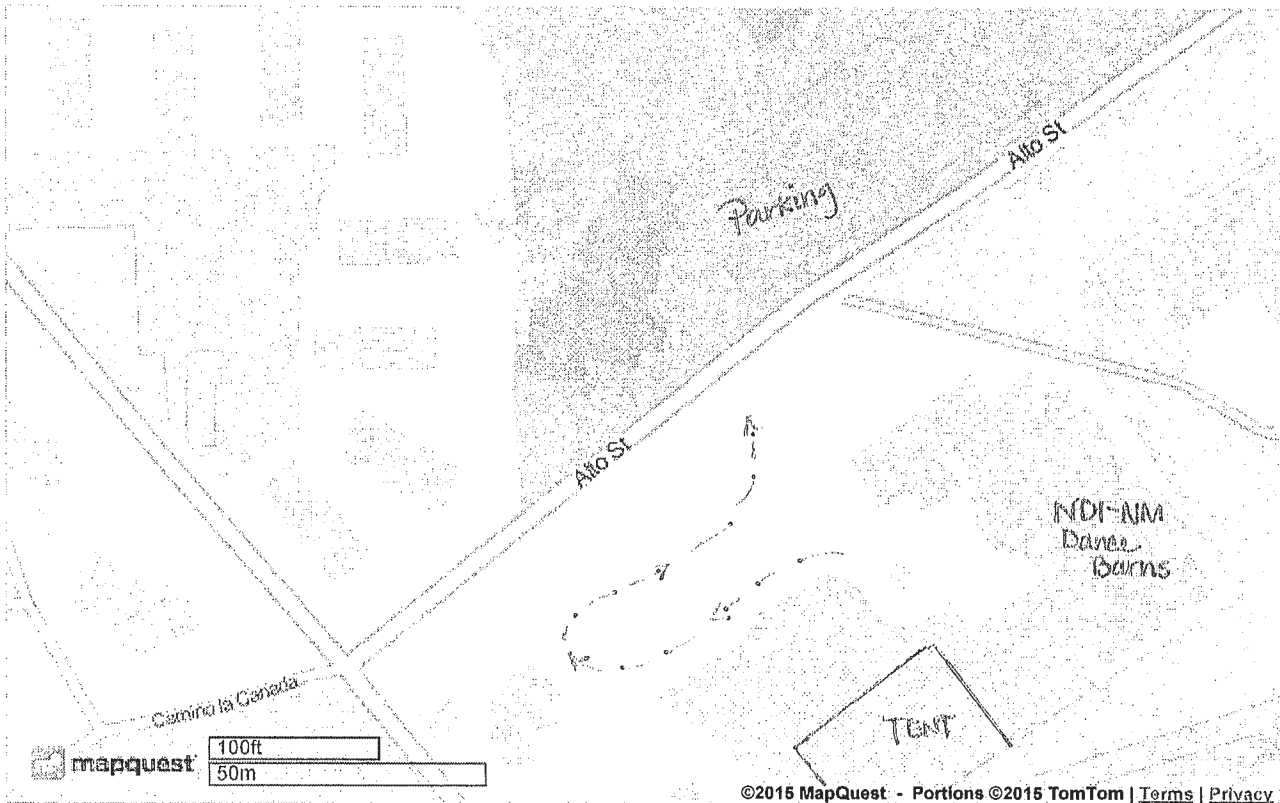
Notes

Power Companies Hate This!

Energy companies are terrified that people will learn how to produce Free Electricity for their homes using this unique device...

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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.