

**ACTION SHEET
ITEM FROM FINANCE COMMITTEE MEETING OF 03/21/16
FOR CITY COUNCIL MEETING OF 03/30/16**

ISSUE:

28. 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 Bike and Brew Event and Limit the Maximum Alcohol Content of Beer to Eight Percent. (Councilors Ives and Trujillo) (Kate Noble)

Committee Review:

Public Works Committee (approved)	02/22/16
City Business Quality of Life Committee (approved)	03/09/16
City Council (request to publish) (scheduled)	03/30/16
City Council (public hearing) (scheduled)	04/27/16

Fiscal Impact – No

FINANCE COMMITTEE ACTION:

Approved as consent item.

FUNDING SOURCE:

SPECIAL CONDITIONS OR AMENDMENTS

STAFF FOLLOW-UP:

VOTE	FOR	AGAINST	ABSTAIN
COUNCILOR VILLAREAL	X		
COUNCILOR IVES	X		
COUNCILOR LINDELL	X		
COUNCILOR HARRIS	X		
CHAIRPERSON DOMINGUEZ			

4-13-15

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, FEBRUARY 22, 2016**

ITEM 9

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 BIKE AND BREW EVENT; AND AMENDING SUBSECTION 23-6.3 TO PERMIT THE SALE OF BEER WITH A MAXIMUM ALCOHOL CONTENT OF EIGHT PERCENT (COUNCILORS IVES AND TRUJILLO) (KATE NOBLE)

PUBLIC WORKS COMMITTEE ACTION: Approved

FUNDING SOURCE:

SPECIAL CONDITIONS / AMENDMENTS / STAFF FOLLOW UP:

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

City of Santa Fe, New Mexico

LEGISLATIVE SUMMARY

Bill No. 2016-14

Bike and Brew – Fort Marcy

SPONSOR(S): Councilors Ives and 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 Bike and Brew event and limit the maximum alcohol content of beer to eight percent.

PREPARED BY: Rebecca Seligman, Legislative Liaison Assistant

FISCAL IMPACT: No

DATE: March 22, 2016

ATTACHMENTS: Bill
FIR

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

2 **BILL NO. 2016-14**

3 **INTRODUCED BY:**

4
5 Councilor Peter N. Ives

6 Councilor Ronald S. Trujillo

7
8
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 BIKE AND**
13 **BREW EVENT AND LIMIT THE MAXIMUM ALCOHOL CONTENT OF BEER TO**
14 **EIGHT PERCENT.**

15
16 **BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:**

17 **Section 1. Subsection 23-6.2 SFCC 1987 (being Ord. #2012-20, as amended) is**
18 **amended to read:**

19 **23-6.2 Permitted Locations for the Sale and Consumption of Alcohol on**
20 **City Property.**

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

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

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

1 areas 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
4 be used for the sale and consumption of only beer 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
7 alcohol pursuant to the special dispenser permit.

8 (a) Persons desiring to consume beer shall be required to wear a
9 wristband that restricts consumption to a maximum of three (3) twelve (12)
10 ounce beers during the course of a professional baseball game.

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

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

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

18 (iv) Alcoholic beverage containers shall be distinguishable
19 from nonalcoholic beverage containers.

20 (b) The sale of beer shall terminate at the end of sixth inning of the
21 professional baseball game.

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

24 (d) A manager of the alcohol vendor shall be present at all times in
25 the concession area. A photograph of the manager and his or her name shall be

1 posted at the point of sale of alcoholic beverages. At all times, the manager shall
2 wear a nametag that identifies him or her as the manager.

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

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

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

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

23 F. An area of [~~the Railyard park~~]Fort Marcy ballpark, designated as a beer garden
24 and permitted in accordance with all city and state requirements, may be used for the sale and
25 consumption of beer and wine, during the bike and brew festival if a valid permit is acquired from

1 the city of Santa Fe [~~railyard community corporation~~]. For this event, maximum alcohol content
2 for beer shall not exceed eight percent (8%). This section shall be reviewed by the governing
3 body within one (1) year 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
8 prohibited, unless specifically permitted under subsection 23-6.2 SFCC 1987.

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

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

14
15 APPROVED AS TO FORM:

16
17  _____

18 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: _____

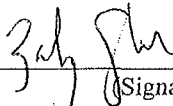
(A single FIR may be used for related bills and/or resolutions)

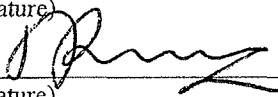
Short Title(s): AN ORDINANCE AMENDING SUBSECTION 23-6.2 SFCC 1987 TO PERMIT THE SALE AND CONSUMPTION OF ALCOHOL AT FORT MARCY BALLPARK FOR THE BIKE AND BREW EVENT AND LIMIT THE MAXIMUM ALCOHOL CONTENT OF BEER TO EIGHT PERCENT.

Sponsor(s): Councilor Ives

Reviewing Department(s): Economic Development Division

Persons Completing FIR: Kate Noble Date: 2/23/16 Phone: 955-6915

Reviewed by City Attorney:  Date: 2/23/16
(Signature)

Reviewed by Finance Director:  Date: 2-23-2016
(Signature)

Section B. Summary

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

This resolution would amend the permitted locations for sale and consumption of alcohol on city property to allow the Outside Bike and Brew festival to serve alcohol at Fort Marcy ballpark, and limits the alcohol content of the beer served to 8%, an increase from the current mandated limit of 5%. This bill amends a similar bill from last year that permitted the event at the Railyard park.

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.)

Not applicable.

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.

This bill would amend existing city code regarding locations and regulations for alcohol service.

2. Consequences of Not Enacting This Bill/Resolution:

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

The Outside Bike and Brew festival would not be permitted to serve alcohol at Fort Marcy ballpark, nor would the allowable alcohol content of beer increase from 5% to 8%. As a result, the Bike and Brew festival would not be able to use the facility and might decide not to hold the event in Santa Fe.

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.

The outdoor economy has been identified as a target sector for the city's economic development work. The Outside Bike and Brew Festival has become a premiere outdoor event which attracts athletes and outdoor companies from all over the country to participate. This is increasing awareness and exposure of Santa Fe as an outdoor destination and as a location for outdoor businesses. This will help diversify Santa Fe's economy in an area of natural advantage and will increase the number of tourists in a key off-season time.