

City of Santa Fe, New Mexico

LEGISLATIVE SUMMARY

Bill No. 2016-____

Bike and Brew – For 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 amends Subsection 23-6.3 to permit the sale of beer with a maximum alcohol content of eight percent.

PREPARED BY: Rebecca Seligman, Legislative Liaison Assistant

FISCAL IMPACT: No

DATE: February 2, 2016

ATTACHMENTS: Resolution
FIR

1 CITY OF SANTA FE, NEW MEXICO

2 BILL NO. 2016-__

3 INTRODUCED BY:

4
5 Councilor Peter N. Ives

6 Councilor Ronald S. Trujillo

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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 AMENDING SUBSECTION 23-6.3 TO PERMIT THE SALE OF
14 BEER WITH A MAXIMUM ALCOHOL CONTENT OF 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;

1 B. That area of the Santa Fe municipal airport main terminal building and adjacent
2 areas operated as a restaurant; and

3 C. The Marty Sanchez links de Santa Fe (golf course).

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

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

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

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

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

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

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

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

23 (c) In addition to alcoholic beverages, food and non-alcoholic
24 beverage 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
2 the concession area. A photograph of the manager and his or her name shall be
3 posted at the point of sale of alcoholic beverages. At all times, the manager shall
4 wear a 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
7 the concession area that indicate the illegality of selling, serving and providing
8 alcohol to minors and intoxicated persons.

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

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

1 F. An area of [~~the Railyard park~~]Fort Marcy ballpark, designated as a beer garden
2 and permitted in accordance with all city and state requirements, may be used for the sale and
3 consumption of beer and wine, during the bike and brew festival if a valid permit is acquired from
4 the city of Santa Fe [~~railyard community corporation~~]. This section shall be reviewed by the
5 governing body within one (1) year from the date of adoption.

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

7 H. On land or buildings owned by the city for which the city has entered into a lease
8 with another party for six (6) months or more except for the Railyard park, Plaza and Alameda (as
9 defined in the Deed of Conservation Easement dated October 1, 2004) where alcohol is
10 prohibited, unless specifically permitted under subsection 23-6.2 SFCC 1987.

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

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

16 **Section 2. Subsection 23-6.3 SFCC 1987 (being Ord. #2012-20) is amended to**
17 **read:**

18 **23-6.3 Regulations for the Sale and Consumption of Alcohol at City Parks;**

19 **Administration.**

20 A. When the governing body has authorized the sale and consumption of alcohol for
21 an event or events at a city park, pursuant to an amendment in subsection 23-6.2 SFCC 1987, the
22 event sponsor shall comply with the following regulations:

23 (1) Designated drinking area.

24 (a) The designated drinking area, with one main entrance/exit and a
25 mandatory buffer, to prevent the circulation of alcohol outside of the designated

1 drinking area, shall be illustrated on a diagram that shall be submitted to the city
2 manager or his designee, at least thirty (30) days before the event(s). The
3 diagram shall include the dimensions of the drinking area, the location of the
4 main entrance/exit, the height and width of the mandatory buffer, which shall be
5 at least five feet (5') high and five feet (5') wide, and the locations for the
6 placement of the advertising described in paragraph (4), below.

7 (b) The seating capacity in the designated drinking area shall be
8 comprised of no more than twenty-five percent (25%) of the seating capacity of
9 the event. The seating capacity of the designated drinking area shall be posted in
10 the designated drinking area.

11 (2) Alcohol provider. Alcohol providers shall comply with all applicable
12 state and local laws and shall:

13 (a) Obtain a special dispenser permit for beer and wine only that
14 shall be approved by the state of New Mexico and the city of Santa Fe.

15 (b) At the main entrance of the designated drinking area and at the
16 point of sale of alcohol, verify the age of each person so that underage persons
17 are prohibited from entering the designated drinking area or purchasing alcohol.

18 (c) Prohibit persons from leaving the designated drinking area with
19 alcoholic beverages;

20 (d) Ensure that alcohol servers are at least twenty-one (21) years old
21 and are licensed by the state.

22 (e) Ensure that a manager, who has been identified prior to the
23 event(s) by the event sponsor, is present at all times in the designated drinking
24 area. A photograph of the manager and his or her name shall be posted at the
25 point of sale of alcoholic beverages. At all times, the manager shall wear a

1 nametag that identifies him or her as the manager.

2 (f) Prohibit alcohol servers from drinking alcohol during the event.

3 (g) Place signs in the designated drinking area and outside the
4 designated drinking area that indicate the illegality of selling, serving and
5 providing alcohol to minors and intoxicated persons.

6 (3) Alcohol limits. The only allowable alcoholic beverages at permitted
7 event(s) are beer and wine.

8 (a) During the permitted event, only three (3) alcoholic beverages
9 per person are allowed. One (1) alcoholic beverage is "twelve (12) fluid ounces
10 of regular beer (~~5%~~a maximum of 8% alcohol)" or "four (4) fluid ounces of
11 wine (12% alcohol)."

12 (i) Twelve (12) ounce beverage cups shall be used for beer
13 and four (4) ounce beverage cups shall be used for wine.

14 (ii) For beer and wine tasting events, the total number of
15 tastes shall not exceed the two (2) alcoholic beverage limit described in
16 paragraph (a), above.

17 (iii) Alcoholic beverage cups shall be distinguishable from
18 nonalcoholic beverage cups.

19 (b) Nontransferable wristbands shall be issued to verify age and to
20 indicate the number of alcoholic beverages purchased.

21 (c) The purchase of alcoholic beverages shall be limited to one (1)
22 purchase per person at one (1) time.

23 (d) Alcohol service shall cease at least one (1) hour before the end of
24 the permitted event or for a baseball game at the end of the sixth inning.

1 (e) In addition to alcoholic beverages, food and non-alcoholic
2 beverage drinks shall be sold. Water shall be provided at no cost.

3 (4) Security. Security officers shall be hired and paid for by the event
4 sponsor(s).

5 (a) A minimum of two (2) security officers shall be stationed at the
6 main entrance/exit of the designated drinking area and shall be present at all
7 times the designated drinking area is in operation.

8 (b) A minimum of two (2) security officers shall monitor the parking
9 lots and other areas of the city park to ensure the alcohol is not being consumed
10 outside the designated drinking area.

11 (c) Security guards shall possess a current license issued by the New
12 Mexico Private Investigations Board as a level two security guard pursuant to the
13 Private Investigations Act, Chapter 61, Article 27B NMSA 1978, as may be
14 amended thereafter from time to time.

15 (5) Advertising.

16 (a) Advertising of alcohol or tobacco at any city park is prohibited.

17 (b) The event sponsor shall place banners in conspicuous locations
18 in the designated drinking area and throughout the park that:

19 (i) Display phone numbers and names of organizations that
20 provide free rides for intoxicated persons; and

21 (ii) Provide information about the effects of alcohol abuse.

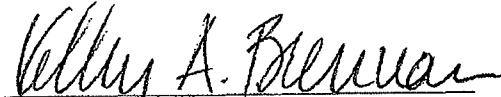
22 (c) The city manager or his designee shall approve the number of,
23 size and locations of the above-described banners.

24 B. *Administration.* The city manager or his designee shall ensure that:

1 (1) Authorized event sponsors are in compliance with the requirements of
2 this section.

3 (2) Any agreement in effect on the effective date of this section (adopted
4 May 30, 2012), shall be amended to comply with the requirements of this section.

5 APPROVED AS TO FORM:

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8 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 AMENDING SUBSECTION 23-6.3 TO PERMIT THE SALE OF BEER WITH A MAXIMUM ALCOHOL CONTENT OF EIGHT PERCENT.

Sponsor(s): Councilor Ives

Reviewing Department(s): Economic Development Division

Persons Completing FIR: Kate Noble Date: 1/28/16 Phone: 955-6915

Reviewed by City Attorney: *Kelley A. Brennan* Date: 2/2/16
(Signature)

Reviewed by Finance Director: *[Signature]* Date: 2-5-2016
(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. This bill amends a similar bill from last year that permitted the event at the Railyard park. Additionally, this bill amends the regulations for sale and consumption of alcohol by increasing the maximum permitted percentage a beer may contain from 5% to 8% to accommodate craft beer many of which are made in and around Santa Fe.

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)*

I. 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.
