

**City of Santa Fe, NM  
Regular Committee  
Monday, February 17, 2020  
5:00 PM – Finance Committee  
Council Chambers**

**AGENDA**

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. APPROVAL OF AGENDA**

**4. APPROVAL OF CONSENT AGENDA**

**5. APPROVAL OF MINUTES**

Regular Finance Committee Minutes - February 3, 2020

Item a

**6. EXECUTIVE SESSION (IF NECESSARY) - - In Accordance with the New Mexico Open Meetings Act, NMSA 1978, Section 10-15-1 (H) (6), Discussion in which the contents of competitive sealed proposals solicited pursuant to Procurement Code and discussed during the contract negotiation process**

**7. PRESENTATION**

- a. NM EDGE Schedule. (Mary McCoy, Finance Director, mtmccoy@santafenm.gov, 955-6171)

Item a

**8. CONSENT AGENDA**

- a. Request for the Approval of a Professional Services Agreement in the Total Amount of \$86,000.00 for evidence management software; Evidence OnQ. (Deputy Chief Ben Valdez, bpvaldez@santafenm.gov. 505-955-5040)

Item a

- b. Request for the Approval of a Professional Services Agreement in the Total Amount of \$93,987.93 for security system, alarm, and access control upgrades; HEI, Inc. (Deputy Chief Ben Valdez, bpvaldez@santafenm.gov. 505-955-5040)

Item b

- c. Request for the Approval of State Transportation Improvement Program grant application in the Total Amount of \$343,406 with the City's match at \$50,000 for SAFE ROUTE TO SCHOOLS, a programming grant to increase safe travel between home and schools, addressing Kindergarten through twelfth graders; New Mexico Department of Transportation. (Richard Thompson, Parks Division Director, rctompson@santafenm.gov, (505)955-2105)

Item c

Action Sheet

- d. Request for Conceptual Approval of the sale of a portion of a former irrigation ditch known as "Acequia de Loma" adjoining the northerly boundary of 807 Abeyta Street, containing approximately 281.07 square feet, by Jay Jay Shapiro, Donna Shapiro and Jack O'Bannon. (Edward Vigil, Property Manager, ejvigil@santafenm.gov, 955-6226)

Item d

## e. Request Approval of Amendments to Two Construction Services On Call Agreements:

- Request for Approval of Amendment #2 to the Construction Services On Call Agreement with GM Emulsion LLC, to Increase Compensation in the Amount of \$8,000,000.00 Exclusive of NMGR
- Request for Approval of Amendment #1 to the Construction Services On Call Agreement with EMCO LLC to Increase Compensation in the Amount of \$8,000,000.00 Exclusive of NMGR (Sarah Anderson, Engineering Supervisor 955-6672, smanderson@santafenm.gov)

## COMMITTEE REVIEW

Finance Committee (Scheduled)

02/17/2020

Governing Body (Scheduled)

02/26/2020

Item eItem eAction Sheet

- f. Request for Approval of the Cost Share Collection Agreement, 20-CS-11031000-02, Between the City of Santa Fe and the USDA, Forest Service (U.S. Forest Service) in the amount of \$240,000 Over Four Years for Reimbursement of Project Costs and Actual Expenses Incurred by the U.S. Forest Service In Accordance with the Goals and Recommendations within the 2013 Santa Fe Municipal Watershed Management Plan. (Alan G. Hook, 955-4205, aghook@santafenm.gov)

Item fAction Sheet

- g. Request for Approval of Voluntary Collection Agreement with Homeaway.com, Inc. for the collection of Lodgers Tax from short term rentals on all Homeaway and VRBO STR's, beginning March 1, 2020; (Randy Randall, rrandall@santafenm.gov, 955-6209)

Item gAction Sheet

- h. Request for Approval of a PSA with Trane U.S. \$525,693.38 for the Replacement of (4) Rooftop Air- Handlers (IntelliPaks) at the Convention Center / GSA -07F-0248K / 60-350-15-06287; (Randy Randall, rrandall@santafenm.gov, 955-6209)

Item hAction Sheet

- i. Request for the Approval of Contract Amendment No. 1 in the Total Amount of \$297,461.75 for Additional Scope to Professional Services Contract for Investment-Grade Energy Audit to Solarize City Facilities; Yearout Energy Services Company; (Caryn Grosse, clgrosse@santafenm.gov, 955-5938)

## Committee Review:

Finance Committee (Scheduled)

02/17/2020

Governing Body (Scheduled)

02/26/2020

Item iAction Sheet

- j. Request for Approval of Budget Amendment Resolution/ Budget Increase for electricity funds to cover two sets of Solar Panels and Electricity for daily operations for the Wastewater Treatment Plant in the total amount of 300,000.(Mike Dozier, Wastewater Division Director, mldozier@santafenm.gov, 955-4642)

Public Utilities Committee – 02/5/2020

Finance Committee – 02/17/2020

City Council – 02/26/2020

Item j

k. Consideration of Bill No. 2020-5: An Ordinance Amending the Land Development Code to Add a Definition for “Apothecary”; and to Amend the Definition of “Clinic”. (Councilors Abeyta and Lindell) (Eli Isaacson, Interim Director – Land Use Department, eaisaacson@santafenm.gov, 955-6830)

Committee Review:

Planning Commission (approved)	2/6/20
City Council (request to publish) (scheduled)	2/12/20
City Council (public hearing) (scheduled)	3/11/20

Item k

l. Consideration of Bill No. 2020-3: An Ordinance Amending Section 18-1.5 SFCC 1987 to Allow for the Staggered Application of a Business License; and Amending Section 18-2.5 to Allow for the Staggered Application of a Business Registration. (Mayor Webber) (Rich Brown, Director – Economic Development Department, rdbrown@santafenm.gov, 955-6625)

Committee Review:

Economic Development Advisory Committee (scheduled)	2/12/20
City Council (request to publish) (scheduled)	2/12/20
Finance Committee (scheduled)	2/17/20
City Council (public hearing) (scheduled)	3/11/20

Item l

m. Consideration of Resolution No. 2020-\_\_: A Resolution Naming Vistas Bonitas Subdivision Park as Dawson Park after Bill and Dusty Dawson. (Councilor Abeyta, Mayor Webber, Councilors Vigil Coppler and Cassut-Sanchez) (John Munoz, Director – Parks and Recreation Department, jpmunoz@santafenm.gov, 955-2142)

Committee Review:

Parks and Recreation Advisory Committee (approved)	1/21/20
City Council (scheduled)	2/26/20

Item m

n. Consideration of Resolution No. 2020-\_\_: A Resolution Adopting the City of Santa Fe’s Procurement Manual. (Councilor Abeyta and Mayor Webber) (Frances Dunaway, Chief Procurement Officer, fadunaway@santafenm.gov, 955-6542; Marcos Martinez, Senior Assistant City Attorney, mdmartinez@santafenm.gov, 955-6502)

Committee Review:

City Council (scheduled)	2/26/20
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Item n

Item n-1

**9. MATTERS FROM STAFF**

**10. MATTERS FROM THE COMMITTEE**

**11. ADJOURN**

RECEIVED AT THE CITY CLERK’S OFFICE

DATE: February 14, 2020

TIME: 3:30 PM

**SUMMARY OF ACTION  
FINANCE COMMITTEE  
CITY HALL/ CITY COUNCIL CHAMBERS  
MONDAY, FEBRUARY 17, 2020, 5:00 PM**

<b><u>ITEM</u></b>	<b><u>ACTION</u></b>	<b><u>PAGE</u></b>
CALL TO ORDER		1
ROLL CALL	QUORUM	1
APPROVAL OF AGENDA	APPROVED	1
APPROVAL OF CONSENT AGENDA	APPROVED	1-2
APPROVAL OF MINUTES	APPROVED	2
EXECUTIVE SESSION (IF NECESSARY)	NONE	2
 <b><u>PRESENTATION</u></b>		
NM EDGE SCHEDULE	INFORMATION/DISCUSSION	2-3
 <b><u>CONSENT AGENDA</u></b>		
REQUEST FOR THE APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT IN THE TOTAL AMOUNT OF \$86,000.00 FOR EVIDENCE MANAGEMENT SOFTWARE; EVIDENCE ONQ.	APPROVED	3-6
REQUEST FOR THE APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT IN THE TOTAL AMOUNT OF \$93,987.93 FOR SECURITY SYSTEM, ALARM, AND ACCESS CONTROL UPGRADES; HEI, INC.	APPROVED	6-7
REQUEST FOR THE APPROVAL OF STATE TRANSPORTATION	APPROVED	7-8

**IMPROVEMENT PROGRAM GRANT  
APPLICATION IN THE TOTAL  
AMOUNT OF \$343,406 WITH THE  
CITY'S MATCH AT \$50,000 FOR SAFE  
ROUTES TO SCHOOLS, A  
PROGRAMMING GRANT TO INCREASE  
SAFE TRAVEL BETWEEN HOME AND  
SCHOOLS, ADDRESSING  
KINDERGARTEN THROUGH TWELFTH  
GRADERS; NEW MEXICO DEPARTMENT  
OF TRANSPORTATION.**

**REQUEST FOR CONCEPTUAL  
APPROVAL OF THE SALE OF A PORTION  
OF A FORMER IRRIGATION DITCH  
KNOWN AS "ACEQUIA DE LOMA"  
ADJOINING THE NORTHERLY BOUNDARY  
OF 807 ABEYTA STREET, CONTAINING  
APPROXIMATELY 281.07 SQUARE FEET,  
BY JAY SHAPIRO, DONNA SHAPIRO AND  
JACK O'BANNON.**

**APPROVED ON CONSENT      8**

**REQUEST APPROVAL OF AMENDMENTS  
TO TWO CONSTRUCTION SERVICES ON  
CALL AGREEMENTS**

**APPROVED ON CONSENT      8**

**REQUEST FOR APPROVAL OF COST  
SHARE COLLECTION AGREEMENT,  
20-CS-110310000-02, BETWEEN THE  
CITY OF SANTA FE AND THE USDA,  
FOREST SERVICE (U.S. FOREST  
SERVICE) IN THE AMOUNT OF \$240,000  
OVER FOUR YEARS FOR  
REIMBURSEMENT OF PROJECT COSTS  
AND ACTUAL EXPENSES INCURRED BY  
THE U.S. FOREST SERVICE IN  
ACCORDANCE WITH THE GOALS AND  
RECOMMENDATIONS WITHIN THE 2013  
SANTA FE MUNICIPAL WATERSHED  
MANAGEMENT PLAN.**

**APPROVED ON CONSENT      8-9**

**REQUEST FOR APPROVAL OF  
VOLUNTARY COLLECTION AGREEMENT  
WITH HOMEAWAY.COM, INC. FOR THE  
COLLECTION OF LODGERS TAX FROM**

**APPROVED      9-10**

**SHORT TERM RENTALS ON ALL  
HOMEAWAY AND VRBO STRS  
BEGINNING MARCH 1, 2020.**

<b>REQUEST FOR APPROVAL OF A PSA WITH TRANE U.S. \$525,693.38 FOR THE REPLACEMENT OF (4) ROOFTOP AIR-HANDLERS (INTELLIPAKS) AT THE CONVENTION CENTER / GSA -07F-0248K / 60-350-15-06287.</b>	<b>APPROVED ON CONSENT</b>	<b>10-11</b>
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<b>REQUEST FOR THE APPROVAL OF CONTRACT AMENDMENT NO. 1 IN THE TOTAL AMOUNT OF \$297,461.75 FOR ADDITIONAL SCOPE TO PROFESSIONAL SERVICES CONTRACT FOR INVESTMENT GRADE ENERGY AUDIT TO SOLARIZE CITY FACILITIES; YEAROUT ENERGY SERVICES COMPANY.</b>	<b>APPROVED ON CONSENT</b>	<b>11</b>
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<b>REQUEST FOR APPROVAL OF BUDGET AMENDMENT RESOLUTION/BUDGET INCREASE FOR ELECTRICITY FUNDS TO COVER TWO SETS OF SOLAR PANELS AND ELECTRICITY FOR DAILY OPERATIONS FOR THE WASTEWATER TREATMENT PLANT IN THE TOTAL AMOUNT OF \$300,000.</b>	<b>APPROVED ON CONSENT</b>	<b>11</b>
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<b>CONSIDERATION OF BILL NO. 2020-5: AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE TO ADD A DEFINITION FOR "APOTHECARY"; AND TO AMEND THE DEFINITION OF "CLINIC".</b>	<b>APPROVED ON CONSENT</b>	<b>11</b>
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<b>CONSIDERATION OF BILL NO. 2020-3: AN ORDINANCE AMENDING SECTION 18-1.5 SFCC 1987 TO ALLOW FOR THE STAGGERED APPLICATION OF A BUSINESS LICENSE; AND AMENDING SECTION 18-2.5 TO ALLOW FOR THE STAGGERED APPLICATION OF A BUSINESS LICENSE.</b>	<b>APPROVED ON CONSENT</b>	<b>11</b>
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<b>CONSIDERATION OF RESOLUTION</b>	<b>APPROVED ON CONSENT</b>	<b>11</b>
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**NO. 2020-\_\_\_: A RESOLUTION  
NAMING VISTAS BONITAS  
SUBDIVISION PARK AS DAWSON  
PARK AFTER BILL AND DUSTY  
DAWSON.**

**OF RESOLUTION NO. 2020-\_\_\_: A  
RESOLUTION ADOPTING THE  
CITY OF SANTA FE'S  
PROCUREMENT MANUAL.**

**APPROVED**

**11-14**

**MATTERS FROM STAFF**

**NONE**

**14**

**MATTERS FROM THE COMMITTEE**

**NONE**

**14**

**ADJOURN**

**ADJOURNED**

**14**

**FINANCE COMMITTEE  
CITY HALL/ CITY COUNCIL CHAMBERS  
MONDAY, FEBRUARY 17, 2020, 5:00 PM**

**1. CALL TO ORDER**

The meeting of the Finance Committee, was called to order by Councilor Roman Abeyta, Chair, at 5:00 pm on Monday, February 17, 2020 at City Hall in the City Council Chambers, Santa Fe, New Mexico.

**2. ROLL CALL**

**MEMBERS PRESENT**

Councilor Roman Abeyta, Chair  
Councilor Signe Lindell  
Councilor Carol Romero-Wirth  
Councilor Renee Villarreal  
Councilor Jamie Cassutt-Sanchez

**MEMBERS ABSENT**

**OTHERS PRESENT**

Mary McCoy, Director, Finance Department  
Fran Dunaway, Purchasing Director  
Elizabeth Martin, Stenographer

**3. APPROVAL OF AGENDA**

Ms. McCoy stated that on Item B, the amount in the caption should be \$95,396.06. The memo is correct.

**MOTION** A motion was made by Councilor Lindell, seconded by Councilor Romero-Wirth, to approve the agenda as amended.

**VOTE** The motion passed unanimously by voice vote.

**4. APPROVAL OF CONSENT AGENDA**

Councilor Cassutt-Sanchez pulled items A, B, C and G for discussion.  
Councilor Romero-Wirth pulled item N for discussion.



Councilor Villarreal pulled item G for discussion.

**MOTION** A motion was made by Councilor Villarreal, seconded by Councilor Lindell, to approve the consent agenda as amended.

**VOTE** The motion passed unanimously by voice vote.

**5. APPROVAL OF MINUTES  
FEBRUARY 3, 2020**

**MOTION** A motion was made by Councilor Lindell, seconded by Councilor Cassutt-Sanchez, to approve the minutes.

**VOTE** The motion passed unanimously by voice vote.

**6. EXECUTIVE SESSION (IF NECESSARY)**

None.

**7. PRESENTATION**

**A. NM EDGE SCHEDULE  
Mary McCoy**

Ms. McCoy said after the McCard report the Administration issued a 10 point corrective action plan. Additional training for staff was one of the 10 points. She is presenting this tonight to show we are continuing to follow up on the McCard report findings. Our Financial Division staff partnered with NM EDGE to do two different tracks of training with them. One track of training is on finance and one is a procurement track. We are very excited to offer this program during calendar year 2020. It will be part of our 2021 budget request as well to continue the training.

Chair Abeyta asked so departments can send their staff city wide.

Ms. McCoy said yes. In this program these are practitioners with decades of experience in government who teach these courses. They have very applicable real world experience.

Chair Abeyta asked can they be applied to credits for certificates or degrees.

Ms. McCoy said there is a NM EDGE certificate through NMSU.

Chair Abeyta said he assumes we may also build this into job openings and job

descriptions where if they have this certificate they get a preference.

Ms. McCoy said yes.

## **8. CONSENT AGENDA**

### **A. REQUEST FOR THE APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT IN THE TOTAL AMOUNT OF \$86,000.00 FOR EVIDENCE MANAGEMENT SOFTWARE; EVIDENCE ONQ. Deputy Chief Ben Valdez**

Councilor Cassutt-Sanchez said she knows this is an important topic and she wants to be sure we are getting a really good handle on it. There seems to be a lot of different options as to what this software can do. What is it that you are really excited about with this and what issues will be directly addressed with this.

Deputy Chief Valdez said it allows us to have a modern evidence management system. It uses a bar code system that takes out the human error. Currently the information is written and entered manually into a computer. There is more chance for error. With the new system, we print a tag and put it on the item and scan it in. It also helps us with the audit so they can scan the shelves. Another plus is the ability for our personnel to log in to take evidence to trial. It is done through email as it is now. The information is kept and tracked. We will also be able to start the chain of custody in the field and we will have the scanners in their vehicles. The chain of custody will exist in a much better format.

Councilor Cassutt-Sanchez asked for the scanners will officers be issued a scanner that is signed out to them. Will there be no sharing of passwords.

Deputy Chief Valdez said no one will share any passwords. You have to log in on your own credentials. For people downstairs they will have scanners, but will have to log in. If anyone shares passwords they will face corrective action.

Councilor Cassutt-Sanchez said the consulting document talked about using One Solution. Was that going to preform the same duties as this.

Deputy Chief Valdez said One Solution is a records management system. This is an evidence system. There is an opportunity later on for the two software systems to work together.

Councilor Romero-Wirth said in your packet you say there is an attached list of other agencies that use this system. That did not get into our packet. She would like to see that list.

Deputy Chief Valdez said the Atlanta Police Department and the Department of Homeland Security use this system. He will be happy to share the list with you.

Councilor Romero-Wirth asked can you affirmatively state that the software has been evaluated to address all the issues for the Department identified in the audit that was done. All the issues that it is possible for a software package to address.

Deputy Chief Valdez said software does not fix all issues. We did look at what a software system could address. We looked at several companies and based on the needs we have and sustainability we selected this software. It is very important for us to get the ball rolling. This will be the cornerstone of properly managing our inventory.

Councilor Romero-Wirth said she is also concerned about using other peoples log ins. She wants to make sure you can now tighten that up and control that field of who can log in where and for what.

Deputy Chief Valdez said again any employee that does that, it is against City and Department policy. If they do that they will face corrective action.

Councilor Romero-Wirth said this software will tighten that up. Can you see if someone is logging in that should not.

Deputy Chief Valdez said the only way to have that kind of strict control is to have a finger verification and a retina scanner. This software does not have it. If we see discrepancies in the log ins we can check that. We will address that.

Councilor Romero-Wirth asked so there will be limited places where this software is accessible.

Deputy Chief Valdez said we are going to apply the access to our department computers, computers in the field and areas that are supposed to have it. No personnel devices.

Councilor Lindell asked does the department actually call up and interview any other departments using this.

Deputy Chief Valdez said no, we looked at a list they had. Both vendors did a demonstration for us. We follow up on functionality.

Councilor Lindell asked is there an annual subscription fee.

Deputy Chief Valdez said the annual cost is \$13,000 for maintenance and to support updates.

Councilor Lindell she would think that would have been part of this request.

When does that come to us.

Deputy Chief Valdez said it is built into the first year. One year from now we will have to pay \$13,000 to maintain it.

Councilor Lindell said she is not really clear from your answer to Councilor Romero-Wirth. If she is an employee at home and has a laptop can she log in from that.

Deputy Chief Valdez said only if it is a department device. We have three crime scene techs who can do that.

Councilor Lindell said on page 58 of the packet and page 2 of that section, it says funding source. Ms. McCoy, can we get an expansion on that. That is in almost every packet tonight. We have no clue what those reference numbers mean. If we could have a clear explanation of what the funding source is on all contracts that would be helpful.

Ms. McCoy said on this one it is the General Fund and the Police Administrative Budget. It is the same on the subsequent item. We had 31 vacant positions in the Police Department and captured vacancy savings. We were able to use that on this one and the next item.

Councilor Lindell said it would be helpful to all of us to have that.

Ms. McCoy said we will provide a translation of the codes into laymen's terms.

Councilor Villarreal asked did you say the scanners would be able to be accessed by only those who have credentials to have scanners.

Deputy Chief Valdez said the stations have the scanners attached to them. There are scanners in the evidence room as well and a handful assigned to crime scene technicians.

Councilor Villarreal asked do they require credentials to use.

Deputy Chief Valdez said yes.

Councilor Cassutt-Sanchez asked if our officers come on a scene and there is evidence to collect, they call the crime scene tech and they handle it or do our officers take the evidence back.

Deputy Chief Valdez said we would love for crime scene techs to do all of that. Based on staffing officers will package the evidence as they do now for some scenes like shop lifting and they process it later in the day. For homicides our crime scene

techs are on the scene and process it.

Councilor Cassutt-Sanchez said in the less serious crimes there is a potential for evidence to not be tracked for a period of time.

Deputy Chief Valdez said the officers secure the evidence, take it back and put a tag on it. They are responsible for safeguarding the item until it gets to evidence. They do the tracking.

**MOTION** A motion was made by Councilor Lindell, seconded by Councilor Romero-Wirth, to approve the request.

**VOTE** The motion passed unanimously by voice vote.

**B. REQUEST FOR THE APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT IN THE TOTAL AMOUNT OF \$93,987.93 FOR SECURITY SYSTEM, ALARM, AND ACCESS CONTROL UPGRADES; HEI, INC.  
Deputy Chief Ben Valdez**

Councilor Cassutt-Sanchez asked these cameras will be in our evidence room.

Deputy Chief Valdez said correct. We had to upgrade our entire system relevant to evidence management. Alarms and cameras.

Councilor Cassutt-Sanchez asked how long do we retain the video footage and who has access to it.

Deputy Chief Valdez said the data space limits storage time. We retain it for around 45 days. The cameras start with motion. If a lot of motion is going on it may limit the time we can retain it.

Councilor Cassutt-Sanchez asked what is the timeline for installing all of this.

Deputy Chief Valdez said we are looking at June 30, 2020 for everything to be complete. That is in the contract. There is an urgency to have this in place for the improvements needed.

Councilor Cassutt-Sanchez asked who has access to the video footage.

Deputy Chief Valdez said it is limited to only those who needs it. He and Lt. Strahern. There is limited access.

Councilor Lindell asked Ms. McCoy if this request needed an FIR.

Ms. McCoy said we have a similar summary of contracts included in the packet looking at funding from the General Fund and the Police Operations Budget through salary savings.

Councilor Lindell asked wouldn't this typically have an FIR with it.

Ms. McCoy said we use FIRs for resolutions or ordinances coming forward to the Governing Body. The summary of contracts has been signed off by the Procurement Office and the Budget Office.

Councilor Lindell asked does this need an insurance document with it.

Ms. McCoy said yes, we will be obtaining those and will have them for Monday's Public Works Committee meeting packet.

**MOTION** A motion was made by Councilor Romero-Wirth, seconded by Councilor Cassutt-Sanchez, to approve the request.

**VOTE** The motion passed unanimously by voice vote.

**C. REQUEST FOR THE APPROVAL OF STATE TRANSPORTATION IMPROVEMENT PROGRAM GRANT APPLICATION IN THE TOTAL AMOUNT OF \$343,406 WITH THE CITY'S MATCH AT \$50,000 FOR SAFE ROUTES TO SCHOOLS, A PROGRAMMING GRANT TO INCREASE SAFE TRAVEL BETWEEN HOME AND SCHOOLS, ADDRESSING KINDERGARTEN THROUGH TWELFTH GRADERS; NEW MEXICO DEPARTMENT OF TRANSPORTATION.  
Richard Thompson**

Councilor Cassutt-Sanchez said we did not get to see the grant proposal and that would have been good to see so we know what it is you are planning to do with this money. What does this program look like.

Mr. Thompson said we applied for the grant if the fall of 2018 and were awarded it in 2019. We are waiting for NMDOT to finalize their cooperative agreement for funds by reimbursement. We could have a term employee to manage the Safe Routes To Schools Program which increases awareness for kids to get to school safely. It included traffic awareness and urban trails systems to educational institutions. There is an option to hire the services of a professional planner or a nonprofit organization to administer the program for the same results. This is to educate children from kindergarten to 8<sup>th</sup> grade. The packet says 12<sup>th</sup> grade, but is 8<sup>th</sup> grade. Also it has a component to identify deficiencies in infrastructure for safety including sidewalk improvements and traffic improvement programs. Also It could lead to a request for

NMDOT to consider approval to fund infrastructure projects like crosswalks and the like.

Councilor Cassutt-Sanchez said so this is to hire someone to identify what we need to do to create a Safe Routes To Schools program. Are we collaborating with the school district.

Mr. Thompson said yes and with the MPO and the Sustainability program in the schools. We have letters of support from them. We will put the letters in the packet for Council.

**MOTION** A motion was made by Councilor Romero-Wirth, seconded by Councilor Lindell, to approve the request.

**VOTE** The motion passed unanimously by voice vote.

- D. REQUEST FOR CONCEPTUAL APPROVAL OF THE SALE OF A PORTION OF A FORMER IRRIGATION DITCH KNOWN AS "ACEQUIA DE LOMA" ADJOINING THE NORTHERLY BOUNDARY OF 807 ABEYTA STREET, CONTAINING APPROXIMATELY 281.07 SQUARE FEET, BY JAY SHAPIRO, DONNA SHAPIRO AND JACK O'BANNON.**

Approved on consent.

- E. REQUEST APPROVAL OF AMENDMENTS TO TWO CONSTRUCTION SERVICES ON CALL AGREEMENTS:**

- **REQUEST FOR APPROVAL OF AMENDMENT #2 TO THE CONSTRUCTION SERVICES ON CALL AGREEMENT WITH GM EMULSION LLC, TO INCREASE COMPENSATION IN THE AMOUNT OF \$8,000,000.00 EXCLUSIVE OF NMGR.**
- **REQUEST FOR APPROVAL OF AMENDMENT #1 TO THE CONSTRUCTION SERVICES ON CALL AGREEMENT WITH EMOC LLC TO INCREASE COMPENSATION IN THE AMOUNT OF \$8,000,000.00 EXCLUSIVE OF NMGR.**

Approved on consent.

- F. REQUEST FOR APPROVAL OF COST SHARE COLLECTION AGREEMENT, 20-CS-110310000-02, BETWEEN THE CITY OF SANTA FE AND THE USDA, FOREST SERVICE (U.S. FOREST SERVICE) IN THE AMOUNT OF \$240,000 OVER FOUR YEARS FOR**

**REIMBURSEMENT OF PROJECT COSTS AND ACTUAL EXPENSES  
INCURRED BY THE U.S. FOREST SERVICE IN ACCORDANCE WITH  
THE GOALS AND RECOMMENDATIONS WITHIN THE 2013 SANTA FE  
MUNICIPAL WATERSHED MANAGEMENT PLAN.**

Approved on consent.

- G. REQUEST FOR APPROVAL OF VOLUNTARY COLLECTION  
AGREEMENT WITH HOMEAWAY.COM, INC. FOR THE COLLECTION  
OF LODGERS TAX FROM SHORT TERM RENTALS ON ALL  
HOMEAWAY AND VRBO STRS BEGINNING MARCH 1, 2020.  
Randy Randall**

Councilor Cassutt-Sanchez asked so we are not able to get any data on which homeowners are paying the lodgers tax.

Mr. Randall said through this agreement correct.

Councilor Cassutt-Sanchez said so we can't see the accuracy. We are trusting that HomeAway is charging and remitting the correct amount.

Mr. Randall said we have the right to audit them, but otherwise that is correct. This handout is a result of a request at Public Works that we work with HomeAway to get a report on how many room nights are included and how many renters it includes. Also to have the same arrangements with Airbnb.

The handout is herewith attached to these minutes as Exhibit "1".

Councilor Cassutt-Sanchez asked we also do not have the ability to look at the charges per night.

Mr. Randall said correct.

Councilor Cassutt-Sanchez asked they can cancel the contract with 30 days notice.

Mr. Randall said correct.

Councilor Cassutt-Sanchez said we also don't have the ability to ensure the owners have licenses with the City. There are some other platforms out there.

Mr. Randall said not with HomeAway. The City has a contract with Host Compliance. Land Use is responsible for using that to determine compliance.



Councilor Cassutt-Sanchez asked is there no way to get a list of addresses to cross tabulate.

Mr. Randall said no. That is why it is voluntary collection. They don't want to do enforcement for us.

Councilor Cassutt-Sanchez asked we have had this conversation with them and they refused.

Mr. Randall said correct. If we can get the aggregated data from them that is a giant step forward from where we are with Airbnb.

Councilor Villarreal said we had those same questions at Public Works. We did request to see if we could get the aggregate data. She wants to do whatever we need to do to make sure we incorporate this and that they would be willing to provide some of this information. Are there things we need to adjust in our ordinance that at not there yet.

Mr. Randall said yes. He is getting the wording for that. The reopening of the ordinance is contemplated in the near future. He is working with Sally in Legal on that.

Councilor Villarreal said we did we get an action sheet from Public Works on this. It says approved unanimously. We should be saying passed as discussed and with the condition for staff to go back to HomeAway to request the data.

Councilor Romero-Wirth asked with this contract we will have the major players in short term rentals.

Mr. Randall said with this 75% to 80% are covered with this.

Councilor Romero-Wirth asked does it make sense to have similar agreements with the other 25%.

Mr. Randall said those are primarily individual owners.

**MOTION** A motion was made by Councilor Lindell, seconded by Councilor Romero-Wirth, to approve the request.

**VOTE** The motion passed unanimously by voice vote.

**H. REQUEST FOR APPROVAL OF A PSA WITH TRANE U.S. \$525,693.38 FOR THE REPLACEMENT OF (4) ROOFTOP AIR-HANDLERS (INTELLIPAKS) AT THE CONVENTION CENTER / GSA -07F-0248K /**

**60-350-15-06287.**

Approved on consent.

- I. REQUEST FOR THE APPROVAL OF CONTRACT AMENDMENT NO. 1 IN THE TOTAL AMOUNT OF \$297,461.75 FOR ADDITIONAL SCOPE TO PROFESSIONAL SERVICES CONTRACT FOR INVESTMENT GRADE ENERGY AUDIT TO SOLARIZE CITY FACILITIES; YEAROUT ENERGY SERVICES COMPANY.**

Approved on consent.

- J. REQUEST FOR APPROVAL OF BUDGET AMENDMENT RESOLUTION/BUDGET INCREASE FOR ELECTRICITY FUNDS TO COVER TWO SETS OF SOLAR PANELS AND ELECTRICITY FOR DAILY OPERATIONS FOR THE WASTEWATER TREATMENT PLANT IN THE TOTAL AMOUNT OF \$300,000.**

Approved on consent.

- K. CONSIDERATION OF BILL NO. 2020-5: AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE TO ADD A DEFINITION FOR "APOTHECARY"; AND TO AMEND THE DEFINITION OF "CLINIC".**

Approved on consent.

- L. CONSIDERATION OF BILL NO. 2020-3: AN ORDINANCE AMENDING SECTION 18-1.5 SFCC 1987 TO ALLOW FOR THE STAGGERED APPLICATION OF A BUSINESS LICENSE; AND AMENDING SECTION 18-2.5 TO ALLOW FOR THE STAGGERED APPLICATION OF A BUSINESS LICENSE.**

Approved on consent.

- M. CONSIDERATION OF RESOLUTION NO. 2020-\_\_\_: A RESOLUTION NAMING VISTAS BONITAS SUBDIVISION PARK AS DAWSON PARK AFTER BILL AND DUSTY DAWSON.**

Approved on consent.

- N. CONSIDERATION OF RESOLUTION NO. 2020-\_\_\_: A RESOLUTION ADOPTING THE CITY OF SANTA FE'S PROCUREMENT MANUAL.**  
**Fran Dunaway**

Councilor Romero-Wirth said she thought we should talk about this. In the resolution it says we had adopted the state procurement code with minor amendments. In putting together this manual were there substantive changes we should know about.

Chair Abeyta said it is a pretty big accomplishment. This was something you worked pretty hard on and we talked about as far as getting consistent.

Ms. McCoy said when the City originally adopted the State Code in January, 2018 minor differences were made regarding the exemptions. Fran Dunaway can get into the specifics of that. Since January, 2018, it has been on the City's to do list to do a manual with the City's policies and procedures. This is a 40 page manual. We worked with Legal to make sure it follows the State Procurement Law and includes a step by step of what to do. Fran led the charge with Marcos Martinez to make it something easily readable and understandable as a process to follow.

Ms. Dunaway said on the manual in the packet page 10 starts the Code. It is apples to apples with the State Code. When it adopted in 2018 only 3 additional exemptions were added. One for bond attorneys on page 12 - if approved by City Council, one for legal services for advice, consultation or representation of the City and the third was for telecommunications, specific to electricity and utilities. Other than that the entire State Procurement Code was adopted.

Chair Abeyta said this manual then goes to the departments to refer to it. If there is an issue or question, you are the experts and you will tell them if there is a problem.

Ms. Dunaway said right. This is a simple guide for them to understand exemptions and thresholds. She does the determinations. We would use Legal if it is unclear

Councilor Romero-Wirth asked this has already been distributed or is it waiting until it is approved by us.

Ms. McCoy said this goes to Public Works next week and they it will go to the Governing Body for adoption. At that time it will be distributed. We sent out a PDF of this in the interim. In March Fran and her staff have scheduled a series of procurement trainings for every department. They are four hours a session. We will also be doing one training each month for staff as a refresher. Also it will be offered to all new employees.

Councilor Romero-Wirth asked is this different from the NM EDGE schedule.

Ms. McCoy said yes. The NM EDGE program will also offer contract management and procurement.

Councilor Romero-Wirth asked has this been done before. There is a lot of

training and that is a good thing.

Ms. McCoy said this has been two years in the making. The City followed Home Rule previously, but since the adoption of the State Code this has been in the works. She appreciates Fran and her team for all the hours they spent on this. We want everyone to have the knowledge to make our internal processes easier to understand. We are building out a procurement team and a contract team to handle the volume of procurement item we see. This team has done amazing job with bare bones staff. We will be putting forward a request to beef up the staff.

Chair Abeyta asked how big was the procurement staff at Santa Fe County.

Ms. Dunaway said nine.

Chair Abeyta asked how many are in your shop.

Ms. Dunaway said three full time and a consultant.

Chair Abeyta said our budget is much larger than the County's so we are really understaffed.

Councilor Romero-Wirth said it goes without saying how important procurement is. It is critical. You succeed in making this very user friendly. You accomplished your goal. Congratulations.

Chair Abeyta said this was a point Council raised during budget. You are asking for more positions in this budget.

Ms. McCoy said yes.

Councilor Villarreal said kudos to your team for putting this in the forefront. It is easy to read. How does it effect this process as we move along.

Ms. McCoy said with the procurement and contract management systems we are also asking for a leakage study to use to inform our policy changes to this manual, specifically regarding the local preference. We will be looking at two a year. We want to understand the data as to where we are spending our dollars. We can extract reports from Munis and would turn that over to someone to analyze that for us. It is at the top of our priorities.

Councilor Villarreal said some of her adjustments we have discussed. As this moves forward to get approved will there be opportunities to make adjustments to this document.

Ms. McCoy said correct.

Chair Abeyta said good job, thank you.

Ms. Dunaway said they worked very hard and Legal did as well. They were essential.

**MOTION** A motion was made by Councilor Romero-Wirth, seconded by Councilor Villarreal, to approve the request.

**VOTE** The motion passed unanimously by voice vote.

**9. MATTERS FROM STAFF**


None


**10. MATTERS FROM THE COMMITTEE**

None

**11. ADJOURN**

There being no further business before the Committee the meeting adjourned at 6:05 pm.

  
\_\_\_\_\_  
Roman Abeyta, Chair

  
\_\_\_\_\_  
Elizabeth Martin, Stenographer

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# TOURISM

## SANTA FE

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To: Finance Committee, Governing Body

CC: Jarel Lapan-Hill, City Manager

From: Randy Randall 

Date: February 11, 2020

Re: Voluntary Collection Agreement with Homeaway.com, Inc

ITEM:

We have a proposed Voluntary Collection Agreement with Homeaway.com, Inc that represents two of the other popular sites – Homeaway and VRBO for the collection of city Lodger's Tax. In the tax changes by HB6 in the last legislature, website companies such as these are required to collect and remit GRT as of July 1, 2019. Homeaway.com started on schedule, but has created confusion with the owners and renters by calling the GRT collections "lodging tax" and representing to the renter, they are collecting all required taxes. This leaves the owner responsible for collecting the 7% lodger's tax as an added cost to what Homeaway.com has represented as the total or paying the 7% out of the net proceeds they receive. Execution of the VCA with Homeaway.com would create the required relationship with the city for them to collect and remit the lodger's tax to the City in addition to collecting and remitting the GRT to the State.

At the Public Works Committee review, I was asked to see if it is possible to get aggregated data from Homeaway.com as to the number of owners that have had rental during the time the collection check covers and the number of occupied room nights for the same period. Homeaway.com has indicated a willingness to provide this data if it is a requirement of the short-term rental ordinance.

HISTORY:

Two and a half years ago, Santa Fe entered into a Voluntary Collection Agreement with Airbnb. This agreement allows Airbnb to charge lodger's tax to guests in Santa Fe rentals and remit the proceeds to the city. In FY19, collections from this agreement amounted to \$1,058,650. While some of this revenue would have been collected and reported on an individual basis, total collections from short-term rentals in FY19 increased by \$334,457 (20.7%). In FY21, we anticipate revenue to the city because of this VCA with Homeaway.com to equal \$805,000. It is estimated that \$250,000 of this would not have been collected without the VCA.

REQUESTED ACTION:

Approve the Voluntary Collection Agreement with Homeaway.com.

## 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: \_\_\_\_\_ Resolution: \_\_\_\_\_ Contract:   X  

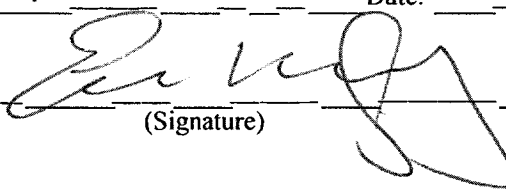
(A single FIR may be used for related bills and/or resolutions)

Short Title(s): Voluntary Agreement with Homeaway.com for the collection of Lodger's Tax

Sponsor(s): Randy Randall

Reviewing Department(s): \_\_\_\_\_

Persons Completing FIR: Randy Randall Date: 2/11/2020 Phone: 955-6209

Reviewed by City Attorney:  Date: 2/17/20  
(Signature)

Reviewed by Finance Director: \_\_\_\_\_ Date: \_\_\_\_\_  
(Signature)

### **Section B. Summary**

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

A voluntary agreement between the City of Santa Fe and Homeaway.com (representing Homeaway and VRBO) for the collection of City Lodger's Tax on short term rentals generated through their internet sites.

### **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: \_\_\_\_\_

\_\_\_\_\_ 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 <sup>21</sup> _____	"R" Costs Recurring or "NR" Non-recurring	FY _____	"R" Costs Recurring or "NR" Non-recurring	Fund Affected

_____	\$ 805,000	R	\$ _____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____
Total:	\$ 805,000		\$ _____		



### 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.)

Revenue is from the collection of Lodger's Tax from online short-term property sites owned by Expedia to include Homeaway and VRBO.

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### 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.

No.

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### **2. Consequences of Not Enacting This Bill/Resolution:**

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

The loss of Lodger's Tax from short term rentals flowing through Homeaway and VRBO where owners do not add the tax on independently is estimated to be \$250,000.

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### **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.

The short term rental ordinance should be amended to require all short term rental internet sites to provide aggregated data on the number of rentals and room nights represented by monthly checks.

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### **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.

This agreement will enable to collection of Lodger's Tax, which will result in increased revenue for the City. The increased revenue we estimated to be \$250,000 in FY21.

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Form adopted: 01/12/05; revised 8/24/05; revised 4/17/08