



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 09/16/2025

ITEM NO: 9

DATE: September 16, 2025
TO: Mayor and Town Council
FROM: Gabrielle Whelan, Town Attorney
SUBJECT: **Authorize the Town Manager or Designee to Enter into a Legal Services Agreement for Fiscal Year (FY) 2025-26 with the law firm of Goldfarb & Lipman for Land Use Counsel in an Amount Not to Exceed \$100,000 and Amend the Goldfarb & Lipman Agreement (Term 07/21/2022 to 6/30/2025) to add \$1,938.73**

RECOMMENDATION: Authorize the Town Manager or designee to enter into a Legal Services Agreement for FY 2025-26 with the law firm of Goldfarb & Lipman for land use counsel in an amount not to exceed \$100,000, and amend the Goldfarb & Lipman Agreement (Term 07/21/2022 to 6/30/2025) to add \$1,938.73.

FISCAL IMPACT:

The funds are included in the adopted 2025–26 and 2024-25 Town Attorney Operating Budgets. Therefore, there is no budget adjustment required; the request is solely for approval of the contract.

STRATEGIC PRIORITY:

The item supports a top priority of providing a range of housing opportunities while diligently maintaining and implementing the Housing Element.

BACKGROUND:

In July 2022, the Town Attorney's Office entered into an agreement with Goldfarb & Lipman LLP to provide specialized housing law legal services. Over the past three years, the firm has assisted the Town with Housing Element law and SB 330 requirements. Due to ongoing land use issues related to these topics, continued representation remains necessary.

PREPARED BY: Bridgette Falconio
Administrative Technician

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Finance Director

The Town Attorney's Office recommends entering into a new agreement with Goldfarb & Lipman for FY 2025-26 to provide continued legal services for land use counsel. The Town Attorney's Office retains Goldfarb and Lipman as a single source vendor as allowed under Town Code section 2.50.130(b)(2).

At the request of the Law firm, the Town has two separate agreements with Goldfarb & Lipman: one for land use matters (requested to approve with this Staff Report for \$100,000) and one for litigation (\$200,000), for a combined total not to exceed \$300,000.

Concurrently with this request, the Town Attorney's Office is also asking for an amendment to the land use services agreement covering July 21, 2022, through June 30, 2025. At the September 2, 2025, Council meeting, the amendment to the Goldfarb and Lipman (Term: July 21, 2022 - June 30, 2025) included a request for additional funding to cover prior year attorney consultation invoices. Following the meeting, staff identified a clerical error in the funding calculation. Specifically, the remaining balance on the existing purchase order was inadvertently omitted from the analysis, resulting in an underestimation of the funding need by \$1,938.73. This oversight affected the total amount requested to fully reconcile outstanding invoices from the prior fiscal year. Staff is requesting Council authority to amend the agreement and correct this discrepancy, ensuring full payment of all prior year obligations. This amount was previously budgeted, and the Town Attorney's Office is not seeking a budget adjustment with this request.

DISCUSSION:

The proposed Legal Services Agreement will cover land use counsel on issues related to Housing Element implementation and SB 330 requirements. Goldfarb & Lipman is recognized statewide as an expert in Housing Element law and is uniquely qualified to represent the Town in these matters.

A new contract for FY 2025-26, with a not-to-exceed amount of \$100,000. Funds have been budgeted for this contract.

CONCLUSION:

Staff recommends that the Town Council authorize the Town Manager or designee to enter into a Legal Services Agreement with the law firm of Goldfarb & Lipman for FY 2025-26 for land use counsel in an amount not-to-exceed \$100,000.

COORDINATION:

This report was coordinated with the Town Attorney's Office, Town Manager's Office, and the Finance Department.

PAGE 3 OF 3

SUBJECT: Goldfarb Land Use Agreement

DATE: September 16, 2025

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

Attachments:

1. Legal Services Agreement
2. Amendment to Legal Services Agreement for 7/21/22-6/30/25
3. Exhibit A – Original Agreement with Previous Amendments