



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 04/15/2025

ITEM NO: 6

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DATE: April 10, 2025  
TO: Mayor and Town Council  
FROM: Chris Constantin, Town Manager  
SUBJECT: Authorize the Town Manager to Execute a Fourth Amendment to the Consultant Services Agreement with Disability Access Consultants, LLC, Extending the Term and Increasing Compensation by \$50,000 for a Total Not-to-Exceed Amount of \$270,000, and Authorize an Expenditure Budget Transfer of \$50,000 from Project 411-813-9921 (Curb, Gutter, and Sidewalk Maintenance)

**RECOMMENDATION:**

Approve the Following Actions:

- a. Authorize the Town Manager to Execute a Fourth Amendment to the Agreement for Consultant Services with Disability Access Consultants, LLC, for the Annual ADA Compliance Work Project (CIP No. 812-2013), to extend the term and to increase the compensation in an Amount of \$50,000, for a Total Agreement Not to Exceed \$270,000 (Attachment 1); and
- b. Authorize An Expenditure Budget Transfer in the Amount of \$50,000 from Project 411-813-9921 Curb, Gutter, and Sidewalk Maintenance.

**FISCAL IMPACT:**

Staff recommends that the Town Council authorize the transfer of available funds from Project 411-813-9921 Curb, Gutter, and Sidewalk Maintenance to Project 411-821-2013 Annual ADA Compliance Work in the amount of \$50,000.

**PREPARED BY:** Gary Heap  
Town Engineer

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Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, Finance Director, and Director of Parks and Public Works

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ANNUAL ADA COMPLIANCE WORK CIP No. 821-2013 and CIP No. 812-0129		
	Budget	Costs
GFAR	\$268,020	
GFAR transfer from Project 813-9921 (current staff report)	\$50,000	
<b>Total Budget</b>	<b>\$318,020</b>	
		Costs
Disability Access Consultants, LLC Agreement* Including Encumbrance		\$220,000
Disability Access Consultants, LLC Agreement* (current staff report)		\$50,000
<b>Total Costs</b>		<b>\$270,000</b>
<b>Available Balance</b>		<b>\$48,020</b>
* This agreement was initially authorized and partially expended in project 812-0129 ADA Transition Plan. At the end of FY 2023-24, Project 812-0129 closed and the remainder of the contract was consolidated into Project 821-2013 Annual ADA Compliance Work.		

#### BACKGROUND:

The federal statute on *Nondiscrimination on the Basis of Disability in State and Local Government Services* (28 CFR § 35.150 – Existing Facilities) requires a public entity that employs 50 or more persons to develop a transition plan setting forth the steps necessary to achieve program accessibility and reasonable modifications to eliminate barriers for persons with disabilities. In addition, Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against people with disabilities in programs that receive federal financial assistance.

The Town's previous ADA Transition Plan (the 1993 Plan) was adopted by the Town Council in 1993, identified improvements needed for accessibility compliance and prioritized them to occur over a three-year time frame. After the adoption of the 1993 Plan, the Town constructed numerous projects and infrastructure to address the ADA requirements identified. However, ADA standards are ever evolving at the federal and state levels with broader rulings and regulation requirements.

On April 5, 2021, the Town entered into an agreement with Disability Access Consultants (DAC) to develop an updated Americans with Disabilities Act (ADA) Transition Plan (the 2023 Transition Plan). The legally required 2023 Transition Plan identifies required improvements to the Town's programs, services, activities, and assets to achieve compliance with the ADA. The 2023 Plan was completed in spring 2023. The original agreement was for \$130,000 with the term ending December 31, 2022.

Amendment 1 to the agreement, approved by the Town Council on April 5, 2022, extended the term through December 31, 2023, and increased the compensation by \$40,000 for a total contract amount of \$170,000. The additional services included evaluation of the Town-owned rights-of-way (e.g., sidewalks, curb ramps, etc.) and on-call services related to implementing the

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Transition Plan. Compliance with the Americans with Disabilities Act and implementation of the 2023 Transition Plan is an ongoing process that staff consistently endeavors to undertake. Staff has continued to implement the Plan as needs arise and capital projects are implemented.

Amendment 2 to the agreement, approved by the Town Council on December 19, 2023, extended the term through December 31, 2024, and increased the compensation by \$50,000 for a total contract amount of \$220,000. The additional services included continued support in the implementation of the Transition Plan for townwide programs, policies, and procedures, Town-owned rights-of-way, Facilities, and Town Parks.

Amendment 3 to the agreement, approved by the Town Council on December 3, 2024, extended the term through June 30, 2025, but did not increase the budget due to project carry-over funds available. The total contract amount after this third amendment remained at \$220,000. The additional services included continued support in implementation of the Transition Plan for townwide programs, policies, and procedures, Town-owned rights-of-way, Facilities, and Town Parks. Compliance with the Americans with Disabilities Act and implementation of the 2023 Transition Plan continues to be an ongoing process as does DAC's upkeep of the ADA tracking database, DACTrak.

#### DISCUSSION:

Since the execution of Amendment 3, staff has continued to implement the necessary ADA improvements when possible. Examples of this include the Annual Curb, Gutter, Sidewalk Project (CIP 813-9921) where select sidewalks and curb ramps are replaced annually to comply with ADA standards. In 2025, the Town again plans to contract with a qualified contractor to remove trip hazards on sidewalks around the Town in high pedestrian areas. In completing this work, staff coordinates with DAC to update the database of required improvements and demonstrate compliance with the ADA.

With the requested action, staff is proposing a fourth amendment to extend the duration of the current contract to June 30, 2026, and add funding for services to be provided in Fiscal Year 2025/26. Under this amendment, DAC will continue to assist the Town in the prioritization of future Town programs and projects and provide as-needed consultation services to support the implementation of the 2023 Transition Plan.

#### CONCLUSION:

The Town Council's authorization of the fourth amendment for the ADA Transition Plan agreement would allow DAC to continue to provide ADA consulting services for future Town programs and projects to implement the 2023 Transition Plan.

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COORDINATION:

This report was coordinated with the Finance Department.

STRATEGIC PRIORITIES:

Disability Access Consultants' work related to the Town's ADA Compliance Project is related to the core goals of **Quality Public Infrastructure**.

Maintaining public facilities and the public right-of-way in accordance with requirements set forth by the Americans with Disabilities Act (ADA) provides safe and accessible infrastructure for the residents of Los Gatos.

ENVIRONMENTAL ASSESSMENT:

The actions associated with this item are not a project defined under CEQA, and no further action is required.

Attachment:

1. Fourth Amendment – Agreement for Consultant Services - Disability Access Consultants, LLC with Exhibit A (Original Agreement and Previous Amendments) and Exhibit B (Updated Scope of Services)