



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 08/04/2026

ITEM NO: 7

DATE: July 24, 2026
TO: Mayor and Town Council
FROM: Gabrielle Whelan, Town Attorney
SUBJECT: **Authorize the Town Manager to Execute a Fifth Amendment to the Contract for Legal Services with the Law Firm of Atchison, Barisone & Condotti to Increase the Contract Amount by \$10,000 in an Amount Not to Exceed \$350,000 for Services Provided During the Contract Term of December 2022 through June 30, 2026**

RECOMMENDATION: Authorize the Town Manager to execute a fifth amendment to the contract for legal services with the law firm of Atchison, Barisone & Condotti to increase the contract amount by \$10,000 from \$340,000 to a cumulative contract amount not to exceed \$350,000 for the entire contract term beginning in December 2022 and ending June 30, 2026.

FISCAL IMPACT:

Funding for these services is included in the 2025-26 adopted budget in account 1111301-63215, and the available budget is sufficient to cover the \$10,000 increase. Therefore, the Town Attorney's office is not seeking a budget adjustment at this time. The proposed increase does not represent a one-year expenditure. The requested not-to-exceed amount of \$350,000 represents the cumulative contract authorization amount for the entire contract term from December 2022 through June 30, 2026.

STRATEGIC PRIORITY:

This item does not directly support a Strategic Priority but does align with the Core Goal of Good Governance.

PREPARED BY: Bridgette Falconio
Administrative Technician

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

BACKGROUND:

In December 2022, the Town Attorney's Office entered into an agreement with the law firm of Atchison, Barisone & Condotti to provide on-call legal services.

In March 2024, the Town Attorney's Office entered into a first amendment to the agreement with the law firm of Atchison, Barisone & Condotti for a total contract not to exceed \$150,000.

In December 2024, the Town Attorney's Office entered into a second amendment to the agreement with the law firm of Atchison, Barisone & Condotti for a total contract not to exceed \$250,000.

In January 2026, the Town Attorney's Office entered into a third amendment to the agreement with the law firm of Atchison, Barisone & Condotti for a total contract not to exceed \$300,000.

In June 2026, the Town Attorney's Office entered into a fourth amendment to the agreement with the law firm of Atchison, Barisone & Condotti for a total contract not to exceed \$340,000.

The Town Attorney's Office is seeking Town Council approval of a fifth amendment to the existing contract in the amount of \$10,000, increasing the cumulative contract authorization from \$340,000 to a total amount not to exceed \$350,000 through June 30, 2026, which covers three and one-half years of services. The proposed \$350,000 amount is not an annual contract amount or annual expenditure authorization; rather, it represents the aggregate not-to-exceed amount authorized for all legal services provided under the agreement and its amendments during the period from December 2022 through June 30, 2026. This is a "single source" procurement because this firm specializes in municipal law issues, is based locally, and is familiar with current legal issues in Santa Clara County.

DISCUSSION:

The proposed contract amendment will fund the June 2026 invoice for additional legal services, which included assistance to the Town with a pending planning application for a CUP modification.

CONCLUSION:

The Town Attorney's Office recommends approval of the contract amendment due to the firm's expertise in municipal law and the need for additional support.

ENVIRONMENTAL ASSESSMENT:

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

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SUBJECT: Fifth Amendment to the Atchison Barisone and Condotti Agreement

DATE: August 4, 2026

Attachments:

1. Fifth Amendment to Agreement
2. First, Second, Third, and Fourth Amendments to the Agreement and Original Agreement