



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 08/04/2026

ITEM NO: 4

DATE: August 04, 2026
TO: Mayor and Town Council
FROM: Chris Constantin, Town Manager
SUBJECT: **Approve a Fourth Amendment to the Agreement for Services with Brightview Tree Care Services, Inc. to Increase Fiscal Year 2025–26 Compensation by \$41,117 for a Total Agreement Amount Not to Exceed \$1,117,232**

RECOMMENDATION: Approve a Fourth Amendment to the Agreement for Services with Brightview Tree Care Services, Inc. to retroactively increase Fiscal Year 2025–26 compensation by \$41,117 for services already performed, increase the total agreement amount from \$1,076,115 to \$1,117,232, authorize payment of properly documented invoices within the amended contract amount, and authorize the Town Manager to execute the amendment.

FISCAL IMPACT:

The \$41,117 represents a liability for services performed during Fiscal Year 2025–26. The expenditure was accrued as a Fiscal Year 2025–26 accounts payable obligation before the fiscal year was closed and will be charged to the available appropriation in Tree Pruning Services account 1115401-62354. The funding is available from salary savings in account 1115401-51111 associated with the vacant Town Arborist position. No Fiscal Year 2026–27 appropriation or budget adjustment is required.

STRATEGIC PRIORITY:

Not Applicable. This item does not directly implement an adopted 2025–2027 Strategic Priority. This action supports the Town's Core Goal of Public Safety by providing contract authority for tree maintenance and emergency response services that address hazardous trees and protect the public and Town infrastructure.

PREPARED BY: Tyler Thomas
Superintendent

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, Administrative Services Director, and Parks and Public Works Director

SUBJECT: Fourth Amendment to Agreement for Services with Brightview Tree Care Services Inc.

DATE: August 4, 2026

BACKGROUND:

The Town entered into an Agreement for Services with Brightview Tree Care Services, Inc. on June 20, 2023, for tree trimming and maintenance services. The Agreement has since been amended three times. On April 16, 2024, the Town Council authorized the First Amendment, increasing Fiscal Year 2023-24 compensation by \$100,000 to \$300,000 and increasing the five-year agreement amount to \$1,100,000.

On May 6, 2025, the Town Council authorized the Second Amendment, increasing Fiscal Year 2024-25 compensation by \$15,000 to \$215,000 and increasing the five-year agreement amount to \$1,115,000.

On November 4, 2025, the Town Council authorized the Third Amendment, reducing Fiscal Year 2025-26 operating-funded tree maintenance by \$50,000 and adding \$11,115 for tree work associated with the Shannon Road Repair Project (CIP No. 811-0008), for a net decrease of \$38,885. The Third Amendment established Fiscal Year 2025-26 compensation at \$161,115 and the five-year agreement amount at \$1,076,115.

DISCUSSION:

During Fiscal Year 2025-26, the demand for tree maintenance services exceeded initial projections. The Town experienced a significant increase in emergency response requests related to hazardous trees, storm damage, and public safety concerns requiring immediate action. During the Fiscal Year 2025-26 budget process, funding for annual operating-funded tree maintenance was reduced from \$200,000 to \$150,000 as a cost-saving measure. The Third Amendment implemented that reduction and added \$11,115 for tree work associated with the Shannon Road Repair Project, resulting in total Fiscal Year 2025-26 agreement authority of \$161,115. Staff continued to prioritize emergency response, hazardous-tree work, and other critical maintenance. Demand for these services exceeded projections during the fiscal year.

By the end of Fiscal Year 2025-26, the value of services performed exceeded the authorized Fiscal Year 2025-26 agreement amount; however, the full amount of the overage was not identified until delayed invoices for completed work were received. The requested contract increase of \$41,117 reflects work that was necessary to maintain public safety and respond to operational demands that exceeded original budget assumptions.

Section 2.7 of the Agreement requires monthly invoices to be submitted within 30 days after services are rendered. The delayed invoices did not comply with that requirement. Approval of the Fourth Amendment and payment of verified invoices will not waive the Town's rights concerning compliance with the Agreement. Staff has directed the contractor to submit future invoices within the required period and will reconcile invoiced expenditures, work in progress, and remaining contract authority monthly.

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This budget overage was unknown during Fiscal Year 2025-26 due to the Town's contractor being multiple months behind on billing for completed work. Because invoices for completed work were received several months after the services were performed, the full Fiscal Year 2025-26 contract expenditure was not reflected in the information available to staff before year-end.

Staff have communicated the need for timely invoicing and will more closely reconcile invoiced expenditures, work in progress, and remaining contract authority to prevent future work from exceeding authorized compensation.

ALTERNATIVES

- 1) Approve the Fourth Amendment with modifications.
- 2) Do not approve the Fourth Amendment and direct staff to return with additional information regarding the invoices, contract controls, or funding source.

CONCLUSION:

Approval of the requested increase will provide sufficient contract authority to pay for services performed by BrightView Tree Care Services, Inc. during Fiscal Year 2025-26 and ensure the agreement accurately reflects the actual cost of maintaining the Town's urban forest.

Staff recommends that the Town Council approve an increase of \$41,117 to the BrightView Tree Care Services, Inc. On-Call Tree Maintenance Agreement, increasing the total not-to-exceed contract amount to \$1,117,232.

COORDINATION:

This report was prepared in coordination with the Finance Department.

ENVIRONMENTAL ASSESSMENT:

Approval of the contract amendment is not a project under the California Environmental Quality Act because it is an administrative and fiscal activity that will not result in a direct or reasonably foreseeable indirect physical change in the environment. No further CEQA review is required.

Attachments:

1. Fourth Amendment to Agreement for Services
2. Original Agreement with First, Second, and Third Amendments