



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 05/21/2024

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DATE: May 16, 2024  
TO: Mayor and Town Council  
FROM: Laurel Prevetti, Town Manager  
SUBJECT: Authorize the Town Manager to Execute a Second Amendment with Dillingham Associates for Preliminary Design Services for the Pinehurst Community Garden (CIP No. 831-4610) and Lynn Avenue Pedestrian Path Design (CIP No. 832-4510) to Reduce the Scope of Services, Extend the Term, and Reduce the Contract Amount for a Total Amount Not to Exceed \$109,856

**RECOMMENDATION:**

Authorize the Town Manager to execute a Second Amendment (Attachment 1) with Dillingham Associates for preliminary design services for the Pinehurst Community Garden (CIP No. 831-4610) and Lynn Avenue Pedestrian Path Design (CIP No. 832-4510) to reduce the scope of services, extend the term, and reduce the contract amount for a total amount not to exceed \$109,856.

**BACKGROUND:**

On June 20, 2023, Council authorized the Town Manager to enter into an agreement with Dillingham Associates for preliminary design services for the Pinehurst Community Garden and Lynn Avenue Pedestrian Path Design for a total amount not to exceed \$123,556.

In January 2024, Town staff identified a miscalculation in the fee summary where Direct Cost (\$500) was added twice in the subtotal, although each line-item amount was correct. The Town issued a first amendment on January 5, 2024 (Attachment 2), bringing the project total from \$123,556 to \$123,056. Since there were no changes in the cost table shared with Council, and this was a simple subtotal miscalculation, Town staff did not bring the first amendment back to Town Council.

**PREPARED BY:** Marina Chislett  
Environmental Programs Specialist

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

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SUBJECT: Authorize the Town Manager to Execute a Second Amendment with Dillingham Associates for the Pinehurst Community Garden and Lynn Avenue Pedestrian Path Design

DATE: May 16, 2024

DISCUSSION:

On December 19, 2023, Town staff received direction from Town Council to conduct further community outreach prior to proceeding forward with concept design. Town staff scheduled meetings with property owners and residents that directly about the project locations. This work was completed in April 2024.

During this outreach, community members consistently asked questions about the potential for soil contamination in both project sites. To address this concern, Town staff met with staff of the State of California's Department of Toxic Substances Control (DTSC) to discuss results of past soil sampling and the best approach to proceed with development of the projects.

While the original contract with Dillingham Associates included developing plans to address soil contamination, it has become clear that this work would best be completed by Town staff working directly with the DTSC. As the project progresses, staff will seek support from Ninyo and Moore, a consulting firm that provides solutions to geotechnical and environmental challenges through such applications as soil analysis. Staff is currently coordinating with PG&E as the property owner of the Lynn Avenue site to include that property in our discussions with DTSC.

Since staff has determined that Dillingham Associates will not be supporting the coordination with DTSC, the proposed second amendment (Attachment 1) removes Task 2C for Supplemental Soil Toxicology Analysis (\$13,200) from the Pinehurst Community Garden Fee Summary. This would bring the new project total from \$123,056 to \$109,856. The second amendment would also extend the contract term from June 30, 2024 to June 30, 2025 to allow the necessary time to complete these concept designs following coordination with DTSC.

CONCLUSION:

Authorize the Town Manager to execute a second amendment with Dillingham Associates for Preliminary Design Services for the Pinehurst Community Garden and the Lynn Avenue Pedestrian Path Design to adjust the scope of services, term, and contract amount for total amount not to exceed \$109,856.

COORDINATION:

This staff report was coordinated with the Town Attorney, Town Manager and Finance Director.

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FISCAL IMPACT:

The adopted Fiscal Year 2023/24-2027/28 Capital Improvement Program (CIP) Budget is sufficient for this preliminary design service phase of the Pinehurst Community Garden and the Lynn Avenue Pedestrian Path Design.

Pinehurst Community Garden CIP No. 831-4610		
	Budget	Costs
GFAR	\$ 285,000	
<b>Total Budget</b>	<b>\$285,000</b>	
		Costs
Consultation Services with Ninyo & Moore		\$ 14,064
Agreement Amendment with Dillingham Associates (Requested with this Staff Report)		\$ 54,908
Misc. Project Expenses		\$ 250
<b>Total Costs</b>		<b>\$ 69,222</b>
<b>Available Balance</b>		<b>\$ 215,778</b>
Lynne Avenue Pedestrian Path Design CIP No. 832-4510		
	Budget	Costs
GFAR	\$ 190,000	
<b>Total Budget</b>	<b>\$190,000</b>	
		Costs
Consultation Services with Ninyo & Moore		\$ 2,500
Agreement with Dillingham Associates		\$ 54,948
<b>Total Costs</b>		<b>\$ 57,448</b>
<b>Available Balance</b>		<b>\$ 132,552</b>

ENVIRONMENTAL ASSESSMENT:

The recommended action is not a project as defined under CEQA, and no further action is required. The construction phase of the Pinehurst Community Garden and Lynn Avenue Pedestrian Path are projects as defined under CEQA and environmental review will be completed in future phases.

Attachments:

1. Second Amendment
2. First Amendment
3. Original Agreement