



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 12/02/2025

ITEM NO: 13

DATE: November 18, 2025
TO: Mayor and Town Council
FROM: Gabrielle Whelan, Town Attorney
SUBJECT: **Authorize the Town Manager or Designee to Enter into a First Amendment to the Contract for Litigation Legal Services for FY 2025-26 with Goldfarb and Lipman to Increase the Contract Amount by \$150,000.00, for a Total Contract Amount Not to Exceed \$350,000.00 and Authorize an Expenditure Budget Adjustment of \$150,000.00 from the General Fund Unassigned Fund Balance**

RECOMMENDATION: Authorize the Town Manager or designee to enter into a First Amendment to the Contract for Litigation Legal Services for FY 2025-26 with Goldfarb and Lipman in an amount not to exceed \$350,000.00 and authorize an expenditure budget adjustment of \$150,000.00

FISCAL IMPACT:

The proposed action will authorize a contract amendment in the amount of \$150,000.00 for Land Use Litigation services in Fiscal Year 2025-26, which increases the current not to exceed amount from \$200,000 to \$350,000. To allocate funds for this amendment, a corresponding expenditure budget adjustment of \$150,000.00 is required, which will be appropriated from the General Fund Unassigned Fund balance (Account 1301-3215).

STRATEGIC PRIORITY:

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

BACKGROUND:

PREPARED BY: Bridgette Falconio
Administrative Technician

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

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 issues, SB 330 projects, and land use litigation. Due to existing land use litigation, continued representation remains necessary.

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).

DISCUSSION:

The proposed amendment to the Legal Services Agreement will cover legal representation in land use litigation, specifically defending a pending case filed by an SB 330 applicant. The funds will be used for the preparation of Town briefs, court appearances, and potentially the preparation of an administrative record. Goldfarb & Lipman is recognized statewide as an expert in Housing Element law and is uniquely qualified to represent the Town in these matters.

The contract amendment for FY 2025-26, with a not-to-exceed amount of \$350,000.00, ensures the Town has the necessary resources to address pending litigation matters.

CONCLUSION:

Staff recommends that the Town Council authorize the Town Manager or designee to enter into a First Amendment to the Contract for Litigation Legal Services for FY 2025-26 with Goldfarb and Lipman in an amount not to exceed \$350,000.00 and authorize an expenditure budget adjustment of \$150,000.00.

COORDINATION:

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

ENVIRONMENTAL ASSESSMENT:

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

Attachments:

1. First Amendment
2. Land Use Litigation Agreement