



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 08/17/21

ITEM NO: 9

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DATE: August 12, 2021  
TO: Mayor and Town Council  
FROM: Laurel Prevetti, Town Manager  
SUBJECT: Authorize the Town Manager to Execute the First Amendment to the Consultant Services Agreement with Mott MacDonald Group, Inc. for the Los Gatos Creek Trail to Highway 9 Trailhead Connector Project (CIP No. 832-4505) in an Amount Not to Exceed \$90,000 for a Total Contract Amount of \$576,747

**RECOMMENDATION:**

Authorize the Town Manager to execute the First Amendment to the Consultant Services Agreement with Mott MacDonald Group, Inc. for the Los Gatos Creek Trail to Highway 9 Trailhead Connector Project (CIP No. 832-4505) in an amount not to exceed \$90,000 for a total contract amount of \$576,747.

**BACKGROUND:**

The adopted Fiscal Year (FY) 2021/22-2025/26 Capital Improvement Program (CIP) Budget designates funding for the design of the Trailhead Connector Project (CIP No. 832-4505).

On October 1, 2019, the Town Council awarded a consultant services agreement in the amount of \$486,747 to Mott MacDonald Group, Inc. for the design and preparation of the final design documents for the Los Gatos Creek Trail to Highway 9 Trailhead Connector Project. The project is partially funded by \$343,000 of federal funds from the One Bay Area Grant, Cycle II. Since this is a federal-aid project on the State Highway System, the contracting and project delivery procedures must strictly follow the Federal Highway Administration (FHWA) and California Department of Transportation (Caltrans) guidelines.

A preliminary design of the project was presented to the Complete Streets and Transportation Commission (CSTC) and to the community in February 2020. The design included a switchback

**PREPARED BY:** WooJae Kim  
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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BACKGROUND (continued):

ramp structure for pedestrians on the northern side of Highway 9 just west of the southbound Highway 17 offramp and a ramped path with a creek overcrossing on the southern side of Highway 9. Both the CSTC and the public provided valuable input and support for the project. On March 3, 2020, the Town Council approved the preliminary design and authorized staff to proceed with the final design. The project team developed the 35% completed design plans soon after, which were submitted to Caltrans for their review on April 6, 2020.

DISCUSSION:

As required for the Right of Way Certification process, the Town planned on obtaining an encroachment permit from Caltrans for the construction of the trail connectors as required for working on Caltrans right of way. During the review of the 35% design plans, Caltrans informed the Town that much of the land where the Los Gatos Creek Trail and the concrete lined channel for the creek are located (between Miles Avenue and just north of Highway 9) had been designated as “excess parcels” certified for sale.

Caltrans staff stated that an encroachment permit cannot be issued on excess parcels certified for sale. These excess parcels are remnants from the construction of Highway 17 and the concrete lined channel in the 1950’s. Caltrans provided maps from 1997 and 2010 that indicated the excess parcel designations, which were not readily available or relayed to the Town during the earlier phases of the project design. Caltrans was not clear why the property rights or easements for the Town were not established when the Los Gatos Creek Trail was constructed in this area in 1994.

Staff has been working extensively with Caltrans towards a resolution of this complicated land rights issue, which must be resolved before the project can receive the Right of Way Certification and the final project approvals from Caltrans. Following further discussions with Caltrans, staff will return to Council with a proposal regarding the land rights issue for Council’s consideration.

This property land rights issue, in addition to numerous additional research and studies required by Caltrans for the environmental clearance process, has impacted the project schedule and the initial design budget. An amendment to the consultant services agreement in the amount of \$90,000 is needed to complete the project design. Following is a list of additional services currently required:

- Additional project management services for the extended project duration

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DISCUSSION (continued):

- Additional meetings with Caltrans and the Town
- Additional topographic survey data as requested by Caltrans
- Additional soil sampling and testing required by Caltrans
- Additional structural calculations required by Caltrans
- Potential landscaping design needs

Currently, 65% design plans have been completed and submitted to Caltrans. Final design documents are now anticipated to be completed by early 2022. The current scope of services for Mott MacDonald Group includes support services during the bid, award and construction phases of the project, which will be delayed since the construction funding has not been secured. Staff will continue to actively pursue grant opportunities, but the earliest anticipated timeframe for construction funding is now early 2023. The proposed contract amendment will extend the contract term period for Mott MacDonald Group to December 31, 2023.

As the project progresses, staff will continue to update the Town Council, CSTC, and the public. Updates will also be posted on the project webpage on the Town's Connect Los Gatos website at <https://www.losgatosca.gov/ConnectLG>.

CONCLUSION:

Approval of the first amendment to the consultant services agreement with Mott MacDonald Group would allow the project to move forward with the final design.

FISCAL IMPACT:

There is sufficient funding in the FY 2021/22 CIP Budget to cover the amendment to the consultant services agreement for the Trailhead Connector Project.

Staff costs are tracked for all projects. Tracking of staff costs allows for accountability in the costs of the project, recovery of costs for grant funded projects, and identification of future staffing needs. This project will utilize both full-time budgeted and part-time staff. The costs for full-time staff are accounted for in the Department's Operating Budget. Only part-time staff costs incurred will be charged to the project as necessary.

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FISCAL IMPACT (continued):

| Trailhead Connector Project<br>Project 832-4505 |                   |                   |
|---|-------------------|-------------------|
|   | Budget            | Costs             |
| OBAG Cycle II Grant                             | \$ 343,000        |                   |
| GFAR  | \$ 333,044        |                   |
| <b>Total Budget</b>                             | <b>\$ 673,440</b> |                   |
|   |                   |                   |
| Design Contract with Mott MacDonald             |                   | \$ 486,747        |
| First Amendment to Design Contract              |                   | \$ 90,000         |
| Part-Time Staff Cost (Design Phase)             |                   | \$ 90,000         |
| Prior Year Expenditures (Advertising)           |                   | \$ 490            |
| <b>Total Costs</b>                              |                   | <b>\$ 667,237</b> |
|   |                   |                   |
| <b>Remaining Balance</b>                        |                   | <b>\$ 6,203</b>   |

ENVIRONMENTAL ASSESSMENT:

The Town's consultant has completed and submitted the required environmental studies and reports to Caltrans. The California Environmental Quality Act (CEQA) categorical exemption and National Environmental Protection Act (NEPA) categorical exclusion have been signed by Caltrans and submitted by Caltrans to the State Clearing House and the Notice of Exemption for the project has been posted.

Attachments:

1. First Amendment to Agreement for Consultant Services with Mott MacDonald Group
2. Original Agreement for Consultant Services