

3.
February 8, 1972

Mr. William E. Ryder
City Clerk
City of Cupertino
10300 Torre Avenue
Cupertino, California 95014

Subject: Supplement and Amendment to Agreement between
County of Santa Clara and City of Cupertino re
Improvement of Stevens Creek Boulevard btw 400'
West of Pearlap Drive & 500' East of Pearlap Drive

Dear Mr. Ryder:

Enclosed you will find a fully executed copy of the subject Supplement and Amendment to Agreement between the County and the City of Cupertino. The Board of Supervisors at its regularly scheduled meeting on February 8, 1972, approved this Amendment on behalf of the County.

The enclosed copy is for your records. A copy is also being forwarded to Mr. Lee Yarborough, Director of Public Works for the City of Cupertino, with a copy of this transmittal.

Very truly yours,

BOARD OF SUPERVISORS
Donald M. Rains, Clerk

By: _____
Deputy Clerk

DMR:kb

Enclosure

CC: Public Works Dept.

Finance Dept.

County Counsel

Lee Yarborough, Dir., Public Works, City of Cupertino

#3

SUPPLEMENT AND AMENDMENT TO AGREEMENT BETWEEN
COUNTY OF SANTA CLARA AND CITY OF CUPERTINO
RELATING TO IMPROVEMENT OF STEVENS CREEK BLVD.
BETWEEN 400 FEET WEST OF PHARLAP DRIVE AND
500 FEET EAST OF PHARLAP DRIVE

WHEREAS, on May 25, 1971, the Board of Supervisors of the County of Santa Clara, State of California, entered into an agreement with the City of Cupertino relating to the improvement of Stevens Creek Blvd. between 400 feet west of Pharlap Drive and 500 feet east of Pharlap Drive; and

WHEREAS, it was estimated that 52% of the project was within the unincorporated area of the County and that 48% was within the City of Cupertino; and

WHEREAS, it has now been calculated that 62% of the project was within the unincorporated area of the County and that 38% was within the City of Cupertino; and

WHEREAS, the parties to the original agreement desire to supplement and amend the original agreement to show the revised percentages;

NOW, THEREFORE, the County of Santa Clara and the City of Cupertino mutually agree as follows:

1. That the original agreement is hereby amended so that 62% of the project is within the unincorporated area of the County of Santa Clara and 38% of the project is within the City of Cupertino.

2. That all calculations for payment for this project shall be based on a 62% payment by the County of Santa Clara and on a 38% payment by the City of Cupertino.

3. That wherever in the original agreement the percentage of 52% as it would pertain to County is used, the percentage shall now be 62%, and that wherever in

1 - City Clerk Cupertino - 1 -
1 - Dir. Pub. "
1 - Co. Counsel
1 - Finance
1 - Public Works


[Signature]
FEB 8 1972

4. That in all other respects, the terms and conditions of the original agreement shall remain unchanged.

Charles A. Jensen
Chairman, Board of Supervisors,
County of Santa Clara, State of
California

Shirley M. Rain

Gerald Thompson
Assistant County Counsel

ATTEST: 

City Clerk

City Attorney

By Cyril Noel
Mayor

And, Robert W. Quindlen
City Manager

- 2 -

RESOLUTION NO. 3197

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUPERTINO
AUTHORIZING THE EXECUTION OF A SUPPLEMENT AND AMENDMENT
TO AGREEMENT BETWEEN THE CITY AND THE COUNTY OF SANTA
CLARA TO IMPROVE STEVENS CREEK BOULEVARD BETWEEN 400 FEET
WEST OF PHAR LAP DRIVE AND 500 FEET EAST OF PHAR LAP DRIVE

WHEREAS, the City Council on April 19, 1971, by Resolution No. 3057, approved an agreement between the County of Santa Clara and the City of Cupertino for the improvement of Stevens Creek Boulevard 400 feet west of Phar Lap Drive and 500 feet east of Phar Lap Drive; and

WHEREAS, subsequent to said approval changes in the final scope of the project resulted in more work being done in the unincorporated area with the final calculation showing 38% of the project in the City of Cupertino and 62% in the County; and

WHEREAS, the parties to the original agreement desire to supplement and amend the original agreement to reflect the revised percentages; and

WHEREAS, a supplement and amendment has been prepared by the County of Santa Clara, and said document having been reviewed and approved by the Director of Public Works and the City Attorney; and

WHEREAS, the City Council, at its meeting of December 20, 1971, reviewed the changes in scope and approved the basis of apportioning payment;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the City Clerk are hereby authorized to execute the supplement and amendment herein referred to in behalf of the City of Cupertino.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 17th day of January, 1972, by the following vote:

AYES: Councilmen - Fitzgerald, Frolich, Irwin, Stokes, Noel
NOES: Councilmen - None
ABSENT: Councilmen - None

APPROVED:

ATTEST:

/s/ Clyde L. Noel
Mayor, City of Cupertino

/s/ Wm. E. Ryder
City Clerk

RECEIVED
PUBLIC WORKS

JAN 28 10 51 AM '72

COUNTY OF
SANTA CLARA

THIS IS TO CERTIFY THAT THE WITHIN
INSTRUMENT IS A TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE IN THIS OFFICE.

ATTEST January 24, 1972

CITY CLERK OF THE CITY OF CUPERTINO

BY

Gladys McHugh
Deputy CITY CLERK

Finance

No.

Job No.

Change Order No.

3.

**BOARD OF SUPERVISORS
SANTA CLARA COUNTY**

DATE February 8, 1972

The following contract ~~was awarded for change order~~ was approved by the Board of Supervisors at a meeting held:

February 8, 1972
ment

Project to be charged Supplement & Amendment to Agree^{ment} betw County and City of Cupertino re Improvement of Stevens Creek Blvd., betw 400' W Pearlap Dr. & 500' E of Pearlap Drive

For the amount of \$ As per Amendment attached

Contractor [REDACTED]

Completion Date [REDACTED]

Budget Item _____ (for Controller's use)

DMR/KB

DONALD M. RAINS
Clerk of the Board

WHITE CONTROLLER
CANARY FILE
PINK PUBLIC WORKS
GOLD ROD PUBLIC WORKS

California

TRANSMITTAL MEMORANDUM

S.D. 5

Page 3 of 3

DATE: January 28, 1972

FOR: BOARD OF SUPERVISORS AGENDA OF February 8, 1972

FROM: MONTINI, ENGINEERING, PUBLIC WORKS

TITLE: SUPPLEMENT AND AMENDMENT TO AGREEMENT BETWEEN COUNTY OF
SANTA CLARA AND CITY OF CUPERTINO RELATING TO IMPROVEMENT
OF STEVENS CREEK BOULEVARD BETWEEN 400 FEET WEST OF PHARLAP
DRIVE AND 500 FEET EAST OF PHARLAP DRIVEDESCRIPTION:

The Agreement entered into on May 25, 1971 between the County of Santa Clara and the City of Cupertino estimated that 48% of the above referenced project would be in the City of Cupertino and 52% of the project would be in the County. Changes in the final scope of the project resulted in more work being done in the unincorporated area than was anticipated at the time of the original agreement.

The project has now been completed and final calculations show that 38% of the project was in the City of Cupertino and 62% in the County.

This change in percentage represents an increase of \$3,039.77 in the County's share of the costs. Funds are available in the Spot Safety Projects line item to cover this additional cost.


Approval is recommended.

Please send a fully executed copy to:

Mr. Lee Yarborough
Director of Public Works
City of Cupertino
10300 Torre Avenue
Cupertino, California 95014

LM:TAC:jet

Attachments

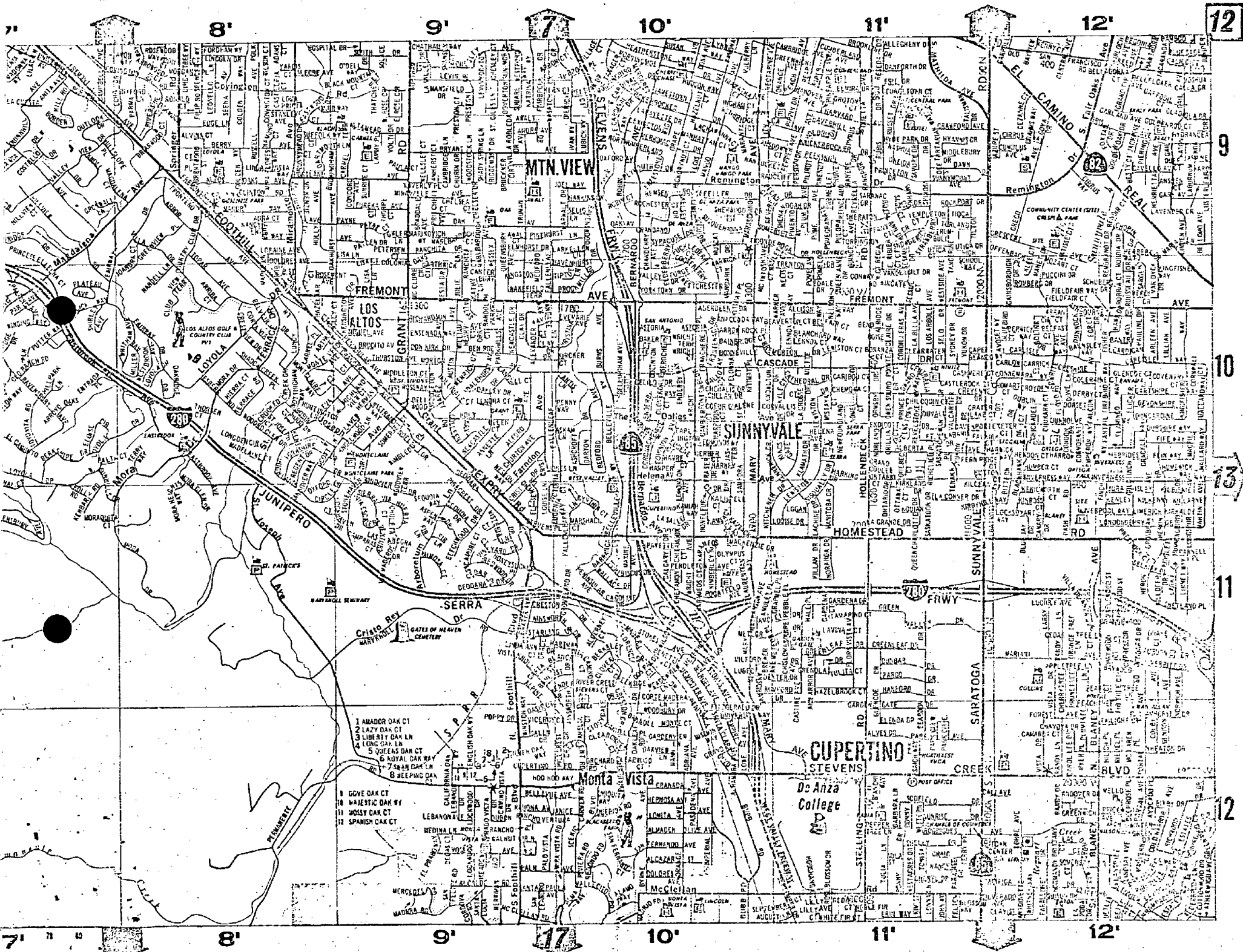
APPROVED: JAMES POTT HOWARD CAMPEN 

AGENDA DATA: DATE: _____

BOARD ACTION: _____

ITEM NO: _____

FEB 8 1972



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County of Santa Clara
California

Office of the Board of Supervisors
524 County Administration Building
70 West Hedding Street
San Jose, California 95110
299-2323 Area Code 408

Sig Sanchez, District 1
Dominic L. Cortese, District 2
Charles A. Quinn, District 3
Ralph H. Mehrkens, District 4
Victor Calvo, District 5

May 26, 1971

City Clerk
City of Cupertino
City Hall
10300 Torre Ave.
Cupertino, Ca. 95014

Subject: Agreement with City of Cupertino

**For Improvements of Stevens Creek Blvd.
between 400 feet west of Pharlap Dr.
and 500 feet east of Pharlap Dr.**

Dear Sir:

Enclosed you will find a fully executed copy of the subject agreement between the County of Santa Clara and the party named above. The Board of Supervisors at its regularly scheduled meeting on May 25, 1971 approved this agreement on behalf of the County.

The enclosed copy is for your records.

Very truly yours,

BOARD OF SUPERVISORS
Mrs. Jean Pullan, Clerk

By Drina Collins
Deputy Clerk

JP:dc
Encl.

cc: Public Works

AGREEMENT BETWEEN COUNTY OF SANTA CLARA
AND CITY OF CUPERTINO RELATING TO
IMPROVEMENT OF STEVENS CREEK BLVD. BETWEEN
400 FEET WEST OF PHARLAP DRIVE AND 500
FEET EAST OF PHARLAP DRIVE

This is an agreement between County of Santa Clara, State of California (County), and City of Cupertino (City) to improve Stevens Creek Blvd. between 400 feet west of Pharlap Drive and 500 feet east of Pharlap Drive. Fifty-two percent (52%) of the project lies within unincorporated area of County and the remaining forty-eight percent (48%) lies within the incorporated area of City.

IT IS AGREED between the parties as follows:

1. Preparation of Plans and Specifications. County shall prepare and submit to City for approval plans and specifications for the improvement of Stevens Creek Blvd. between 400 feet west of Pharlap Drive and 500 feet east of Pharlap Drive. Upon approval by City, County shall award a contract to be supervised to completion by County.

2. City's Share of Cost. Within thirty (30) days after approval by City of the plans and specifications, City shall pay to County the sum of Seven Thousand Two Hundred Dollars (\$7,200), which is the amount presently estimated by County to be the construction cost of the portion of the project lying within the incorporated area of City. As used in this agreement, the term "construction cost" shall mean the total of all costs incurred and expenditures made by County in connection with constructing the above described project, including but not limited to engineering costs and expenses, costs and expenses of preparing plans and specifications, costs and expenses for inspection, publication, advertising and printing, cost of the construction contract, cost of extra work and materials in connection with such work authorized by County and City. County's share of the project shall be fifty-two percent (52%) of the total construction cost and City's share of the project shall be forty-eight percent (48%) of the total construction cost.

cc: City of Cupertino
County Counsel
Finance
Public Works (2)

MAY 25 1971

3. Acquisition Costs. City shall acquire all the real property required for the project which lies within the City and shall pay for all acquisition costs thereof. County shall acquire all the real property required for the project which lies within the unincorporated area of County and shall pay for all acquisition costs thereof.

4. Insurance. County shall require any contractor awarded a contract for any portion of the project to secure and maintain in full force and effect at all times during the construction of the project and until the project is accepted by County, public liability and property damage insurance in forms and limits of liability satisfactory and acceptable to both City and County, insuring the City and County and their respective officers and employees from and against any claim, loss, liability, cost or expense arising out of or in any way connected with the construction of the project.

The aforementioned policy shall contain a provision that the insurance afforded thereby to City and County and their respective officers and employees shall be primary insurance to the full limits of liability of the policy and that if the City or County or their respective officers and employees have other insurance against a loss covered by such policy that other insurance shall be excess insurance only.

5. Final Accounting. Upon completion of the project County shall submit to City a final accounting of the total construction cost. In the event this final accounting shows that the sum advanced to County is less than forty-eight percent (48%) of the total construction cost, City shall pay County the difference within sixty (60) days from receipt of the final accounting. However, in the event this final accounting shows that the sum advanced to County is more than forty-eight percent (48%) of the total construction cost, County shall return the difference to City within sixty (60) days from receipt of the final accounting.

6. Records and Accounts. County shall keep, maintain and render available for inspection by City or its authorized representatives records and books which will provide a complete and accurate account of all costs, fees and expenditures made by County on construction costs of the project.

7. Annexation. In the event any portion of the area within the limits of said improvements is annexed to City before the date of approval of said plans and specifications by County, County's share of the total construction cost shall be reduced in proportion to the amount of territory annexed.

8. Termination. This agreement shall terminate on June 30, 1972 if County has not awarded a contract for construction of the above described project prior to that date. In the event of such a termination County shall refund to City all sums advanced under paragraph 2 of this agreement.

IN WITNESS WHEREOF, the parties have executed this agreement on MAY 25, 1971.

COUNTY OF SANTA CLARA

Donald M. Rains
Chairman, Board of Supervisors
County of Santa Clara, State of
California

ATTEST: JEAN PULLAN, Clerk
Board of Supervisors

Donald M. Rains
Assistant Clerk
Board of Supervisors

APPROVED AS TO FORM:

Terrell Thompson
Assistant/Deputy County Counsel

CITY OF CUPERTINO

By Ken de S. Noel
Mayor

And Robert W. Quinlan
City Manager

ATTEST:

JE. Ryder
City Clerk

APPROVED AS TO FORM:

City Attorney

RESOLUTION NO. 3057

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUPERTINO
AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE
CITY AND THE COUNTY OF SANTA CLARA TO IMPROVE STEVENS
CREEK BOULEVARD BETWEEN 400 FEET WEST OF PHAR LAP DRIVE
AND 500 FEET EAST OF PHAR LAP DRIVE

WHEREAS, there has been presented to the City Council an Agree-
ment by and between the County of Santa Clara and the City of
Cupertino to improve Stevens Creek Boulevard between 400 feet west
of Phar Lap Drive and 500 feet east of Phar Lap Drive; and said
Agreement having been approved by the Director of Public Works and
the City Attorney;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and the City
Clerk are hereby authorized to execute the Agreement herein referred
to in behalf of the City of Cupertino.

PASSED AND ADOPTED at a regular meeting of the City Council of
the City of Cupertino this 19th. day of April, 1971, by the
following vote:

AYES: Councilmen - Fitzgerald, Frolich, Green, Stokes, Noel

NOES: Councilmen - None

ABSENT: Councilmen - None

APPROVED:

/s/ Clyde L. Noel
Mayor, City of Cupertino

ATTEST:

/s/ Wm. E. Ryder
City Clerk

THIS IS TO CERTIFY THAT THE WITHIN
INSTRUMENT IS A TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE IN THIS OFFICE.

ATTEST April 29 19 71
CITY CLERK OF THE CITY OF CUPERTINO

BY Gladys McHugh
Deputy CITY CLERK

WHITE — Controller
CANARY — County Executive
PINK — Central Service or
GOLD. ROD — County Engineer
GREEN — File

No.

Job No.

Change Order No.

6.

BOARD OF SUPERVISORS
SANTA CLARA COUNTY

DATE May 26, 1971

Agreement

The following ~~was approved by the Board of Supervisors at a meeting held:~~ was approved by the Board of Supervisors at a meeting held:

May 25, 19 71

Project to be charged Agreement between County of Santa Clara and City of Cupertino re improvements to Stevens Creek Blvd. betwn. 400' west of Pharlap Dr. & 500' east of Pharlap Dr.

For the amount of \$ See Agreement

Contractor City Clerk, City of Cupertino, City Hall, 10300 Torre Ave. Cupertino, Ca. 95014

Completion Date See Agreement

Budget Item (for Controller's use)

Donald M. Rains
Assistant

~~XXXXXXXXXX~~
Clerk of the Board

dc

TRANSMITTAL MEMORANDUM

S.D. 5

Page ___ of ___

DATE: May 12, 1971

#6

FOR: BOARD OF SUPERVISORS AGENDA OF May 25, 1971

FROM: MONTINI, ENGINEERING, PUBLIC WORKS

TITLE: AGREEMENT BETWEEN COUNTY OF SANTA CLARA AND CITY OF CUPERTINO
RELATING TO IMPROVEMENTS OF STEVENS CREEK BLVD. BETWEEN 400 FEET
WEST OF PHARLAP DRIVE AND 500 FEET EAST OF PHARLAP DRIVE

DESCRIPTION:

Increased traffic requires the improvement of the Stevens Creek Blvd. - Pharlap Drive intersection. It is proposed to widen Stevens Creek Blvd. to provide left turn lanes at this intersection. A portion of the intersection is within the jurisdiction of the City of Cupertino.

The attached agreement provides for cooperative cost sharing between the County and Cupertino. The City of Cupertino has already executed the Agreement and has approved the plans. The County's total share of the cost is estimated to be \$7800. County funds are available in the 1970-71 FY road budget in the Road Deficiency line item. It is proposed to do this work using the Equipment Rental Contract. The estimated construction cost of the project is \$11,000.

Approval is recommended.

Upon execution please send a fully executed copy of the Agreement to the City Clerk of the City of Cupertino.

LM:TAC:vlh

attachments

LM
APPROVED: JAMES POTT 

HOWARD CAMPEN _____

AGENDA DATA: DATE: _____ BOARD ACTION: _____
ITEM NO: _____

MAY 25 1971

