



**AMENDMENT NO. 2 TO AGREEMENT FOR  
NON-EXCLUSIVE COLLECTION, TRANSPORTATION AND RECYCLING OR DISPOSAL OF  
NON-PUTRESCIBLE SOLID WASTE AND/OR CONSTRUCTION AND DEMOLITION DEBRIS  
IN THE CITY OF MILPITAS**

This Amendment is entered into this 4th day of August 2009, by and between the City of Milpitas, a municipal corporation of the State of California (hereafter referred to as "CITY") and Stevens Creek Disposal and Recycling, (hereafter referred to as "COLLECTOR").

**RECITALS**

WHEREAS, the parties entered into an Agreement for the non-exclusive collection, transportation and recycling or disposal of non-putrescible solid waste and/or construction and demolition debris in the City of Milpitas; and

WHEREAS, the parties desire to extend the term of the Agreement and modify the procedures for the exercise of service extensions;

NOW THEREFORE, in consideration of the mutual covenants and conditions herein contained, the parties agree to amend the Agreement as follows:

1. Section 17 (Term of the Agreement) is amended with the addition of the following new paragraph after the end of the existing text:

“The City and the Collector, by mutual written consent, exercise the first service extension option and extend the term of this Agreement from August 15, 2009 to August 14, 2012. The City’s exercise of the second and final remaining option to extend this Agreement may be performed administratively and shall lie within the discretion of the City Manager or designee, upon mutual written agreement of the Collector and the City.”

2. All other provisions of the Agreement shall remain in full force and effect.

APPROVED BY:  
CITY OF MILPITAS

APPROVED BY:  
CONSULTANT

\_\_\_\_\_  
Thomas C. Williams, City Manager

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Mark Arsenault, General Manager

Approved As To Content:

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Greg Armendariz, Public Works Director/City Engineer

Approved As To Form:

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Michael J. Ogaz, City Attorney

Prepared By:

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Chris Schroeder, City Purchasing Agent