

8. OPERATOR MAKES NO REPRESENTATIONS OR WARRANTIES--EXPRESS OR IMPLIED-- REGARDING THE SYSTEM OR THE SERVICES, INCLUDING, BUT NOT LIMITED TO, ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, AND ALL SUCH WARRANTIES ARE HEREBY DISCLAIMED. NOTWITHSTANDING ANYTHING TO THE CONTRARY CONTAINED HEREIN, IN NO EVENT SHALL OPERATOR OR OWNER BE LIABLE FOR ANY INDIRECT, INCIDENTAL, CONSEQUENTIAL, SPECIAL, RELIANCE OR PUNITIVE DAMAGES, EVEN IF ADVISED OF THE POSSIBILITY THEREOF.

9. Owner reserves the right to grant other easements on or rights of access to the Property, but will not allow such other grants to interfere with the rights conveyed in this Agreement.

10. This Agreement may be executed in several counterparts, each of which shall be deemed an original and such counterpart together shall constitute one and the same instrument.

11. This Agreement shall be construed in accordance with the laws of the State where the Property is located.

IN WITNESS WHEREOF, Owner and Operator have executed this Agreement as of the date first written above.

Time Warner Cable Texas LLC, d/b/a Time Warner Cable

By: Paul E. Snyder for C. Snyder
Name: Chris Snyder / Paul Guillaume
Title: Director- Market Development
Tel/Fax: 972-537-5384/469-464-4035
E-Mail: mark.fessenden@twc-contractor.com
Date: 3/20/14

APPROVED AS TO FORM:

OFFICE OF THE DISTRICT ATTORNEY

HIDALGO COUNTY, TEXAS

By: Josephine Ramirez Solis
Josephine Ramirez Solis, Asst. District Attorney

COUNTY OF HIDALGO

[PRINT OWNER'S NAME]

By: Ramon Garcia
Name: **HONORABLE RAMON GARCIA**
Title: **COUNTY JUDGE**
Tel/Fax: **(956) 292-7000 EXT. 5000**
E-Mail: **ramon.garcia@co.hidalgo.tx.us**
Date: **FEBRUARY 11, 2014**

Approved by Commissioners' Court
on 2/11/14 Ro

Primary On-Site Contact:

Print Name: DANIEL FLORES, FACILITIES MANAGMENT

Phone Number: (956) 292-7000 EXT. 4355

Email Address: daniel.flores@co.hidalgo.tx.us

ATTEST:

By: Arturo Gujardo, Jr.
Arturo Gujardo, Jr., County Clerk

EXHIBIT A

February 11, 2014

SPECIAL MEETING - February 11, 2014

BE IT REMEMBERED, that on this 11th day of February A.D., 2014, there was begun and held a SPECIAL MEETING of the Honorable Commissioners' Court of Hidalgo County, Texas, wherein the following members thereof were present, to-wit:

HONORABLE RAMON GARCIA

HIDALGO COUNTY JUDGE

HONORABLE A.C. CUELLAR, JR.

COMMISSIONER, PRECINCT NO. 1

HONORABLE HECTOR "TITO" PALACIOS

COMMISSIONER, PRECINCT NO. 2

HONORABLE JOE M. FLORES

COMMISSIONER, PRECINCT NO. 3

HONORABLE JOSEPH PALACIOS

COMMISSIONER, PRECINCT NO. 4

and ARTURO GUAJARDO, JR., COUNTY CLERK & EX-OFFICIO CLERK OF THE COMMISSIONERS' COURT of Hidalgo County, Texas, wherein the following proceedings were had, to-wit:



**AGENDA
CC REGULAR
HIDALGO COUNTY
COMMISSIONERS COURT
MEETING
February 11, 2014
9:30 A.M.**

NOTICE is hereby given in accordance with Chapter 551, Texas Government Code, that a **SPECIAL MEETING** of the Commissioners' Court will be held at the Edinburg Council Chambers 415 W. University Drive, Edinburg, Hidalgo County, Texas. Discussion and possible action relating to the following business will be transacted:

1. Roll Call

All members of the Court were counted present.

2. Pledge of Allegiance

Judge Garcia led the Court and Audience in reciting the Pledge of Allegiance.

3. Prayer

Virginia Townsend led the Court and Audience in Prayer.

4. Approval of Consent Agenda

The Court moved to approve the Consent Agenda for the exception of Items 4.A, 5.C, 10.A, and 10.B to be pulled for discussion.

The Court proceeded to Item 22.A.

5. Executive Officer - Valde Guerra:

- A.** 1. Requesting exemption from competitive bidding requirements under the Texas Local Government Code, Section 262.024(A) (4) "a Professional Service" for the "provision of legal services/representation in connection with litigation."

On motion by COMMISSIONER PCT. 3, JOE M. FLORES, seconded by COMMISSIONER PCT. 1, A.C. CUELLAR, JR., the Court made a UNANIMOUS vote of approval as it pertains to Item **27.H** ; County v. MERS (Mortgage Electronic Registration System).

Vote: 4 - 0 - Unanimously

2. Requesting engagement with the firm of Gary Riebshlager, Houston, TX for the "Provision of Legal Services/Representation in connection with Litigation" and authority to submit letter of engagement

On motion by COMMISSIONER PCT. 3, JOE M. FLORES, seconded by

24.

Purchasing Department - Marty Salazar:

Notes:

A. FOR ANY CONTRACT(S) AWARDED AND APPROVED UNDER THIS AGENDA, EXECUTED COPIES OF THE CONTRACT(S) WILL BE AVAILABLE ON THE COUNTY INTRA-NET WEBSITE AND WILL BE FOWARDED VIA E-MAIL, FAX OR HAND DELIVERED TO HIDALGO COUNTY AUDITOR'S OFFICE.

B. ANY AND ALL REQUESTS FOR PAYMENT(S) APPROVED WILL BE SUBJECT TO COUNTY AUDITORS PROCESSING PROCEDURES INCLUDING AUTHORITY FOR COUNTY TREASURER TO ISSUE PAYMENT(S)/CHECK(S).

A. Hidalgo County

1. **AI-42831** A. Pursuant to Article 13.3.3.1, AIA-Form of Agreement between HC & Alcocer-Garcia Associates, project architect for: Renovations/Remodeling of 1st & 2nd Floors of former Administration Building located at 100 E. Cano, Edinburg, Texas confirmation of notification to architect (through Purchasing Dept. after full consultation with Executive Officer) to proceed and engage services of appropriate professional services consultant to assess substance found by General Contractor in an area (as yet not surveyed due to continuous occupancy); or, in the alternative:

NO ACTION taken on this Item.

B. Through HC's membership/participation with The Interlocal Purchasing System (TIPS), authority to accept and approve proposals awarded TIPS vendor (AAMECC) for the testing of identified suspicious (possibly ACM) including the writing of specifications for abate/remediation and monitoring services including the issuance of applicable POs.

On motion by COMMISSIONER PCT. 1, A.C. CUELLAR, JR., seconded by COMMISSIONER PCT. 3, JOE M. FLORES, the Court made a UNANIMOUS vote of approval.

Vote: 5 - 0 - Unanimously

2. **AI-42833** Approval for the automatic extension of a successive one (1) year term (as provided in the letter of engagement) with **The J. Ramirez Law Firm**, fka, Ramirez & Guerrero, for continued provision of services as Bond Counsel for Hidalgo County.

On motion by COMMISSIONER PCT. 4, JOSEPH PALACIOS, seconded by COMMISSIONER PCT. 1, A.C. CUELLAR, JR., the Court made a UNANIMOUS vote of approval.

Vote: 5 - 0 - Unanimously

Vote: 4 - 0 - Unanimously

C. Discussion and applicable action on alternative options

NO ACTION taken on this Item.

B. Pct. 1

- 1. **AI-41237** Approval of a Professional Engineering Service Agreement as reviewed and approved by legal with Chanin Engineering LLC for the purposes of "Engineering Services" for project specific "Delta Lake Pavilion-Hidalgo County Precinct One" in the amount of \$7,500.00 as approved for negotiations by CC on 08/20/13 through County's protocol from the "POOL" of Engineering.

On motion by COMMISSIONER PCT. 2, HECTOR PALACIOS, seconded by COMMISSIONER PCT. 1, A.C. CUELLAR, JR. , the Court made a UNANIMOUS vote of approval.

Vote: 5 - 0 - Unanimously

- 2. **AI-42747** Presentation of sole responsible, lowest and best bid received as detailed in tabulation sheet contained herein and meeting all specifications and/or requirements for the purpose of award with approval of contract for Request for Sealed Quotes (as yearly amount purchased does not exceed statutory bid limit) titled: Waste Water Management System" through project No.: 2014-015-01-10-SGS.

NO ACTION taken on this Item.

C.	Pct. 4	
	1. AI-42989	Request by Time Warner Cable Texas, LLC, dba, Time Warner Cable for Hidalgo County Commissioners Court to accept, approve and execute a Right of Entry Agreement so as to have ROE and provide TWCBC services to Nuestra Clinica Del Valle's Mobile structure at address 300 North 86th Street-Edinburg, Texas a County-owned property.)
APPROVED		On motion by COMMISSIONER PCT. 1, A.C. CUELLAR, JR., seconded by COMMISSIONER PCT. 3, JOE M. FLORES , the Court made a UNANIMOUS vote of approval.)
		Vote: 4 - 0 - Unanimously

- 2. **AI-43007** a. Requesting approval of a "professional engineering services" agreement# **C-13-188-02-11** with **TEDSI INFRASTRUCTURE GROUP, INC.,** for the purposes of "Professional Engineering Services" for "Job Specific" - **PROJECT:"The Reconstruction of Mon Mack Rd from Mile 11 N. Rd north for 0.4 miles"** located within Hidalgo County Precinct No. 4;

On motion by COMMISSIONER PCT. 1, A.C. CUELLAR, JR., seconded by COMMISSIONER PCT. 2, HECTOR "TITO" PALACIOS, the Court made a UNANIMOUS vote of approval.

APPROVED

AI-42989

Purchasing Department

24. C. 1.

CC REGULAR

Meeting Date: 02/11/2014

Submitted For: Comm. J. Palacios, Pct. #4 Submitted By: Marty Salazar, PURCHASING DEPT.

Department: PURCHASING DEPT.

Information

CAPTION

Request by Time Warner Cable Texas, LLC, dba, Time Warner Cable for Hidalgo County Commissioners Court to accept, approve and execute a Right of Entry Agreement so as to have ROE and provide TWCBC services to Nuestra Clinica Del Valle's Mobile structure at address 300 North 86th Street-Edinburg, Texas a County-owned property.

BACKGROUND

Fiscal Impact

FISCAL YEAR:

ACCT. #:

FUNDS AVAILABLE Y/N?:

MATCHING FUNDS Y/N?:

BUDGETARY IMPACT:

No budgetary expenditure is anticipated.

Attachments

ROE Agrmnt 01-10-14-Nuestra Clinica Del Valle
email frm legal (Josepine Ramirez)-approved ROE Agrmnt

Form Review

<u>Inbox</u>	<u>Reviewed By</u>	<u>Date</u>
Purchasing Department	Marty Salazar	02/04/2014 11:59 AM
Budget & Management	Debbie Tamez	02/04/2014 04:44 PM
Obdett Calzada	Obdett Calzada	02/07/2014 09:24 AM
Auditor's Office	Monica Badillo	02/07/2014 05:17 PM
Form Started By: Marty Salazar		Started On: 02/04/2014 10:36 AM
	Final Approval Date: 02/07/2014	