

*Agenda Item Request Form*

**Hays County Commissioners' Court**

9:00 a.m. Every Tuesday

**Request forms are due in the County Judge's Office**

no later than 2:00 p.m. on WEDNESDAY.

Phone (512) 393-2205 Fax (512) 393-2282

**AGENDA ITEM: APPROVE COMMISSIONER COURT MINUTES JULY 19, 2011.**

CHECK ONE:    **X CONSENT**    ☐ ACTION    ☐ EXECUTIVE SESSION  
                  ☐ WORKSHOP    ☐ PROCLAMATION    ☐ PRESENTATION

**PREFERRED MEETING DATE REQUESTED: July 26, 2011**

**AMOUNT REQUIRED:**

**LINE ITEM NUMBER OF FUNDS REQUIRED:**

**REQUESTED BY: GONZALEZ**

**SPONSORED BY: COBB**

**SUMMARY:**

FILED: JUL 26 2011  
HAYS COUNTY COMMISSIONERS' COURT  
Resolution # 28242 VOL 11 PC 634



JULY 19, 2011

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VOLUME U PG 627

STATE OF TEXAS \*  
COUNTY OF HAYS \*

ON THIS THE 19<sup>TH</sup> DAY OF JULY A.D., 2011, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ALBERT H. COBB JR	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
MARK JONES	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RAY O. WHISENANT JR	COMMISSIONER, PCT. 4
ROSE ROBINSON	DEPUTY COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Commissioner Conley gave the invocation and Judge Cobb led the court in the Pledge of Allegiance to the flags. Judge Cobb called the meeting to order.

#### PUBLIC COMMENTS

Special Counsel Mark Kennedy introduced the court to Frank Davis as the new Assistant District Attorney.

#### 28220 ADOPT A PROCLAMATION RECOGNIZING JULY 17-23 AS PROBATION, PAROLE, AND COMMUNITY SUPERVISION WEEK IN HAYS COUNTY

Rochelle Thomas and Lisa H. Pacheco Deputy Director of the Hays County Probation Department spoke and introduced the officers that work in her office Rosalinda Hernandez, Brittany Martinez, Michelle Acosta, Jose Saldana, Dee Bartlett, Michael Hartman, Rosaura Viramontes-Flores and Eric Aguirre. A motion was made by Commissioner Jones, seconded by Commissioner Ingalsbe to adopt a Proclamation recognizing July 17-23 as Probation, Parole, and Community Supervision Week in Hays County. All voting "Aye". MOTION PASSED

#### 28221 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve county invoices in the amount of \$ 1,119,665.97 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

#### 28222 APPROVE COMMISSIONERS COURT MINUTES OF JULY 19, 2011

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve Commissioners Court Minutes of July 19, 2011 as presented by the County Clerk.

#### 28223 ACCEPT CONTRIBUTIONS FOR THE HISTORICAL COMMISSION-DOCUMENTARIES AND AMEND THE BUDGET FOR USE OF THOSE FUNDS FOR DIRECT EXPENSES RELATED TO THE PROJECT AND AMEND BUDGET ACCORDINGLY

The Historical Commission has received donations for the Parks Johnson documentary. These funds will be used for the production and distribution of the Park Johnson DVD's. No matching funds needed. Amount required is \$15,000.000 (001-676-00-055.4610). A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to accept contributions for the Historical Commission-documentaries and amend the budget for use of those funds for direct expenses related to the project and amend budget accordingly. All voting "Aye". MOTION PASSED

#### 28224 AMEND THE LCRA FUND TO COVER REIMBURSEMENT FOR TWO PUBLIC NOTICE ADS FOR THE PUBLIC MEETING RELATED TO THE CREATION OF THE PUBLIC UTILITY AGENCY

Commissioner Whisenant from Precinct 4 would like to amend the LCRA fund to cover reimbursement for two public notice ads to run in the San Marcos Daily Record for the public meeting related to the creation of the Public Utility Agency. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to amend the LCRA Fund to cover reimbursement for two public notice ads for the public meeting related to the creation of the Public Utility Agency. All voting "Aye". MOTION PASSED



**28225 INCREASE REVENUE AND EXPENDITURES FOR JUVENILE DETENTION OPERATING & GRANT SCHOOL LUNCH PROGRAM AND AMEND THE BUDGET ACCORDINGLY**

The FY 2011 budget for the Juvenile Detention Center was budgeted using an average of 84 kids in the program. These numbers have increased to a monthly average of 96 kids. Operating expenses have increased due to housing more juveniles. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to increase revenue and expenditures for Juvenile Detention Operating & Grant School Lunch program and amend the budget accordingly. All voting "Aye". MOTION PASSED**

**28226 RECOGNIZE TEXAS DEPT. OF TRANSPORTATION'S AWARD OF THE RM 12 AT SPORTS PARK DRIVE TO THE LOW BIDDER, ASPHALT PAVING COMPANY OF AUSTIN**

The RM 12 at Sports Park Drive project was identified by the voters as a priority safety improvement project in Precinct 4 as part of the 2008 Priority Road Bond Program. The project design is complete and is currently awaiting award to the low bidder pending Commissioners Court approval. As per the Advanced Funding Agreement between the Texas Department of Transportation and the County, TxDOT is required to obtain approval from the County prior to awarding a contract to the low bidder if the bid is more than 20 % above the latest design engineers estimate. Current engineers estimate is \$317,107.12. Low bidder was Asphalt Paving Company of Austin at \$ 400,000. Approximately 26% over the engineers estimate. There was a total of five bids received which range from \$405,162 to \$507,979. Although the low bidder was above the engineer's estimate, it is still well below the construction amount identified in the Advanced Funding Agreement (\$585,000) as well as the amount programmed for construction of the project in the road bond program. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to recognize Texas Dept. of Transportation's award of the RM 12 at Sports Park Drive to the low bidder, Asphalt Paving Company of Austin. All voting "Aye". MOTION PASSED**

**28227 RESUBDIVISION OF LOT 6, THOMPSON RANCH ESTATES [11-3-13--2 LOTS] HOLD PUBLIC HEARING AND APPROVE FINAL PLAT**

Judge Cobb opened the public hearing. No public input was received. Public hearing was closed Roxie Botkin Subdivision Coordinator gave an overview of the plat and gave staff recommendation. Clint Garza Director of Development Services spoke of the state rules and Hays County rules on the limits of lots sizes. The Thompson Ranch Estates is a 16 lot subdivision located off of Wayside Drive in Precinct 3. The owner of lot 6 wishes to divide the 9.398 acre lot into two new parcels. The new configuration will consist of the following; Lot 6-A 3.98 acres which is currently served by a private well and an on-site sewage facility and Lot 6-B 6 acres will utilize a private well and OSSF at the time of development. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant approve final plat of resubdivision of Lot 6, Thompson Ranch Estates 2 Lots. All voting "Aye". MOTION PASSED**

**28228 AMENDING PLAT OF LOTS 22 AND 23 SOUTHRIDGE ESTATES SUBDIVISION [11-1-19--2 LOTS] APPROVE PRELIMINARY PLAN AND CALL FOR PUBLIC HEARING ON AUGUST 16, 2011**

Clint Garza Director of Development Services spoke of Southridge Estates being in Hays County and Guadalupe County. The Southridge Estates is an 88 lot subdivision located off of Centerpoint Road in Precinct 1. Although the subdivision was platted in 1976, numerous changes have taken place and there are only 45 total owners within the entire division. The owner of lot 23 wishes to divide the lot into 2 new lots resulting in a 1.036 acre lot 23A and a .50 acre lot 23B. In addition to the subdivision, the owner of lot 23 owns portion of lot 22. At the time lot 22 was divided by metes and bounds, the resulting tract (.39 ac) was too small for an on-site facility. Although the current owner of Lot 23 did not divide the original portion she has agreed to convey .11 acres to the neighboring lot owner to not only correct the platting errors but also ensure the lot had sufficient acreage to be granted a permit in the future. Lot 22 and 23A will be served by existing permitted OSSF's and public surface water supply. Lot 23B will be served by an advanced OSSF and public water supply once it's developed. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to approve preliminary plan of Lot 22 and Lot 23 Southridge Estates Subdivision (2 Lots) and call for public hearing on August 16, 2011. All voting "Aye". MOTION PASSED**



JULY 19, 2011

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VOLUME U PG 629

**28229            AUTHORIZE THE PURCHASE OF SECURITY EQUIPMENT FOR THE HAYS COUNTY GOVERNMENT CENTER**

Bob Hinkle of Broaddus and Associates spoke. Lt. Ronnie Strain of the Hays County Sheriff Office spoke of the security equipment for the Hays County Government Center has been identified and will stay at the Government Center. This is totally funded from the Government Center Project Budget in the amount of \$79,148.00. The equipment needed are: 2 Less Lethal Shotgun (005-850-94-489.57147), 1 key Warden (005-850-94-489.57190, 6 PD140 Hand Held Metal Detector (005-850-94-489.5717), 2 HIPE-Multizone with Zone Detection (005-850-94-489.5719), 2 Optional Traffic Counter with Analysis Software (005-850-94-489.5719), 2 Hi-Scan 6040ds High Performance X-Ray, 2 1 Meter Entry/Exit Table (005-850-94-489.5711), 2 2 Meter Entry/Exit Table (005-850-94-489.5711), 1 Secureit Model 84 Tactical Weapons Rack (005-850-94-489.5717), 1 EV48L4S All Terrain Vehicle (005-850-94-489.5713). A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the purchase of security equipment for the Hays County Government Center as provided in the back up at a cost of \$79,148.00 and is budgeted within the total project cost. Commissioner Jones, Commissioner Conley voting "No". Commissioner Ingalsbe, Commissioner Whisenant and Judge Cobb voting "Aye". MOTION PASSED

**28230            AUTHORIZE THE PURCHASE OF THREE (3) CELL PHONES AND SERVICE FOR THE SECURITY PERSONNEL AT THE HAYS COUNTY GOVERNMENT CENTER AND AMEND THE BUDGET ACCORDINGLY**

Lt. Ronnie Strain of the Hays County Sheriff Office spoke. Captain Mark Cumberland spoke of the cell phones are only being used by Sergeants and Lieutenant's not deputies. The purchase of the 3 cell phones total cost is \$1,740 per year or \$145 per month. The Sheriff's Office budget this amount for next year's budget and is asking for \$435 now to cover for the months of July, August, and September. Funds have been identified in the Sheriff's Office Operating, Law Enforcement supplies to cover this. Amount required \$435.00 (001-613-00.5489). A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the purchase of three (3) cell phones and services for the Security Personnel at the Hays County Government Center the funds will be coming out of the current Sheriff's Office in the amount of \$435.00 and amend the budget accordingly. All voting "Aye". MOTION PASSED

**28231            RE-ASSIGN THE RESPONSIBILITIES OF COMPLIANCE AND COLLECTIONS FOR HAYS COUNTY COURTS-AT-LAW #1 AND #2 FROM THE COMPLIANCE AND COLLECTIONS DEPARTMENT TO THE COUNTY COURTS-AT-LAW EFFECTIVE JULY 19, 2011**

Special Counsel Mark Kennedy spoke. Judge Linda Rodriguez spoke of the personnel change, computer, phone lines and case files she would like them to be transferred to her office. Judy Seim Compliance Administrator spoke of the equipment and case files when she is audited. Commissioner Conley explained how the collections department who have the responsibility to this court to collect for County Courts-at-Law and District Court. Judge Linda Rodriguez and Judge Robert Updegrave will have the responsibility for collections out of the county court office. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to re-assign the responsibilities of compliance and collections for Hays County Courts-at-Law #1 and #2 from the Compliance department and Collections department to the County Courts-at-Law and that all associated equipment, computers and phone lines to be transferred to County Court at Law along with the salary position and to authorize County Court-at-Law to fill the position effective immediately. All voting "Aye". MOTION PASSED

**28232            APPROVE A RESOLUTION ACCEPTING A SUPPLEMENTAL CONTRACTUAL AGREEMENT BETWEEN HAYS COUNTY AND TXDOT FOR RIGHT OF WAY PROCUREMENT BY A LOCAL GOVERNMENT AND AUTHORIZE THE JUDGE TO EXECUTE SAID AGREEMENT**

On August 19, 2009 the County entered into an agreement with the State for the reimbursement of right of way acquisition costs associated with the RM 12 road bond project from FM 3407 ( Wonder World Drive) to RM 32. This agreement, which terminated on August 31, 2009, reimbursed the County for 90% of the ROW acquisition costs incurred up to the termination date. Total reimbursement to the County under the initial agreement was \$670,174.20. Recently the State has determined that there will be funds available for additional reimbursements to the County for right of way acquired by the County on RM 12 and has agreed to supplement the original agreement to extend the termination date to August 31, 2011 and increase the State maximum participation amount of \$1,500,000. Current additional right of way acquisitions eligible for reimbursement under the supplemental agreement total approximately \$284,000. A motion was made by Commissioner Conley, seconded by Commissioner Jones to approve a resolution accepting a Supplemental Contractual Right Away Agreement between Hays County and TxDOT for right of way procurement by a local government and authorize the Judge to execute said agreement. All voting "Aye". MOTION PASSED



**28233            APPROVE THE PERSONAL HEALTH DEPARTMENT (PHD) APPLYING TO THE NATIONAL HEALTH SERVICE CORPS (NHSC) FOR THE SAN MARCOS AND KYLE CLINICS TO BE DESIGNATED AS NHSC CLINICAL SITES**

Priscilla Hargraves Personal Health Department Director spoke of the approval of the application. The membership in the National Health Service Corps provides benefits for the Personal Health Department this would better able to recruit and retain providers by offering an opportunity for them to participate in loan repayment; access to free and unlimited postings of open job opportunities; availability of linkages to academic institutions and other organizations to support recruitment efforts; and access to networking opportunities with other NHSC sites and clinicians. The PHD also requests approval of the attached sliding scale fee schedule. This does not represent a change for the Family Clinic, but is a change for the Women's Health and Well Child Departments, which currently charges a flat fee for services. A sliding scale fee schedule throughout the clinic is a requirement to apply for NHSC clinic status. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to approve the Personal Health Department (PHD) applying to the National Health Service Corps (NHSC) for the San Marcos and Kyle clinics to be designated as NHSC clinical sites and to adopt the fee schedule as amended.** Judge Cobb voting "No". Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley and Commissioner Whisenant voting "Aye". **MOTION PASSED**

**28234            PUBLIC HEARING TO FINALIZE CHANGES TO THE HAYS COUNTY DEVELOPMENT REGULATIONS**

Judge Cobb opened the public hearing. No public input was received. Public hearing was closed. Clint Garza Director of Development Services spoke of the proposed changes; including groundwater monitoring wells, building line setbacks, storm water runoff and flood plain ordinance. **A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to finalize changes to the Hays County Development Regulations and strike of the line item in Sub-Chapter 3.02 page 100 reads as follows: The volume, rate, and timing of runoff after development should closely approximate the conditions before development moving to strike those words.** All voting "Aye". **MOTION PASSED**

**28235            APPROVE SCOPE AND FEE FOR PRODUCING A TRANSPORTATION PLAN FOR HAYS COUNTY**

Joe Cantalupo Executive Director of CAMPO (Capital Area Metropolitan Planning Organization) spoke of the transportation plan. Water system plan might affect growth of development for transportation plan. Lenée Lovejoy resident of San Marcos spoke. This scope of work for the Hays County Transportation Plan was developed to address the interests of Hays County in developing the Hays County Transportation Plan. It was developed to address the following: (1) develop a transportation plan that is based on sound technical analysis; (2) accommodate growth while maintaining and improving access to destinations for the traveling public (work, school, shopping, residential) (3) maintenance and improvement of the transportation system and the mobility of its users (4) providing the county with the information and tools needed to preserve the right of way needed for future transportation improvements (5) development of a transportation plan through an open and transparent process that provides numerous and various ways for the public to stay involved and provide input into the process (6) Creation and adoption of a transportation plan that not only addresses specific project needs but one that also sets an overall direction for the transportation future of Hays County. **A motion was made by Commissioner Conley, seconded by Commissioner Jones to approve Scope and Fee for producing a Transportation Plan for Hays County using \$50,000 which has been identified in countywide 2011 budget for transportation planning to identified \$250,000.00 within the road and bridge budget in the current year and the difference of the amounts will be added and submitted to the County Judge within the 2012 budget in countywide to make up the difference for the remaining in the 2012 budget.** All voting "Aye". **MOTION PASSED**

**28236            RENEW THE SOLID WASTE HAULING CONTRACT WITH TDS AND APPROVE THE QUOTE FOR A 10 YEAR LEASE ON A STATIONARY COMPACTOR**

Jerry Pinnix Director of Transfer & Citizens Collection and Parks spoke of the fees and the quote for the 10 year lease of the stationary compactor which includes all maintenance, labor, and repairs. The hauling rate will remain the same for now, with a 3.5% per year increase starting in September 2012. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to renew the solid waste hauling contract with TDS and approve the quote for a 10 year lease on a stationary compactor.** All voting "Aye". **MOTION PASSED**





JULY 19, 2011

VOLUME U PG 631

**28237      ADOPT A RESOLUTION REGARDING COUNTY POLICY IN THE ACQUISITION OF PARKS AND OPEN SPACE PROPERTIES**

J.B. Kolodzey resident of Buda and Lenae Lovejoy resident of San Marcos spoke. A motion was made by Commissioner Conley, seconded by Commissioner Jones to approve a Resolution regarding County policy in the acquisition of parks and open space properties. All voting "Aye". MOTION PASSED

**28238      AUTHORIZE THE COUNTY JUDGE TO APPROVE THE PROPOSED APPLICATION FOR PUBLIC HEALTH EMERGENCY PREPAREDNESS FUNDING FOR FY 2012 IN THE AMOUNT OF \$122,428.00**

Priscilla Hargraves Personal Health Department Director spoke. Charles Chapman R.N. and Kharley Smith gave an overview of the Grant Program. H1N1 and Bio-Terrorism is Health Emergency. This application between the Hays County Personal Health Department and the Texas Department of State Health Services for public Health Emergency Preparedness funds for FY 2012. The award is for \$122,428.00. There is a 10% match required for FY2012 of \$12,243.00. The funding is for August 1, 2011 through July 31, 2012. For FY2011 the county was required by the state to have a 10% match which was done. For FY2012 funding was cut by 16% which will be funded from the Personal Health Department Operating budget. Amount required \$13,243.00 (120-675-00.5230 and 120-675-00.5431). A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to authorize the County Judge to approve the proposed application for Public Health Emergency Preparedness funding for FY 2012 in the amount of \$122,104.26. All voting "Aye". MOTION PASSED

**28239      APPROVE A CONTRACT WITH CBRE FOR PROFESSIONAL REAL ESTATE SERVICES**

Commissioner Conley and Special Counsel Mark Kennedy spoke. A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to approve a contract with CBRE for Professional Real Estate Services for Hays County with the amendments that have been made by the court that will be negotiated and work on by Special Counsel. All voting "Aye". MOTION PASSED

**28240      INSTRUCT STAFF TO DEVELOP A LIST OF PROJECTS TO SUBMIT TO THE CAPITAL AREA METROPOLITAN PLANNING ORGANIZATION (CAMPO), HAYS COUNTY WILL HAVE INPUT ON HOW THE DISTRICT (TXDOT) SPENDS SEPARATE PROPOSITION 12 FUNDING THROUGH CAPITAL AREA REGIONAL TRANSPORTATION PLANNING (CARTPO)**

Michael Aulick of Aulick and Associates spoke of the submitted applications for funding. STP MM Funding is available for FY 2012, FY 2013, and FY 2014. Hays County submitted 17 project applications on June 30, 2011, 7 applications on state highway systems and 7 applications on county roadways. Proposition 12 funding within CAMPO Area is available for FY 2012 and FY 2013 and is state fund-no match required. A motion was made by Commissioner Conley, seconded by Commissioner Jones to instruct staff to develop a list of projects to submit to the Capital Area Metropolitan Planning Organization (CAMPO) and to (CARTPO) Capital Area Regional Transportation Planning in regards to Proposition 12 funding and for Mr. Aulick and Mr. Borcharding to coordinate with County Commissioners and County Judge on partition projects and priority of those projects and to be submitted by August 5, 2011. All voting "Aye". MOTION PASSED

**ACTION RELATED TO THE BURN BAN AND/OR DISASTER DECLARATION**

At this time the Court decided to leave the burn ban in effect.

**County Clerks Note Item # 23:** DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; PRECINCT OFFICES; RESOURCES PROTECTION TRANSPORTATION AND PLANNING DEPARTMENT; AND SPACE NEEDS PROJECTIONS FOR THE HAYS COUNTY JAIL AND RELATED CRIMINAL JUSTICE ANALYSIS-was pulled

**DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND JEFF CURREN, HDR**

Jeff Curren gave an overview of the road bond projects that have been completed and that are currently being worked on.



**County Clerks Note Item # 25:** DISCUSSION AND POSSIBLE ACTION TO APPROVE HIRING, TRANSFER AND/OR PROMOTION OF VACANT POSITION(S). THE INTENT OF THE STANDING AGENDA ITEM IS TO RECOGNIZE DEADLINE RESTRAINTS AND REMOVE BARRIERS OR BOTTLENECKS FOR HIRING MANAGERS WHEN PRESENTING TO COMMISSIONERS COURT KEY POSITIONS THEY FEEL ARE NEEDED TO BE FILLED-**was pulled**

**County Clerks Note Item # 26:** DISCUSSION OF MATERIAL RELATING TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND/OR THE LCRA DIVESTITURE-**was pulled**

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to adjourn court.

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I, LIZ Q. GONZALEZ, COUNTY CLERK and EXOFFICIO CLERK OF THE COMMISSIONERS' COURT, do hereby certify that the foregoing contains a true and accurate record of the proceedings had by the Hays County Commissioners' Court on July 19, 2011.



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LIZ Q GONZALEZ, COUNTY CLERK AND EXOFFICIO  
CLERK OF THE COMMISSIONERS' COURT OF  
HAYS COUNTY, TEXAS

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