

MINUTES

BE IT REMEMBERED, That on this 4th DAY of MAY, 2010, Commissioners Court of Fort Bend County, Texas, met at a regular meeting with the following present:

ROBERT E. HEBERT	COUNTY JUDGE
RICHARD MORRISON	COMMISSIONER PRECINCT 1
GRADY PRESTAGE	COMMISSIONER PRECINCT 2
ANDY MEYERS	COMMISSIONER PRECINCT 3
JAMES PATTERSON	COMMISSIONER PRECINCT 4
DIANNE WILSON	COUNTY CLERK

When the following were heard and the following orders were passed:

1. Call to Order.

Call to Order by Judge Hebert at 1:00 p.m.

2. Invocation and Pledge of Allegiance by Commissioner Patterson.

Invocation and Pledge of Allegiance by Commissioner Patterson.

3. Approve minutes of regular meeting held on April 27, 2010.

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve the minutes of regular meeting held on April 27, 2010.

Judge Hebert	Yes
Commissioner Morrison	Yes
Commissioner Prestage	Yes
Commissioner Meyers	Yes
Commissioner Patterson	Yes

Note: While action remains the same, Commissioner Morrison indicated his intension was to vote "No" for agenda item 20C.

4. Public Comments regarding the Agenda and Announcements.

No public comments.

Commissioner Meyers announced that May 8 is Election Day for several cities and schools.

5. **PUBLIC HEARINGS: 1:00 p.m.: Conduct Public Hearing and take all appropriate action on the following matter:**

Acceptance of the traffic control plan for Lakemont Court, Section 1, Pct. 3.

Public hearing held. No public comments.

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to accept the traffic control plan for Lakemont Court, Section 1, Pct. 3.

Judge Hebert	Yes
Commissioner Morrison	Yes
Commissioner Prestage	Yes
Commissioner Meyers	Yes
Commissioner Patterson	Yes

CONSENT AGENDA ITEMS 6 - 13

6. **OUT OF STATE TRAVEL: Approve out-of-state travel requests for County personnel:**

Elections Administration: John Oldham, James Guen, and Gracie Alvarado to Baton Rouge, Louisiana, July 9-17, 2010, to attend Election Center professional development classes. (Fund: Elections Contracts, Travel)

7. **COMMISSIONER, PCT. 3:**

Approve the appointment of Michael Lavengco as Commissioner for the Fort Bend County Emergency Service District #4 effective through December 31, 2011, to fill the unexpired term created by the resignation of Frances Smart.

8. **BUDGET TRANSFERS:**

- A. **County Clerk: Approve transfer in the amount of \$50,000 from Records Management line items detailed on County Clerk's form dated April 27, 2010, to reallocate budgeted costs into correct line for expenditure.**
- B. **County Clerk: Approve transfer in the amount of \$2,100 from Records Management, Property and Equipment into Information Technology to allocate funds for purchase of replacement receipt printers.**
- C. **Facilities Management & Planning: Approve transfer in the amount of \$116 from Operating Supplies into Information Technology to allocate funds for purchase of laptop battery.**
- D. **Sheriff's Office: Approve transfer in the amount of \$105,417 from Forfeited Assets, State, Contingency, into Capital Assets and Information Technology to allocate funds for purchase of computer equipment and software for Tiburon Migration Project.**

9. ENGINEERING:

- A. Approve payment of Invoice No. 10-03-2-631 (Pay Estimate No. 16) in the amount of \$2,434.75 to Percheron Acquisitions, LLC regarding Mason Road expansion Project #735, Precinct 3. (Fund: Right of Way)**
- B. Approve payment of Invoice No.23 (Pay Estimate No. 23) in the amount of \$12,521.49 to Cobb-Fendley & Associates, Inc. regarding the expansion of Greenbusch Road, Mobility Bond Project #732, Precinct 3. (Fund: 2007 Mobility Bonds)**
- C. Approve application from Linco Construction Company, Inc. to construct a median modification on Westheimer Lakes North Drive, Precinct 3.**
- D. Approve application from Devon Street Homes to construct three driveway tie-ins onto Roycroft Lane, Precinct 3.**
- E. Approve application from CenterPoint Entex to bore under Bullhead Bayou and bury a 4-inch plastic gas line along Plantation Drive, Precinct 3.**
- F. Approve application from Sugar Land Vietnamese Church to construct two driveway tie-ins, one on Clodine and one on Candela Drive, Precinct 3.**
- G. Approve releasing cashier's check #656196 in the amount of \$5,000.00 to Accurate Construction Company for completion of work on Cinco Ranch Blvd. Permit#83437, Precinct 3.**
- H. Set public hearing for acceptance of the traffic control plan for West Bellfort from FM 1464 to Martinez Street, Precinct 4. (*Conduct hearing on Tuesday, June 1, 2010 at 1:00 p.m.*)**

10. FACILITIES MANAGEMENT & PLANNING:

- A. Approve payment of Invoice No. 374465 in the amount of \$86.40, to Damon Farm and Ranch Service Center for landscape materials associated with the Jail Expansion. (Fund: Facility Bond Project)**
- B. Approve payment of Invoice No. XDN3T5KF7 and Invoice No. XDMWJFJK4 for an amount totaling \$3,814.33 to Dell for furniture, fixture, and equipment costs associated with the Missouri City Annex. (Fund: Facility Bond Project)**
- C. Approve payment of Invoice No. 6305 in the amount of \$460.00 to Enchanted Gardens for landscape materials for the County's 40-Acre Site. (Fund: Facility Bond Project)**
- D. Approve payment of Invoice No. 22879 in the amount of \$28,500.00, to The Mathis Group (TMG+), for professional services regarding the Justice Center. (Fund: Facility Bond Project)**
- E. Approve payment of Invoice No. 96144563 RI, Invoice No. 96148197 RI, and Invoice No. 96119395 RI, for an amount totaling \$1,717.75 to Moore Medical for furniture, fixture and equipment costs associated with the Missouri City Annex. (Fund: Facility Bond Project)**

Item 10 continued - Facilities Management & Planning:

F. Approve payment of Invoice No. PH739580 in the amount of \$5,141.59 to Physio-Control, Inc., for furniture, fixture, and equipment costs associated with the Gus George Academy. (Fund: Facility Bond Project)

G. Approve payment of Invoice No. 10-32499 in the amount of \$19,548.00 to QC Laboratories, Inc. for professional services regarding the Justice Center. (Fund: Facility Bond Project)

H. Approve payment of Invoice No. H004779 in the amount of \$5,001.25 to Raba Kistner for professional services regarding the Precinct Three Annex. (Facility Bond Project)

I. Approve payment of Invoice No. 19941/L, in the amount of \$6,064.00 to South Texas Graphic Specialties, Inc., for interior graphics costs associated with the Missouri City Annex. (Fund: Facility Bond Project)

J. Approve Pay Application No. 09-00400004 in the amount of \$491,980.30 to Bass Construction for construction services provided for the EMS Medic One facility. (Fund: Facility Bond Project)

K. Approve payment of Invoice No. 10027931 in the amount of \$50,482.75, to PGAL for professional services regarding the Justice Center. (Fund: Facility Bond Project)

L. Approve payment of Invoice No. 4-10047 in the amount of \$4,817.50 to Brown & Gay Engineers for professional services regarding the University of Houston Library, Sugar Land Campus. (Fund: Facility Bond Project)

11. PUBLIC TRANSPORTATION:

Accept and authorize County Judge to sign and Transportation Director to submit the FY10 Elderly & Disabled Section 5310 Project Grant Agreement, State Project No ED 1001(12), Contract No. 51012F7269 to the Texas Department of Transportation to receive Federal funds in the amount of \$125,662. (Fund: Transportation, FY10 Grant Allocation)

12. PURCHASING:

A. Authorize advertising for Request for Proposals for trailer mounted generators.

B. Authorize advertising for bids for term contract for curbs and gutters.

C. Authorize advertising for Bids/Requests for Proposals on behalf of Community Supervision & Corrections Department (CSCD) for substance abuse treatment, drug testing supplies and lab, domestic violence counseling, mental health/ substance abuse residential services, and drug court counseling.

13. TAX ASSESSOR/COLLECTOR:

Approve refunds over \$500 detailed in Tax Assessor/Collector's Report submitted on April 27, 2010, for an amount totaling \$43,044.62.

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve consent agenda items 6 - 13.

Judge Hebert	Yes
Commissioner Morrison	Yes
Commissioner Prestage	Yes
Commissioner Meyers	Yes
Commissioner Patterson	Yes

14. AUDITOR:

Take all appropriate action on Change Order No. 5 to increase by \$1,000 the agreement with Lawson Software Americas, Inc. for the Strategic Sourcing Coupling. (Fund: Project Renaissance)

Moved by Commissioner Meyers Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to approve Change Order No. 5 to increase by \$1,000 the agreement with Lawson Software Americas, Inc. for the Strategic Sourcing Coupling. (Fund: Project Renaissance)

Judge Hebert	Yes
Commissioner Morrison	Yes
Commissioner Prestage	Yes
Commissioner Meyers	Yes
Commissioner Patterson	Yes

15. CONSTABLE, PCT. 1:

Take all appropriate action on request to transfer the amount of \$74,263 from Non-Departmental Contingency as detailed on Auditor's form dated April 23, 2010, to allocate funds for two new vehicles and equipment for the law enforcement agreement with Fort Bend County Municipal Utility District No. 23 in the Teal Run area.

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to transfer the amount of \$74,263 from Non-Departmental Contingency as detailed on Auditor's form dated April 23, 2010, to allocate funds for two new vehicles and equipment for the law enforcement agreement with Fort Bend County Municipal Utility District No. 23 in the Teal Run area.

Judge Hebert	Yes
Commissioner Morrison	Yes
Commissioner Prestage	Yes
Commissioner Meyers	Yes
Commissioner Patterson	Yes

16. CONSTABLE, PCT. 2:

A. Take all appropriate action on renewal of Agreement for Additional Law Enforcement Services between Fort Bend County and Quail Run Community Improvement Association effective through September 30, 2010.

Moved by Commissioner Prestage Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to approve renewal of Agreement for Additional Law Enforcement Services between Fort Bend County and Quail Run Community Improvement Association effective through September 30, 2010.

Judge Hebert	Yes
Commissioner Morrison	Yes
Commissioner Prestage	Yes
Commissioner Meyers	Yes
Commissioner Patterson	Yes

Item 16 continued - Constable Pct. 2:

B. Take all appropriate action to authorize application to the Texas Comptroller of Public Accounts for participation in the Fiscal Year 2011 Tobacco Compliance (STEP) Program.

Moved by Commissioner Prestage Seconded by Commissioner Patterson

Duly put and unanimously carried (5-0), it is ordered to authorize application to the Texas Comptroller of Public Accounts for participation in the Fiscal Year 2011 Tobacco Compliance (STEP) Program.

Judge Hebert	Yes
Commissioner Morrison	Yes
Commissioner Prestage	Yes
Commissioner Meyers	Yes
Commissioner Patterson	Yes

17. COUNTY CLERK:

Take all appropriate action on request to create a new position, Branch Coordinator, Grade 8 of the Administrative Policy Group, for the County Clerk's Office within the Precinct Three Facility, effective May 29, 2010. (Fund: County Clerk, Salaries)

Moved by Commissioner Meyers Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to create a new position, Branch Coordinator, Grade 8 of the Administrative Policy Group, for the County Clerk's Office within the Precinct Three Facility, effective May 29, 2010. (Fund: County Clerk, Salaries)

Judge Hebert	Yes
Commissioner Morrison	Yes
Commissioner Prestage	Yes
Commissioner Meyers	Yes
Commissioner Patterson	Yes

18. ENGINEERING:

Take all appropriate action to approve the Agreement between Fort Bend County and Fort Bend Radio Control Club regarding the operation of a Model Airpark for the new location at the Fort Bend County Landfill Facilities, at no cost to the County, Precinct 1.

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve the Agreement between Fort Bend County and Fort Bend Radio Control Club regarding the operation of a Model Airpark for the new location at the Fort Bend County Landfill Facilities, at no cost to the County, Precinct 1.

Judge Hebert	Yes
Commissioner Morrison	Yes
Commissioner Prestage	Yes
Commissioner Meyers	Yes
Commissioner Patterson	Yes

19. FIRE MARSHAL:

Take all appropriate action on Interlocal Agreement between Fort Bend County and City of Kendleton to provide fire code inspections effective through September 30, 2010, with yearly renewal.

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve Interlocal Agreement between Fort Bend County and City of Kendleton to provide fire code inspections effective through September 30, 2010, with yearly renewal.

Judge Hebert	Yes
Commissioner Morrison	Yes
Commissioner Prestage	Yes
Commissioner Meyers	Yes
Commissioner Patterson	Yes

20. HEALTH & HUMAN SERVICES:

Social Services: Take all appropriate action on Vendor Agreement between Fort Bend County and Green Mountain Energy Company to participate in a utility bill payment assistance program for qualified citizens who use Green Mountain Energy Company.

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to approve Vendor Agreement between Fort Bend County and Green Mountain Energy Company to participate in a utility bill payment assistance program for qualified citizens who use Green Mountain Energy Company.

Judge Hebert	Yes
Commissioner Morrison	Yes
Commissioner Prestage	Yes
Commissioner Meyers	Yes
Commissioner Patterson	Yes

21. MENTAL HEALTH/PUBLIC DEFENDER DEPARTMENT:

Take all appropriate action on Resolution stating the support of Fort Bend County Commissioners Court to apply for the Indigent Defense Discretionary Grant Program for 2011.

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve Resolution stating the support of Fort Bend County Commissioners Court apply for the Indigent Defense Discretionary Grant Program for 2011.

Judge Hebert	Yes
Commissioner Morrison	Yes
Commissioner Prestage	Yes
Commissioner Meyers	Yes
Commissioner Patterson	Yes

22. OFFICE OF EMERGENCY MANAGEMENT:

Take all appropriate action on Update to Emergency Management Basic Plan between Fort Bend County and sixteen pertinent interjurisdictional agencies.

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to approve update to Emergency Management Basic Plan between Fort Bend County and sixteen pertinent interjurisdictional agencies.

Judge Hebert	Yes
Commissioner Morrison	Yes
Commissioner Prestage	Yes
Commissioner Meyers	Yes
Commissioner Patterson	Yes

23. PUBLIC TRANSPORTATION:

Take all appropriate action on Work Authorization No. 1 in the amount of \$490,570 pursuant to the Agreement between Fort Bend County and IDC Inc. for Park and Ride Facilities Planning. (Fund: Public Transportation, Grants)

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to approve Work Authorization No. 1 in the amount of \$490,570 pursuant to the Agreement between Fort Bend County and IDC Inc. for Park and Ride Facilities Planning. (Fund: Public Transportation, Grants)

Judge Hebert	Yes
Commissioner Morrison	Yes
Commissioner Prestage	Yes
Commissioner Meyers	Yes
Commissioner Patterson	Yes

24. PURCHASING:

A. Take all appropriate action on Bid #10-083 for right-of-way finish cut mowing.

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to award Bid #10-083 for right-of-way finish cut mowing to Bio Landscape and Maintenance at \$44.00 per acre.

Judge Hebert	Yes
Commissioner Morrison	Yes
Commissioner Prestage	Yes
Commissioner Meyers	Yes
Commissioner Patterson	Yes

Item 24 continued - Purchasing:

B. Take all appropriate action on Bid #10-082 for the purchase of ambulance cab and chassis.

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to award Bid #10-082 for the purchase of ambulance cab and chassis to Helfman Dodge for two trucks.

Judge Hebert	Yes
Commissioner Morrison	Yes
Commissioner Prestage	Yes
Commissioner Meyers	Yes
Commissioner Patterson	Yes

C. Take all appropriate action on request from City of Fulshear to purchase one (1) 1996 Ford F150 pickup truck, two (2) Case 685 tractors and one (1) shredder for \$1,000.00 as authorized by Local Government Code §263.152 (a)(1).

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to approve request from City of Fulshear to purchase one (1) 1996 Ford F150 pickup truck, two (2) Case 685 tractors and one (1) shredder for \$1,000.00 as authorized by Local Government Code §263.152 (a)(1).

Judge Hebert	Yes
Commissioner Morrison	Yes
Commissioner Prestage	Yes
Commissioner Meyers	Yes
Commissioner Patterson	Yes

D. Take all appropriate action to cancel janitorial contracts with KT Cleaning pursuant to Bid #10-004 for Libraries and Bid #10-005 for County Buildings effective midnight on May 4, 2010.

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to cancel janitorial contracts with KT Cleaning pursuant to Bid #10-004 for Libraries and Bid #10-005 for County Buildings effective midnight on May 4, 2010 and award to second low bidder.

Judge Hebert	Yes
Commissioner Morrison	Yes
Commissioner Prestage	Yes
Commissioner Meyers	Yes
Commissioner Patterson	Yes

Item 24 continued - Purchasing:

E. Take all appropriate action to authorize the purchase of twelve (12) storage wall units from Grainger Inc. utilizing Texas Multiple Award Schedule (TXMAS) 2-539030 for Road and Bridge, in an amount not to exceed \$52,800. (Fund: Road & Bridge)

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to authorize the purchase of twelve (12) storage wall units from Grainger Inc. utilizing Texas Multiple Award Schedule (TXMAS) 2-539030 for Road and Bridge, in an amount not to exceed \$52,800. (Fund: Road & Bridge)

Judge Hebert	Yes
Commissioner Morrison	Yes
Commissioner Prestage	Yes
Commissioner Meyers	Yes
Commissioner Patterson	Yes

F. Take all appropriate action to authorize the purchase of extended maintenance on in-car video systems, using the Interlocal Cooperation Agreement between Fort Bend County and City of Allen (approved by Commissioner's Court on May 6th, 2008), for an amount not to exceed \$36,000. (Fund:)

Moved by Commissioner Patterson Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to authorize the purchase of extended maintenance on in-car video systems, using the Interlocal Cooperation Agreement between Fort Bend County and City of Allen (approved by Commissioner's Court on May 6th, 2008), for an amount not to exceed \$36,000. (Fund: Sheriff, Enforcement, Operating, Fees)

Judge Hebert	Yes
Commissioner Morrison	Yes
Commissioner Prestage	Yes
Commissioner Meyers	Yes
Commissioner Patterson	Yes

25. ROAD & BRIDGE:

Take all appropriate action to authorize payment by invoice transmittal in the amount of \$999.94 to Gulf Coast Stabilized Materials for material that was purchased without a purchase order. (Fund: Road & Bridge, Operating Supplies)

Moved by Commissioner Meyers Seconded by Commissioner Morrison

Duly put and unanimously carried (5-0), it is ordered to authorize payment by invoice transmittal in the amount of \$999.94 to Gulf Coast Stabilized Materials for material that was purchased without a purchase order. (Fund: Road & Bridge, Operating Supplies)

Judge Hebert	Yes
Commissioner Morrison	Yes
Commissioner Prestage	Yes
Commissioner Meyers	Yes
Commissioner Patterson	Yes

26. SPECIAL SERVICES:

- A. Take all appropriate action on Grant Easement between Fort Bend County and the Texas Historical Commissioner for the Fort Bend County Courthouse and Grounds as a condition of receiving Courthouse House Preservation state funds.**

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve Grant Easement between Fort Bend County and the Texas Historical Commissioner for the Fort Bend County Courthouse and Grounds as a condition of receiving Courthouse House Preservation state funds.

Judge Hebert	Yes
Commissioner Morrison	Yes
Commissioner Prestage	Yes
Commissioner Meyers	Yes
Commissioner Patterson	Yes

Item 26 continued - Special Services:

B. Take all appropriate action on Funding Agreement between Fort Bend County and Texas Historical Commission for the administration of funds for the planning phase of the rehabilitation and restoration of the Fort Bend County Courthouse. (Fund: Courthouse Preservation, Fees)

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve Funding Agreement between Fort Bend County and Texas Historical Commission for the administration of funds for the planning phase of the rehabilitation and restoration of the Fort Bend County Courthouse. (Fund: Courthouse Preservation, Fees)

Judge Hebert	Yes
Commissioner Morrison	Yes
Commissioner Prestage	Yes
Commissioner Meyers	Yes
Commissioner Patterson	Yes

27. Approve Bills.

Moved by Commissioner Morrison Seconded by Commissioner Prestage

Duly put and unanimously carried (5-0), it is ordered to approve bills in the amount of \$2,248,774.10.

Judge Hebert	Yes
Commissioner Morrison	Yes
Commissioner Prestage	Yes
Commissioner Meyers	Yes
Commissioner Patterson	Yes

Recess:

Recessed at 1:24 p.m.

28. Meet in Closed Session to deliberate the following matters as authorized by the Texas Government Code:

- A. § 551.071. Consultation With Attorney. Commissioners Court will meet in Closed Session to seek the advice of its attorney about pending or contemplated litigation; a settlement offer; or on a matter in which the duty of the attorney to Commissioners Court under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Texas Government Code Chapter 551.**

**Pending Litigation: Medical Subrogation Lien Claim: Zarosky, Arthur;
Date of Incident: May 3, 2009.**

Item 28 continued - Meet in Closed Session to deliberate the following matters as authorized by the Texas Government Code:

B. § 551.074. Personnel Matters. Commissioners Court will meet in Closed Session to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee.

Annual Evaluation: Director of Facilities Management & Planning.

Closed Session:

Convened at 1:35 p.m.

Adjourned at 1:50 p.m.

Reconvene:

Reconvened at 1:52 p.m.

29. Reconvene Open Session and consider taking action on the following matters:

A. § 551.071. Consultation With Attorney.

Pending Litigation: Medical Subrogation Lien Claim: Zarosky, Arthur

Date of Incident: May 3, 2009.

Moved by Commissioner Morrison Seconded by Commissioner Meyers

Duly put and unanimously carried (5-0), it is ordered to approve and accept the proposal made by letter dated April 27, 2010 for the settlement of the County health care plan's subrogation lien against the personal injury claims asserted by Arthur Zarosky (employee coverage) arising from the accident on 5/3/2009.

Judge Hebert	Yes
Commissioner Morrison	Yes
Commissioner Prestage	Yes
Commissioner Meyers	Yes
Commissioner Patterson	Yes

B. § 551.074. Personnel Matters.

Annual Evaluation, Director of Facilities Management & Planning.

Annual review conducted.

30. Adjournment.

Commissioners Court adjourned at 1:53 p.m. on Tuesday, May 4, 2010.