

# BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

## MEETING MINUTES - DRAFT

Tuesday, March 13, 2018 - 2:00 PM

Legislative Chamber, Room 250  
City Hall, 1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

### Regular Meeting

LONDON BREED, PRESIDENT

MALIA COHEN, SANDRA LEE FEWER, JANE KIM, AARON PESKIN, HILLARY RONEN,  
AHSHA SAFAI, JEFF SHEEHY, CATHERINE STEFANI, KATY TANG, NORMAN YEE

*Angela Calvillo, Clerk of the Board*

### BOARD COMMITTEES

#### Committee Membership

#### Meeting Days

|   |                                   |
|---|-----------------------------------|
| <b>Budget and Finance Committee</b><br>Supervisors Cohen, Fewer, Stefani, Sheehy, Yee         | Thursday<br>1:00 PM               |
| <b>Budget and Finance Federal Select Committee</b><br>Supervisors Cohen, Fewer, Tang          | 2nd and 4th Thursday<br>1:15 PM   |
| <b>Budget and Finance Sub-Committee</b><br>Supervisors Cohen, Fewer, Stefani                  | Thursday<br>10:00 AM              |
| <b>Government Audit and Oversight Committee</b><br>Supervisors Kim, Peskin, Breed             | 1st and 3rd Wednesday<br>10:00 AM |
| <b>Land Use and Transportation Committee</b><br>Supervisors Tang, Kim, Safai                  | Monday<br>1:30 PM                 |
| <b>Public Safety and Neighborhood Services Committee</b><br>Supervisors Sheehy, Ronen, Peskin | 2nd and 4th Wednesday<br>10:00 AM |
| <b>Rules Committee</b><br>Supervisors Safai, Yee, Stefani                                     | 2nd and 4th Wednesday<br>2:00 PM  |

First-named Supervisor is Chair, Second-named Supervisor is Vice-Chair of the Committee.

**Members Present:** London Breed, Malia Cohen, Sandra Lee Fewer, Jane Kim, Aaron Peskin, Hillary Ronen, Ahsha Safai, Jeff Sheehy, Catherine Stefani, Katy Tang, and Norman Yee

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*The Board of Supervisors of the City and County of San Francisco met in regular session on Tuesday, March 13, 2018, with President London Breed presiding.*

## **ROLL CALL AND PLEDGE OF ALLEGIANCE**

*President Breed called the meeting to order at 2:02 p.m. On the call of the roll, all Supervisors were noted present. There was a quorum.*

## **COMMUNICATIONS**

*There were no communications.*

## **APPROVAL OF MEETING MINUTES**

*President Breed inquired whether any Board Member had any corrections to the January 30, 2018, or February 6, 2018, Board Meeting Minutes, or the February 5, 2018, Special Meeting Minutes at the Land Use and Transportation Committee Meeting, which constituted a quorum of the Board of Supervisors. There were no corrections.*

**Supervisor Yee, seconded by Supervisor Fewer, moved to approve the January 30, 2018, and February 6, 2018, Board Meeting Minutes, and the February 5, 2018, Special Meeting Minutes at the Land Use and Transportation Committee Meeting, which constituted a quorum of the Board of Supervisors. The motion carried by the following vote, following general public comment:**

Ayes: 11 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Stefani, Tang, Yee

## **AGENDA CHANGES**

*There were no agenda changes.*

## SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

### 180227 [Formal Policy Discussions - March 13, 2018]

Pursuant to Charter, Sections 2.103 and 3.100(7), and Administrative Code, Section 2.11, the Mayor shall answer the following eligible question submitted from the Supervisor representing District 5. The Mayor may address the Board initially for up to five minutes. Discussion shall not exceed five minutes per Supervisor.

1. Mr. Mayor: As budget season approaches we are all formulating our budget priorities. There are two pieces of legislation making their way through the Board of Supervisors which will be critical to this year's budget: an ordinance increasing the hourly rate in the Minimum Compensation Ordinance and an ordinance Supervisor Sheehy and I introduced providing for full scope legal representation to tenants facing eviction. Both of these pieces of legislation serve many of the same policy goals of supporting some of our residents who have the fewest resources to remain here in San Francisco.

In January I began discussing a proposal with labor organizations and other stakeholders to fund a portion of the wage increase called for in the proposed amendments to the Minimum Compensation Ordinance of at least an additional 50 cents above the minimum wage effective July 1, 2018, and phasing in the remainder of the proposed wage increase with new revenue sources in the coming year. At the same time we began finalizing the costs of providing full scope legal representation to tenants facing eviction.

Will you commit to continuing these efforts and fund at least a 50 cent increase above the minimum wage in the hourly rate for workers covered by the Minimum Compensation Ordinance effective July 1, 2018 (estimated at \$14 million) and at least half of the estimated cost to implement full scope legal representation for tenants facing eviction in our city (estimated at \$4.29 million) in your proposed budget for fiscal year 2018-2019?  
(President Breed, District 5)

*Mayor Mark Farrell addressed the Board of Supervisors regarding the absurd immigration policies of the 45th President's administration and what the City and County of San Francisco is doing to support our immigrant communities. Mayor Farrell then discussed the above referenced question from President Breed (District 5). Following public comment this matter was filed. No further action was taken.*

**HEARD AND FILED**

## REGULAR AGENDA

## UNFINISHED BUSINESS

### Recommendation of the Rules Committee

#### **180054 [Building Code - Waiver and Refund of Investigation Fee for Persons Registered with the Office of Cannabis]**

**Sponsor: Sheehy**

Ordinance waiving and refunding investigation fees imposed by Building Code, Section 107A.5, for persons (as defined in Police Code, Section 1602) registered with the Office of Cannabis.

**FINALLY PASSED by the following vote:**

Ayes: 10 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Stefani, Yee

Noes: 1 - Tang

## NEW BUSINESS

### Recommendations of the Budget and Finance Sub-Committee

#### **171318 [Public Works Code - Fees for Autonomous Delivery Device Testing and Nighttime Work Permits]**

**Sponsor: Yee**

Ordinance amending the Public Works Code to establish fees for Autonomous Delivery Device Testing permits and appeals of Public Works Director's decisions regarding such permit.

*Privilege of the floor was granted unanimously to John Kwong (Public Works) and Jon Givner (Office of the City Attorney) who responded to questions raised throughout the discussion.*

**Supervisor Yee, seconded by Supervisor Cohen, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Line 18, by striking '\$115.45' and adding '\$123'; and making other clarifying and conforming changes. The motion carried by the following vote:**

Ayes: 11 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Stefani, Tang, Yee  
Ordinance amending the Public Works Code to establish fees for Autonomous Delivery Device Testing permits and appeals of Public Works Director's decisions regarding such permits; and to increase fees for Nighttime Work permits.

**PASSED ON FIRST READING AS AMENDED by the following vote:**

Ayes: 11 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Stefani, Tang, Yee

*President Breed requested File Nos. 180082 and 180057 be called together.*

**180082 [Appropriation - San Francisco Municipal Transportation Agency (SFMTA)-Sutter Stockton Garage Operating and Retail Rentals Revenues to SFMTA Sustainable Streets Operating Fund - Parking Management Operations - \$2,837,223 - FY2017-2018]**

**Sponsor: Mayor**

Ordinance appropriating \$2,837,223 of San Francisco Municipal Transportation Agency (SFMTA) -Sutter Stockton Garage operating and retail rentals revenues to the SFMTA Sustainable Streets operating fund for the Sutter Stockton Garage parking management operations in FY2017-2018. (Fiscal Impact)

**PASSED ON FIRST READING by the following vote:**

Ayes: 11 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Stefani, Tang, Yee

*President Breed requested File Nos. 180084 and 180085 be called together. Supervisor Ronen informed the Board that her spouse manages the immigration unit at the San Francisco Public Defender's Office, but the Office of the City Attorney has advised she does not have a conflict of interest on these matters.*

**180084 [Public Employment - Amendment to the Annual Salary Ordinance for the Office of Public Defender - Legal Unit to Defend Immigrants from Deportation - FY2017-2018]**

**Sponsors: Fewer; Ronen, Sheehy, Peskin, Yee and Kim**

Ordinance amending Ordinance No. 157-17 (Annual Salary Ordinance FYs 2017-2018 and 2018-2019) to reflect the addition of seven new positions (1.75 FTEs) in FY2017-2018 at the Office of the Public Defender for supporting immigration unit expansion to defend immigrants from deportation.

(Fiscal Impact)

**PASSED ON FIRST READING by the following vote:**

Ayes: 11 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Stefani, Tang, Yee

**180085 [Appropriation - General Reserve and State and Federal Contingency Reserve - Support Immigration Related Legal Services - FY2017-2018 - \$882,500]**

**Sponsors: Fewer; Ronen, Sheehy, Peskin, Yee and Kim**

Ordinance appropriating \$441,617 from the General Reserve and \$440,883 from State and Federal Contingency Reserve to the Office of Public Defender to expand immigration unit, to the Mayor's Office of Housing and Community Development to fund legal representation and rapid response social services in FY2017-18.

(Fiscal Impact)

**PASSED ON FIRST READING by the following vote:**

Ayes: 11 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Stefani, Tang, Yee

**180057 [Lease Termination of Real Property - Uptown Parking Corporation - Sutter Stockton Garage]****Sponsor: Peskin**

Resolution authorizing the termination of the lease agreement between the City and County of San Francisco and the Uptown Parking Corporation for the Sutter Stockton Garage and authorizing the Director of Transportation to execute a Lease Termination Agreement.  
(Fiscal Impact)

**ADOPTED by the following vote:**

Ayes: 11 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Stefani, Tang, Yee

**Recommendation of the Land Use and Transportation Committee****170755 [Planning Code - Landmark Designation - 2117-2123 Market Street (aka New Era Hall)]****Sponsor: Sheehy**

Ordinance amending the Planning Code to designate 2117-2123 Market Street (aka New Era Hall), in Assessor's Parcel Block No. 3543, Lot No. 012, as a Landmark under Article 10 of the Planning Code; affirming the Planning Department's determination under the California Environmental Quality Act; making public necessity, convenience and welfare findings under Planning Code, Section 302; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Historic Preservation Commission)

**PASSED ON FIRST READING by the following vote:**

Ayes: 11 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Stefani, Tang, Yee

**Referred Without Recommendation from the Land Use and Transportation Committee****180078 [Planning Code - Landmark Designation - Wall at the Intersection of Diamond Heights Boulevard and Clipper Street (aka Diamond Heights Safety Wall)]****Sponsor: Sheehy**

Ordinance amending the Planning Code to designate the wall located at the intersection of Diamond Heights Boulevard and Clipper Street (aka Diamond Heights Safety Wall), in Assessor's Parcel Block No. 7504, Lot No. 011, as a Landmark under Article 10 of the Planning Code; affirming the Planning Department's determination under the California Environmental Quality Act; making public necessity, convenience, and welfare findings under Planning Code, Section 302; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. (Historic Preservation Commission)

**Supervisor Sheehy, seconded by Supervisor Safai, moved that this Ordinance be CONTINUED ON FIRST READING to the Board of Supervisors meeting of March 20, 2018. The motion carried by the following vote:**

Ayes: 11 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Stefani, Tang, Yee

## **SPECIAL ORDER 2:30 P.M. - Recognition of Commendations**

**Supervisor Fewer, seconded by Supervisor Ronen, moved to suspend Rule 5.36 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:**

Ayes: 11 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Stefani, Tang, Yee

*Supervisor Fewer introduced, welcomed, and presented a Certificate of Honor to Anna Chou, Christopher Quock and Bing Quock, a Neighborhood Emergency Response Team (NERT)-trained Richmond District family, in recognition of the Department of Emergency Management's Disaster Preparedness Month.*

*Supervisor Ronen introduced, welcomed, and presented a Certificate of Honor to La Colectiva in recognition of their accomplishments as a worker-run cleaning collective that is committed to bettering the lives of their clients and immigrant workers.*

## **COMMITTEE REPORTS**

### **Recommendation of the Budget and Finance Sub-Committee**

#### **180118 [Apply for, Accept, and Expend Grant - California Department of Housing and Community Development - No Place Like Home 2017 Technical Assistance - \$150,000]**

**Sponsor: Mayor**

Resolution of the City and County of San Francisco Board of Supervisors authorizing the Department of Homelessness and Supportive Housing to apply for, accept, and expend a grant in the amount of \$150,000 from the California Department of Housing and Community Development for the No Place Like Home 2017 Technical Assistance Grant to support the application for No Place Like Home Funds from the State of California. (Department of Homelessness and Supportive Housing)

**ADOPTED by the following vote:**

Ayes: 11 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Stefani, Tang, Yee

### **Recommendation of the Land Use and Transportation Committee**

#### **180153 [Declaration of Restrictions - Creeks to Peaks Trail Project - Twin Peaks Open Space]**

Resolution authorizing the Director of Real Estate to file a Declaration of Restrictions with the Assessor-Recorder against the property designated as Assessor's Parcel Block No. 2643, Lot Nos. 017 and 023, known as Twin Peaks Open Space, in support of a Habitat Conservation Fund Grant from the California Department of Parks and Recreation, and providing that the use restrictions contained in the Habitat Conservation Fund Grant Agreement will be covenants, conditions, and restrictions on the use of the properties until June 30, 2033. (Recreation and Park Department)

**ADOPTED by the following vote:**

Ayes: 11 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Stefani, Tang, Yee

## ROLL CALL FOR INTRODUCTIONS

*See Legislation Introduced below.*

## PUBLIC COMMENT

*Andrew Yip; shared his various thoughts and experiences with the Board.*

*Mr. Wright; shared concerns regarding immigration and legal defense.*

*Speaker; shared concerns regarding the Special Election, officer-involved shootings and the Police Officers Association.*

*Carolyn Dubar; expressed support of the Resolution urging KGO TV Channel-7 to engage in good-faith negotiations to reach a fair contract (File No. 180219).*

*Bob Butler; expressed support of the Resolution urging KGO TV Channel-7 to engage in good-faith negotiations to reach a fair contract (File No. 180219).*

*Eric Wilimsy; expressed support for the newly introduced Resolution declaring support for H.R. 669, which prohibits the conduct of a first-use strike absent a declaration of war by Congress.*

*Gasia; expressed support for the newly introduced Resolution declaring support for H.R. 669, which prohibits the conduct of a first-use strike absent a declaration of war by Congress.*

*Terry Greenblatt; expressed support for the newly introduced Resolution declaring support for H.R. 669, which prohibits the conduct of a first-use strike absent a declaration of war by Congress.*

*Speaker; expressed support for the newly introduced Resolution declaring support for H.R. 669, which prohibits the conduct of a first-use strike absent a declaration of war by Congress.*

*Robert Gould, MD; expressed support for the newly introduced Resolution declaring support for H.R. 669, which prohibits the conduct of a first-use strike absent a declaration of war by Congress.*

*Patrice Sutton; expressed support for the newly introduced Resolution declaring support for H.R. 669, which prohibits the conduct of a first-use strike absent a declaration of war by Congress.*

*Todd Snyder; expressed support for the newly introduced Resolution declaring support for H.R. 669, which prohibits the conduct of a first-use strike absent a declaration of war by Congress.*

*Speaker; expressed concerns regarding the plight of Taxi medallion holders because of transportation network companies.*

*Speaker; expressed concerns regarding the plight of Taxi medallion holders because of transportation network companies.*

*Inderjit Ghotrn; expressed concerns regarding the plight of Taxi medallion holders because of transportation network companies.*

*Wynship W. Hillier; requested that the members of the Board resign due to concerns regarding Citywide Case Management.*

## FOR ADOPTION WITHOUT COMMITTEE REFERENCE

### **180219 [Urging KGO TV Channel-7 to Engage in Good-Faith Negotiations and Swiftly Reach a Fair Contract with Screen Actors Guild American Federation of Television and Radio Artists Members]**

**Sponsor: Peskin**

Resolution urging KGO TV Channel-7 to engage in good-faith negotiations and swiftly reach a fair contract with Screen Actors Guild American Federation of Television and Radio Artists members employed by KGO Channel-7.

**ADOPTED by the following vote:**

Ayes: 11 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Stefani, Tang, Yee



## **Severed from the For Adoption Without Committee Reference Agenda**

*Supervisor Cohen requested that File No. 180220 be severed so that it may be considered separately.*

### **180220 [Authorizing Preparation of Proponent/Opponent Ballot Arguments and Rebuttal Ballot Arguments for Submittal to the Voters at the June 5, 2018, Consolidated Primary Election]**

Motion authorizing preparation of written Opponent ballot argument and rebuttal ballot argument for submittal to the voters at the June 5, 2018, Consolidated Primary Election. (Clerk of the Board)

**Supervisor Cohen, seconded by Supervisor Ronen, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, by changing Supervisor Cohen's authorization for the referendum on the flavored tobacco Ordinance from 'opponent ballot argument' to 'proponent ballot argument'; adding Supervisor Cohen's authorization to prepare an 'opponent ballot argument' for the 'Safer Policing Ordinance'; and making other clarifying and conforming changes. The motion carried by the following vote:**

Ayes: 11 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Stefani, Tang, Yee

Motion authorizing preparation of written Proponent and Opponent ballot arguments and rebuttal ballot arguments for submittal to the voters at the June 5, 2018, Consolidated Primary Election. (Clerk of the Board)

**Motion No. M18-030**

**APPROVED AS AMENDED by the following vote:**

Ayes: 11 - Breed, Cohen, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Stefani, Tang, Yee

## **IMPERATIVE AGENDA**

*There were no imperative agenda items.*

## **LEGISLATION INTRODUCED AT ROLL CALL**

### **Introduced by a Supervisor or the Mayor**

*Pursuant to Charter, Section 2.105, an Ordinance or Resolution may be introduced before the Board of Supervisors by a Member of the Board, a Committee of the Board, or the Mayor and shall be referred to and reported upon by an appropriate Committee of the Board.*

Legislation Introduced will appear on the Final Minutes for this meeting. Once the Legislation Introduced is approved, it will be available on [http://www.sfbos.org/legislation\\_introduced](http://www.sfbos.org/legislation_introduced).

## **Introduced at the Request of a Department**

*Pursuant to Rules of Order of the Board of Supervisors, Section 2.7.1, Department Heads may submit proposed legislation to the Clerk of the Board, in which case titles of the legislation will be printed at the rear of the next available agenda of the Board.*

## **PROPOSED ORDINANCES**

### **180205 [Settlement of Lawsuit - William Watkins - \$30,000]**

Ordinance authorizing settlement of the lawsuit filed by William Watkins against the City and County of San Francisco for \$30,000; the lawsuit was filed on June 27, 2016, in San Francisco Superior Court, Case No. CGC-16-552748; entitled William Watkins v. City and County of San Francisco; the lawsuit involves an employment dispute. (City Attorney)

03/01/18; RECEIVED FROM DEPARTMENT.

03/13/18; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

### **180206 [Settlement of Lawsuit - Elvin I. Smith - \$500,000]**

Ordinance authorizing settlement of the lawsuit filed by Elvin I. Smith against the City and County of San Francisco for \$500,000; the lawsuit was filed on April 12, 2017, in San Francisco Superior Court, Case No. CGC-17-558134; entitled Elvin I. Smith v. City and County of San Francisco; the lawsuit involves alleged personal injury on a City street. (City Attorney)

03/01/18; RECEIVED FROM DEPARTMENT.

03/13/18; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

## **PROPOSED RESOLUTIONS**

### **180207 [Settlement of Unlitigated Claim - Gloria Matz - \$65,000]**

Resolution approving the settlement of the unlitigated claim filed by Gloria Matz against the City and County of San Francisco for \$65,000; the claim was filed on June 6, 2017; the claim involves a personal injury on a City sidewalk. (City Attorney)

03/01/18; RECEIVED FROM DEPARTMENT.

03/13/18; RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

### **180208 [Lease Amendment - Airport Concession Lease - Bay Area Restaurant Group, JV - Minimum Annual Guarantee \$168,840]**

Resolution approving Amendment No. 1 to the Domestic Terminal Food and Beverage Program Lease No. 03-0204, between Bay Area Restaurant Group, JV, and the City and County of San Francisco, acting by and through its Airport Commission, to extend the term for five years for a total term of August 30, 2004, through December 31, 2020, with an option for early termination, and no change to the minimum annual guarantee of \$168,840. (Airport Commission)

03/02/18; RECEIVED FROM DEPARTMENT.

03/13/18; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

**180209 [Lease Amendment - Airport Concession Lease - D-Lew Enterprises, LLC - Minimum Annual Guarantee \$146,300]**

Resolution approving Amendment No. 1 to the Domestic Terminal Food and Beverage Program Lease No. 03-0203, between D-Lew Enterprises, LLC, and the City and County of San Francisco, acting by and through its Airport Commission, to extend the term for five years for a total term of May 12, 2004, through December 31, 2020, with an option for early termination, and no change to the minimum annual guarantee of \$146,300. (Airport Commission)

03/02/18; RECEIVED FROM DEPARTMENT.

03/13/18; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

**180210 [Lease Amendment - Airport Concession Lease - InMotion Entertainment Group, LLC - Minimum Annual Guarantee \$401,690]**

Resolution approving Amendment No. 2 to the Electronics and Technology Stores in Terminal 2 and Terminal 3 Lease No. 10-0038, between InMotion Entertainment Group, LLC, and the City and County of San Francisco, acting by and through its Airport Commission, to extend the term for two years for a total term of May 19, 2010, through December 31, 2020, with an option for early termination, and no change to the minimum annual guarantee of \$401,690. (Airport Commission)

03/02/18; RECEIVED FROM DEPARTMENT.

03/13/18; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

**180211 [Lease Amendment - Airport Concession Lease - Gotham Enterprises, LLC - Minimum Annual Guarantee \$154,482]**

Resolution approving Amendment No. 2 to the Specialty Coffee Facilities Lease No. 03-0069, between Gotham Enterprises, LLC, and the City and County of San Francisco, acting by and through its Airport Commission, to extend the term for three years for a total term of November 10, 2003, through December 31, 2020, with an option for early termination, and no change to the minimum annual guarantee of \$154,482. (Airport Commission)

03/02/18; RECEIVED FROM DEPARTMENT.

03/13/18; RECEIVED AND ASSIGNED to Budget and Finance Sub-Committee.

## ADJOURNMENT

*There being no further business, the Board adjourned at the hour 3:30 p.m.*