

# City of Glendale

5850 West Glendale Avenue  
Glendale, AZ 85301



## Meeting Minutes - Final

Tuesday, January 6, 2015

1:30 PM

Workshop

Council Chambers - Room B3

## City Council Workshop

*Mayor Jerry Weiers*

*Vice Mayor Ian Hugh*

*Councilmember Jamie Aldama*

*Councilmember Samuel Chavira*

*Councilmember Gary Sherwood*

*Councilmember Lauren Tolmachoff*

*Councilmember Bart Turner*

**CALL TO ORDER**

*PRESENT: Mayor Jerry P. Weiers, Councilmembers Jamie Aldama, Samuel U. Chavira, Ian Hugh, Gary D. Sherwood, Lauren Tolmachoff and Bart Turner*

*ALSO PRESENT: Brenda Fischer, City Manager; Julie Frisoni, Assistant City Manager; Jennifer Campbell, Assistant City Manager; Michael Bailey, City Attorney; and Pamela Hanna, City Clerk*

**WORKSHOP SESSION****1. [15-020](#)****COUNCIL ITEM OF SPECIAL INTEREST: DISCUSSION OF NON-DISCRIMINATION ORDINANCE AND HUMAN RELATIONS COMMISSION**

Staff Contact and Presenter: Jim Brown, Director, Human Resources and Risk Management

Staff Contact and Presenter: Brian Friedman, Director, Economic Development

Staff Contact and Presenter: Nancy Mangone, Assistant City Attorney

*Mr. Friedman explained they would be presenting research regarding a nondiscrimination ordinance and human relations commission. He said they will discuss actions being taken with city antidiscrimination policies and additional actions Council could take regarding this matter.*

*Ms. Mangone discussed some of the history behind antidiscrimination legislation. She reviewed previous Council action, stating this item was brought before Council as an item of special interest. She explained Council directed staff to move forward with the unity pledge and to return this item to a workshop for additional discussion. She also said that a Resolution supporting the unity pledge was approved at the December 18th Council meeting. She said the Council can fashion their nondiscrimination ordinance in the way that best fits the city's needs and those of its citizens. More than 200 cities and counties nationwide have adopted antidiscrimination ordinances.*

*Mr. Brown discussed how the city's internal policies relate to this item. He explained the city's benefits and leave policies apply to all married couples. The city does have nondiscrimination employment practices in place and benefits extend to sexual orientation, genetic characteristics, gender identity, marital and familial status and veteran status. He said internal policies have recently been drafted that reflect city policies and those will be presented to the personnel board for their review. He explained each year, the Human Rights Campaign (HRC), evaluates municipalities through a tool called the municipal quality index (MEI). The city's overall score this year was a score of 36 out of a possible 100 points.*

*Mr. Friedman said several valley cities have passed ordinances and he went over the changes those cities have made. He said they have learned that it can take more than 6 months to study Council's desired outcomes which were typically initiated by Council or community leaders. He said those municipalities that were contacted recommended that the diversity office, commission or independent professional third party lead the initiative, and recommended the use of a professional consultant to study and lead the community through the public process.*

Mr. Friedman discussed several options that the Council could decide to move forward on regarding this issue. Option A was to take no further action at this time and allow the unity pledge to be the public pronouncement. Option B1 was adopting an ordinance to add a new human relations, civil rights or antidiscrimination chapter that applies to the city and its contractors, vendors and suppliers. He said Council can also direct staff to act administratively without an ordinance for this option. He explained Option B2 was to adopt an ordinance adding a new human relations, civil rights or antidiscrimination chapter to the city code that applies to all employers located in the city, which includes all businesses licensed to do business in the city. He explained Option B1 refers to how the city conducts business and Option B2 relates to how everyone will do business within the city. He said Option C would seek a voter approved amendment to the City Charter.

Mr. Friedman next discussed each option in more detail, beginning with taking no further action at this time. He said the city's antidiscrimination employment policies with regards to its own employees are being redrafted to cover sexual orientation, gender identity, genetic characteristics, and marital, family and veteran status to match current practices. He said these are administrative functions handled by staff and do not require Council action. There are no budgetary considerations with this option.

Ms. Mangone said the city could act administratively and change how the city does business. She referred to language that could be added to contracts, making it a breach of contract to discriminate against that particular vendor's employees.

Mayor Weiers asked who would investigate a complaint if someone complained about discrimination if that was the case.

Ms. Mangone said it would be brought to the City Attorney's attention if it was a breach of contract. She also said generally there is language in city contracts now regarding nondiscrimination for those classes already protected under state and federal law. She said this item discusses expanding the protected classes to include sexual orientation, gender identity, genetic characteristics, and veteran status, and any breaches of contract would be handled by the City Attorney.

Councilmember Tolmachoff asked why an ordinance would be needed to enforce a breach of contract.

Ms. Mangone said she didn't believe it would.

Mr. Bailey said those were two options for Council consideration, either adopt an ordinance or to handle matters administratively. He said the means by which the city would enforce would be different with each option.

Councilmember Tolmachoff said they were talking about adopting a city ordinance.

Ms. Mangone said that was correct and she said Council could direct staff to draft an ordinance and that would not be a breach of contract, but a violation of City Code which would need to be enforced.

Councilmember Tolmachoff clarified there were two options, and if they drafted the contracts to include nondiscrimination language, there would be no need for an ordinance.

Ms. Mangone said that was correct.

*Councilmember Aldama asked what would it specifically exclude.*

*Ms. Mangone explained that the ordinance could be written in any way the Council directs. She said it could exclude religious organizations, private social clubs, and small businesses. In the ordinances already adopted by Arizona cities, they have seen various categories, some of which have been adopted by some cities while others have not, and it just depends on how Council wishes to proceed.*

*Councilmember Aldama clarified that Council would have input if this item was handled administratively.*

*Ms. Mangone said if staff was directed administratively, and Council's preference was to exclude certain groups, staff would take that into account in drafting whatever policies were necessary.*

*Councilmember Turner asked if they were to take the administrative option, could the policy be drafted so as to not prohibit the city from interacting in the ways the city currently does with religious organizations and expressive organizations so those types of organizations can continue to use city facilities.*

*Ms. Mangone said she believed that was true.*

*Mayor Weiers said it was easy to miss something or over regulate. He asked about the federal definition of small business and the state definition of small business.*

*Mr. Friedman said the Small Business Administration has a definition of 500 employees or fewer and he said he was not sure about the state definition of small business.*

*Mayor Weiers said the discussion has been randomly coming up with a number to define a small business rather than using the federal definition.*

*Mr. Friedman said it was the practice of the other municipalities who came up with a range between of 15 and 100 employees in their definitions of small business.*

*Ms. Mangone said the 15 employee number is based on the Americans with Disabilities Act, which is federal law. She said there is precedent in federal law for that number.*

*Mayor Weiers said his concern is that they do not regulate and businesses choose to go somewhere else. He said Council needs to be careful how they act upon this issue. He said he was concerned that they have not researched this issue enough.*

*Ms. Mangone continued her presentation and said another issue is determining who is going to investigate complaints, if Council wished to create a human relations commission or do that internally. She said they need to also consider what sort of budget implications these decisions will have. She said with Option C, Council has the option to amend the City Charter, which would require a vote of the citizens. This option would also have budget and enforcement considerations.*

*Mr. Friedman said Council does have options. Other cities have used public meetings and surveys to obtain public input on this issue. He said the best, most comprehensive approach is to hire a consultant to engage the public, businesses and the Chamber to conduct surveys and hold public meetings. If a consultant does the work, it could cost the city up to \$50,000 and take from 6 months to 2 years to complete this process. He said staff is seeking direction on this issue. He discussed the options available to*

*Council. He explained Option B1 can be accomplished administratively or with an ordinance. With Option B2 or Option C, staff recommends retaining a consultant to engage the public and to obtain a final report for Council's future consideration.*

*Councilmember Tolmachoff asked if this is ever been an issue with a business in the city.*

*Mr. Friedman said to date; this has not been an issue.*

*Councilmember Sherwood asked if the other cities that have addressed this issue are much different in demographics than the City of Glendale or the West Valley.*

*Mr. Friedman said Tempe is a bit different because of ASU and the city is a little smaller. Mesa is similar to Glendale demographically.*

*Councilmember Aldama asked if any data had been requested from the benchmark cities regarding businesses before and after this issue had been addressed and if there was an increase or decrease in acts of discrimination in those cities.*

*Mr. Friedman said they have some information to share regarding this question.*

*Ms. Mangone said they were able to compile statistics from Phoenix and said the city does not have any way for people to report violations and she said she wasn't sure if people would even know how to report violations if they occurred, or how the city would compile those. She explained they do have statistics from Phoenix regarding complaints filed against city employees and against businesses. She discussed some of those specific numbers. She said they were unable to discern any sort of pattern from the statistics they had received, although the number of complaints was less last year than in prior years.*

*Councilmember Aldama asked if they had gone back further in time to determine if the ordinances that had been passed had stopped those acts.*

*Ms. Mangone said Phoenix did not have any statistics that went back that far. She explained she asked for statistics from the last 5 years and anything prior to that if they had it. She said she could only get data from FY11-12. She said she could contact Phoenix to see if they had additional statistics.*

*Councilmember Hugh asked what were the outcomes of the Phoenix complaints.*

*Ms. Mangone said the most recent complaints; three were based on sexual orientation. Two of those complaints were mediated to conclusion and the third one had not yet been resolved.*

*Councilmember Hugh asked Ms. Fischer what types of complaints Glendale employees had filed with her on discrimination.*

*Ms. Fischer asked Mr. Brown to answer that question.*

*Mr. Brown said with regard to the types of groups they were talking about today, he has not seen any complaints come forward in the time he has been with the city. He said from time to time, they will get an EEO complaint which is based on race or gender. He said the city has been very little findings and the city has been successful.*

*Mayor Weiers asked if this item was a solution in search of a problem.*

*Mr. Brown said he asked himself if the city is an inclusive organization.*

*Mayor Weiers asked him how he would answer that question.*

*Mr. Brown answered by saying our goal is to be inclusive and incorporating these items into our human resources policy sends the message to the employees that we are inclusive and the city welcomes all types of people into the organization.*

*Mayor Weiers asked if that was as it stands today or if these changes happen.*

*Mr. Brown said those have been the city's long-standing practices, but they haven't put those practices into policy and he said it was important to put those practices into policy.*

*Ms. Fischer said they have been asked about this during the recruitment process and they want to make the city a better competitor for top talent. She said Mayor Weiers question did pose some concerns for staff at the recruitment level and that is what is driving the change in administrative policies. She said what is before Council today is regarding the city's administrative policies in regard to contracts and who the city does business with, not HR. She explained Human Resources (HR) is done at the city manager level.*

*Councilmember Tolmachoff confirmed that has already been addressed and has been taken care of.*

*Ms. Fischer said that was correct.*

*Councilmember Aldama said he is hearing the old saying if the wheel is not broke, why fix it. He said that may be true, but the organization needs to be proactive and provide preventive measures that will allow the wheel to continue to roll in the right direction. He said it was important that the city pass ordinances and policies that support the community as a whole. He said it was very important to him that when policies are drafted that the community have a say. He supports these policies and ordinances for inclusiveness in the community. He would prefer there be some type of dialogue with businesses.*

*Mr. Brown reiterated that they will be taking these internal policy changes to the personnel board and get input from them.*

*Councilmember Chavira said they are doing housekeeping to keep up with the current times. He said the city is moving forward with this item.*

*Councilmember Turner said if it wasn't for fixing things that were not broken, they would not have a lot of the innovation in the world. He said he was glad to see human resources updating and changing policies proactively. He didn't want to be in a situation of dealing with a corporation that did not have the same kind of policies toward its employees that the city has. He said it is the Council's responsibility to look at the businesses they deal with. He supported dealing with these issues administratively as much as possible. He said the comments he has received from constituents fall on both sides of the issue and many comments recommend taking more time to investigate this issue. He asked if there were any problems regarding this issue related to the Super Bowl.*

*Mr. Friedman said he has not had any contact with the Super Bowl staff. He said it is a great opportunity for the city to be on the world's stage.*

*Councilmember Turner asked if the city was under any pressure regarding the Super Bowl.*

*Ms. Fischer said in the discussions it was mentioned it would be a positive thing if something could be done in conjunction with the timing of the Super Bowl. She explained to One Community the Council process and how it worked. She also said Councilmember Sherwood wanted to review this issue prior to the Super Bowl because the city is on the world stage. She said this can be done if Council directs staff to do it, but there is no outside pressure to get this issue resolved before the Super Bowl.*

*Councilmember Turner said this is seen as an opportunity from one side of the issue. He said those on the other side of the issue might feel rushed and unable to be considered. He asked if there were costs of compliance for businesses that might be affected.*

*Ms. Mangone said she has not heard of any costs from any cities she has spoken with. She said there might be some additional staff time associated with this, but no additional costs.*

*Ms. Fischer asked if Councilmember Turner was referring to costs to the private business.*

*Councilmember Turner said he was referring to costs to private businesses. He said it sounds as if it was uncommon.*

*Ms. Mangone said she misunderstood the question, but said she didn't believe there were any additional costs to the local businesses. She said businesses may have to change some of their hiring and employment practices, but no out of pocket costs were identified.*

*Mayor Weiers asked a question about a business owned in Glendale which had an issue at one of their offices in another city.*

*Ms. Mangone said jurisdiction to investigate and enforce is only within the city itself.*

*Mayor Weiers asked Mr. Bailey if this scenario could cause a problem.*

*Mr. Bailey said Ms. Mangone's answer was correct. He also said hypothetical situations could be crafted in a number of ways.*

*Mayor Weiers said it was important to discuss the details.*

*Councilmember Tolmachoff asked if there would be an opportunity for council to take no further action at this time other than the unity pledge, but get community input before moving forward.*

*Ms. Mangone said they can wait to take any further action.*

*Mayor Weiers agreed with Councilmember Tolmachoff and wants the citizens to have a say on this issue. He supported the option of doing nothing at this time while they have public meetings in every district to receive input.*

*Councilmember Turner said Option B1 provides Council the opportunity to give staff direction with the companies the city does business with externally. He said this option keeps the time frame open to get public input to determine if an ordinance is needed.*

*Ms. Frisoni said staff is looking for direction on that.*

*Councilmember Turner said Option B1a would be Council giving direction to staff to precede internally adopting policies on what standards the city expects from businesses we do business with, administratively, and not by ordinance. He is in support of this.*

*Mayor Weiers asked if Councilmember Turner supported district meetings for public input.*

*Councilmember Turner said he absolutely did. He would like to get input from the community before discussing an ordinance.*

*Councilmember Sherwood agreed with Councilmember Turner that the city needs to proceed with Option B1 at a minimum. He said if they are going to include businesses in the city, then an outreach needs to take place. He said potential businesses that are considering Glendale want an inclusive community. Councilmember Sherwood quoted from several sources regarding the benefits of a more inclusive workforce. He said they need community outreach and they can learn a lot about what other municipalities have done on this issue. He said they need to start looking at what entities will be excluded from this ordinance as well. He said it didn't make sense to spend \$50,000 or spend 6 months to 2 years discussing this issue, but the city needs to move forward on this issue. He said there is no rush to get this done before the Super Bowl. He suggested starting the process of community outreach today.*

*Councilmember Aldama said the city has a wonderful opportunity to showcase Glendale. He said the city should demonstrate how it wants to do business. He said Option B1 would get the city moving in a forward direction. He supports getting community involvement.*

*Councilmember Chavira agreed with adopting Option B1, including the city. He also was in favor of involving the community. He said this is a great tool for marketing to use during the Super Bowl. He said it was a great opportunity for the city.*

*Mr. Friedman asked for confirmation from the councilmembers what their option preference was for the record.*

*There was further discussion about the options, for clarification to the council.*

*Ms. Fischer said the city is updating the purchasing policies and procedures which will come before Council in the next few months. This update would be included with that if Council so desired.*

*Mr. Friedman restated his question, saying he has had feedback from several councilmembers regarding Option B1, and said the options are to move forward administratively or move forward with drafting an ordinance for Option B1.*

*Councilmember Chavira said he was in favor of adopting B1 and also adopting an ordinance.*

*Ms. Frisoni clarified by asking if it was administratively or through an ordinance.*

*Councilmember Chavira said administratively, but they are also asking for public input.*

*Mr. Friedman said he has not heard about proceeding with Option B2 from any Councilmember at this point. He explained this is the ordinance option that would affect all businesses in the city. He said his understanding is just to hold district meetings to discuss this issue. He said he had heard from Councilmembers to proceed administratively and proceed with B1, but not affect an ordinance.*

*Councilmember Chavira said he wanted to adopt B1 as stated by the City Manager. He said he is in favor of B1 right now and reaching out to the community.*

*Councilmember Sherwood clarified right now for the option of taking care of city business, vendors and suppliers the city deals with, the question was would Council prefer to do it administratively or with ordinance. Councilmember Sherwood went on the record saying he was in favor of proceeding administratively.*

*Councilmember Chavira said bottom line B1 is the foundation for him.*

*Councilmember Sherwood clarified his point that he does want to move forward with B2 and part of that is community outreach. He said if he had to make a choice between B1 and B2, he would choose B2, which includes B1.*

*Councilmember Turner said there was consensus with Option B1, the administrative option. He also said given time for public input, Council would be willing to discuss the B2 option, a city wide ordinance, but not until there has been plenty of time for public input. He suggested a late March or early April timeframe for this item to come back at a workshop.*

*Councilmember Tolmachoff asked about unintended consequences for other cities that did not move slowly with this issue.*

*Mr. Friedman said every community was very different and he thanked the cities for their assistance with this item. He said about 500 people showed up in Phoenix during their public meetings. He said it is important that public outreach is done and it is well-facilitated. He discussed how each of the cities came through their process on this issue.*

*Mayor Weiers said Mesa has not done an ordinance so far.*

*Mr. Friedman said that was correct.*

*Councilmember Aldama said he supports option B1, but asked why couldn't they do research for Option B2 and present it to Council.*

*Ms. Fischer said she has heard from the Council was to administratively implement the antidiscrimination language into the contract process immediately. As staff updates the policies going forward, the new policies for procurement would come before Council for approval. She said they would also secure services of a consultant to ensure the process is thorough and inclusive. They will bring the results from the public process before Council for any further action and direction.*

*Councilmember Aldama said that was exactly what he was saying. He asked if a*

*prospective business owner has ever asked about the policies and ordinances.*

*Mr. Friedman said he has not had the specific question, and went on to explain their baseline strategy in expressing opportunities available in the city.*

*Councilmember Chavira thanked Councilmember Aldama, Councilmember Sherwood and Ms. Fischer for clarifying how it would proceed.*

*Councilmember Hugh said he was satisfied with the unity pledge and has no objection in getting community input.*

*Mayor Weiers asked if there was a consensus on Option B1. There was consensus. Mayor Weiers asked if there was consensus on Option B2. He said there was no consensus for B2.*

*There was further discussion between Councilmember Aldama and Ms. Fischer regarding Option B2.*

*Mayor Weiers asked if there was consensus for public participation with district meetings, with at least two meetings in each district.*

*Councilmember Turner explained his position on B2 and said he was looking at late March for Council to have interaction with the community, and to see if they had the need for a facilitator. He said if the rest of the Council wants to proceed with facilitation with public input, he will proceed with that.*

*Mayor Weiers asked if there was consensus for Council to open opportunities for the public to come to district meetings to talk about this issue. He said a facilitator and the Councilmember will be at those meetings.*

*Ms. Fischer said staff's professional recommendation would be if there is public input, they do bring in a facilitator sooner rather than later, so the facilitator can work with all the Councilmembers to keep everything consistent. She said there are adequate funds in the contingency fund for any costs associated with a facilitator.*

*Mayor Weiers said there was consensus on both of those issues.*

## 2. [15-001](#)

### 2015 STATE LEGISLATIVE AGENDA

Staff Contact: Brent Stoddard, Director, Intergovernmental Programs

*Mr. Stoddard said they were asking for direction on the 2015 Legislative Agenda.*

*Ms. Goad said they expected over 1000 bills to be introduced during this legislative session and she provided the names of the majority and minority leaders. She also said Glendale will have several representatives serving in leadership roles this session, as well.*

*Mr. Stoddard highlighted some major themes for the legislature, which are the state's budget deficit, education funding and lawsuits, public safety retirement reforms, changes to HB2111, economic and job recovery, returning bills previously vetoed by Gov. Brewer and the priorities of the new administration. Mr. Stoddard further explained some of issues in greater detail.*

*Ms. Goad explained the public safety retirement reforms in greater detail. This issue will have direct impact on city budgets around the state and this issue is being watched*

*closely. She next discussed HB2111 and said there are parts of this law that have been delayed.*

*Mr. Stoddard discussed the revenues coming into the state as it relates to economic development and job creation. He said more details about a recovery package might be forthcoming in Governor Ducey's state address next week. He also said other bills will be reintroduced that didn't make it through with the last administration.*

*Councilmember Sherwood asked if a 1062-like bill was something that Mr. Stoddard had heard of.*

*Mr. Stoddard said he hasn't heard specifically about that, but it might be one that has been considered. He said making it through the legislative process is difficult and many bills will probably be reintroduced.*

*Mr. Stoddard spoke about the new priorities and Governor Ducey's State of the State of Address will outline his priorities, and his executive budget. This will help clarify what cuts they might be looking at this budget year.*

*Ms. Goad discussed the legislative priorities for the city, which include fiscal sustainability and economic development. Fiscal sustainability includes protection of state shared revenue, full funding of existing revenue streams, preservation of local taxing authority and to oppose unfunded mandates. She explained economic development will include local authority to execute economic development projects and maintain and enhance current economic development tools.*

*Mr. Stoddard said they will make sure the state's budget is not being balanced on the backs of the cities. He explained land use planning and will advocate for policies that maintain local authority. He also said military preservation is a priority and they will work to protect the mission of Luke Air Force Base, support existing statutes that protect military airports and ensure capability for future mission expansion.*

*Ms. Goad discussed other priorities such as neighborhoods and preserving and enhancing the quality of life in neighborhoods and public safety by preserving the ability to strategically plan for and respond to emergencies. Ms. Goad said transportation and infrastructure are important. They will continue to support voter approved Prop 400 and regional coordination and protect implementation, and will encourage additional tools for transportation improvements. They will also support the wise use of water and other nature resources.*

*Mr. Stoddard said they were encouraged last year by legislation leadership for funding for transportation to build and maintain roads. Governor Ducey has emphasized transportation and the state's ability to provide that infrastructure. He said last year they sought funding for reimbursement of public safety costs for the major events hosted in the city. He said they will continue with those efforts to educate legislators about the costs associated with those events, as well as the benefits to the state as a whole. He said the city is a major competitor for these large events, yet the state lacks a model for funding public safety in these events. They will work with a broad coalition this year on this issue for a long term, sustainable solution. Mr. Stoddard explained how citizens can stay engaged in the legislative process with the city's legislative neighborhood link program. Residents can find their legislator and congressman, have access to the state legislative agenda and obtain staff contact information.*

*Councilmember Aldama commented about the priorities discussed today. He said the*

*\$500 million deficit mentioned by Mr. Stoddard could be a reality in the state's budget. He said he has followed the underfunded public schools issue very closely.*

*Mr. Stoddard said the legislature they are required to fund those inflationary rates and they are continuing to watch this issue closely as the deficit could rise to \$550 million.*

*Councilmember Aldama thanked Mr. Stoddard for warning this could occur.*

**3. [15-002](#)**

**COUNCIL SELECTION OF VICE MAYOR**

Staff Contact: Brent Stoddard, Director, Intergovernmental Programs

*Mr. Stoddard explained the Council will discuss potential nominations for Vice Mayor.*

*Councilmember Turner nominated Councilmember Hugh for Vice Mayor.*

*Councilmember Chavira nominated Councilmember Sherwood for Vice Mayor.*

*Mr. Stoddard said the nomination selection process will be placed on the agenda for the next regular voting meeting.*

**CITY MANAGER'S REPORT**

*City Manager Fischer had nothing to report.*

**CITY ATTORNEY'S REPORT**

*City Attorney Bailey had nothing to report.*

**COUNCIL ITEMS OF SPECIAL INTEREST**

*Councilmember Hugh suggesting changing the name of one of the major road out at Westgate to Martin Luther King Jr. Blvd, to take advantage of MLK Day. He was thinking Maryland Avenue, or any other suggestions by any Councilmembers.*

*Mayor Weiers thanked everyone for showing up at the Christmas Parade and said the money raised matched what was raised last year for Hope for Hunger. He said about twice as many people came out this year as last year.*

*Councilmember Turner asked how they did on setting the record for caroling.*

*Mayor Weiers said they did not even come close to setting the record.*

**MOTION TO GO INTO EXECUTIVE SESSION**

*There was a motion by Councilmember Hugh and a second by Councilmember Aldama to go into executive session.*

*The meeting was adjourned at 3:35 p.m.*