

## City of Oakland

**Meeting Minutes - FINAL** 

## Concurrent Meeting of the Oakland Redevelopment Successor Agency / City Council / Geologic Hazard Abatement District Board

Oakland City Hall, 1 Frank H. Ogawa Plaza, Oakland, California 94612

City of Oakland Website: http://www.oaklandnet.com

Tuesday, February 21, 2017	5:30 PM	City Council Chamber, 3rd Floor
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#### 1 PLEDGE OF ALLEGIANCE

The Concurrent Meeting of the Oakland Redevelopment Successor Agency/City Council/Geological Hazard Abatement District Board was held on the above date. Opening with the Pledge of Allegiance, the meeting was convened at 5:40 pm

#### 2 ROLL CALL / CITY COUNCIL

Present 8 - Desley Brooks, Annie Campbell Washington, Noel Gallo, Lynette McElhaney, Abel J. Guillén, Dan Kalb, Rebecca Kaplan, and Laurence E. Reid

#### **3 OPEN FORUM / CITIZEN COMMENTS (Time Available: 15 Minutes)**

There were 11 speakers during open forum.

#### 4 ACTIONS ON SPECIAL ORDERS OF THE DAY (Ceremonial Presentations, Reports/Presentations From The Mayor, Council Acknowledgements/Announcements):

Councilmember Gallo took a point of personal privilege and requested that the meeting be adjourned in memory of Connie Harimayo

Council President Reid took a point of personal privilege and requested that the meeting be adjourned in memory of Robert A.D. Swartz. Councilmembers Brooks and McElhaney requested association with this item.

City of Oakland

Office of the City Clerk Oakland City Hall 1 Frank H. Ogawa Plaza Oakland, California 94612 LaTonda Simmons, City Clerk  Subject: Honorarium For Gregory Chan Of EBMUD From: President Pro Tempore Guillén, Council President Reid, Councilmember Kalb And Mayor Schaaf Recommendation: Adopt A Resolution Honoring Gregory L. Chan For Exemplary Service To The Oakland Community <u>16-0628</u>

Sponsors: Guillén, Larry Reid, Dan Kalb and Libby Schaaf

Attachments: View Supplemental Report

86594 CMS

Adopted

- Aye: 8 Brooks, Campbell Washington, Gallo, McElhaney, Guillén, Kalb, Kaplan, and Reid
- Subject: Resolution Honoring The Bishop O'Dowd Football Team (2016 Champions) From: Council President Reid Recommendation: Adopt A Resolution Honoring And Recognizing Bishop O'Dowd Boys Football Team For Winning The 2016 California Interscholastic Federation (CIF) -State Division 5-AA Championship 16-0689

Sponsors: Mr. Reid

Attachments: View Report

86596 CMS

Adopted

- Aye: 8 Brooks, Campbell Washington, Gallo, McElhaney, Guillén, Kaplan, Reid, and Kalb
- Subject: Honoring The McClymonds High School Warriors
   From: Councilmember Gibson McElhaney
   Recommendation: Adopt A Resolution Honoring The McClymonds High School
   Warriors For Winning The California Interscholastic Federation Division 5A
   Championship
   16-0685

Sponsors: McElhaney

Attachments: View Report

86595 CMS

Adopted

Aye: 8 - Brooks, Campbell Washington, Gallo, McElhaney, Guillén, Kaplan, Reid, and Kalb

4.4 Subject: Honoring African American Leaders for Black History and Heritage Month From: Councilmember Gibson McElhaney Recommendation: Adopt A Resolution In Celebration Of Black History Month Honoring The Following Courageous African American Individuals And Organizations, Who Through Their Innovative, Groundbreaking Work, Have Promoted Positive Change And Uplift For The City Of Oakland In The Fields Of Social Justice, Advocacy, Arts And Culture, Business And Faith: Stanley "Mistah F.A.B." Cox, Angela Glover Blackwell, Clem Daniels, Tonya Holland, Terence Butler, Dr. Eleanor Mason Ramsey, Katano Kasaine, LaTonda Simmons, Roots Community Health Center, And Regina Jackson

<u>16-0717</u>

Attachments: View Report

#### 86597 CMS

Adopted

Aye: 8 - Brooks, Campbell Washington, Gallo, McElhaney, Guillén, Kaplan, Reid, and Kalb

#### APPROVAL OF THE DRAFT MINUTES FROM THE MEETING OF FEBRUARY 7, 2017 16-0695

Attachments: View Report

#### Accepted

- Aye: 8 Brooks, Campbell Washington, Gallo, McElhaney, Guillén, Kaplan, Reid, and Kalb
- 6 MODIFICATIONS TO THE AGENDA AND PROCEDURAL ITEMS (Requests To: Reschedule Items From Consent To Non-Consent To The Next Council Agenda, Speak On Consent Calendar, Register Votes, Change Order Of Items, Reconsiderations, Pull Items Held In Committee):
- 7 CONSENT CALENDAR (CC) ITEMS:

7.1 Subject: Declaration Of Local Emergency Due TO AIDS Epidemic
 From: Office Of The City Attorney
 Recommendation: Adopt A Resolution Renewing And Continuing The City Council's
 Declaration Of A Local Emergency Due To The Existence Of A Critical Public Health
 Crisis With Regard To The Human Immunodeficiency Virus ("HIV") / Acquired
 Immunodeficiency Syndrome ("AIDS") Epidemic
 <u>16-0699</u>

<u>Sponsors:</u> Office Of The City Attorney

Attachments: View Report

86598 CMS

Adopted

 7.2 Subject: Medical Cannabis Health Emergency From: Office Of The City Attorney Recommendation: Adopt A Resolution Renewing The City Council's Declaration Of A Local Public Health Emergency With Respect To Safe, Affordable Access To Medical Cannabis In The City Of Oakland <u>16-0700</u>

<u>Sponsors:</u> Office Of The City Attorney

Attachments: View Report

86599 CMS

Adopted

**7.3** Subject: Plug In Electrical Vehicle Readiness Code Update From: Oakland Public Works Department

Recommendatio: Adopt An Ordinance Adopting Local Amendments To Sections 4.106.4 And 5.106.5.3 Of The 2016 Edition Of The California Green Building Standards Code And Amending Oakland Municipal Code Chapter 15.04 To Include New Requirements For Plug-In Electric Vehicle Infrastructure To Comply With Changes To State Law And Adopting CEQA Exemption Findings <u>16-0370</u>

Attachments: View Report

<u>13419 CMS</u>

Approved for Final Passage

 7.4 Subject: Contract Agreement For Anne Kirkpatrick As Oakland Police Chief From: Office Of The City Administrator Recommendation: Adopt An Ordinance Amending The Salary Schedule Of Ordinance No. 12187 C.M.S. ("Salary Ordinance") To Increase The Salary For Chief Of Police And The City Administrator <u>16-0661</u>

Sponsors: Office Of The City Administrator

Attachments: View Report

13420 CMS

\* Withdrawn and Rescheduled

7.5 Subject: Appointment To The Youth Advisory Commission
 From: Office Of The Mayor
 Recommendation: Adopt A Resolution Confirming The Mayor's Appointment Of Dajah
 White And Daisy Garcia As Members Of The Youth Advisory Commission
 <u>16-0715</u>

Sponsors: Office Of The Mayor

<u>Attachments:</u> <u>View Report</u> <u>86600 CMS</u> Adopted

 7.6 Subject: Reappointment And Appointment To The Library Advisory Commission From: Office Of The Mayor Recommendation: Adopt A Resolution Confirming The Mayor's Reappointment Of Noelle Duong And Dr. A. Aurea Lewis And Appointment Of Nidhi Khosla As Members Of The Library Advisory Commission <u>16-0716</u>

<u>Sponsors:</u> Office Of The Mayor

Attachments: View Report

86601 CMS

S7.7 Subject: City Administrator Contract Authority Report, FY 2015-16
 From: Finance Department
 Recommendation: Receive An Informational Report On All Purchases And Contracts
 Authorized By The City Administrator Or Designee, Within The City Administrator's
 Contract Authority During Fiscal Year 2015-16, In Accordance WithThe Oakland
 Municipal Code Section 2.04.020.D.
 <u>16-0651</u>

<u>Sponsors:</u> Finance Department

Attachments: View Report

**Received and Filed** 

- **S7.8** Subject: Cost-Sharing Agreement with EBMUD
  - From: Oakland Public Works

Recommendation: Adopt A Resolution Authorizing The City Administrator Or Designee To: (1) Negotiate And Execute An Agreement With East Bay Municipal Utility District For Costsharing Of Joint-Benefit Paving Projects Throughout Oakland, And (2) Accept And Appropriate Funds From East Bay Municipal Utility District On A Case-By-Case Basis Per The Executed Agreement Without Returning To Council <u>16-0656</u>

Attachments: View Report

86602 CMS

Adopted

S7.9 Subject: Major Encroachment Permits At 201 Broadway
 From: Department Of Transportation
 Recommendation: Adopt A Resolution Granting A Conditional And Revocable Major
 Encroachment Permit To 201 BW, LLC To Allow Proposed Bay Windows And
 Balconies At 201 Broadway To Encroach Into The Public Right-Of-Way Along
 Broadway And 2nd Street, Major Encroachment Permit ENMJ16067.
 <u>16-0642</u>

<u>Sponsors:</u> Transportation Department

#### Attachments: View Report

View Supplemental Report View Supplemental Report 86603 CMS

 S7.10 Subject: Major Encroachment Permits at 3765-3767 Fruitvale Avenue From: Department of Transportation Recommendation: Adopt A Resolution Granting A Conditional And Revocable Major Encroachment Permit To Ivy Bay, LLC To Allow Portions Of The Existing Garage Building, Retaining Walls, And Concrete Stairs At 3765-3767 Fruitvale Avenue To Encroach Into The Public Right-Of-Way Along Fruitvale Avenue, Major Encroachment Permit ENMJ16071. <u>16-0653</u>

Attachments: View Report

86604 CMS

Adopted

S7.11 Subject: Assignment Of 1100 Broadway Project Agreements
 From: Economic And Workforce Development
 Recommendation: Adopt A Resolution Authorizing Assignment Of (1) An Owner
 Participation Agreement For The Development Of 1100 Broadway, And (2) A
 Purchase And Sale Agreement For The Purchase Of The City's Condominium Interest
 In The University Of California Office Of The President Garage At 1111 Franklin
 Street, From SKS Broadway, LLC, To 1100 Broadway Owner, LLC, A Joint Venture
 Between Ellis Partners And Intercontinental Real Estate Company, Or An Affiliated
 Entity

<u>16-0643</u>

<u>Sponsors:</u> Economic & Workforce Development Department

Attachments: View Report

86605 CMS

Adopted

 S7.12 Subject: BRT Business Assistance Fund Resolution Amendment From: Housing And Community Development Department Recommendation: Adopt A Resolution Amending Resolution No. 85286 C.M.S. To Allow Businesses Along The Bus Rapid Transit (BRT) Route To Apply For Business Assistance Fund Grants Prior To Experiencing Adverse Permanent Impacts From BRT Infrastructure Changes

<u>16-0644</u>

<u>Sponsors:</u> Housing And Community Development Department

<u>Attachments:</u> <u>View Report</u>

86606 CMS

#### **S7.13** Subject: Continuum Of Care (COC) Program 2017-2018

From: Human Services Department/Community Housing Services Division Recommendation: Adopt A Resolution Authorizing The City Administrator To: 1) Apply For, Accept, And Appropriate Funds From The U.S. Department Of Housing And Urban Development (HUD) In The Amount Of \$5,203,425 Each Year For Fiscal Years (FY) 2017- 2018 And 2018-2019 To Fund HUD Continuum Of Care Supportive Housing Programs; 2) Enter Into Grant Agreements For The Provision Of Transitional And Permanent Housing And Support Services Under HUD'S Continuum Of Care Program; 3) Accept And Appropriate Additional Funds That Become Available From HUD For FY 2017-2018 And 2018-2019 And Amend The Grant Agreements To Adjust The Grant Amounts Without Returning To Council; And 4) Authorize A Contribution From The General Purpose Fund For The Central Services Overhead Charges In An Estimated Amount Of \$38,275 For FY 2017-2018 And \$36,692 For 2018-2019 <u>16-0647</u>

<u>Sponsors:</u> Human Services Department and Housing And Community Development Department

 Attachments:
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 86607 CMS

 Adopted
 1

 S7.14 Subject: Peralta College Foundation-Laney Tiny Homes Prototype Purchase From: Human Services Department Recommendation: Adopt A Resolution Authorizing The City Administrator To Enter Into A Grant Agreement With Peralta Colleges Foundation In An Amount Not To Exceed \$80,000 For The Design And Production Of Two Tiny Home Prototypes <u>16-0649</u>

Sponsors: Human Services Department

Attachments: View Report

86608 CMS

S7.15 Subject: North County Homeless Youth Rapid Rehousing Program 2016-2017 Human Services Department/Community Housing Services Division From: Recommendation: Adopt A Resolution Authorizing The City Administrator To: 1. Accept And Appropriate Funds From The U.S. Department Of Housing And Urban Development (HUD) In An Amount Not To Exceed \$1,075,206 For The Period Of December 23, 2016 To December 22, 2017, To Implement The North County Homeless Youth Rapid Re-Housing Program (NCHYRRH); 2. Enter Into Grant Agreements With Covenant House Of California In An Amount Of Up To \$531,546, East Oakland Community Project (EOCP) In An Amount Up To \$240,034, And First Place For Youth In An Amount Up To \$266,126 To Provide Housing Placement Assistance, Rental Subsidies And Supportive Services For The NCHYRRH Program; 3. Authorize A Contribution From The General Purpose Fund For The Central Services Overhead Charges In An Estimated Amount Of \$6,803 For The Period Of December 23,2016 To December 22,2017; And 4. Accept And Appropriate Any Additional NCHYRRH Funding From HUD Within The Grant Term And Amend The Grant Agreements To Increase The Grant Amount For The Period Of December 23, 2016 To December 22, 2017 Without Returning To City Council 16-0650

<u>Sponsors:</u> Human Services Department and Housing And Community Development Department

Attachments: View Report

86609 CMS

Adopted

 S7.16 Subject: Resolution In Support Of AB 71 - Bring California Home Act From: Councilmember Kalb And President Pro Tem Guillén Recommendation: Adopt A Resolution In Support Of Assembly Bill 71 (CHIU) That Would Eliminate State Mortgage Interest Deduction On Vacation Homes And Increase The Low Income Housing Tax Credit By \$300 Million Per Year To Fund Affordable Housing 16-0654

Attachments: View Report

View Supplemental Report

86610 CMS

S7.17 Subject: Resolution In Support Of SB 2 - Building Homes And Jobs Act From: Councilmembers Dan Kalb And Lynette Gibson McElhaney Recommendation: Adopt A Resolution In Support Of Senate Bill 2 (ATKINS) That Would Establish A Permanent Funding Source For Affordable Housing Through A Small Fee On Real Estate Transaction Documents, Excluding Most Property Sale Transactions 16-0662

Sponsors: Kalb and McElhaney

Attachments: View Report View Supplemental Report 86611 CMS Adopted

S7.18 Subject: Reappointment To The Citizen's Police Review Board From: Office Of The Mayor Recommendation: Adopt A Resolution Confirming The Mayor's Reappointment Of Brian Bingham, Charlette Green And Jose A. Dorado To The Citizen's Police Review Board 16-0688

Sponsors: Office Of The Mayor

Attachments: View Report

86612 CMS

Adopted

S7.19 Subject: Resolution Calling On CalPERS To Divest From DAPL From: Councilmembers Kaplan, Gallo, Kalb, President Pro Tempore Guillén, And Councilmember Gibson McElhaney Recommendation: Adopt A Resolution Calling On The California Public Employees' Retirement System (CaIPERS) To Divest From The Dakota Access Pipeline (DAPL) 16-0691

Attachments: View Report

86613 CMS

Adopted

#### COMMENCING AT 6:30 P.M., OR AS SOON AS REASONABLY PRACTICABLE THEREAFTER, THE NON - CONSENT CALENDAR PORTION OF THE AGENDA:

AT THIS TIME THE MEETING OF THE GEOLOGICAL HAZARD ABATEMENT **DISTRICT WILL BE CONVENED** 

#### 9 CONSIDERATION OF ITEMS WITH STATUTORY PUBLIC HEARING REQUIREMENTS:

Upon the reading of Item 9.1 by the City Clerk, the Public Hearing was opened at 8:42 p.m.

No individuals spoke on this item.

Councilmember ---- made a motion, seconded by Councilmember ---, to close the Public Hearing, and hearing no objections, the motion passed by X Ayes: Brooks, Campbell Washington, Gallo, Guillén, Kalb, Kaplan, Reid and President Gibson McElhaney

 9.1 Subject: Annexation Of The Kenilworth Properly From: Council Of The GHAD Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt A Resolution Approving The Annexation Of The Kenilworth Property Into The Existing Oakland Area Geologic Hazard Abatement District (GHAD) And Approving The Kenilworth Property Plan Of Control. 16-0718

Attachments: View Report

Adopted

Aye: 6 - Brooks, Campbell Washington, McElhaney, Guillén, Kaplan, and Kalb

Absent: 2 - Gallo, and Reid

## AT THIS TIME THE MEETING OF THE GEOLOGICAL HAZARD ABATEMENT DISTRICT WILL BE ADJOURNED

#### ACTION ON OTHER NON-CONSENT CALENDAR ITEMS:

#### 10 THIS NUMBER INTENTIONALLY NOT USED

Councilmember Gallo was noted as absent at 8:50pm.

#### Subject: Council President Appointments To Council Committees For 2017-2019 From: Council President Reid Recommendation: Adopt A Resolution Pursuant To The Council's Rules Of Procedure (Resolution No. 82580 C.M.S.) To Confirm The City Council President's Appointments Of The Members And Chairpersons Of The Public Works, Finance And Management, Community And Economic Development, Life Enrichment, Public Safety, Rules And Legislation, And Education Partnership Committees Of The City Council <u>16-0600</u>

Sponsors: Larry Reid

Attachments: View Report

There were 3 speakers on this item.

The committee assignments are as follows:

Finance and Management: Chair: Pro Tempore Abel Guillen, and members: Vice Mayor Anne Campbell Washington, Dan Kalb, Noel Gallo

Public Works: Chair: Dan Kalb, and members: Rebecca Kaplan, Desley Brooks, Abel Guillen

Community and Economic Development Committee: Chair: Vice Mayor Anne Campbell Washington, and members: Lynette Gibson McElhaney, Noel Gallo, Council President Larry Reid

Life Enrichment/Education Partnership: Chair: Lynette Gibson McElhaney, Vice Mayor Anne Campbell Washington, Rebecca Kaplan, Dan Kalb

Public Safety: Chair: Desley Brooks, Noel Gallo, President Larry Reid, Pro Tempore Guillen

Rules and Legislation: Chair: President Larry Reid, and members: Pro Tempore Abel Guillen, Vice Mayor Anne Campbell Washingon, Lynette Gibson McElhaney Adopted as Amended

Excused: 1 - Gallo

Aye: 7 - Brooks, Campbell Washington, McElhaney, Guillén, Kaplan, Reid, and Kalb

12 Subject: Informational Report On Unpermitted Residences In Commercial Spaces From: Councilmember Gibson McElhaney, Council President Reid, and Councilmember Gallo Recommendation: Receive An Informational Report From The City Administrator Examining The Issue Of Residents Living In Unpermitted Commercial Or Industrial Spaces Which Includes Information On Health And Safety Risks, A Review Of Potential Policy Responses, And An Analysis Of Options To Create A Pathway To Legal Occupancy That Reduces The Risk Of Displacing Current Residents. <u>16-0519</u>

Sponsors: McElhaney, Mr. Reid and Gallo

Attachments: View Report

Councilmember Brooks was noted excused at 9:02pm. Received and Filed

Excused: 2 - Brooks, and Gallo

- Aye: 6 Campbell Washington, McElhaney, Guillén, Kaplan, Reid, and Kalb
- **13** Subject: Displacement Prevention And Safe Habitation
  - From: Councilmember Dan Kalb

Recommendation: Receive An Informational Report Pertaining To The Follow Up Actions From The Ghost Ship Fire, Including Options For Budgetary And Policy Actions On The Following: 1) Examination Of Best Practices From Other Jurisdictions That Prevent Resident Displacement While Addressing Building Safety; 2) Examination Of The Challenges Facing Oakland-Based Artists Vis-A-Vis Living Workspaces And Ways That The City Can Provide Assistance And Prevent Displacement; 3) Volume Of Work And Staffing Needs Relating To The Fire Department And The Responsibilities Of The Fire Marshal, Commercial Fire Inspection Requirements, And Fire Prevention; 4) Options For Creating A Pathway To Legal Live-Work Occupancy Of Commercial And Industrial Buildings That Reduces Displacement Of Current Occupants; 5) Status Of Identification And Inspections For Unpermitted Commercial Or Industrial Spaces And How Risks Are Being Mitigated And Managed; And 6) Volume Of Work And Staffing Needs For Code Enforcement Relating To Habitability And Fire/Life Safety. 16-0522

Attachments: View Report

#### Adopted

**Excused:** 2 - Brooks, and Gallo

Aye: 6 - Campbell Washington, McElhaney, Guillén, Kaplan, Reid, and Kalb

# 8 ORAL REPORT OF FINAL DECISIONS MADE DURING CLOSED SESSION & DISCLOSURE OF NON-CONFIDENTIAL CLOSED SESSION DISCUSSIONS

The City Attorney reported x final decision made during closed session. Approve as Submitted

Excused: 2 - Brooks, and Gallo

Aye: 6 - Campbell Washington, McElhaney, Guillén, Kaplan, Reid, and Kalb

# S14Subject:Golden State Works Transitional Employment/Job Placement 2017-2020From:Human Services Department/Oakland UniteRecommendation: Adopt A Resolution To Authorize The City Administrator To:

(1) Enter Into A Two-Year Agreement With California Department Of Corrections And Rehabilitation (CDCR) And Accept And Appropriate Up To \$3,268,720 Annually To Implement Golden State Works Transitional Employment And Job Placement Services For Oakland Residents On Parole From July 1, 2017 Through June 30, 2019; And Enter Into A Renewal Agreement Pending Available Funding And Accept And Appropriate Up To \$3,300,000 For A Third Year Of Funding For Fiscal Year (FY) 2019-2020; And

(2) Enter Into A Two-Year Grant Agreement With The Successful Respondent Following A Request For Proposal Process In An Annual Amount Not To Exceed \$3,121,000 And A Total Amount Not To Exceed \$6,242,000 For Two Years To Provide Job Placement Services For The Period July 1, 2017 Through June 30, 2019, And Amend The Grant Agreement For A Third Year Of Funding In An Amount Not To Exceed \$3,300,000 Through June 30, 2020 Pending Available Funding From CDCR; And

(3) Accept And Appropriate Any Additional Funds That Become Available From CDCR Within The Grant Term Of July 1, 2017 Through June 30, 2020, And Amend The Grant Agreement With The Service Provider To Increase The Grant Amount <u>16-0648</u>

Sponsors: Human Services Department

Attachments: View Report

86615 CMS

Adopted

Aye: 6 - Campbell Washington, McElhaney, Guillén, Kaplan, Reid, and Kalb

Absent: 2 - Brooks, and Gallo

#### CONTINUATION OF OPEN FORUM

#### ADJOURNMENT OF COUNCIL SESSION

(Meeting Shall Conclude No Later Than 12:00 A.M., Unless Extended By Majority Vote Of The Council)

There being no further business, and upon the motion duly made, the Council adjourned the meeting in memory of Connie Haramijo at 10:12 p.m.

Americans With Disabilities Act

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Office of the City Clerk - Agenda Management Unit Phone: (510) 238-6406 Fax: (510) 238-6699 Recorded Agenda: (510) 238-2386 Telecommunications Display Device: (510) 238-3254

THE HANGING OF BANNERS, POSTERS, SIGNS, OR ANY MATERIAL ON OR OVER THE GALLERY BANNISTERS IS STRICTLY PROHIBITED IN ORDER TO ENSURE THE SAFETY OF THOSE ATTENDING MEETINGS.

MATERIALS RELATED TO ITEMS ON THIS AGENDA SUBMITTED TO THE CITY COUNCIL AFTER DISTRIBUTION OF THE AGENDA PACKETS MAY BE VIEWED IN THE OFFICE OF THE CITY CLERK, 1 FRANK H. OGAWA PLAZA, 1ST AND 2ND FLOOR, OAKLAND, CA 94612 FROM 8:30 A.M. TO 5:00 P.M.