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Agenda
City Council Meeting
Municipal Plaza Building
City Hall Complex
114 W. Commerce
San Antonio, TX 78205
November 5, 2009

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The City Council shall hold its regular meetings in the Norma S. Rodriguez Council Chamber in the Municipal Plaza Building within the City Hall Complex beginning at 9:00 a.m. After the meeting is convened, the City Council shall consider the following time certain items no sooner than the designated times, but may consider them at a later time.

- 9:00AM: Invocation and Approval of Minutes
- 12:00PM: Lunch Break
- 2:00PM: Neighborhood Plan and Zone Amendments
- 5:15PM: Ceremonial Recognitions
- 6:00PM: Citizens to be Heard
- 7:00PM: Adjourn

At any time during the Regular City Council Meeting, the City Council may meet in executive session for consultation concerning attorney-client matters (real estate, litigation, contracts, personnel and security) under Chapter 551 of the Texas Government Code.

DISABILITY ACCESS STATEMENT

This meeting site is wheelchair accessible. The accessible entrance is located at the Municipal Plaza Building / Main Plaza Entrance. Accessible Visitor Parking Spaces are located at City Hall, 100 Military Plaza, Northside. Auxiliary Aids and Services are available upon request (Interpreters for the Deaf must be requested forty-eight [48] hours prior to the meeting). For assistance, call (210) 207-7245 Voice/TTY.

For additional information on any item on this agenda, please visit www.sanantonio.gov or call 207-7080.

The City Council of San Antonio will convene in the Norma S. Rodriguez Council Chamber, Municipal Plaza Building in a Regular Council Meeting at 9:00 A.M.

1. Invocation by Rev. Robert Arevalo, Pastor, Grace Church. Guest of Councilmember Jennifer Ramos, District 3.
2. Pledge of Allegiance.
3. Approval of Minutes for the October 1, 2009 City Council meeting.
4. Swearing-in of Councilmember Philip A. Cortez as Mayor Pro-Tem, serving the period of November 8, 2009 through January 17, 2010.

THE FOLLOWING ITEMS MAY BE CONSIDERED AT ANY TIME DURING THE REGULAR COUNCIL MEETING:

CONSENT AGENDA

Purchase of Equipment and Supplies

5. An Ordinance accepting bids for the following contracts in the estimated annual amount of \$904,000.00: (A) Fleet Pride for Target Tech warning lights and accessories; (B) APR Acquisitions, Inc. for rental of tables and chairs; (C) T&W Tire for tire retreading and repair service and (D) CVC, Inc. for needle sets. [Penny Postoak Ferguson, Assistant City Manager; Janie Cantu, Director, Purchasing & General Services]

2009-11-05-0870

6. An Ordinance accepting the bids from Grande Truck Center and Freightliner of San Antonio for the purchase of ten (10) medium and heavy duty trucks for a cost of \$859,021.00, funded with the Equipment Renewal and Replacement Fund and the Parks & Recreation Department's Tree Preservation Mitigation Fund. [Penny Postoak Ferguson, Assistant City Manager; Janie Cantu, Director, Purchasing & General Services]

2009-11-05-0871

Capital Improvements

7. An Ordinance authorizing an amendment in the increased amount of \$2,500,000.00 to the \$20,150,000.00 Construction Manager at Risk Contract with T.S. Byrne Construction for additional improvements for the Lila Cockrell Theater Renovation Project located in Council District 1, funded by Hotel Occupancy Tax Revenue Bonds. [Penny Postoak Ferguson, Assistant City Manager; Mike Frisbie, Director, Capital Improvements Management Services]

2009-11-05-0872

8. An Ordinance awarding a construction contract with GG&G General Construction, Inc. in the amount of \$132,500.00, from a total authorized project amount of \$165,553.86, for the Collins Garden Park Lighting and Amenities Project, an authorized 2007-2012 General

Obligations Bond funded project located in Council District 5. [Penny Postoak Ferguson, Assistant City Manager; Mike Frisbie, Director, Capital Improvements Management Services]

2009-11-05-0873

- 9. An Ordinance authorizing an amendment in the decreased amount of \$954,000.00 to the \$34,548,000.00 professional services agreement with Jacobs Engineering Group, Inc. for program management services for the San Antonio International Airport Expansion Program; and authorizing a transfer of \$211,455.00 from the Parking Facilities Project to Program Management. [Penny Postoak Ferguson, Assistant City Manager; Mike Frisbie, Capital Improvements Management Services]

2009-11-05-0874

- 10. An Ordinance awarding a construction contract to M.J. Boyle General Contractor, Inc. in the amount of \$444,300.00, from a total authorized project amount of \$530,717.00, for the Spanish Governor's Palace Improvements Project, an authorized 2007-2012 General Obligation Bond funded project, located in Council District 1. [Penny Postoak Ferguson, Assistant City Manager; Mike Frisbie, Director, Capital Improvements Management Services]

2009-11-05-0875

Acquisition, Sale or Lease of Real Property

- 11. An Ordinance approving a Transfer of Use, Benefit, and Control Agreement with CPS Energy for an easement property for the Westover Valley Detention Pond Project, a Storm Water Facilities Fund Project located in Council District 6. [Penny Postoak Ferguson, Assistant City Manager; Mike Frisbie, Director, Capital Improvements Management Services]

2009-11-05-0876

- 12. An Ordinance authorizing the acceptance of a dedication of 0.0084 acre of fee simple title for one parcel of privately owned property in NCB 11724 from the North East Independent School District for a right turn lane into Larkspur Elementary School located at 11330 Bel Air Drive in Council District 9. [Penny Postoak Ferguson, Assistant City Manager; Mike Frisbie, Director, Capital Improvements Management Services]

2009-11-05-0877

Grant Applications and Awards

- 13. An Ordinance ratifying the designation of Haven for Hope, Inc. as the Eligible Entity Designee on behalf of the City of San Antonio to directly apply for and accept grant funds in the amount of \$3,410,574.00 from the Texas Department of Housing and Community Affairs (TDCHA) Homeless Housing and Services Program (HHSP) for the period of November 1, 2009 to August 31, 2011. [Peter Zanoni, Interim Assistant City Manager; Dennis J. Campa, Director, Community Initiatives]

2009-11-05-0878

- 14. An Ordinance authorizing acceptance of a continuation grant from Alamo Area Council of Governments (AACOG) and authorizes a total Comprehensive Nutrition Project (CNP) budget of \$5,298,883.00 which includes \$1,961,820.00 in grant funds from AACOG, \$3,144,506.00 in matching funds from the General Fund, acceptance of client donations (Program Income) in the amount of \$192,557.00, and acceptance of AACOG

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supplemental funds if awarded; and authorizing a personnel complement of 50 positions and agreements with non-profit agencies for operation of nutrition sites and use of facilities for the CNP to provide daily meals from October 1, 2009 through September 30, 2010. [Peter Zanoni, Interim Assistant City Manager; Dennis J. Campa, Director, Community Initiatives]

2009-11-05-0879

- 15. An Ordinance authorizing the acceptance of grant funds in the amount of \$44,494,353.00 and authorizing an agreement with Workforce Solutions Alamo for the FY 2010 Child Care Services program; authorizing a delegate agency contract with Alamo Area Development Corporation in the amount of \$606,345.00 to serve 11 rural counties in the Alamo Workforce Development Area; authorizing a total Child Care Services program budget of \$45,694,353.00 which includes \$1,200,000.00 in City matching funds and authorizes a personnel complement of 53 positions. [Peter Zanoni, Interim Assistant City Manager; Dennis J. Campa, Director, Community Initiatives]

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- 16. An Ordinance authorizing the acceptance of grant funds in the total amount of \$296,129.00 from the Alamo Area Council of Governments (AACOG) and the Texas Department of Transportation (TxDOT) for the continuation of the Supportive Services for the Elderly Project (SSEP) to provide transportation services for seniors; authorizing the program budget of \$442,116.00 including City matching funds of \$140,987.00; authorizing a personnel complement of 10 positions; and accepting supplemental funds if awarded during the contract period. [Peter Zanoni, Interim Assistant City Manager; Dennis J. Campa, Director, Community Initiatives]

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- 17. An Ordinance authorizing a grant contract with the Texas Department of Housing and Community Affairs for acceptance of up to \$12,308,804.00 in grant funds under the American Recovery and Reinvestment Act, and authorizing the Office of Environmental Policy to implement the San Antonio Weatherization Assistance Program in cooperation with CPS Energy; and appropriating funds. [Richard Varn, Chief Information Officer; Laurence Doxsey, Director, Office of Environmental Policy]

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Boards, Commissions and Committee Appointments

- 18. Consideration of Board, Commission and Committee appointments, to be effective immediately upon the receipt of eight affirmative votes, or, in the event eight affirmative votes are not received, ten days after appointment: [Leticia M. Vacek, City Clerk]

- A. Reappointing Michael "Alex" Nava (District 10) to the Port Authority of San Antonio for a term of office to commence December 1, 2009 and expire November 30, 2011.

- B. Appointing Hector M. Alviar (District 3, Category: Consumer of Handicapped Services) to the Disability Access Advisory Committee for the remainder of an unexpired term of office to expire May 31, 2011.

- C. Reappointing William J. White (District 3) to the Small Business Advocacy Committee for the remainder of an unexpired term of office to expire May 31, 2011.

- D. Reappointing William J. White (District 3) to the Animal Care Services Advisory Board for the remainder of an unexpired term of office to expire May 31, 2011.
- E. Reappointing Jon H. Thompson (District 1) and Charles M. Bartlett (District 3) to the Linear Creekway Parks Advisory Board for the remainder of unexpired terms of office to expire May 31, 2011.
- F. Reappointing Charles M. Bartlett (District 3) to the Parks and Recreation Board for the remainder of an unexpired term of office to expire May 31, 2011.
- G. Reappointing Yulanee H. McKnight (District 3) to the San Antonio Housing Trust for the remainder of an unexpired term of office to expire May 31, 2011.
- H. Appointing Andrew Zapata and reappointing Bartolo N. Sanchez to the Tax Increment Reinvestment Zone Number 16, known as Brooks City Base, for the remainder of unexpired terms of office to expire May 31, 2011.
- I. Appointing Janet L. Knutson (District 10) to the Commission for Children and Families for the remainder of an unexpired term of office to expire May 31, 2011.
- J. Reappointing Jean Brady (District 1) to the San Antonio Public Library Board of Trustees for the remainder of an unexpired term of office to expire September 30, 2011.
- K. Reappointing Edward H. Hardemon (District 2) to the Zoning Board of Adjustment for the remainder of an unexpired term of office to expire May 31, 2011.
- L. Appointing Steven G. Marquez (District 1) to the Ethics Review Board for the remainder of an unexpired term of office to expire April 25, 2011.

Miscellaneous

- 19. Consideration of the following Ordinances relating to bond issuances by San Antonio Water System (SAWS): [Pat DiGiovanni, Deputy City Manager; Ben Gorzell, Chief Financial Officer]
 - A. An Ordinance authorizing the issuance of "City of San Antonio, Texas Water System Revenue Bonds, Series 2009A" in the principal amount not to exceed \$115,000,000.00; providing for the payment of the principal of and interest on the bonds by a lien on and pledge of the pledged revenues of the Water System on a parity with certain currently outstanding obligations; providing the terms and

conditions of such bonds and resolving other matters incident and relating to the issuance, payment, security, sale, and delivery of such Bonds, including the approval and distribution of an Official Statement; stipulating the terms and conditions for the issuance of additional Revenue Bonds on a parity therewith; authorizing the execution of a Paying Agent/Registrar Agreement and a Purchase Contract; complying with the requirements of The Depository Trust Company; delegating the authority to certain members of the San Antonio Water System staff to execute certain documents relating to the sale of the Bonds; enacting other provisions incident and related to the subject and purpose of this Ordinance; and providing for an effective date;

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- B. An Ordinance authorizing the issuance of "City Of San Antonio, Texas Water System Revenue Bonds, Taxable Series 2009B (Direct Subsidy – Build America Bonds)" in the principal amount not to exceed \$115,000,000.00; providing for the payment of the principal of and interest on the Bonds by a lien on and pledge of the pledged revenues of the Water System on a parity with certain currently outstanding obligations; providing the terms and conditions of such Bonds and resolving other matters incident and relating to the issuance, payment, security, sale, and delivery of such Bonds, including the approval and distribution of an Official Statement; stipulating the terms and conditions for the issuance of additional Revenue Bonds on a parity therewith; authorizing the execution of a Paying Agent/Registrar Agreement and a Purchase Contract; complying with the requirements of The Depository Trust Company; delegating the authority to certain members of the San Antonio Water System staff to execute certain documents relating to the sale of the Bonds; enacting other provisions incident and related to the subject and purpose of this Ordinance; and providing for an effective date;

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- C. An Ordinance authorizing the issuance of "City Of San Antonio, Texas Water System Junior Lien Revenue Bonds, Series 2009" in the principal amount not to exceed \$54,300,000.00; providing for the payment of the principal of and interest on the Bonds by a junior lien on and pledge of the net revenues of the City's Water System on a parity with certain currently outstanding obligations; providing the terms and conditions of such Bonds and resolving other matters incident and relating to the issuance, payment, security, sale, and delivery of such Bonds, including the approval of an Application to the Texas Water Development Board; authorizing the execution of a Paying Agent/Registrar Agreement and an Escrow Agreement; complying with the requirements of The Depository Trust Company's Letter Of Representations; complying with the Regulations promulgated by the Texas Water Development Board; delegating the authority to certain members of the San Antonio Water System staff to execute certain documents relating to the sale of the Bonds; enacting other provisions incident and related to the subject and purpose of this Ordinance; providing for an effective date;

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- D. An Ordinance authorizing the issuance of "City Of San Antonio, Texas Water System Junior Lien Revenue and Refunding Bonds, Series 2009A" in the principal amount not to exceed \$35,000,000.00; providing for the payment of the principal of and interest on the Bonds by a junior lien on and pledge of the net revenues of the City's Water System on a parity with certain currently outstanding obligations; providing the terms and conditions of such Bonds and resolving other matters incident and relating to the issuance, payment, security, sale, and delivery of such Bonds, including the approval of an Application to the Texas Water Development

Board; authorizing the execution of a Paying Agent/Registrar Agreement and one or more Escrow Agreements; complying with the requirements of The Depository Trust Company's Letter of Representations; complying with the Regulations promulgated by the Texas Water Development Board; delegating the authority to certain members of the San Antonio Water System staff to execute certain documents relating to the sale of the Bonds; enacting other provisions incident and related to the subject and purpose of this Ordinance; providing for an effective date; and, **2009 - 11 - 05 - 0886**

E. An Ordinance authorizing the issuance of "City Of San Antonio, Texas Water System Junior Lien Refunding Bonds, Series 2009B" in the principal amount not to exceed \$70,000,000.00; providing for the payment of the principal of and interest on the Bonds by a junior lien on and pledge of the net revenues of the City's Water System on a parity with certain currently outstanding obligations; providing the terms and conditions of such Bonds and resolving other matters incident and relating to the issuance, payment, security, sale, and delivery of such Bonds, including the approval and distribution of an Official Statement; authorizing the execution of a Paying Agent/Registrar Agreement, an Escrow Agreement, and a Purchase Contract complying with the requirements of The Depository Trust Company; delegating the authority to certain members of the San Antonio Water System staff to execute certain documents relating to the sale of the Bonds; enacting other provisions incident and related to the subject and purpose of this Ordinance; and providing for an effective date.

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20. An Ordinance authorizing certain actions concerning the amendment of the City's current contractual arrangement with the remarketing agent for outstanding obligations designated City of San Antonio, Texas electric and gas systems junior lien revenue bonds, series 2003, including the possible replacement of the existing remarketing agent and execution of a replacement remarketing agreement; enacting other provisions incident and related to the subject and purpose of this ordinance; and providing an effective date. [Pat DiGiovanni, Deputy City Manager; Ben Gorzell, Chief Financial Officer]

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21. An Ordinance authorizing a settlement agreement in the amount of \$137,500.00 in the lawsuit styled *Jose L. Banuelos v. City of San Antonio*. [Sheryl Sculley, City Manager; Michael Bernard, City Attorney]

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22. An Ordinance extending and amending the agreement with the San Antonio Parks Foundation for the "Fiestas Fantasias" Fiesta event at Market Square. [Pat DiGiovanni, Deputy City Manager; Paula X. Stallcup, Director, Downtown Operations]

2009 - 11 - 05 - 0889

23. City Manager's Report

- A. National League of Cities Conference
- B. Rock & Roll Marathon and Sam Idrogo Recognition

THE CITY COUNCIL WILL RECESS FOR LUNCH AT NOON AND RECONVENE TO CONSIDER ANY UNFINISHED COUNCIL BUSINESS

2:00 P.M. TIME CERTAIN ITEMS (may be heard after this time): Public Hearing and Consideration of the following Adoption and Amendments of the Neighborhood, Community and Perimeter Plans as Components of the Master Plan and Zoning Cases. Planning and Zoning Cases presented by T.C. Broadnax, Assistant City Manager; Roderick Sanchez, Director, Planning and Development Services

P-1. Consideration of the following Ordinances relating to the Hardy Oak Boulevard Improvement Project, a Certificates of Obligation funded project, located in Council District 9: [T.C. Broadnax, Assistant City Manager; Roderick Sanchez, Director, Planning and Development Services]

A. Public Hearing and Ordinance amending the Major Thoroughfare Plan (MTP), as a component of the Master Plan of the City, to permit collector construction standards on an arterial cross-section (right-of-way 86') on a segment of Hardy Oak Boulevard from Stone Oak Parkway to the eastern boundary line of a proposed school site on property owned by North East Independent School District (NEISD).

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B. An Ordinance authorizing the negotiation and execution of an Interlocal Agreement with NEISD and authorizing payment in an amount up to \$1,000,000.00 to NEISD for the Hardy Oak Boulevard Improvement Project.

2009-11-05-0891

Z-1. ZONING CASE # Z2009151 (District 3): An Ordinance amending the Zoning District Boundary from "I-1" General Industrial District to "C-2" Commercial District on Lots 16 and 17, Block 19, NCB 7685 located at 6112 South Flores Street. Staff and Zoning Commission recommend approval.

2009-11-05-0892

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Z-2. ZONING CASE # Z2009123 (District 7): An Ordinance amending the Zoning District Boundary from "C-3" General Commercial District to "C-2" Commercial District on Lot 27, Block 2, NCB 8416 located at 2907 Fredericksburg Road. Staff and Zoning Commission recommend approval.

Continued to 12/3/09

Z-3. ZONING CASE # Z2009155 CD (District 7): An Ordinance amending the Zoning District Boundary from "C-2 P" Commercial Pedestrian District to "C-2 P CD" Commercial Pedestrian District with a Conditional Use for Motor Vehicle Sales on Lot 178 and the east 20 feet of Lot 177, Block H, NCB 8360, save and except a strip deeded to the State of Texas and recorded in Volume 2355, Page 317; save and except a strip deeded to the State of Texas and recorded in Volume 2268, Page 196; and save and except a strip deeded to the State of Texas and recorded in Volume 9584, Page 1798 located at 1158 Bandera Road. Staff recommends denial. Zoning Commission recommends approval with conditions.

2009-11-05-0893

Z-4. ZONING CASE # Z2009043 ERZD (District 8): An Ordinance amending the zoning district boundary from "R-6 ERZD GC-1 MLOD-1" Residential Single-Family Edwards Recharge Zone Hill Country Gateway Corridor Camp Bullis Military Lighting Overlay District-1 to "C-3 ERZD GC-1 MLOD-1" General Commercial Edwards Recharge Zone Hill Country Gateway Corridor Camp Bullis Military Lighting Overlay District-1 on 6.045 acres out of NCB 14859 and NCB 14864 located at 16206, 15819, & 16303 Old Fredericksburg Road. Staff and Zoning Commission recommend approval.

2009-11-05-0894

Z-5. **ZONING CASE # Z2009149 ERZD (District 9):** An Ordinance amending the Zoning District Boundary from "C-2 NA ERZD" Commercial Nonalcoholic Sales Edwards Recharge Zone District to "C-2 ERZD" Commercial Edwards Recharge Zone District on Lot 1, Block 23, NCB 17600 located at 2770 East Evans Road. Staff and Zoning Commission recommend approval. *Postponed*

Z-6. **ZONING CASE # Z2009115 CD (District 10):** An Ordinance amending the Zoning District Boundary from "R-6" Residential Single-Family District to "C-2NA CD" Commercial District, Nonalcoholic Sales with a Conditional Use for Auto and Light Truck Repair on 1.64 acres out of NCB 15680 and 17365 (CB 5014) located on a portion of the 13000 and 14000 Blocks of Bulverde Road. Staff recommends approval of "C-2NA" and denial of the Conditional Use. Zoning Commission recommends approval with conditions.

Continued to 11/19/09

P-2. **PLAN AMENDMENT #09021 (District 1):** An Ordinance amending the land use plan contained in the North Central Neighborhoods Community Plan, a component of the Master Plan of the City, by changing the use of approximately 0.2061-acres located at 4819 San Pedro from Low Density Residential land use to Neighborhood Commercial land use. Staff and Planning Commission recommend approval. (Associated Zoning Case: Z2009152)

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Z-7. **ZONING CASE # Z2009152 (District 1):** An Ordinance amending the Zoning District Boundary from "R-5 CD" Residential Single-Family District with a Conditional Use for a Retail Import Business to "O-1" Office District on Lot 20, Block 6, NCB 9194 located at 4819 San Pedro Avenue. Staff and Zoning Commission recommend approval pending the plan amendment.

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Z-8. **ZONING CASE Z2009124 CD S (B) (District 1):** An Ordinance amending the Zoning District Boundary from "I-1" General Industrial District, "C-3 S" General Commercial District with a Specific Use Authorization for a Wireless Communication System, "C-3NA" General Commercial District, Nonalcoholic Sales, "C-2" Commercial District, "RM-4" Residential Mixed District, "R-4" Residential Single-Family District to "C-2 CD" Commercial District with a Conditional Use for an Office Warehouse, "C-2 CD" Commercial District with a Conditional Use for Sign Manufacture, "C-2P S" Commercial Pedestrian District with a Specific Use Authorization for a Wireless Communication System, "C-1 CD" Light Commercial District with a Conditional Use for an Auto and Light Truck Repair Facility, "RM-4" Residential Mixed District, "R-6" Residential Single-Family District on Lot 5 and the east 12.5 feet of Lot 4, Block 174, NCB 9083; Lot 16 and the east 12.5 feet of Lot 17, Block 174, NCB 9083; Lot 5 and the east 12.5 feet of Lot 4, Block 185, NCB 9086; Lot 16 and the east 12.5 feet of Lot 17, Block 185, NCB 9086; Lot 25, NCB 11684; Lot 8, NCB 11690; Lot 14, NCB 11690; Lots 19 and 20, Block 198, NCB 9656; Lot 6, Block 10, NCB 10382 located on multiple addresses along Mardell Street, Alhambra, El Monte Boulevard, and West Avenue. Staff and Zoning Commission recommend approval.

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Z-9. **ZONING CASE # Z2009144 HS (District 1):** An Ordinance amending the Zoning District Boundary from "MF-33" Multi-Family District to "HS MF-33" Historic Significant Multi-Family District on 0.4201 of an acre out of Block 2, NCB 767 located at 521 West Euclid Avenue. Staff and Zoning Commission recommend approval.

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Z-10. **ZONING CASE # Z2009158 (District 2):** An Ordinance amending the Zoning District Boundary from "R-4 EP-1" Residential Single-Family Facility Parking/Traffic Control District to "MF-18 EP-1" Multi-Family Facility Parking/Traffic Control District on Lot 22, Block 4, NCB 1422 located at 431 Belmont Street. Staff and Zoning Commission recommend approval. *Continued to 12/3/09*

Z-11. **ZONING CASE # Z2009161 (District 2):** An Ordinance amending the Zoning District Boundary from "HS I-1" Historic Significant General Industrial District to "HS C-2" Historic Significant Commercial District and "HS R-5" Historic Significant Residential Single-Family District on Lot 1 and Lot 2, Block 1, NCB 1360 located at 734 N New Braunfels Ave and 1502 Burnet Street. Staff and Zoning Commission recommend approval.

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Z-12. **ZONING CASE # Z2009157 S (District 2):** An Ordinance amending the Zoning District Boundary from "AE-1" Arts and Entertainment District to "AE-1 S" Arts and Entertainment District with a Specific Use Authorization for a Hotel on Lot 10, Block A, NCB 597 located at 1304 East Commerce Street. Staff and Zoning Commission recommend approval.

2009-11-05-0900

5:15 P.M. (may be heard after this time) – Ceremonial Recognitions

6:00 P.M. (may be heard after this time) – Citizens to be Heard

ADJOURN

7:00 P.M. – If the Council has not yet adjourned, the presiding officer shall entertain a motion to continue the council meeting, postpone the remaining items to the next council meeting date, or recess and reconvene the meeting at a specified time on the following day.