

Report of City Council Action Items

June 16, 2016

Members Present: Council President Charles Bare, Council Vice President Brian Spencer, Jewel Cannada-Wynn, Larry B. Johnson, Sherri Myers, Andy Terhaar, Gerald Wingate, and P. C. Wu

Absent: None



CONSENT AGENDA ITEMS

1. APPOINTMENTS – ZONING BOARD OF ADJUSTMENT

City Council reappointed David DelGallo and Robby Williams, who are residents or property owners of the City, to the Zoning Board of Adjustment for a term of three (3) years, expiring July 14, 2019

The motion by acclamation passed unanimously.

2. APPOINTMENTS – GATEWAY REVIEW BOARD

City Council reappointed Sergio A. Hernandez, Robert Montgomery, and Bob Wilson, who own property in the district; reappointed Elizabeth Fleischhauer, representing the architectural, architectural landscape, engineering or building contracting professions who do not own property in the district and reappointed Eric Schmitz as an at-large member who does not own property in the district, to the Gateway Review Board for a term of two (2) years, expiring June 30, 2018.

The motion by acclamation passed unanimously.

3. PLANNING BOARD REVIEW OF NORTH 9TH AVENUE CORRIDOR MANAGEMENT OVERLAY DISTRICT

That City Council grant the Planning Board additional time to further research, gain input from the Florida Department of Transportation and develop a draft ordinance for City Council's consideration.

The motion passed unanimously.

4. AMENDMENT TO LOAVES AND FISHES SOUP KITCHEN AND UNITED MINISTRIES SUBLEASE

That City Council approve and authorize the Mayor to execute an amendment to the sublease between the City of Pensacola and Loaves and Fishes Soup Kitchen, Inc. and United Ministries, Inc. pending Florida Department of Transportation and Federal Highway Administration final consent to the sublease. Further, that City Council authorize the Mayor to take all actions necessary relating to the sublease.

The motion passed unanimously.

5. CITY OF PENSACOLA HOUSING OFFICE PUBLIC HOUSING AGENCY ANNUAL PLAN (FY 2016-2017)

That City Council approve the Public Housing Agency (PHA) Annual Plan for the Housing Choice Voucher program for Fiscal Year 2016-2017 for submission to the U. S. Department of Housing and Urban Development (HUD).

The motion passed unanimously.

6. FY17 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM: LOCAL SOLICITATION

The City Council approve and authorize the Mayor to execute the acceptance of the FY17 Edward Byrne Memorial Justice Assistance Grant JAG Program: Local Solicitation between the City of Pensacola and the U.S. Department of Justice, Office of Justice Programs in the amount of \$31,834, upon award of the grant.

The motion passed unanimously.

REGULAR AGENDA ITEMS

7. PUBLIC HEARING: ADOPTION OF CITYWIDE FUTURE LAND USE AND ZONING MAP

That City Council conduct the first of two public hearings on June 16, 2016 to consider adoption of the Citywide Future Land Use and Zoning Maps. – **NO ACTION TAKEN -- SECOND HEARING SCHEDULED FOR JULY 14, 2016**

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Absent: None

REGULAR AGENDA ITEMS (continued)

8. PUBLIC HEARING: REQUEST TO VACATE RIGHT-OF-WAY – 1401 EAST HERNANDEZ STREET

That City Council conduct a public hearing on June 16, 2016 to consider the request to vacate a portion of the 14th Avenue right of way adjacent to property located at 1401 East Hernandez Street. -- **MOTION TO APPROVE**

The motion passed unanimously.

PROPOSED ORDINANCE NO. 19-16 – *1ST READING* -- **MOTION TO APPROVE**

AN ORDINANCE CLOSING, ABANDONING AND VACATING A PORTION OF THE 14TH AVENUE RIGHT OF WAY; IN PENSACOLA, ESCAMBIA COUNTY, STATE OF FLORIDA; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE

The motion passed unanimously.

9. PUBLIC HEARING: PROPOSED AMENDMENT TO THE LAND DEVELOPMENT CODE – BOAT HOUSES

That City Council conduct a public hearing on June 16, 2016 to consider the proposed amendment to the Land Development Code pertaining to residential boat houses. -- **MOTION TO APPROVE** – Residential boat houses no greater than 40% of the size of the main dwelling on the parcel.

PROPOSED ORDINANCE NO. 20-16 – *1ST READING* -- **MOTION TO APPROVE**

AN ORDINANCE AMENDING SECTION 12-2-37 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; AMENDING THE MAXIMUM ALLOWED SQUARE FOOT AREA FOR RESIDENTIAL BOATHOUSES; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

The motion passed unanimously.

10. RESOLUTION HONORING AND PAYING TRIBUTE TO BLUE ANGEL CAPTAIN JEFF KUSS

That City Council approve the proposed Resolution honoring the Blue Angels Flight Demonstration Squadron and paying tribute to the memory of Blue Angel Pilot Captain Jeff Kuss, United States Marine Corps.

The motion passed unanimously.

RESOLUTION NO. 21-16 -- **MOTION TO APPROVE**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA, HONORING THE BLUE ANGELS FLIGHT DEMONSTRATION SQUADRON AND PAYING TRIBUTE TO THE MEMORY OF BLUE ANGEL PILOT CAPTAIN JEFF KUSS, UNITED STATES MARINE CORPS.

The motion passed unanimously.

11. HMGP GRANT – PROPERTY ACQUISITION 4190 ROMMITCH LANE

That City Council authorize the purchase of 4190 Rommitch Lane (Parcel ID# 16-1S-29-0550-023-016) from Gloria Lalone for \$150,000 along with a purchase additive of \$2,000, estimated closing costs of \$2,430, estimated property survey cost of \$500, and 5% contingency in the amount of \$7,721.50 for a total amount of \$162,651.50.

The motion passed unanimously.

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Members Present: Council President Charles Bare, Council Vice President Brian Spencer, Jewel Cannada-Wynn, Larry B. Johnson, Sherri Myers, Andy Terhaar, Gerald Wingate, and P. C. Wu

Absent: None

REGULAR AGENDA ITEMS (continued)

12. APPOINTMENT – DOWNTOWN IMPROVEMENT BOARD

That City Council concur the Mayor's appointment of Charlie Switzer to the Downtown Improvement Board (DIB) for a term of three years expiring June 30, 2019.

The motion passed 6 - 2. Council Members Bare and Myers dissenting.

13. APPOINTMENT – DOWNTOWN IMPROVEMENT BOARD

That City Council concur the Mayor's appointment of Dee Dee Davis to the Downtown Improvement Board (DIB) for a term of three years expiring June 30, 2019.

The motion passed 6 - 2. Council Members Bare and Myers dissenting.

14. APPROVAL OF THE DOWNTOWN IMPROVEMENT BOARD (DIB) BY-LAW AMENDMENTS

That City Council approve the submitted amendments to the DIB By-laws as required by said By-laws as well as the State Enabling Act, Chapter 72-655, Laws of Florida.

The motion passed 6 - 2. Council Members Bare and Myers dissenting.

15. NAMING THE MAIN PASSENGER TERMINAL AT THE PENSACOLA INTERNATIONAL AIRPORT

That City Council approve the naming of the Main Passenger Terminal of the Pensacola International Airport to the Reubin O'Donovan Askew Main Terminal.

The motion passed unanimously.

16. YOUTH IN GOVERNMENT DAY

That City Council adopt the proposed Resolution establishing September 16, 2016 as "Youth in Government Day - 2016".

The motion passed unanimously.

RESOLUTION NO. 22-16 - - **MOTION TO APPROVE**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA ESTABLISHING A YOUTH IN GOVERNMENT DAY TO BE HELD SEPTEMBER 16, 2016 WITHIN THE CITY OF PENSACOLA; PROVIDING AN EFFECTIVE DATE

The motion passed unanimously.

*****THE FOLLOWING ITEM WAS WITHDRAWN BY THE SPONSOR DURING DISCUSSION*****

17. CITY ATTORNEY LEGAL OPINION – HUMAN RESOURCES DIRECTOR

That the City Attorney provide a legal opinion to the City Council on whether Section 9-2-1 of the City Code requires that the Mayor must appoint a Director of Human Resources, subject to confirmation by the City Council.

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Members Present: Council President Charles Bare, Council Vice President Brian Spencer, Jewel Cannada-Wynn, Larry B. Johnson, Sherri Myers, Andy Terhaar, Gerald Wingate, and P. C. Wu

Absent: None

REGULAR AGENDA ITEMS (continued)

18. CITY COUNCIL RULES AND PROCEDURES

That City council approve and adopt the proposed City Council Rules and Procedures.

The motion passed unanimously.

19. COUNCIL WORKSHOP ON POLICIES OF THE CITY COUNCIL

That the City Council conduct a workshop to review the Policies of the City Council on Monday, July 11th following adjournment of the Agenda Conference and Community Redevelopment Agency meeting (if scheduled).

The motion passed unanimously.

20. REGULATION OF OUTSIDE ATTORNEY SERVICES

That City Council adopt the Proposed Ordinance amending Section 3-3-2 of the City Code providing for and regulating the purchasing of legal services.

The motion failed 3 - 5. Council Members Bare, Cannada-Wynn, and Myers assenting.

*****THE FOLLOWING PROPOSED ORDINANCE WAS PULLED DUE TO THE ITEM (ABOVE) FAILING*****

PROPOSED ORDINANCE NO. 21-16 -- 1ST READING

AN ORDINANCE AMENDING SECTION 3-3-2 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, CONTRACTS FOR PUBLIC WORK AND PURCHASES OF OTHER COMMODITIES AND SERVICES; REGULATING CONTRACTING AND PURCHASE OF LEGAL SERVICES; LOWEST AND BEST RESPONSIBLE BIDDER; REJECTION OF BIDS; APPROVAL OF COUNCIL AND MAYOR; EMERGENCY PURCHASES; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

21. COMMISSIONING OF A PUBLIC OPINION SURVEY

~~That City Council engage the UWF Haas Business Center or another firm to conduct a public opinion survey about a range of issues currently being discussed by the Council.~~ **SUBSTITUTE MOTION: That City Council direct the Council Executive to research the cost and feasibility of conducting a public opinion survey of the citizens of the City of Pensacola.**

The motion passed unanimously.

22. ESTABLISHMENT OF A CHARTER REVIEW COMMISSION

That the City Council establish a Charter Review Commission based on Section 8.01 of the Charter to address issues brought forward by City Council Members at the Charter Review Workshop held on May 9, 2016.

The motion failed 3 - 5. Council Members Bare, Myers, and Wingate assenting.

23. PROPOSED CHARTER AMENDMENT – REPEALING THE CURRENT CHARTER, REVERTING TO A COUNCIL-MANAGER FORM OF GOVERNMENT AND ESTABLISHING A CHARTER REVIEW COMMISSION TO DEVELOP A NEW CHARTER

That City Council approve an ordinance proposing an amendment to Section 3.01 of the City Charter, stating that the City shall have a Council-Manager form of government and establishing a Charter Review Commission to develop a new City Charter consistent with this change, and if adopted on second reading, that the issue be placed on the General Election Ballot on November 8, 2016.

The motion died due to lack of a second.

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Members Present: Council President Charles Bare, Council Vice President Brian Spencer, Jewel Cannada-Wynn, Larry B. Johnson, Sherri Myers, Andy Terhaar, Gerald Wingate, and P. C. Wu

Absent: None

REGULAR AGENDA ITEMS (continued)

Item 23 cont'd:

*****THE FOLLOWING PROPOSED ORDINANCE WAS PULLED DUE TO LACK OF A SECOND ON THE ITEM (ABOVE)*****

PROPOSED ORDINANCE NO. 22-16 -- 1ST READING

AN ORDINANCE PROPOSING AN AMENDMENT TO THE CHARTER OF THE CITY OF PENSACOLA, FLORIDA; AMENDING SECTION 3.01 OF THE CHARTER CHANGING THE FORM OF GOVERNMENT TO A COUNCIL - MANAGER FORM OF GOVERNMENT; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

24. PROPOSED CHARTER AMENDMENT – POWER TO VETO RESOLUTIONS

That the City Council approve an ordinance proposing amendments to Section 4.01.(a)(10), Section 4.02.(a)(4) and Section 4.03(d) of the City Charter to remove the Mayor's ability to veto resolutions passed by the City Council, and, if adopted on the second reading, that the issue be placed on the General Election ballot on November 8, 2016.

The motion failed 3 - 5. Council Members Bare, Myers, and Wingate assenting.

*****THE FOLLOWING PROPOSED ORDINANCE WAS PULLED DUE TO THE ITEM (ABOVE) FAILING*****

PROPOSED ORDINANCE NO. 23-16 -- 1ST READING

AN ORDINANCE PROPOSING AN AMENDMENT TO THE CHARTER FOR THE CITY OF PENSACOLA, FLORIDA; REMOVING THE MAYOR'S ABILITY TO VETO RESOLUTIONS; PROVIDING FOR A REFERENDUM THEREON; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE

25. PROPOSED CHARTER AMENDMENT – CITY COUNCIL CONFIRMATION OF CITY ADMINISTRATOR APPOINTMENT

That City Council approve an ordinance proposing an amendment to Section 5.02 of the City Charter adding the language, "...with the consent of the City Council by an affirmative vote of a majority of Council Members..." and if adopted on second reading, that this issue be placed on the General Election Ballot on November 8, 2016.

The motion failed 2 - 5. Council Members Cannada-Wynn and Myers assenting; and Council Member Terhaar absent for the vote.

*****THE FOLLOWING PROPOSED ORDINANCE WAS PULLED DUE TO THE ITEM (ABOVE) FAILING*****

PROPOSED ORDINANCE NO. 24-16 -- 1ST READING

AN ORDINANCE PROPOSING AN AMENDMENT TO THE CHARTER OF THE CITY OF PENSACOLA, FLORIDA; AMENDING SECTION 5.02 OF THE CHARTER TO ADD, "WITH THE CONSENT OF THE CITY COUNCIL BY AN AFFIRMATIVE VOTE OF A MAJORITY OF COUNCIL MEMBERS." And "THE CITY ADMINISTRATOR MAY BE REMOVED FROM OFFICE WITH THE CONCURRENCE OF THE MAYOR AND A MAJORITY OF THE CITY COUNCIL"; PROVIDING FOR A REFERENDUM THEREON; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

*****THE FOLLOWING ITEM WAS WITHDRAWN BY THE SPONSOR DURING THE MEETING*****

26. PROPOSED CHARTER AMENDMENT – MAYOR BE A MEMBER OF THE CITY COUNCIL

That City Council approve an ordinance proposing an amendment to Section 3.01 of the City Charter, providing for the Mayor to be a voting member of the City Council, and if adopted on second reading, that this issue be placed on the General Election Ballot on November 8, 2016.

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Absent: None

REGULAR AGENDA ITEMS (continued)

Item 26 cont'd.

*****THE PROPOSED ORDINANCE WAS WITHDRAWN BY THE SPONSOR DURING THE MEETING*****

PROPOSED ORDINANCE NO. 25-16 - - 1ST READING

AN ORDINANCE PROPOSING AN AMENDMENT TO THE CHARTER OF THE CITY OF PENSACOLA, FLORIDA; AMENDING SECTION 3.01 OF THE CHARTER MAKING THE MAYOR A VOTING MEMBER OF CITY COUNCIL; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

*****THE FOLLOWING ITEM WAS WITHDRAWN BY THE SPONSOR DURING THE MEETING*****

27. PROPOSED CHARTER AMENDMENT – SUSPENSION, DISCIPLINE OR REMOVAL OF DEPARTMENT HEAD

That City Council approve an ordinance proposing an amendment to Section 4.01(a)(8) of the City Charter, relating to the Mayor's powers and duties; providing for the Suspension, discipline or removal of the department head with the consent of the City Council, and if adopted on second reading, that this issue be placed on the General Election Ballot on November 8, 2016.

*****THE PROPOSED ORDINANCE WAS WITHDRAWN BY THE SPONSOR DURING THE MEETING*****

PROPOSED ORDINANCE NO. 26-16 - - 1ST READING

AN ORDINANCE PROPOSING AN AMENDMENT TO THE CHARTER OF THE CITY OF PENSACOLA, FLORIDA; AMENDING SECTION 4.01(a)(8) OF THE CHARTER PROVIDING FOR THE CONSENT OF THE MAJORITY MEMBERS OF CITY COUNCIL FOR THE REMOVAL OF A DEPARTMENT HEAD; PROVIDING FOR A REFERENDUM THEREON; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

*****THE FOLLOWING ITEM WAS WITHDRAWN BY THE SPONSOR DURING THE MEETING*****

28. PROPOSED CHARTER AMENDMENT – GRANTING CITY COUNCIL LEGISLATIVE POWER TO ORGANIZE THE CITY GOVERNMENT

That the City Council approve an ordinance proposing an amendment to Section 4.01.(a)(15), Section 4.02.(a) and Section 5.04 of the City Charter to grant City Council the legislative power to determine the organization of the government and the powers and duties assigned to various departments, and, if adopted on the second reading, that the issue be placed on the General Election ballot on November 8, 2016.

*****THE PROPOSED ORDINANCE WAS WITHDRAWN BY THE SPONSOR DURING THE MEETING*****

PROPOSED ORDINANCE NO. 27-16 - - 1ST READING

AN ORDINANCE PROPOSING AN AMENDMENT TO THE CHARTER FOR THE CITY OF PENSACOLA, FLORIDA; GRANTING THE CITY COUNCIL THE LEGISLATIVE POWER TO DETERMINE THE ORGANIZATION OF THE CITY GOVERNMENT AND THE POWER AND DUTIES ASSIGNED TO VARIOUS DEPARTMENTS; PROVIDING FOR A REFERENDUM THEREON; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

29. PROPOSED CHARTER AMENDMENT – ROTATING THE POSITION OF CITY COUNCIL PRESIDENT AND VICE PRESIDENT BY DISTRICT

That City Council approve an ordinance proposing an amendment to Section 4.03(e) of the City Charter, stating that the positions of Council President and Vice President be rotated yearly by district with a rotational process being hereby determined, and if adopted on second reading, that the issue be placed on the General Election Ballot on November 8, 2016.

The motion died due to lack of a second.

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Members Present: Council President Charles Bare, Council Vice President Brian Spencer, Jewel Cannada-Wynn, Larry B. Johnson, Sherri Myers, Andy Terhaar, Gerald Wingate, and P. C. Wu

Absent: None

REGULAR AGENDA ITEMS (continued)

Item 29 cont'd.

*****THE FOLLOWING PROPOSED ORDINANCE WAS PULLED DUE TO LACK OF A SECOND ON THE ITEM (ABOVE)*****

PROPOSED ORDINANCE NO. 28-16 – 1ST READING

AN ORDINANCE PROPOSING AN AMENDMENT TO THE CHARTER OF THE CITY OF PENSACOLA, FLORIDA; AMENDING SECTION 4.03(e) OF THE CHARTER, CHANGING FROM ELECTED POSITION(S) OF COUNCIL PRESIDENT AND VICE PRESIDENT TO A ROTATION BY DISTRICT FOR THE POSITIONS; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE

*****THE FOLLOWING ITEM WAS WITHDRAWN BY THE SPONSOR DURING THE MEETING*****

30. *PROPOSED CHARTER AMENDMENT – CREATION OF INDEPENDENT PERSONNEL BOARD*

That the City Council approve an ordinance proposing an amendment to Section 4.02.(a) of the City Charter to authorize the Council to appoint an Independent Personnel Board, implemented through ordinances and/or resolutions not subject to veto, and, if adopted on the second reading, that the issue be placed on the General Election ballot on November 8, 2016.

*****THE PROPOSED ORDINANCE WAS WITHDRAWN BY THE SPONSOR DURING THE MEETING*****

PROPOSED ORDINANCE NO. 29-16 – 1ST READING

AN ORDINANCE PROPOSING AN AMENDMENT TO THE CHARTER FOR THE CITY OF PENSACOLA, FLORIDA; GRANTING THE CITY COUNCIL THE POWER TO ESTABLISH AN INDEPENDENT PERSONNEL BOARD , IMPLEMENTED THROUGHOUT ORDINANCES AND/OR RESOLUTIONS THAT ARE NOT SUBJECT TO VETO; PROVIDING FOR A REFERENDUM THEREON; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE

*****THE FOLLOWING ITEM WAS WITHDRAWN BY THE SPONSOR DURING DISCUSSION*****

31. *PROPOSED CHARTER AMENDMENT – COMMENCEMENT OF TERM OF OFFICE*

That City Council approve an ordinance proposing an amendment to Section 6.07 of the City Charter changing the commencement of term of office to the first Tuesday in December, and if adopted on second reading, that this issue be placed on the General Election Ballot on November 8, 2016.

*****THE FOLLOWING PROPOSED ORDINANCE WAS WITHDRAWN BY THE SPONSOR DURING DISCUSSION*****

PROPOSED ORDINANCE NO. 30-16 – 1ST READING

AN ORDINANCE PROPOSING AN AMENDMENT TO THE CHARTER OF THE CITY OF PENSACOLA, FLORIDA; AMENDING SECTION 6.07 OF THE CHARTER TO CHANGE THE DATE OF THE COMMENCEMENT OF TERM OF OFFICE; PROVIDING FOR A REFERENDUM THEREON; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

32. *REQUEST TO VACATE RIGHT-OF-WAY – 1400 EAST BOBE STREET*

PROPOSED ORDINANCE NO. 15-16 – 2ND READING – MOTION TO APPROVE

AN ORDINANCE CLOSING, ABANDONING AND VACATING A PORTION OF THE 14TH AVENUE RIGHT OF WAY; IN PENSACOLA, ESCAMBIA COUNTY, STATE OF FLORIDA; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE. (Ordinance No. 17-16)

The motion passed 7 - 0. Council Member Terhaar absent for the vote.

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Absent: None

REGULAR AGENDA ITEMS (continued)

33. DISCUSSION: ZIKA VIRUS AND RODENT CONTROL

That City Council invite Escambia County Mosquito Control to provide a presentation at the next meeting on July 14, 2016.

The motion passed 7 – 0. Council Member Terhaar absent for the vote.

Also, the Council Executive will research rodent control measures - - no Member of Council objected.

34. DISCUSSION: SOURCE OF FUNDING FOR OUTSIDE LEGAL FEES

That City Council have a discussion and inquire as to what source of funding is being used for retaining outside legal counsel.

Discussion only - - no action taken.