



# MINUTES

## Special Council Meeting

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### Tuesday, 24 October 2017 at 6.34pm

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**SWEARING IN OF NEWLY ELECTED MEMBERS – MONDAY, 23 OCTOBER AT 6.30PM**

The Chief Executive Officer welcomed elected members, staff and fourteen (14) members of the gallery to the Swearing-In Ceremony.

The CEO invited Mr Ian Handcock, Justice of the Peace and Freeman of the Town of East Fremantle, to oversee the Declarations of Office by the newly elected Council members in accordance with Section 2.29 of the Local Government Act.

Jim O'Neill	Mayor, Town of East Fremantle, 2017 to 2021
Jenny Harrington	Councillor, Plympton Ward, 2017 to 2021
Andrew McPhail	Councillor, Richmond Ward, 2017 to 2021
Michael McPhail	Councillor, Preston Point Ward, 2017 to 2021
Tony Natale	Councillor, Preston Point Ward, 2017 to 2019
Tony Watkins	Councillor, Woodside Ward, 2017 to 2021

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**MINUTES OF A SPECIAL MEETING OF COUNCIL HELD AT THE EAST FREMANTLE YACHT CLUB (RIVER ROOM), PETRA STREET EAST FREMANTLE ON TUESDAY, 24 OCTOBER 2017.**

**1. OFFICIAL OPENING**

The Presiding Member opened the meeting at 6.34pm.

**2. ACKNOWLEDGEMENT OF COUNTRY**

*"On behalf of the Council I would like to acknowledge the Nyoongar people as the traditional custodians of the land on which this meeting is taking place."*

**3. RECORD OF ATTENDANCE**

**3.1 Attendance**

The following members were in attendance:

Mayor J O'Neill	Presiding Member
Cr C Collinson	
Cr J Harrington	
Cr A McPhail	
Cr M McPhail	
Cr D Nardi	
Cr T Natale	
Cr T Watkins	
Cr A White	

The following staff were in attendance:

Mr G Tuffin	Chief Executive Officer
Mr D Taylor	Executive Manager Corporate & Community Services
Mr A Malone	Executive Manager Regulatory Services
Mr S Gallagher	Operations Manager
Ms K Dore	Minute Secretary

There was one member of the public in the gallery

**3.2 Apologies**  
Nil.

**3.3 Approved Leave of Absence**  
Nil.

**4. DISCLOSURES OF INTEREST**

**4.1 Financial**  
Nil.

**4.2 Proximity**  
Nil.

**4.3 Impartiality**

Disclosure of Interest Affecting Impartiality: in accordance with Regulation 34C of the *Local Government (Administration) Regulations 1996* the Chief Executive Officer advised that he was a former employee (General Manager) of Industrial Road Pavers (2002 -2005).

**5. PUBLIC QUESTION TIME**

**5.1 Responses to previous questions from members of the public taken on notice**  
Nil.

**5.2 Public Question Time**  
Nil.

**6. BUSINESS**

**6.1 Election of Deputy Mayor**

Schedule 2.3 (8)(2) of the Local Government Act states *"The election is to be conducted in accordance with the procedure prescribed by the Mayor"*.

The Mayor requested that the CEO conduct the election of Deputy Mayor.

The CEO advised that a written nomination had been received from Cr Michael McPhail and asked if there were any further nominations for the position.

As there were no further nominations the CEO declared Cr Michael McPhail, elected unopposed, as Deputy Mayor of the Town of East Fremantle for a two year period (2017-2019).

**6.2 Declaration of Office by Deputy Mayor**

Cr Michael McPhail made a Declaration of Office as Deputy Mayor before Mayor O'Neill.

### 6.3 Appointment of Committees and Delegates to External Committees and Groups

<b>File ref</b>	C/REP1
<b>Prepared by</b>	Janine May EA to CEO
<b>Supervised by</b>	Gary Tuffin, Chief Executive Officer
<b>Meeting Date:</b>	24 October 2017
<b>Voting requirements</b>	Absolute Majority
<b>Documents tabled</b>	Nil.
<b>Attachments</b>	1. External Committees/Groups delegate information

#### **Purpose**

The purpose of this report is to facilitate, following the elections held on Saturday 21 October 2017, the:

- appointment of members to Council's committees; and
- appointment of delegates to represent Council on external committees and groups

#### **Executive Summary**

It is recommended that elected members decide membership to Council committees and appointments to external committees/groups to ensure the uninterrupted operation of Council business and continued external representation, following Council elections.

#### **Background**

Following the election on Saturday, 21 October 2017, Council is required to appoint members to its Committees. Under s5.11 of the *Local Government Act 1995* (LGA) all previous elected member appointments expired on election day. Although not specifically required under this legislation, it is considered appropriate at this time to also make new appointments (or reappointments) to the various external committees/groups which elected members have previously been appointed to.

The adoption of Council's Meeting Procedures Local Law 2016 which included the repeal of the Town of East Fremantle By-law Relating to Standing Orders 1965, saw the removal of the requirement for the four standing Committees: Town Planning & Building; Works & Reserves, Health & General Purposes and Finance. Whilst elected members support the continuation of the Town Planning & Building Committee, it is proposed as part of this report, to formalise the disbanding of the remaining three Committees.

Under s7.1 of the LGA, Council is required to appoint an Audit Committee and it is proposed that this Committee would also consider any matters previously referred to the Finance Committee.

#### **Consultation**

Not applicable.

#### **Statutory Environment**

Local Government Act s5.11 & s7.1

#### **Policy Implications**

Nil

#### **Financial Implications**

N/A

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### Strategic Implications

STRATEGIC PRIORITY AREA 5: Leadership and Governance

*A proactive, approachable Council which values community consultation, transparency and accountability.*

Objective: Strengthen organisational accountability and transparency

Strategies: 5.1.1 Strengthen governance, risk management and compliance;  
5.1.3 Improve the efficiency and effectiveness of services.

### Site Inspection

Not applicable

### Comment

The Town Planning & Building Committee currently meets on the 1<sup>st</sup> Tuesday of the month (except January when the Council is in recess). The Committee has a conditional delegated authority to determine all applications for planning approval or advice to referral agencies and other planning agencies not otherwise included within the current delegations to the Chief Executive Officer. It is proposed to rename this Committee to simply the "Town Planning Committee as the building approval aspect has long been taken over by other legislation.

Audit Committee meetings are generally convened on an "as needs" basis.

Council appointed community representatives to the Community Design Advisory Committee (CDAC) in February 2017. The CDAC Chairperson is an elected member appointed by Council. This Committee generally meets monthly (or as required) on a Monday, except in January.

A Public Art Panel Policy which sets out membership, terms of reference along with meeting procedure and process for this Panel was adopted by Council on 17 October 2017. The Panel is to consist of two elected members (including the Mayor or representative), the CEO, a public art practitioner or coordinator and two other specialists.

The Community Assistance Grants Advisory Group meet as required (up to two times per year), to assess submissions received from eligible groups via the Town's Community Assistance Grants Program, and make recommendations to Council. A Community Grants and Sponsorship Policy which sets out the objective and scope for this funded was adopted by Council on 21 June 2016.

In previous years an Events Committee has been appointed to oversee the East Fremantle Festival and consider other community events.

Following is a list of external Committees/Groups which currently entail Council representation:

- Local Government Association (South Metropolitan Zone) (3 delegates)
- Fremantle City Library Advisory Committee (1 delegate + deputy)
- Glyde-In Community Group (1 delegate + deputy)
- Southern Metropolitan Regional Council (1 delegate)
- Development Assessment Panel (2 members + 2 alternate members)
- South West Corridor Development & Employment Foundation (1 delegate + deputy)
- South West Reference Group (1 delegate + deputy)
- Fremantle Ports Inner Harbour Community Liaison Group (1 delegate + deputy)

Appointments to Council Committees require an absolute majority. A simple majority is required for all other appointments.

**6.3.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 121017**

Moved Cr A McPhail, seconded Cr Nardi

That Council:

- (1) Rename the Town Planning and Building Committee to the Town Planning Committee
- (2) appoint the following members to the Town Planning Committee;
  - Cr Collinson
  - Cr Harrington
  - Cr M McPhail
  - Cr Nardi
  - Cr Natale
  - Cr White

Carried by an Absolute Majority

**6.3.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 131017**

Moved Cr Watkins, seconded Cr White

That Council appoint the following members to the Audit Committee;

- Mayor O'Neill
- Cr A McPhail
- Cr M McPhail
- Cr Natale
- Cr Watkins
- Cr White

Carried by an Absolute Majority

**6.3.3 OFFICER RECOMMENDATION**

That Council appoint Cr <insert nominee> to the Community Design Advisory Committee (CDAC) as Chairperson.

**6.3.3 COUNCIL RESOLUTION 141017**

Moved Cr M McPhail, seconded Cr Collinson

That the selection of the Chairperson of the Community Design Advisory Committee (CDAC) be deferred until the next Ordinary meeting of Council.

(Carried Unanimously)

**6.3.4 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 151017**

Moved Cr Watkins, seconded Cr Nardi

That Council appoint Mayor O'Neill and Cr Harrington to the Town of East Fremantle Public Art Panel.

(Carried Unanimously)

**6.3.5 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 161017**

Moved Cr Collinson, seconded Cr Harrington

That Council appoint Mayor O'Neill and Cr A McPhail to the Town of East Fremantle Community Assistance Grants Advisory Group.

(Carried Unanimously)

**6.3.6 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 171017**

Moved Cr M McPhail, seconded Cr White

That Council appoint Cr Harrington, Cr Nardi and Cr Collinson to the East Fremantle Events Committee.

(Carried Unanimously)

Cr Collinson and Cr M McPhail both nominated for the position of Town of East Fremantle representative on the Southern Metropolitan Regional Council.

Ballot papers were issued to all elected members.

Cr Collinson addressed the meeting.

Cr M McPhail addressed the meeting.

The CEO collected the ballot papers and conducted a count.

The Mayor declared Cr Collinson as the Town of East Fremantle representative on the Southern Metropolitan Regional Council.

**6.3.7 COUNCIL RESOLUTION 181017**

Moved Cr Nardi, seconded Cr Natale

That Council resolve;

1. that all previous appointments to external committees/groups referred to in this report, have expired and make new appointments to those committees/groups.
2. Cr Natale, Cr Collinson and Cr M McPhail be appointed Council's representatives on the WALGA South Metropolitan Zone Committee with Cr Watkins being appointed as the deputy.
3. Cr Watkins be appointed as Council's representative on the Fremantle Library Advisory Committee with Cr A McPhail appointed as the deputy.
4. Cr Collinson be appointed as Council's representative on the Glyde-In Community Group with Cr White appointed as the deputy.
5. Cr Collinson be appointed as Council's representative on the South Metropolitan Regional Council.
6. Cr Collinson and Cr M McPhail be appointed as Council's representative on the Development Assessment Panel members with Cr Nardi and Cr White appointed as the

alternate members.

7. Cr Watkins be appointed as Council's representative on the South West Corridor Development and Employment Foundation with Cr Natale appointed as the deputy.
8. Cr Natale be appointed as Council's representative on the South West Reference Group.
9. Cr Harrington be appointed as Council's representative on the Fremantle Ports Inner Harbour Liaison Group with Cr A McPhail appointed as the deputy.

(Carried Unanimously)

**6.3.8 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 191017**

Moved Cr Collinson, seconded Cr M McPhail

That Council resolve to disband the following committees;

- Works & Reserves
- Health & General Purposes
- Finance

in line with the repeal of the Town of East Fremantle By-law relating to Standing Orders 1965 contained within the Town's Meeting Procedures Local Law adopted 18 January 2017.

Carried by an Absolute Majority

#### 6.4 Town Hall Furniture Supply & Installation Tender – 02-2017/18

<b>Applicant:</b>	Town of East Fremantle
<b>File ref:</b>	RFT02-17/18
<b>Prepared by:</b>	Gary Tuffin, Chief Executive Officer
<b>Supervised by:</b>	Gary Tuffin, Chief Executive Officer
<b>Voting requirements:</b>	Simple Majority
<b>Documents table:</b>	Nil
<b>Attachments:</b>	1. Confidential – Elevation Sheet (RTF02-17-18) 2. Confidential – Corporate Living Tender Pricing Schedule 3. Furniture floor plan

#### **Purpose**

To advise Council on the evaluation of tender submissions for the supply and installation of furniture for the Town Hall and to award the contract.

#### **Executive Summary**

The Tender was undertaken as part of the Town Hall refurbishment project, four (4) tender submissions were received by the closing date and time.

It is recommended that Corporate Living be awarded the contract for the supply and installation of furniture.

#### **Background**

Over the years various items of furniture have been randomly purchased resulting in a wide condition and variety of furniture. It is unknown when the Town last provided a complete and consistent approach to the provision of appropriate fit-for-purpose office furniture.

As part of the Town Hall Refurbishment Project all the furniture is being replaced to provide a consistent, functional and professional look. Tender RFT02/17-18 was advertised in the West Australian newspaper on 26 August 2017.

Tenders closed at 4:00pm, Friday 15 September 2017 and there were four (4) submissions received from the following tenderers;

1. InnerSpace Commercial Interiors
2. **Corporate Living**
3. Zenith
4. APC (**Incomplete Tender – not assessed**)

#### **Consultation**

Councillors  
Chief Executive Officer – Gary Tuffin  
EMRS – Andrew Malone  
EMCCS – David Taylor  
Project Officer – Wendy Cooke  
Executive Assistant – Janine May

An inspection was undertaken of the furniture tendered on the 27/09/17 by the above staff. There was a general consensus that the furniture and service provided by Corporate Living was preferred.

### Referee Check

Andrew Barnett (Director City Projects) City of Armadale

- Refit of administration office (Contract value of furniture \$1,000,000 approx.)
- Furniture supplied approx. 3 year ago.
- Very happy with the quality of furniture and after sales service
- Highly recommend as a supplier, continue to use as needed for additional items.

Les Crichton (Executive Manager Corporate & Governance) Town of Claremont.

- Office rebuild (Contract value of furniture \$350,000 approx.)
- Furniture supplied approx. 3 years ago (2014)
- Very happy with the quality of furniture and service.
- Highly recommend as a supplier, continue to use as needed for additional items.

### **Statutory Environment**

State: *Local Government Act 1995 s3.57 – Tenders for providing goods or services*

- (1) *A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*
- (2) *Regulations may make provision about tenders.*

Regulations 1996 require that tenders be publicly invited for such contracts where the estimated cost of providing the total service exceeds \$150,000.

### **Policy Implications**

Purchasing Policy

### **Financial Implications**

Council has made a provision of \$170,000 in its 2017/18 Budget.

The recommended tenderer, Corporate Living tendered \$116,326 (excluding GST) for the supply of the furniture.

### **Strategic Implications**

Nil

### **Site Inspection**

Yes

### **Comment**

The tenders submitted must fulfil the requirements of the Tender Criteria, namely the Compliance and Selection Criteria.

Based on the evaluation results it is recommended that the Tender be awarded to Corporate Living for the supply and installation of the furniture.

**6.4 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 201017**

Moved Mayor O'Neill, seconded Cr Harrington

That Council;

1. accept the Tender submitted by Corporate Living for \$116,326.00 (plus GST) for supply and installation of furniture for the Town Hall.
2. authorise the Mayor and Chief Executive Officer to sign and affix the Town's Common Seal to the tender contract with Corporate Living for the supply and installation of furniture.

(Carried Unanimously)

## 6.5 Road Resurfacing Program 2017/18 – Tender Acceptance

<b>Applicant:</b>	Town of East Fremantle
<b>File ref:</b>	RFT03-17/18
<b>Prepared by:</b>	Stephen Gallagher, Operations Manager
<b>Supervised by:</b>	Gary Tuffin, Chief Executive Officer
<b>Voting requirements:</b>	Simple Majority
<b>Documents table:</b>	Nil
<b>Attachments:</b>	1. Confidential - Tender Assessment

### Disclosure of Interest Affecting Impartiality

In accordance with Regulation 34C of the *Local Government (Administration) Regulations 1996* the Chief Executive Officer advises that he was a former employee (General Manager) of Industrial Road Pavers (2002 -2005).

### Purpose

To advise Council on the re-evaluation of the Request for Tender submissions received for the Road Resurfacing Program 2017/18 due to the successful tenderer withdrawing their submission and to endorse the subsequent suitable contractor.

### Executive Summary

This Tender has been undertaken as part of the Capital Works Program that was approved by Council in this financial year's budget. As per last year's Tender to attract lower prices from economies of scale the Town has this year bundled all of the individual Roadworks into one contract in lieu of awarding separate smaller contracts for individual roads. The works are scheduled to be completed during November – December 2017.

The Tender was advertised with nine (9) submissions received. A more detailed assessment was done on the lowest three priced Tenders in accordance with Sections 1.6 Evaluation Process and 1.7 Selection Criteria.

Interviews were held to clarify details of the submissions and better assess the applicants. At the Special Council Meeting held on 2 October 2017, Council endorsed the Officer's recommendation of LTC Asphalt being the most suitable contractor to provide the road resurfacing program. Since that meeting, LTC Asphalt have withdrawn their submission and the subsequent three (3) tenders were re-evaluated.

Accordingly, the following is now recommended:

It is recommended that Council:

1. accept the withdrawal of the tender submitted by LTC Asphalt \$242,764.00 (excl. GST) to complete the Road Resurfacing Program 2017/18 and authorised Purchase Order 34355 be rescinded.
2. accept the tender submitted by Industrial Road Pavers \$280,883.70 (excl. GST) to complete the Road Resurfacing Program 2017/18.
3. authorise the Mayor and Chief Executive Officer to sign and affix the Town's Common Seal to the tender contract with Industrial Road Pavers.

### Background

As part of the Town's 2017-18 Capital Works program, tender RFT03/17-18 was advertised in The West Australian newspaper on 26<sup>th</sup> August 2017 to select a contractor to provide road resurfacing services on various roads around the Town.

Tenders closed at 4:00pm Friday 15<sup>th</sup> September and there were nine (9) submissions received with one submission being withdrawn after evaluation and recommendation to Council.

At the Special Council Meeting held on 2 October 2017, Council endorsed the Officer's recommendation of LTC Asphalt being the most suitable contractor to provide the road resurfacing program. Unfortunately, following further discussions with LTC Asphalt concerning details of their submission, the company decided to withdraw their submission.

Whilst Council could insist the contract be enforced at the tendered rates, it is believed this would put the quality of works at risk, and possibly lead to protracted legal issues. Therefore, it is recommended that LTC be released from their obligations under the tender.

### Consultation

Dave Burke, Operations Supervisor.  
Chief Executive Officer.  
LTC.  
Industrial Road Pavers.  
Kee Asphalt.  
Fulton Hogan.

Prior to commencement of works, the contractor (on behalf of Council) will distribute a letter to all affected properties.

### Statutory Environment

State: *Local Government Act 1995 s3.57 – Tenders for providing goods or services*  
(3) *A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*  
(4) *Regulations may make provision about tenders.*

Regulations 1996 require that tenders be publicly invited for such contracts where the estimated cost of providing the total service exceeds \$150,000.

### Policy Implications

Purchasing Policy

### Financial Implications

Council has allowed for the road resurfacing in their 2017/18 Budget.

### Strategic Implications

Nil

### Site Inspection

Site inspection undertaken: Yes

### **Triple Bottom Line Assessment**

#### Economic Implications

There are no known significant economic implications with this proposal.

#### Social Implications

The completion of resurfacing works to roads will provide upgraded infrastructure for the community to use.

#### Environmental Implications

There are no known significant environmental implications associated with this proposal.

### **Comment**

The tenders submitted must fulfil the requirements of the Tender Criteria, namely the Compliance and Selection Criteria.

The tenders have been re-itemised in the table assessment according to the submitted tender prices and the selection criteria outlined in the RFT. The lowest three priced submissions have been allocated scores for each weighted category.

Based on the results of the revaluation it is recommended that the Tender be awarded to Industrial Road Pavers.

### **6.5 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 211017**

**Moved Cr A McPhail, seconded Cr Natale**

**That Council;**

- 1. accept the withdrawal of the tender submitted by LTC Asphalt \$242,764.00 (plus GST) to complete the Road Resurfacing Program 2017/18 and authorised Purchase Order 3433 be cancelled.**
- 2. accept the tender submitted by Industrial Road Pavers \$280,883.70 (plus GST) to complete the Road Resurfacing Program 2017/18.**
- 3. authorise the Mayor and Chief Executive Officer to sign and affix the Town's Common Seal to the tender contract with Industrial Road Pavers.**

(Carried Unanimously)

7. CLOSURE

There being no further business, the Presiding member declared the meeting closed at 7.22pm.

*I hereby certify that the Minutes of the special meeting of the Council of the Town of East Fremantle, held on 24 October 2017, Minute Book reference 1. to 7. were confirmed at the meeting of the Council on*

*21 NOVEMBER 2017*

  
\_\_\_\_\_  
Presiding Member