



**MINUTES OF ORDINARY COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON
ON 1 JULY 2019 at 7.02PM**

PRESENT	Cr. Michael O'Reilly (Mayor) Cr. Colin Hampton Cr. Sandra Mayer Cr. Glenn Aitken Cr. Steve Toms Cr. Quinn McCormack Cr. Kris Bolam
APOLOGIES:	Cr. Brian Cunial Cr. Lillian O'Connor
ABSENT:	Nil.
OFFICERS:	Mr. Phil Cantillon, Chief Executive Officer Ms. Kim Jaensch, Acting Director Corporate Development Dr. Gillian Kay, Director Community Development Mr. Doug Dickins, Acting Director Community Assets Mr. Michael Papageorgiou, Manager Planning & Environment Mr. Taylor McVean, Coordinator Communications Ms. Michelle Tipton, Coordinator Governance Ms. Vera Roberts, Executive Assistant to Mayor Ms. Sharon Lozsan, Project & Business Support Officer
EXTERNAL REPRESENTATIVES:	Nil.

COUNCILLOR STATEMENT

Councillor Bolam made the following statement:

"All members of this Council pledge to the City of Frankston community to consider every item listed on this evening's agenda:

- *Based on the individual merits of each item;*
- *Without bias or prejudice by maintaining an open mind; and*
- *Disregarding Councillors' personal interests so as to avoid any conflict with our public duty.*

Any Councillor having a conflict of interest in an item will make proper, prior disclosure to the meeting and will not participate or vote on the issue."

Chairperson's initials

PRAYER

At the request of the Mayor, Councillor Toms read the Opening Prayer.

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

Councillor McCormack acknowledged the Boon Wurrung and Bunurong peoples – the traditional custodians of the land on which we stand and recognised all Aboriginal and Torres Strait Islander peoples who have given to Australia’s identity – from the past, into the present and for the future.

DRAFT

Chairperson’s initials

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1. PRESENTATION TO COMMUNITY GROUPS

Nil

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Ordinary Meeting No. OM7 held on 3 June 2019, Special Meeting No. OM4 held on 11 June 2019 and Special Meeting No. OM5 held on 24 June 2019.

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Toms

That the minutes of the:

- Ordinary Meeting No. OM7 held on 3 June 2019;
- Special Meeting No. SP4 held on 11 June 2019; and
- Special Meeting No. SP5 held on 24 June 2019

copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

Carried Unanimously

3. APOLOGIES**Council Decision**

Moved: Councillor Aitken

Seconded: Councillor Mayer

That the apologies be received and Councillors Cunial and O'Connor be granted leave from the meeting.

Carried Unanimously

4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST

Nil

5. PUBLIC QUESTION TIME

One (1) person submitted questions to Council without Notice. At the request of the Mayor, the Chief Executive Officer read the questions and answers to the gallery. The questions and answers are contained in Appendix.

6. HEARING OF PUBLIC SUBMISSIONS

Ms. Ginevra Hosking made a submission to Council regarding Item 13.1: Response to 2019/NOM9 Car Parking in Frankston Metropolitan Activity Centre (FMAC).

7. ITEMS BROUGHT FORWARD**Items Brought Forward****Council Decision****Moved: Councillor Mayer****Seconded: Councillor Aitken**

That Item 13.1: Response to 2019/NOM9 Car Parking in Frankston Metropolitan Activity Centre (FMAC).be brought forward.

Carried Unanimously**8. PRESENTATIONS / AWARDS**

Nil.

9. PRESENTATION OF PETITIONS AND JOINT LETTERS**Petition – 4 Cassowary Close, Carrum Downs – Planning Application No 74/2019/P****Council Decision****Moved: Councillor Mayer****Seconded: Councillor Hampton**

That the petition containing 9 signatures expressing the objection to the proposed development of three (3) double storey dwellings at 4 Cassowary Close, Carrum Downs (Planning Application No 74/2019/P) be accepted.

Carried Unanimously**Petition – High Voltage Power Transmission Line – Silver Ave, Frankston North****Council Decision****Moved: Councillor Bolam****Seconded: Councillor Aitken**

That the petition containing 14 signatures objecting to the proposal to install High Voltage Power Transmission Line along Silver Avenue, Frankston North between Tamarisk Drive and Aldercourt Primary School be accepted.

Carried Unanimously**10. DELEGATES' REPORTS**

Nil

ITEMS BROUGHT FORWARD**13. RESPONSE TO NOTICES OF MOTION****13.1 Response to 2019/NOM9 Car Parking in Frankston Metropolitan Activity Centre (FMAC)**

(MP Community Development)

Council Decision**Moved: Councillor Hampton****Seconded: Councillor Toms**

That Council:

1. Approves Option B to form a working group comprising representatives from Committee for Greater Frankston, Frankston City Traders, Chisholm, Monash University, Peninsula Health, Bayside Shopping Centre, Frankston City Council and PARC to provide independent advice on the implementation of the Car Parking Precinct Action Plan.
2. Approves the attached Terms Of Reference.
3. Refers the funding of \$30,000 towards implementation of the year 1 actions of the FMAC Parking Precinct Plan to the Mid-Year Budget Review for further consideration. Subsequent years funding is to be requested through the normal annual budget process.

Carried Unanimously

11. CONSIDERATION OF TOWN PLANNING REPORTS**11.1 Seaford Wetlands Residential Environs Study - Report on submissions made during public consultation and next steps**

(MP Community Development)

Recommendation (Director Community Development)

That Council:

1. Notes the submissions made to the Seaford Wetlands Residential Environs Study (Study);
2. Adopts the Seaford Wetlands Residential Environs Study;
3. Authorises officers to commence work to implement the actions recommended by the Study; and
4. Notes funding for any proposed Water Sensitive Urban Design capital works is to be considered as part of the normal annual budget process.

Deferral Motion to another Council Meeting

Moved: Councillor Aitken

Seconded: Councillor McCormack

That the matter be deferred to no later than 12 August 2019.

Carried Unanimously

Block Resolution**Council Decision****Moved: Councillor Aitken****Seconded: Councillor Mayer**

That the following items be blocked resolved and that the recommendations in each item be adopted:

- 11.2 May 2019 Planning and Environment Progress Report
- 12.1 Notice of Motion Status Update for 1 July 2019
- 12.2 External Committee Minutes for the Executive Management Team
- 12.3 Consultation on the development of the Victorian Public Health and Wellbeing Plan 2019-2023
- 12.4 Progress Report – Council's Integrated Water Action Plan
- 12.5 Rating Strategy 2019-2020
- 12.6 Council Financial Policies
- 12.7 Long Term Financial Plan 2019-2029
- 12.8 Long Term Infrastructure Plan 2019-29
- 12.9 Response to Council request on waiving all administration and hire fees for filming in Frankston
- 12.10 Draft Waste Wise Events Policy – Public Consultation
- 12.14 Fairway Precinct Local Area Traffic Management Study
- 12.15 Seaford Precinct Local Area Traffic Management Study
- 12.16 Resilient Melbourne 100 Sustainable Cities request for funding support
- 14.2 2019/NOM15 – Consultancy Fees Report

Carried Unanimously

11.2 May 2019 Planning and Environment Progress Report

(MP Community Development)

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Mayer

That Council receives and notes the May 2019 Planning and Environment Progress Report.

Carried Unanimously

Note: Refer to Page 8 of the Minutes where this item was block resolved

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12. CONSIDERATION OF REPORTS OF OFFICERS**12.1 Notice of Motion Status Update for 1 July 2019**

(DH Chief Executive Office)

Council Decision**Moved: Councillor Aitken****Seconded: Councillor Mayer**

That Council:

1. Receives the Notices of Motion Report as at 1 July 2019.
2. Notes and accepts that there is one Notice of Motion that has been reported as being complete.
 - 2019/NOM6 – Notice of Rescission – Minutes of the Frankston Arts Board 19 February 2019
3. Notes that the reports listed below will not be presented back to Council by its advised date and that a detailed explanation is provided in the body of the report:
 - Response to 2018/NOM47 – Environmentally Sustainable Design (ESD) Rating System
 - Response to 2019/NOM7 – At-Call Hard Rubbish Collection
 - Response to NOM1377 – McClelland Gallery Interconnectedness and Peninsula Link

Carried Unanimously

Note: Refer to Page 8 of the Minutes where this item was block resolved

Chairperson's initials

12.2 External Committee Minutes for the Executive Management Team

(KJ Corporate Development)

Council Decision**Moved: Councillor Aitken****Seconded: Councillor Mayer**

That the minutes of the following external Committees be received:

1. Customer Consultative Committee dated 14 November 2018;
2. Peninsula Campus Community Advisory Council (PCCAC) Committee dated 7 March 2019;
3. Frankston/Mornington Peninsula Local Learning and Employment Network Inc (LLEN) Committee dated 28 March 2019; and
4. RAD-FMP Steering Committee dated 7 February 2019.

Carried Unanimously

Note: Refer to Page 8 of the Minutes where this item was block resolved

12.3 Consultation on the development of the Victorian Public Health and Wellbeing Plan 2019-2023

(TB Community Development)

Council Decision**Moved: Councillor Aitken****Seconded: Councillor Mayer**

That:

1. Notes the consultation paper released by the Victorian Government on the development of its next Victorian Public Health and Wellbeing Plan 2019-2023 (Attachment A);
2. Notes the draft submission prepared by Officers (Attachment B) and records any required amendments or objections to the submission; and
3. Approves the draft submission for formal response to the Victorian Government.

Carried Unanimously**Note:** Refer to Page 8 of the Minutes where this item was block resolved

12.4 Progress Report - Council's Integrated Water Action Plan

(LU Community Assets)

Council Decision**Moved: Councillor Aitken****Seconded: Councillor Mayer**

That Council notes the update report on progress against Council's Integrated Water Action Plan (2016-2026).

Carried Unanimously

Note: Refer to Page 8 of the Minutes where this item was block resolved

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12.5 Rating Strategy 2019-2020
(KJ Corporate Development)

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Mayer

That Council adopts the Rating Strategy 2019-2020.

Carried Unanimously

Note: Refer to Page 8 of the Minutes where this item was block resolved

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12.6 Council Financial Policies*(KJ Corporate Development)***Council Decision****Moved: Councillor Aitken****Seconded: Councillor Mayer**

That Council:

1. Notes the updated Draft Guarantee of Community Loans Policy, Draft Loan Borrowings Policy and Draft Rates and Charges Hardship Policy and agrees for it to be publicly exhibited for consultation with the community for a period of four weeks; and
2. Seeks a report back to Council no later than the September 2019 Ordinary Meeting to consider the community feedback and to adopt these updated financial policies.

Carried Unanimously**Note:** Refer to Page 8 of the Minutes where this item was block resolved

12.7 Long Term Financial Plan 2019-2029

(KJ Corporate Development)

Council Decision**Moved: Councillor Aitken****Seconded: Councillor Mayer**

That Council:

1. Adopts the Long Term Financial Plan 2019-2029
2. Prepare a letter to the Victorian Grants Commission signed by the Mayor advocating for a more equitable share and increase in operational grant funding.

Carried Unanimously**Note:** Refer to Page 8 of the Minutes where this item was block resolved

12.8 Long Term Infrastructure Plan 2019-29

(LU Community Assets)

Council Decision

Moved: Councillor Aitken

Seconded: Councillor Mayer

That Council adopt the Long Term Infrastructure Plan 2019-2029.

Carried Unanimously

Note: Refer to Page 8 of the Minutes where this item was block resolved

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12.9 Response to Council request on waiving all administration and hire fees for filming in Frankston

(AM Community Development)

Council Decision**Moved: Councillor Aitken****Seconded: Councillor Mayer**

That Council:

1. Notes the review; and
2. Resolves to continue to charge fees, consistent with previous budgets.

Carried Unanimously**Note:** Refer to Page 8 of the Minutes where this item was block resolved

12.10 Draft Waste Wise Events Policy - Public Consultation

(LU Community Assets)

Council Decision**Moved: Councillor Aitken****Seconded: Councillor Mayer**

That Council:

1. Notes the draft Waste Wise Events Policy and endorses its release for public consultation for a period of 28 days; and
2. Notes that a report will be prepared for Council's Ordinary Meeting in September 2019 on the outcomes of the public consultation.

Carried Unanimously**Note:** Refer to Page 8 of the Minutes where this item was block resolved

12.11 Update on Seaford Wetlands

(LR Community Development)

Recommendation (Director Community Development)

That Council:

1. Notes the information provided in this report; and
2. Notes officers will continue to monitor the activity of monkey bikes and vandalism in the Seaford Wetlands.

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Aitken

That Council:

1. Notes the information provided in this report; and
2. Notes officers will continue to monitor the activity of monkey bikes and vandalism in the Seaford Wetlands.
3. That the CEO is to allocate \$8k in the current budget for the following:
 - a) The use and trial of relocatable iDetect CCTV technology within the Seaford Wetlands for six months, as well as one of Council's mobile bollard CCTV units;
 - b) The installation of half a dozen signs in prominent locations throughout the Seaford Wetlands which implore the public to 'dob in' illegal monkey bike users;
 - c) That Council bylaws officers increase the frequency of their patrols during identified 'peak' periods where there is illegal monkey bike use in the Seaford Wetlands;
 - d) That Council continues to advocate to Victoria Police to conduct operations to detect and deter illegal hooning and monkey biking in the municipality.
4. That a report is to be provided to Council in February 2020 on the state of illegal hooning / monkey bike usage in the Seaford Wetlands precinct.

Carried Unanimously

12.12 Procurement Policy 2019/20*(MP Corporate Development)***Recommendation (Director Corporate Development)**

That Council:

1. Notes Procurement Policy 2019/20 updates.
2. Endorse the placing of the draft Policy on exhibition for a period of four (4) weeks. Any feedback from this consultation will be considered and incorporated into a report to be considered by Council.
3. Supports the Council seal no longer be used to execute contracts following the introduction of electronic contract execution software.
4. Notes:
 - a) The introduction of a Supplier Code of Conduct for suppliers of goods, services or works to Council.
 - b) A register of awarded tenders be maintained on Frankston City Council's website, without commercial in confidence information including contract pricing.
 - c) A Social Procurement Profile of Council be undertaken to determine Council's social procurement strategy. And an update on the Profile be presented at the November Council meeting.
 - d) The CEO has endorsed the establishment of a Social Procurement working Group to establish Council's social procurement profile.
 - e) The CEO has endorsed the automated release of purchase orders for all contracts approved and managed via the Contract Management System.
 - f) That the matters contained in this report have been presented to the Audit and Risk Committee for advice.

Council Decision**Moved: Councillor Bolam****Seconded: Councillor Aitken**

That Council:

1. Notes Procurement Policy 2019/20 updates.
2. Endorse the placing of the draft Policy on exhibition for a period of four (4) weeks. Any feedback from this consultation will be considered and incorporated into a report to be considered by Council.
3. Supports the Council seal no longer be used to execute contracts following the introduction of electronic contract execution software.
4. Notes:
 - a) The introduction of a Supplier Code of Conduct for suppliers of goods, services or works to Council.
 - b) A register of awarded tenders be maintained on Frankston City Council's website, without commercial in confidence information including contract pricing.
 - c) A Social Procurement Profile of Council be undertaken to determine Council's social procurement strategy.
 - d) The CEO has endorsed the establishment of a Social Procurement working Group to establish Council's social procurement profile.
 - e) The CEO has endorsed the automated release of purchase orders for all contracts approved and managed via the Contract Management System.
 - f) That the matters contained in this report have been presented to the Audit and Risk Committee for advice.

Chairperson's initials

- 5. Provides a report to the November Ordinary Meeting on recommendations for 'social procurement' that will be incorporated in the next draft version of the 'Procurement Policy', including the potential increase of 'local content' from 5% to 10%.

Carried Unanimously

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12.13 Sweetwater Precinct Local Area Traffic Management Study

(DD Community Assets)

Council Decision**Moved: Councillor Toms****Seconded: Councillor McCormack**

That Council:

1. Adopts the recommended Local Area Traffic Management Plan for the Sweetwater Precinct as detailed in the report Sweetwater Precinct LATM Study 2019.
2. Notes funding of \$500,000 is currently allocated in the 2019/20 Capital Works Program to commence the Local Area Traffic Management Plan, with the balance of the project expected to be completed as part of the 2020/21 and 2021/22 Capital Works Programs.
3. Notes ongoing consultation with residents and property owners directly abutting the proposed traffic treatments at the design and implementation stages of the project.
4. Continues to promote the use of Crime Stoppers as an effective tool to reduce incidents of irresponsible and anti-social driving behaviour in the precinct.
5. Supports monitoring traffic speeds and behaviour for a period of 12 months after its implementation.

Carried Unanimously

12.14 Fairway Precinct Local Area Traffic Management Study

(DD Community Assets)

Council Decision**Moved: Councillor Aitken****Seconded: Councillor Mayer**

That Council:

1. Adopts the recommended Local Area Traffic Management Plan for the Fairway Precinct as detailed in the report Fairway Precinct LATM Study 2019.
2. Notes funding of \$400,000 is currently allocated in the 2019/20 Capital Works Program to substantially complete the Local Area Traffic Management Plan, with the balance of the project expected to be completed as part of the 2020/21 Capital Works Program.
3. Notes ongoing consultation with residents and property owners directly abutting the proposed traffic treatments during the design and implementation stages of the project.
4. Continues to promote the use of Crime Stoppers as an effective tool to reduce incidents of irresponsible and anti-social driving behaviour in the precinct.
5. Supports monitoring traffic speeds and behaviour for a period of 12 months after its implementation.

Carried Unanimously

Note: Refer to Page 8 of the Minutes where this item was block resolved

Chairperson's initials

12.15 Seaford Precinct Local Area Traffic Management Study*(DD Community Assets)***Council Decision****Moved: Councillor Aitken****Seconded: Councillor Mayer**

That Council:

1. Adopts the recommended Local Area Traffic Management Plan for the Seaford Precinct as detailed in the report Seaford Precinct LATM Study 2019.
2. Notes funding of \$800,000 is currently allocated in the 2019/20 Capital Works Program to substantially complete the Local Area Traffic Management Plan, with the balance of the project expected to be completed as part of the 2020/21 Capital Works Program.
3. Notes ongoing consultation with residents and property owners directly abutting the proposed traffic treatments at the design and implementation stages of the project.
4. Continues to promote the use of Crime Stoppers as an effective tool to reduce incidents of irresponsible and anti-social driving behaviour in the precinct.
5. Supports monitoring traffic speeds and behaviour for a period of 12 months after its implementation.

Carried Unanimously**Note:** Refer to Page 8 of the Minutes where this item was block resolved

12.16 Resilient Melbourne 100 Sustainable Cities request for funding support

(MP Community Development)

Council Decision**Moved: Councillor Aitken****Seconded: Councillor Mayer**

That Council agrees to contribute a sum of \$15,000 to the Resilient Melbourne 100 Sustainable Cities initiative for the 2019-2020 financial year and the contribution is to be sourced from existing resources within the 2019-2020 Annual Budget.

Carried Unanimously

Note: Refer to Page 8 of the Minutes where this item was block resolved

DRAFT

12. NOTICES OF MOTION**14.1 2019/NOM12 - Legal Advice**

(TC Chief Executive Office)

Councillor Recommendation

That:

1. Councillors be provided a quarterly report on consultancy expenditure relating to obtained legal advice. The report should provide an itemised description of the advice sought and is to include the YTD accumulative total expended by Frankston City Council on legal advice;
2. A report be provided to Council at the September Ordinary Meeting on governance, resourcing and financing relating to potential in-house legal counsel to:
 - a) reduce external reliance on sought legal advice; and
 - b) provide greater legal guidance to the organisation and Council on legal considerations
3. A report be provided to Council on a new process to seek legal advice. The process is to apply to both staff and councillors and should seek to implement controls on the type of information sought and the level of approvals required.

The report should look at templates and checks-and-balances that are practiced externally (both inside and outside of the sector) to ensure accountability and the best use of public monies.

The report is to be provided at the September Ordinary Meeting.

Leave of Council

Moved: Councillor Hampton

Seconded: Councillor Mayer

That Cr Bolam be granted leave of Council to amend 2019/NOM12 – Legal Advice.

Carried Unanimously

Council Decision

Moved: Councillor Bolam

Seconded: Councillor Mayer

That:

- 1a. Councillors be provided a quarterly report on consultancy expenditure relating to obtained legal advice. The confidential closed council report should provide an itemised description of the advice sought and is to include the YTD accumulative total expended by Frankston City Council on legal advice;
- 1b. Councillors be provided a retrospective internal report on sought legal advice particulars (cost and description specifics) since 2016. This confidential closed council report is to be provided by September 2019.
2. A report be provided to Council at the September Ordinary Meeting on governance, resourcing and financing relating to potential in-house legal counsel to:
 - a) reduce external reliance on sought legal advice; and
 - b) provide greater legal guidance to the organisation and Council on legal considerations

Chairperson's initials

- 3. A report be provided to Council on a new process to seek legal advice. The process is to apply to both staff and councillors and should seek to implement controls on the type of information sought and the level of approvals required.

The report should look at templates and checks-and-balances that are practiced externally (both inside and outside of the sector) to ensure accountability and the best use of public monies.

The report is to be provided at the September Ordinary Meeting.

Carried Unanimously

DRAFT

14.2 2019/NOM15 - Consultancy Fees Report

(TC Chief Executive Office)

Council Decision**Moved: Councillor Aitken****Seconded: Councillor Mayer**

1. That a quarterly report be provided to open Council on organisational consultancy expenditure. The report should provide both an overall and departmental analysis.

At the completion of twelve months, the report should juxtapose overall and departmental consultancy expenditure against the previous year's expenditure.

The first report should be provided to Council in September with quarterly reports thereafter; and

2. Where a respective department incurs a variation in consultancy expenditure - specifically 20% above the median average for departments - reference must be made in the report with explanations from both the CEO and relevant Director about such variations.

Carried Unanimously

Note: Refer to Page 8 of the Minutes where this item was block resolved

13. LATE REPORTS

Nil

14. URGENT BUSINESS

Nil

DRAFT

Chairperson's initials

15. CONFIDENTIAL ITEMS**Council Decision****Moved: Councillor Hampton****Seconded: Councillor Mayer**

That the Ordinary Council Meeting be closed to the public to discuss the following Agenda items and all documents associated with the consideration and discussion of it, that are designated confidential information by me, pursuant to Section 77(2)(c) of the Local Government Act 1989 (the Act) on the following grounds:

C.1 Authorisation of Use of Council Seal for Years of Service Certificates

Agenda Item C.1 Authorisation of Use of Council Seal for Years of Service Certificates is designated confidential as it relates to personnel matters (s89 2a)

C.2 Chief Executive Officer's Quarterly Report - July 2019

Agenda Item C.2 Chief Executive Officer's Quarterly Report - July 2019 is designated confidential as it relates to Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

C.3 Investment in CCTV

Agenda Item C.3 Investment in CCTV is designated confidential as it relates to contractual matters (s89 2d)

C.4 Frankston North Education Plan

Agenda Item C.4 Frankston North Education Plan is designated confidential as it relates to personnel matters (s89 2a), and industrial matters (s89 2c)

C.5 Outcomes of the Audit and Risk Committee meeting

Agenda Item C.5 Outcomes of the Audit and Risk Committee meeting is designated confidential as it relates to Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

C.6 Reconciliation Action Plan - Appointment of Advisory Committee

Agenda Item C.6 Reconciliation Action Plan - Appointment of Advisory Committee is designated confidential as it relates to personnel matters (s89 2a)

C.7 Confidential – Personnel Matters

Agenda Item C.7 Confidential Personnel Matters is designated confidential as it relates to personnel matters and contractual matters (s89 2a & S89 2d):

Carried Unanimously

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Signed by the CEO

Chairperson's initials

16. OUTCOME OF CONSIDERATION OF CONFIDENTIAL ITEMS**C.9 Kerbside Collection Contract (considered at 2018/OM14 on 19 November 2018)**

In accordance with the Local Government Act 1989, Council resolved this item be considered in-camera under Section 89(2) (d) 'Contractual Matters'.

Council Decision**Moved: Councillor Toms****Seconded: Councillor Aitken**

That:

1. Council approve to extend the current contract for 2 year period until 30th June 2021.
2. Authorises the CEO to execute the contract extension with Solo Resource Recovery.
3. Authorises the recommendation (without commercially sensitive information) be released at the next open meeting of Council following signing of Contract extension.

The motion was put and Carried

C.6 Award of Contract - Printer Replacement Contract (considered at 2019/OM1 on 29 January 2019)

In accordance with the Local Government Act 1989, Council resolved this item be considered in-camera under Section 89(2) (d) 'Contractual Matters'.

Council Decision**Moved: Councillor Mayer****Seconded: Councillor Cunial**

That:

1. Awards the contract for the Supply, Implementation and Maintenance of Multi Functional Devices (MFDs) to Toshiba (Australia) Pty, Ltd ACN 001 320 421 for a period of 5 years;
2. A project contingency will be reserved outside of the contract sum and vests specific authority in the Chief Executive Officer to authorise the payments of variations from that sum;
3. The Contract/s be signed and seal and,
4. The recommendation (without commercially sensitive information) be released following execution of the contract.

The motion was put and Carried

C.6 Contingent Labour Managed Service Provider Contract (considered at 2019/OM2 on 18 February 2019)

In accordance with the Local Government Act 1989, Council resolved this item be considered in-camera under Section 89(2) (h) 'Any other matter which the Council or special committee considers would prejudice the Council or any person'.

Council Decision**Moved: Councillor Mayer****Seconded: Councillor Cunial**

That Council:

1. Enters into a contract with Comensura through the MAV for two years (with an option of a further two years, to improve the management of and drive savings in the use of contingent labour services across the organisation.
2. Authorises the CEO to sign and seal the contract with Comensura.
3. Notes that quarterly reports will be presented to the Audit and Risk Management Committee on the use of contingent labour.
4. Notes that the recommendation will be released after the contract has been signed and executed.

The motion was put and Carried

C.3 Minutes of the Frankston Arts Board - 19 February 2019 (considered at 2019/OM3 on 12 March 2019)

In accordance with the Local Government Act 1989, Council resolved this item be considered in-camera under Section 89(2) (e) 'Proposed Developments'.

Council Decision**Moved: Councillor Mayer****Seconded: Councillor Cunial**

That Council:

1. Receives the Minutes of the Frankston Arts Board meeting of 19 February 2019.
2. Supports the Frankston Arts Board recommendation of a continued relationship with Sculpture by the Sea.
3. Notes that nine new pieces of street art will be completed in the Central Activity Area of Frankston in late March as part of The Big Picture Fest 2019.
4. Supports the Frankston Arts Board recommendation of a suitable Commission brief to be developed for a sculpture for the Eel Race Road Gateway for which \$200K funding has been allocated in the draft 2019/20 capital budget.

The motion was put and Carried

**C.3 Response to Notice of Motion 2018/51 - Prospective Land Acquisitions
(considered at 2019/OM5 on 23 April 2019)**

In accordance with the Local Government Act 1989, Council resolved this item be considered in-camera under Section 89(2) (h) 'Any other matter which the Council or special committee considers would prejudice the Council or any person'.

Council Decision**Moved: Councillor Bolam****Seconded: Councillor Toms**

That Council:

3. In response to a request for Council to consider the sale of its interest in Frankston House, being the basement car park at 490R-504R Nepean Highway Frankston shown as Lot 1 on Title Plan 900339, Council resolves not to proceed with the sale.

The motion was put and Carried

C.4 Design Advisory Committee - Recommended Appointments (considered at 2019/OM5 on 23 April 2019)

In accordance with the Local Government Act 1989, Council resolved this item be considered in-camera under Section 89(2) (h) 'Any other matter which the Council or special committee considers would prejudice the Council or any person'.

Council Decision**Moved: Councillor Bolam****Seconded: Councillor Aitken**

That Council:

1. Authorises officers to make the following recommended member appointments to the Design Advisory Committee:
 1. Tracey Parker
 2. Sam McCubbin
 3. Joseph Chisholm
 4. Steven Buck
 5. Mark Reynolds
 6. Jessica Ivory
2. Notes that two positions will remain vacant until the Council receives further report at its June 2019 meeting at which time the appointments will be filled.
3. Undertakes a concerted recruitment campaign for the purpose of filling the two vacancies from candidates who have artistic and fine arts experience background.
4. Amends the revised Design Advisory Terms of Reference to include a committee members who have artistic and fine arts experience, and background with a view of adopting the amended terms of reference.
5. Incorporates the resolution into the public minutes of this meeting.

The motion was put and Carried

**C.6 Award of Contract 2018/19 - 53 Station Street Mall Improvement Works
(considered at 2019/OM5 on 23 April 2019)**

In accordance with the Local Government Act 1989, Council resolved this item be considered in-camera under Section 89(2) (d) 'Contractual Matters'.

Council Decision**Moved: Councillor Toms****Seconded: Councillor Mayer**

That Council:

1. Approves the acceptance of the tender from 2Construct Pty Ltd for the Station Street Mall Improvement Works (ACN 109 517 188);
2. Notes that a project contingency will be reserved outside of the contract sum and vests specific authority in the Chief Executive Officer to authorize the payment of variations from that sum;
3. Authorises the Chief Executive Officer to sign the Contract and the Common Seal to be affixed; and
4. The recommendation (without commercially sensitive information) be released at the next open meeting of Council.

The motion was put and Carried

**C.7 Award of Contract 2018/19 - 74 Skye Recreation Reserve - Change Rooms
Extension (considered at 2019/OM5 – 23 April 2019)****Council Decision****Moved: Councillor Hampton****Seconded: Councillor Mayer**

That Council:W

1. Approves the acceptance of the tender from More Building Group Pty Ltd (ACN No. 614 992 933) for the *Contract 2018/19-74 Skye Recreation Reserve – Change Room Extension*;
2. Notes that a project contingency will be reserved outside of the contract sum and vests specific authority in the Chief Executive Officer to authorise the payment of any variations from that sum;
3. Authorises the Chief Executive Officer to sign the Contract and the Common Seal to be affixed; and
4. Approves the recommendation (without commercially sensitive information) be released at the next open meeting of Council following signing of the contract.

The motion was put and Carried

C.2 Award of Contract - Annual Supply Concrete Works (considered at 2019/OM6 on 13 May 2019)

In accordance with the Local Government Act 1989, Council resolved this item be considered in-camera under Section 89(2) (d) 'Contractual Matters'.

Council Decision**Moved: Councillor Mayer****Seconded: Councillor O'Reilly**

That Council:

1. Approves the acceptance of the tender from A&V Creative Concrete Pty Ltd for the Annual Supply Concrete Works (Contract 2018/19-64) for a two (2) year fixed term.
2. Notes that the funding allocated in the annual operating budget is sufficient to engage this contractor at the schedule of rates prices tendered;
3. Authorises the Chief Executive Officer to sign the contract and the Common Seal to be affixed;
4. Delegates approval of variations to the Chief Executive Officer, and
5. Approves the recommendation (without commercially sensitive information) be released at the next open meeting of Council, following signing of the contract.

The motion was put and Carried

C.5 Award of Contract - Footpath and Pavement Grinding (considered at 2019/OM7 on 3 June 2019)

In accordance with the Local Government Act 1989, Council resolved this item be considered in-camera under Section 89(2) (d) 'Contractual Matters'.

Council Decision**Moved: Councillor Mayer****Seconded: Councillor Toms**

That:

1. Council approves the acceptance of the tender from McDonough Contracting Pty Ltd for the Annual Supply Footpath and Pavement Grinding (Contract 2018/19-65) for a three (3) year term with 3 x 1 year extension options;
2. Council notes that the funding allocated in the annual operating budget is sufficient to engage this contractor at the schedule of rates prices tendered;
3. Authorises the Chief Executive Officer to sign the contract and the Common Seal to be affixed;
4. Council also delegates approval of variations to the Chief Executive Officer; and
5. The recommendation (without commercially sensitive information) be released at the next open meeting of Council, following signing of the contract.

The motion was put and Carried

The meeting was closed to the public at 7.36 pm

DRAFT MINUTES
CONFIRMED THIS

DAY OF

2019

.....
CHAIRPERSON

DRAFT

Chairperson's initials

Ms Ginevra Hosking

Regarding Item 13.1: Response to 2019/NOM9 – Car Parking in Frankston Metropolitan Activity Centre (FMAC).

Question 1

Noting NOM8 aims to improve "CBD car parking pricing, supply and management". Has Frankston Council sought independent legal advice about the potential competition implications of the recommendation to include 'private car parking owners' on Council's proposed car parking cooperation committee?

Question 2

Assuming yes, has this independent legal advice been shared with Councillors and circulated to the proposed cooperation committee representatives?

Question 3

Assuming yes, what measures is Council proposing to protect Frankston Council, its delegates and the car parking committee representatives from both the perception or actual risk, of anti-competitive collusion and/or conflicts?

Response by Director Community Development

Council has not sought legal advice at this time. However, the report notes the need to avoid potential conflicts with competition law.

This issue is included as an item of business for the first meeting of the Car Parking Committee.