



## **Melbourne City Council**

### **MINUTES**

**Meeting Number 15  
Tuesday, 31 January 2006  
5.30pm**

#### **PRESENT**

Lord Mayor, John So  
Deputy Lord Mayor, Gary Singer  
Councillor Brindley  
Councillor Clarke  
Councillor Jetter  
Councillor Ng  
Councillor Shanahan  
Councillor Snedden  
Councillor Wilson

To be confirmed at the meeting of  
Council on 28 February 2006.

## **1. COMMENCEMENT OF MEETING AND APOLOGIES**

The meeting commenced at 5.30pm.

The Lord Mayor, John So, read the following acknowledgment statement:

*"I welcome Councillors, Management and members of the public in attendance to the City of Melbourne. We respectfully acknowledge that we are meeting on the traditional land of the Kulin Nation. This special place is now known by its European name of Melbourne. Today, Melbourne is one of the great multicultural cities of the world, a significant meeting place. For the great Kulin Nation, Melbourne has always been an important meeting place and location for events of social, educational, sporting and cultural significance."*

The Chair advised that:

- the agenda comprised of one Report from Management; and
- no apologies had been received.

## **2. DECLARATION OF PECUNIARY INTEREST**

There were no declarations of pecuniary or conflicts of interest.

## **3. CONFIRMATION OF THE MINUTES OF THE PREVIOUS MEETING**

*Resolved:*

*That the minutes of the open meeting No 14, held on Tuesday, 13 December 2005, be confirmed.*

*Moved: Deputy Lord Mayor, Gary Singer*

*Seconded: Cr Jetter*

*Carried unanimously*

Cr Clarke arrived at the meeting at 5.32pm.

## **4. MATTERS ARISING FROM THE MINUTES**

There were no matters arising from the minutes of the previous meeting.

### **Submission/Items of Correspondence**

The Chair advised that no submissions had been received in accordance with the Council's *Conduct of Meetings Local Law 2001*.

## **6. REPORT FROM MANAGEMENT**

There was one Report from Management to be considered.

### **5.1 Tourist Shuttle Bus**

The purpose of this report was to advise Council of the outcomes of the Public Interest Test conducted in relation to the proposed tourist shuttle bus service and to seek authority to negotiate and award a contract to the preferred tenderer.

The Group Manager Engineering Services, Geoff Robinson, provided the Council with a short presentation outlining the main aspects of the report.

Cr Snedden arrived at the meeting at 5.33pm.

Cr Clarke expressed concern that members of the public had been inadvertently advised the Council meeting was to be adjourned and proposed that no further discussion take place. Cr Clarke moved the following motion:

*That the Council meeting be adjourned to 5.00pm on Wednesday, 1 February 2006.*

Cr Brindley seconded Cr Clarke's motion.

The motion was put and lost with Councillors Brindley, Clarke and Snedden voting in favour of the motion and the Chair, Lord Mayor, John So, Deputy Lord Mayor, Gary Singer, and Councillors Jetter, Ng, Shanahan and Wilson voting against the motion.

Discussion ensued in relation to the Public Interest Test process, specifically the type of verification sought from submitters and the accuracy of the feedback provided.

The Deputy Lord Mayor, Gary Singer, moved the following motion:

*1. That Council:*

- 1.1. endorse the outcomes of the Public Interest Test which concluded that the proposed fully subsidised tourist shuttle bus service is in the public interest and should proceed on the basis that:
  - 1.1.1. public submissions received in relation to the proposal were generally supportive;*
  - 1.1.2. the proposed service will benefit Melbourne; and*
  - 1.1.3. there are currently no viable alternatives to the proposal; and**
- 1.2. adjourn the consideration of a Tender Evaluation Report for the proposed tourist shuttle bus service until 5.00pm, Wednesday, 1 February 2006 in the Council Chamber, Melbourne Town Hall Administration Building, at which time further information with respect to the evaluation of the tenders will be available for consideration and determination by the Council.*

Cr Ng seconded the Deputy Lord Mayor's motion.

Cr Brindley moved the following amendment to the Deputy Lord Mayor's motion:

- That the following words be inserted at the end of paragraph 1.1.1 above, ". . . ; but noting the following corrections to the outcomes:"
- That the following paragraphs be incorporated under paragraph 1.1.1:
  - 1.2.1.1. that there were 13, not 11 submissions not supporting the proposed service; and*
  - 1.2.1.2. that the records numbered 3 and 14 provided insufficient proof of identity and should be discounted, and that there were subsequently 22, not 24 submissions generally supporting the proposed service.*

Cr Clarke foreshadowed the following alternative amendment to the Deputy Lord Mayor's motion:

- *That paragraph 1.1.1 of the motion be deleted.*

As a consequence of Cr Clarke's foreshadowed amendment, Cr Brindley, with the consent of the Council, withdrew his amendment and seconded Cr Clarke's amendment.

Cr Clarke's amendment was put and lost with Councillors Brindley, Clarke and Snedden voting in favour of the amendment and the Chair, Lord Mayor, John So, Deputy Lord Mayor, Gary Singer, and Councillors Jetter, Ng, Shanahan and Wilson voting against the amendment.

The Deputy Lord Mayor's motion was put and carried with the Lord Mayor, John So, Deputy Lord Mayor, Gary Singer, and Councillors Jetter, Ng, Shanahan and Wilson voting for the motion and Councillors Brindley, Clarke and Snedden, voting against the motion.

*Resolved:*

*1. That Council:*

- 1.1. endorse the outcomes of the Public Interest Test which concluded that the proposed fully subsidised tourist shuttle bus service is in the public interest and should proceed on the basis that:
  - 1.1.1. public submissions received in relation to the proposal were generally supportive,*
  - 1.1.2. the proposed service will benefit Melbourne; and*
  - 1.1.3. there are currently no viable alternatives to the proposal; and**
- 1.2. adjourn the consideration of a Tender Evaluation Report for the proposed tourist shuttle bus service until 5.00pm, Wednesday, 1 February 2006 in the Council Chamber, Melbourne Town Hall Administration Building, at which time further information with respect to the evaluation of the tenders will be available for consideration and determination by the Council.*

The Chair, Lord Mayor, John So, advised the Council that the Tender Evaluation Report would be tabled upon resumption of the adjourned Council meeting.

## **7. GENERAL BUSINESS**

There were no items of General Business.

## **8. URGENT BUSINESS**

There were no items of Urgent Business.

## **9. ADJOURNMENT OF OPEN MEETING**

The Chair adjourned the meeting at 5.55pm til 5.00pm on Wednesday, 1 February 2006, with the following Councillors present; the Deputy Lord Mayor, Gary Singer, and Councillors Brindley, Clarke, Jetter, Ng, Shanahan, Snedden and Wilson.

## **10. RESUMPTION OF OPEN MEETING**

The meeting resumed at 5.00pm on Wednesday, 1 February 2006, with the following Council members present; the Chair, Lord Mayor, John So, the Deputy Lord Mayor, Gary Singer, and Councillors Brindley, Clarke, Jetter, Shanahan, Snedden and Wilson.

The Tender Evaluation Report in relation to the Tourist Shuttle Bus was tabled.

## **11. REPORT FROM MANAGEMENT (continued . . )**

### **5.1a Provision of Tourist Tourist Shuttle Bus Services**

The Director Assets & Services, Terry Makings, provided the Council with a short presentation outlining the main aspects of the report.

The Deputy Lord Mayor, Gary Singer, moved the recommendation contained in the tabled report.

Cr Jetter seconded the Deputy Lord Mayor, Gary Singer's motion.

Due to the timeframes associated with the circulation of the tabled report, Councillors requested the opportunity to read through the documentation provided.

## **12. ADJOURNMENT OF OPEN MEETING**

The Chair adjourned the meeting at 5.03pm for 10 minutes with the following Councillors present; the Deputy Lord Mayor, Gary Singer, and Councillors Brindley, Clarke, Jetter, Shanahan, Snedden and Wilson.

## **13. RESUMPTION OF OPEN MEETING**

The meeting resumed at 5.10pm with the following Council members present; the Chair, Lord Mayor, John So, the Deputy Lord Mayor, Gary Singer, and Councillors Brindley, Clarke, Jetter, Ng, Shanahan, Snedden and Wilson.

Discussion ensued in relation to the tender process, specifically the financial analysis of the tenders. Due to the confidential nature of the matter, the Council agreed that the discussion should be deferred until the Council moved into closed session.

#### 14. CLOSURE OF OPEN MEETING (Agenda Item 8)

The Council moved into closed session at 5.15pm with the following resolution:

*Resolved:*

*“That pursuant to section 89(2)(d) and (h) of the Local Government Act 1989, the meeting of the Council be closed to members of the public for consideration of agenda item 5.1a because it contains information with respect to contractual matters, the release of which would prejudice the Council.”*

*Moved: Deputy Lord Mayor, Gary Singer*

*Seconded: Cr Ng*

*Carried unanimously*

#### 15. RESUMPTION OF OPEN MEETING (Agenda Item 8)

The Council moved back into open session at 5.30pm.

*Moved: Deputy Lord Mayor, Gary Singer*

*Seconded: Cr Ng*

*Carried unanimously*

#### 16. REPORT FROM MANAGEMENT (continued . . )

##### 5.1a Provision of Tourist Shuttle Bus Services

Cr Clarke moved the following amendment:

That a paragraph 1.5 be added to the recommendation contained in the tabled report, reading:

- *That the proposed route include a stop at the Shrine and more directly accessing the Crown Casino and delete proposed Stop 13.*

Cr Snedden seconded Cr Clarke’s amendment.

Cr Clarke’s amendment was put and lost with Councillors, Clarke, Shanahan and Snedden voting in favour of the amendment and the Chair, Lord Mayor, John So, Deputy Lord Mayor, Gary Singer, and Councillors Brindley, Jetter, Ng and Wilson voting against the amendment.

The Deputy Lord Mayor’s motion was put and carried with the Lord Mayor, John So, Deputy Lord Mayor, Gary Singer, and Councillors Jetter, Ng, Shanahan and Wilson voting for the motion and Councillors Brindley, Clarke and Snedden, voting against the motion.

*Resolved:*


*1. That Council:*

- 1.1 award of the contract to National Bus Company (Victoria) Pty Ltd for the provision of tourist shuttle bus services (contract number 59/2/3315) for a term of one year with an option to extend for up to six months, commencing on 1 March 2006 at a total cost of \$676,824;*
- 1.2 by instrument of delegation sealed by the Council under Section 98(1) Local Government Act 1989 (“the Act”) delegate to the Chief Executive, or the persons from time to time acting in the that position, the authority to enter into the contract and to do all things incidental and ancillary to the same;*
- 1.3 under Section 98(3) of the Act, authorise the instrument of delegation to the Chief Executive Officer, or the person from time to time acting in that position, to empower him or her to delegate any power, duty or function delegated to him or her under the paragraph above, to a member of Council staff; and*
- 1.4 direct that the instrument of delegation referred to in paragraph 1.2 of this Report will cease and be of no further effect upon the completion of all necessary steps and the execution of all necessary documents to enter into the contract with the successful tenderer.*

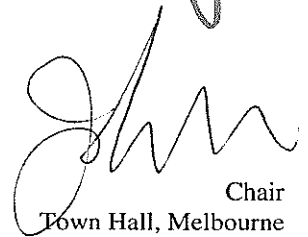
**17. CLOSURE OF OPEN MEETING (Agenda Item 8)**

The Chair declared the meeting closed to members of the public at 5.40pm.

Confirmed in open Council on 28 February 2006.



Chief Executive Officer



Chair  
Town Hall, Melbourne