

**TOWN OF CUTLER BAY
TOWN COUNCIL MEETING
MINUTES**

Wednesday, September 6, 2006
7:00 PM

South Dade Regional Library
10750 SW 211 Street, 2nd Floor
Cutler Bay, Florida 33189

I. CALL TO ORDER/ROLL CALL OF MEMBERS: The meeting was called to order by the mayor at 7:10 PM. Present were the following:

Councilmember Peggy R. Bell
Councilmember Timothy J. Meerbott
Councilmember Ernest N. Sochin
Vice Mayor Edward P. MacDougall
Mayor Paul S. Vrooman

Town Manager Steven J. Alexander
Interim Town Attorney Mitchell Bierman
Interim Town Attorney Chad Friedman
Town Clerk Erika Gonzalez-Santamaria

Mayor Vrooman led the pledge of allegiance.

II. INVOCATION: Mayor Vrooman asked all to join him in a moment of silence.

III. PROCLAMATIONS, AWARDS, PRESENTATIONS: None at this time.

IV. APPROVAL OF MINUTES:

- A. Vice Mayor MacDougall made a motion approving the minutes of the meeting of August 16, 2006. The motion was seconded by Councilmember Sochin and adopted by a unanimous 5-0 voice vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

V. ADDITIONS, DELETIONS, AND DEFFERALS:

- A. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A CONSULTING AGREEMENT WITH ALL HANDS CONSULTANTS FOR SERVICES OF ESTABLISHING A NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS); PROVIDING FOR A DETERMINATION OF IMPRACTIBILITY AS TO COMPETITIVE BIDDING AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Meerbott made a motion deferring the resolution for date certain, September 19, 2006. The motion was seconded by Councilmember Bell and adopted by a unanimous 5-0 voice vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

- B.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA AUTHORIZING THAT A RUNOFF ELECTION BE HELD IF NECESSARY TO FILL THE REMAINING TERM OF OFFICE OF THE VICE-MAYOR AND DESIGNATING A DATE THEREFORE; AUTHORIZING THE TOWN CLERK TO NOTIFY THE SUPERVISOR OF ELECTIONS OF THE ELECTION DATE AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Meerbott made a motion deleting the resolution. The motion was seconded by Councilmember Bell and adopted by unanimous 5-0 voice vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

VI. TOWN MANAGER'S REPORT:

The Town Manager advised that the agenda consists of purchases that need to be made with the operating budget for fiscal year 2005-2006. He also informed Council that the Town Hall building permits are still underway. The manager also advised that our Town Police Department is involved in the SARA project, which is to help community clean-up, the most recent clean-up in the area, was around Tony Roma's restaurant. The manager also provided information of various crime breakdowns by the Police Department within the Town.

VII. TOWN ATTORNEY'S REPORT:

The Town Attorney congratulated the Vice Mayor on his successful election to the office of Vice Mayor.

VIII. BOARD AND COMMITTEE REPORTS: None at this time.

IX. CONSENT AGENDA:

- A.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ADOPTING THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS); AND PROVIDING FOR AN EFFECTIVE DATE.
- B.** A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, RELATING TO CONTRACTS; WAIVING COMPETITIVE BIDDING AND AUTHORIZING THE TOWN MANAGER TO ENTER A CONTRACT WITH VERIZON WIRELESS FOR SMARTPHONE EQUIPMENT AND RATE PLAN

FOR WIRELESS DATA SERVICES; AND PROVIDING FOR AN EFFECTIVE DATE.

- C.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, RELATING TO THE PURCHASE OF POLICE BICYCLES INCLUDING EQUIPMENT, AUTHORIZING THE TOWN MANAGER TO ENTER INTO AN AGREEMENT FOR A COST NOT TO EXCEED \$5,000; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.
- D.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, WAIVING COMPETITIVE BIDDING; APPROVING THE PURCHASE OF PRINTERS/FAXES FOR THE POLICE DEPARTMENT TOWN OFFICES, AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE MANAGER TO EXECUTE ANY REQUIRED DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.
- E.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, WAIVING COMPETITIVE BIDDING; APPROVING THE PURCHASE OF AN EMERGENCY GENERATOR FOR TOWN HALL, AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE MANAGER TO EXECUTE ANY REQUIRED DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.
- F.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, WAIVING COMPETITIVE BIDDING; APPROVING THE PURCHASE OF EMERGENCY AIR CONDITIONING UNITS FOR TOWN HALL, AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE MANAGER TO EXECUTE ANY REQUIRED DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.
- G.** A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A CONSULTING AGREEMENT WITH THE GOVERNMENT SERVICES GROUP, INC. FOR CAPITAL DEVELOPMENT AND INFRASTRUCTURE ASSESSMENT SERVICES; PROVIDING FOR A DETERMINATION OF IMPRACTICALITY AS TO COMPETITIVE BIDDING AND PROVIDING FOR AN EFFECTIVE DATE.
- H.** A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, WAIVING COMPETITIVE BIDDING; APPROVING THE PURCHASE FROM KUSTOM SIGNALS, INC. AS THE SOLE SOURCE VENDOR OF A SPEED MONITORING

AWARENESS RADAR TRAILER AND RADAR DEVICES; AUTHORIZING TOWN OFFICIALS TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE PURCHASE, AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE TOWN MANAGER TO EXECUTE ANY REQUIRED DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

- I. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, RELATING TO PROCUREMENT; PROVIDING FOR A DETERMINATION OF IMPRACTICALITY AS TO COMPETITIVE BIDDING AND AUTHORIZING THE TOWN MANAGER TO PROCURE ADDITIONAL LARGE CAPACITY COLOR COPIERS, WITH SERVICE AND SUPPLY BY LEASE OR PURCHASE AT A REASONABLE COST TO BE DETERMINED BY THE MANAGER; PROVIDING AN EFFECTIVE DATE.
- J. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, RELATING TO OFFICE TECHNOLOGY EQUIPMENT, AUTHORIZING THE TOWN MANAGER TO ENTER INTO AN AGREEMENT TO PROCURE DOCUMENT IMAGING SYSTEM AND SERVICES THROUGH MCCi; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.
- K. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, WAIVING COMPETITIVE BIDDING; APPROVING THE PURCHASE OF A BALLISTIC ENTRY SHIELD WITH LIGHT FROM FIRST CHOICE ARMOR AS THE SOLE SOURCE VENDOR; AUTHORIZING TOWN OFFICIALS TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE PURCHASE, AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE TOWN MANAGER TO EXECUTE ANY REQUIRED DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.
- L. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, WAIVING COMPETITIVE BIDDING; RELATING TO OFFICE FURNITURE; AUTHORIZING THE TOWN MANAGER TO ENTER INTO A LEASE/PURCHASE AGREEMENT FOR THE POLICE/ADMINISTRATIVE OFFICES FROM J.C. WHITE QUALITY OFFICE FURNITURE, AND ITS FINANCE PARTNER FOR A COST NOT TO EXCEED \$100,000; PROVIDING AN EFFECTIVE DATE.
- M. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, RELATING TO

CONTRACTS; WAIVING COMPETITIVE BIDDING PURSUANT TO SECTION 3.10 OF THE TOWN CHARTER TO THE EXTENT APPLICABLE, AND AUTHORIZING THE TOWN MANAGER TO EXECUTE AN AUDIT SERVICES ENGAGEMENT AGREEMENT WITH RACHLIN, COHEN & HOLTZ, LLP IN SUBSTANTIALLY THE FORM OF THE COMPETITIVELY BID AUDIT AGREEMENT BETWEEN RACHLIN, COHEN & HOLTZ AND THE VILLAGE OF PALMETTO BAY; PROVIDING AN EFFECTIVE DATE.

- N. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, WAIVING COMPETITIVE BIDDING; APPROVING THE PURCHASE OF DIGITAL CAMERAS FOR THE POLICE DEPARTMENT, AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE MANAGER TO EXECUTE ANY REQUIRED DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Bell and Councilmember Sochin advised that Items D, F, and G be pulled from the Consent Agenda for further discussion.

Councilmember Meerbott made a motion to approve the Consent Agenda as amended. The motion was seconded by Vice Mayor MacDougall. Resolutions 06-77, 06-78, 06-80, 06-83-06-90 were adopted by unanimous voice vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

Councilmember Meerbott made a motion to approve the amended resolution in Item C. The amendment to the resolution states:

- To procure police bikes and equipment in an amount not to exceed \$5,000.

The motion was seconded by Councilmember Sochin and Resolution 06-79 was adopted by a unanimous voice vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

Councilmember Meerbott made a motion to approve Items E and F. The motion was seconded by Councilmember Bell and Resolution 06-81 and 06-82 was approved by a 4-1 voice vote. The vote was as follows: Councilmembers Bell, Meerbott, Vice Mayor MacDougall and Mayor Vrooman voting Yes; Councilmember Sochin voting No.

X. QUASI-JUDICIAL CONSENT AGENDA PUBLIC HEARING: None at this time.

XI. QUASI-JUDICIAL HEARINGS: The following quasi-judicial hearing was held by Council.

All witnesses giving testimony were sworn-in by the clerk.

The clerk read the following resolution, by title:

- A. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING AN UNUSUAL USE FOR OUTDOOR SEATING FOR THE R.J. GATORS RESTAURANT, WHICH IS WITHIN THE SHOPPING CENTER LOCATED AT 18415 SOUTH DIXIE HIGHWAY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Alex David, representing the Town's planning department, introduced the resolution and based on his memorandum on August 30, 2006, recommended approval of the request.

Mr. Graham Penn, 200 South Biscayne Boulevard, representing the applicant, addressed the Council.

Councilmember Meerbott made a motion to approve the resolution. The motion was seconded by Councilmember Sochin and Resolution 06-91 was approved by unanimous 5-0 roll call vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

XII. PUBLIC HEARINGS:

A. RESOLUTIONS

- 1. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA CREATING A CITIZEN ADVISORY COMMITTEE FOR THE PURPOSE OF PROVIDING RECOMMENDATIONS TO THE TOWN COUNCIL ON THE IMPLEMENTATION OF A TOWN-WIDE MUNICIPAL WIRELESS INTERNET ACCESS SYSTEM, APPOINTING A COUNCIL LIAISON, AND PROVIDING FOR THE SELECTION OF COMMITTEE MEMBERS, PROVIDING FOR AUTOMATIC DISSOLUTION AND PROVIDING FOR AN EFFECTIVE DATE. (NOT A PUBLIC HEARING)**

Vice Mayor MacDougall made a motion approving the amended resolution, to amend Section 3. of the resolution to state that Councilmembers may each appoint a committee member. The motion was seconded by Councilmember Bell and Resolution 06-92 was adopted by unanimous voice vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

- 2. A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, RATIFYING THE TERMS OF EMPLOYMENT OF THE TOWN MANAGER AND PROVIDING FOR AN EFFECTIVE DATE. (NOT A PUBLIC HEARING)**

Councilmember Bell made a motion approving the resolution. The motion was seconded by Vice Mayor MacDougall and Resolution 06-93 was adopted by unanimous voice vote. The

vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

B. ORDINANCES: The clerk read the following ordinance, on first reading, by title:

1. FIRST READING

- a. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, CREATING REGULATIONS RELATED TO TEMPORARY STORAGE UNITS; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR REQUIREMENTS FOR PLACEMENT OF TEMPORARY STORAGE UNITS; PROVIDING FOR PLACEMENT OF TEMPORARY STORAGE UNITS IN OTHER ZONING DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Meerbott made a motion approving the ordinance on first reading. The motion was seconded by Councilmember Bell and approved by unanimous 5-0 roll call vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

Second Reading of the ordinance will be September 19th, 2006.

The clerk read the following ordinance, on first reading, by title:

- b. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING REGULATIONS RELATED TO ROADSIDE SALES BY AMENDING SECTIONS 33-243, 33-251.1, 33-253.5 AND 33-256.4 EACH ENTITLED "PROHIBITED USES"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Meerbott made a motion approving the ordinance on first reading. The motion was seconded by Councilmember Bell and approved by unanimous 5-0 roll call vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

Second Reading of the ordinance will be September 19th, 2006.

The clerk read the following ordinance, on first reading, by title:

- c. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, CREATING REGULATIONS RELATED TO OCCUPATIONAL LICENSES; PROVIDING FOR IMPOSITION OF A TAX; PROVIDING FOR THE TERM OF THE LICENSE AND TRANSFER OF THE LICENSE; PROVIDING FOR AN AFFIDAVIT FOR THE APPLICANT AND THE ANNUAL FILING INFORMATION; PROVIDING FOR PREREQUISITES FOR GRANTING A LICENSE AND INVALID LICENSES; PROVIDING FOR VIOLATIONS AND PENALITIES; PROVIDING FOR GROUNDS FOR DENIAL OF THE LICENSE; PROVIDING FOR APPEAL OF DENIAL OF LICENSE; PROVIDING FOR REVOCATION OF LICENSE; PROVIDING FOR DISPLAY OF LICENSE; PROVIDING FOR UNCLASSIFIED BUSINESS ACTIVITIES; PROVIDING FOR HOME OCCUPATION LICENSES; PROVIDING FOR A TAX SCHEDULE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Sochin made a motion approving the ordinance on first reading. The motion was seconded by Councilmember Meerbott and approved by unanimous 5-0 roll call vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

Second Reading of the ordinance will be October 4th, 2006.

The clerk read the following ordinance, on first reading, by title:

- d. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL, AMENDING CHAPTER 24 OF THE MIAMI-DADE COUNTY CODE AS MADE APPLICABLE TO THE TOWN BY SECTION 8-3 OF THE TOWN CHARTER, ENTITLED "ENVIRONMENTAL PROTECTION" ARTICLE VI, "IN GENERAL," DIVISION 1, "GENERAL PROVISIONS", SECTION 24-49 "PERMITS FOR TREE REMOVAL AND RELOCATION, IMPROPERLY ISSUED PERMITS, VIOLATION OF PERMIT CONDITIONS, EXEMPTIONS FROM TREE REMOVAL PERMITS; MORTGAGE EXEMPTION FROM LIABILITY", BY PROVIDING FOR ADDITIONAL PROTECTIONS FOR TREES WITHIN

THE TOWN; PROVIDING FOR SEVERABILITY;
PROVIDING FOR INCLUSION IN THE CODE; AND
PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Meerbott made a motion to defer the ordinance for date certain of September 19, 2006. The motion was seconded by Councilmember Bell and approved by unanimous 5-0 roll call vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

Second Reading of the ordinance will be September 19th, 2006.

2. SECOND READING

The clerk read the following ordinance, on second reading, by title:

- a. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, IMPLEMENTING SECTION 3.10 OF THE TOWN CHARTER, ESTABLISHING PURCHASING REGULATIONS; PROVIDING FOR REPLACEMENT OF SECTION 2-8.1 ET SEQ. OF THE MIAMI-DADE COUNTY CODE TO THE EXTENT APPLICABLE, PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

The mayor opened the public hearing. There were no speakers present.

Councilmember Meerbott made a motion to adopt the ordinance on first reading subject that Section 2. states as follows:

- Single purchases and contracts above \$25,000 cannot be broken down to amounts less than \$25,000 in order to avoid the requirement of this subsection.

The motion was seconded by Councilmember Bell and approved by unanimous 5-0 roll call vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

XIII. PUBLIC COMMENTS:

The following individuals spoke: Joy Cooper, 9365 Nassau Drive, David Harrington, 7771 Southwest 200 Terrace, Wilmer Parks, 8890 Southwest 196 Drive, Louise Lockwood, 9071 Richmond Drive, Jim Shiver, 20020 Southwest 105 Avenue, Beth Parets, 19301 Holiday Road and Alfie Sergio, 9261 Caribbean Boulevard.

XIV. MAYOR AND COUNCIL MEMBER COMMENTS:

Vice Mayor MacDougall thanked Alfie Sergio for her support. The Vice Mayor discussed that the interlocals for Schools and Parks are closely approaching. He concluded that a transit system for elderly citizens would be beneficial to circulate among the various retirement homes in the community.

XV. OTHER BUSINESS: None at this time.

XVI. NEXT MEETING ANNOUNCEMENT AND ADJOURNMENT:

The next council meeting will be held on September 19, 2006, at the South Dade Regional Library.

The meeting was officially adjourned at 10:55 P.M.

Respectfully submitted:


Erika Gonzalez-Santamaria, CMC
Town Clerk



*Adopted by the Town Council on
this 19th day of September, 2006*


Paul S. Wrochman, Mayor

PURSUANT TO FLORIDA STATUTES 286.0105, THE TOWN HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE TOWN FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.