AGENDA
REGULAR MUNICIPAL COUNCIL MEETING
OF THE CITY OF WESTMOUNT
MONDAY, JULY 5, 2021

1. OPENING OF THE MEETING

The Mayor calls the sitting to order.

Unless otherwise indicated in these minutes, the Mayor avails herself of her privilege provided for in section 328 of the Cities and Towns Act (CQLR, chapter C-19) by abstaining from voting.

2. MAYOR’S AND COUNCILLORS’ REPORTS

3. FIRST QUESTION PERIOD

4. ADOPTION OF THE AGENDA

MOVER
Councillor Gallery

SECONDER
THAT the agenda of the regular Council sitting of July 5, 2021 be adopted.

5. CONFIRMATION OF MINUTES

MOVER
Councillor Gallery

SECONDER
THAT the minutes of the regular Council sitting held on June 21, 2021 and of the Demolition Committee meeting held on June 23, 2021, be approved.

6. REPORTS TO COUNCIL

6.1. CORRESPONDENCE

Mayor Smith

No reports are tabled.

6.2. MINUTES OF THE GENERAL COMMITTEE OF COUNCIL

Councillor Gallery

The minutes of the General Committee meeting of Council held on June 7, 2021 are tabled and are available on the City’s website.
6.3. **FINANCE AND ADMINISTRATION COMMITTEE MINUTES**

Councillor Kez

No minutes are tabled.

6.4. **TRANSPORTATION ADVISORY COMMITTEE MINUTES**

Councillor Bostock

The minutes of the Transportation Advisory Committee meeting held on May 25, 2021, are tabled and are available on the City’s website.

6.5. **WESTMOUNT ACCESSIBILITY ADVISORY COMMITTEE MINUTES**

Councillor Brzeski

No minutes are tabled.

6.6. **WORKFORCE REPORT**

Councillor Shamie

The workforce report for the month of May 2021 is tabled.

6.7. **PAYMENT REGISTRY**

Councillor Kez

The list of payments for the month of May 2021 is tabled.

6.8. **LIST OF APPROVALS IN VIRTUE OF BY-LAW 1507**

Councillor Shamie

In accordance with *By-law 1507 on the Delegation of powers to certain employees of the City of Westmount*, the list of authorization of expenditures for the month of May 2021 is tabled.

7. **ADOPTION OF COUNCIL’S POSITION ON THE ITEMS TO BE SUBMITTED TO THE MONTREAL AGGLOMERATION COUNCIL**

Councillor Gallery

There is no Montreal Agglomeration Council meeting scheduled for the month of July 2021.

8. **APPROPRIATION - UNAPPROPRIATED SURPLUS**

WHEREAS by allocating surpluses to specific projects or elements, these amounts cannot be used for purposes other than those approved by Council;

WHEREAS in October 2020, the *Gouvernement du Québec* awarded the City of Westmount a grant in the amount of $4,209,206 to mitigate the impacts of the COVID-19 pandemic;
WHEREAS in 2020, of this amount, $3,097,150 was allocated to cover the loss of revenue and additional expenses incurred as a result of the pandemic and a balance of $1,112,056 is available;

WHEREAS Council has expressed its desire to continue to invest in the City’s capital assets without increasing its debt;

WHEREAS the pandemic is not over and continues to cause negative financial effects;

WHEREAS the Treasurer has presented two (2) options for the distribution of the unappropriated surplus to the Finance and Administration Committee and the General Committee of Council, and they recommend Option 1;

WHEREAS the total surplus, appropriated and unappropriated, from the operating surplus for the fiscal year ending December 31, 2020 is in the amount of $37,544,943;

WHEREAS an amount of $9,766,249 of the operating surplus of the 2020 fiscal year, is available.

MOVER
Councillor Kez
SECONDER
THAT a total amount of $9,766,249 of the unappropriated surplus be allocated as follows:

- THAT $8,654,193 be allocated to pay-as-you-go (PAYG) projects;
- THAT $1,112,056 be allocated for the COVID-19 pandemic.

9. NOMINATION - SUPERINTENDENT - VEHICLE FLEET MAINTENANCE - PUBLIC WORKS DEPARTMENT

WHEREAS according to section 71 of the Cities and Towns Act (CQLR, c. C-19), the council shall appoint by resolution such officers and employees as it deems necessary for the administration of the city, and shall fix their salaries;

WHEREAS on April 1, 2019, the Municipal Council adopted the Working Conditions and Remuneration of Management Personnel;

WHEREAS the position of Superintendent - Vehicle Fleet Maintenance of the Public Works department will be vacant;

WHEREAS the Director of Human Resources recommends the appointment of Mr. Ryan Jones Olivo to the position of Superintendent - Vehicle Fleet Maintenance of the Public Works department.

MOVER
Councillor Shamie
SECONDER
THAT Mr. Ryan Jones Olivo be appointed to the position of Superintendent - Vehicle Fleet Maintenance of the Public Works department, grade 8, effective July 6, 2021, in accordance with the salary recommendation of the Director of the Human Resources department as stipulated in decision-making file No. 2021-1309 and according to the
terms provided for in the *Working Conditions and Remuneration of Management Personnel*;

THAT this appointment be on a permanent basis once Mr. Olivo has completed a probationary period in accordance with Section 2 of the *Working Conditions and Remuneration of Management Personnel*.

10. **DESIGNATION OF THE AUTHORITY HAVING JURISDICTION - EMPLOYEES OF THE URBAN PLANNING DEPARTMENT**

WHEREAS, at the Council sitting of June 21, 2021, a notice of motion was given for the adoption of By-law No. 1574 entitled *By-law to abolish the Board of Inspections, designate the authority having jurisdiction for the administration and enforcement of by-laws, and amend various urban planning and municipal by-laws accordingly*;

WHEREAS said by-law provides that the authority having jurisdiction shall be designated by resolution of Council for the enforcement of the ten (10) following by-laws;

- By-law No. 1031 entitled *By-law concerning safety and sanitation in apartment buildings*;
- By-law No. 1257 entitled *By-law to regulate rock excavation and blasting operations in the City of Westmount*;
- By-law No. 1303 entitled *Zoning By-law*;
- By-law No. 1305 entitled *By-law on site planning and architectural integration programmes*;
- By-law No. 1313 entitled *By-law concerning filming permits*;
- By-law No. 1387 entitled *By-law concerning noise*;
- By-law No. 1391 entitled *Building By-law*;
- By-law No. 1425 entitled *Waste management By-law*;
- By-law No. 1475 entitled *By-law on nuisances and public order*;
- By-law No. 1489 entitled *By-law concerning specific construction, alteration or occupancy proposals for an immovable (S.C.A.O.P.I.) of the City of Westmount*.

**MOVER**

Councillor Shamie

**SECONDER**

THAT, effective as of the entry into effect of By-law No. 1574, for the enforcement of By-laws 1031, 1257, 1313, 1387, 1425, and 1475, Council designate as the authority having jurisdiction, the employees of the Urban Planning department occupying the following positions:

- The Director of Urban Planning;
- The Assistant Director of Urban Planning;
- The Planning Consultant Officer;
- The Division Head - Urban Planning and Regulation;
- The Division Head - Permits, Inspections and Applications;
- The Urban Planning Advisor;
- The Chief Inspector; and
- The Urban Planning Inspector;
THAT for the enforcement of By-laws 1031, 1257, 1313, 1387, 1425, and 1475, Council designate as the authority having jurisdiction, the employees of the Urban Planning department occupying the following positions:

- The Division Head - Urban Planning and Regulation;
- The Chief Inspector; and
- The Urban Planning Inspector.

11. DESIGNATION OF THE AUTHORITY HAVING JURISDICTION - EMPLOYEES OF THE PUBLIC SAFETY DEPARTMENT

WHEREAS, at the Council sitting of June 21, 2021, a notice of motion was given for the adoption of By-law No. 1574 entitled By-law to abolish the Board of Inspections, designate the authority having jurisdiction for the administration and enforcement of by-laws, and amend various urban planning and municipal by-laws accordingly;

WHEREAS said by-law provides that the authority having jurisdiction shall be designated by resolution of Council for the enforcement of the ten (10) following by-laws;

- By-law No. 1031 entitled By-law concerning safety and sanitation in apartment buildings;
- By-law No. 1257 entitled By-law to regulate rock excavation and blasting operations in the City of Westmount;
- By-law No. 1303 entitled Zoning By-law;
- By-law No. 1305 entitled By-law on site planning and architectural integration programmes;
- By-law No. 1313 entitled By-law concerning filming permits;
- By-law No. 1387 entitled By-law concerning noise;
- By-law No. 1391 entitled Building By-law;
- By-law No. 1425 entitled Waste management By-law;
- By-law No. 1475 entitled By-law on nuisances and public order; and
- By-law No. 1489 entitled By-law concerning specific construction, alteration or occupancy proposals for an immovable (S.C.A.O.P.I.) of the City of Westmount.

MOVER Counsellor Shamie
SECONDER

THAT, effective as of the entry into effect of By-law No. 1574, for the enforcement of By-laws 1031, 1257, 1313, 1387, 1425, and 1475, Council designate as the authority having jurisdiction, the employees of the Public Safety department occupying the following positions:

- The Director of Public Safety;
- The Assistant Director of Public Safety; and
- All Public Safety Officers.
12. CALL FOR PUBLIC TENDERS - CANCELLATION OF THE CALL FOR PUBLIC TENDERS PUB-2021-007

WHEREAS tenders were publicly opened on June 4, 2021, for the restoration of the windows of the City of Westmount's City Hall (Tender No. PUB-2021-007), and minutes prepared by the City Clerk’s Office are submitted to this meeting;

WHEREAS, following the analysis of the opened tender, the price is deemed too high.

MOVER
Councillor Cutler
SECONDER
THAT the tender submitted as a result of the call for tenders bearing number PUB-2021-007 for the contract for the restoration of the windows of the City of Westmount's City Hall be rejected on the basis that the price received is too high.

13. CALL FOR PUBLIC TENDERS - CANCELLATION OF THE CALL FOR PUBLIC TENDERS PUB-2021-024

WHEREAS tenders were publicly opened on June 4, 2021 for the restoration of the Roslyn public stairs (Tender No. PUB-2021-024), and minutes prepared by the City Clerk’s Office are submitted to this meeting;

WHEREAS, following the analysis of the opened tenders, the prices are deemed too high.

MOVER
Councillor Cutler
SECONDER
THAT the three (3) tenders submitted as a result of the call for tenders bearing number PUB-2021-024 for the contract for the restoration of the Roslyn public stairs be rejected on the basis that the prices received are too high.

14. MODIFICATION TO AN AGREEMENT - COLLABORATION AGREEMENT - MTQ

WHEREAS, on June 1, 2020, the City of Westmount concluded the Entente de collaboration with the Ministère des Transports (MTQ) for the final preliminary design study for the construction of a noise barrier on the north side of Route 136 between Greene and Atwater Avenues in Westmount, for a maximum amount of $57,487.50, including taxes, as a contribution from the City of Westmount to carry out this study (Resolution No. 2020-06-109);

WHEREAS at the sitting of October 2, 2018, the City of Westmount agreed to pay, under protest, a maximum of fifty percent (50%) of the reasonable fees and costs that will be incurred under the mandates to be granted by the MTQ (Resolution No. 2018-10-220);

WHEREAS the estimated total cost for the final preliminary design study for the construction of a noise barrier on the north side of Route 136 between Greene and Atwater Avenues in Westmount, as part of the collaboration agreement with the MTQ, is $119,076.83, plus applicable taxes.
THAT the amount to be paid under the collaboration agreement with the MTQ for the final preliminary design study for the construction of a noise barrier on the north side of Route 136 between Greene and Atwater Avenues in Westmount (Resolution No. 2020-06-109) be modified and increased to a maximum amount of $68,454.30, all taxes included, as a contribution from the City of Westmount to carry out this study;

THAT an additional expenditure be authorized in the amount of $10,966.80, all taxes included, as a contribution from the City of Westmount to carry out this study for the final preliminary design study for the construction of a noise barrier on the north side of Route 136 between Greene and Atwater Avenues in Westmount, as part of the collaboration agreement with the MTQ;

To allocate this expenditure in accordance with the financial information included in the decision-making files Nos. 2020-1010 and 2021-1301.

15. MODIFICATION TO A CONTRACT - RECONSTRUCTION OF SUNNYSIDE AVENUE BETWEEN UPPER BELLEVUE AND BELVEDERE (PUB-2021-001)

WHEREAS, on March 15, 2021, Council awarded a contract to Les Excavations Super inc. for the reconstruction of Sunnyside Avenue between Upper Bellevue Avenue and Belvedere Road, for a maximum amount of $4,659,318.25, including taxes (Resolution No. 2021-03-50);

WHEREAS the estimated total cost for the reconstruction of Sunnyside Avenue between Upper Bellevue Avenue and Belvedere Road with Les Excavations Super inc. is $4,892,284.16, all taxes included.

THAT the contract awarded to Les Excavations Super inc. for the reconstruction of Sunnyside Avenue between Upper Bellevue Avenue and Belvedere Road (Resolution No. 2021-03-50) be modified and increased to a maximum amount of $4,892,284.16, all taxes included;

THAT an additional expenditure be authorized in the amount of $232,965.91, all taxes included, for the reconstruction of Sunnyside Avenue between Upper Bellevue Avenue and Belvedere Road with Les Excavations Super inc.;

To allocate this expenditure in accordance with the financial information included in the decision-making files Nos. 2021-1204 and 2021-1310.
16. ADOPTION - BY-LAW 1574 TO ABOLISH THE BOARD OF INSPECTIONS, DESIGNATE THE AUTHORITY HAVING JURISDICTION FOR THE ADMINISTRATION AND ENFORCEMENT OF BY-LAWS, AND AMEND VARIOUS URBAN PLANNING AND MUNICIPAL BY-LAWS ACCORDINGLY

City Clerk

The City Clerk to report that all formalities required for dispensing with the reading of this by-law have been observed and that copies of the by-law have been remitted to all members of Council and are available for public reference.

OBJECT

The City Clerk to explain that the object of this by-law is to harmonize the designation of municipal officers and employees for the enforcement and administration of urban planning and municipal by-laws and to use the term "authority having jurisdiction" in these by-laws.

This by-law repeals By-law 709 to constitute the Board of Inspections and its amending by-law.

Mayor Smith

Declaration by each member of Council present that he or she has read the by-law and that reading is waived thereof.

MOVER

Councillor Peart

SECONDER

THAT By-law No. 1574 entitled By-law to abolish the Board of Inspections, designate the authority having jurisdiction for the administration and enforcement of by-laws, and amend various urban planning and municipal by-laws accordingly be adopted.

Declaration

Mayor Smith

THAT By-law No. 1574 entitled By-law to abolish the Board of Inspections, designate the authority having jurisdiction for the administration and enforcement of by-laws, and amend various urban planning and municipal by-laws accordingly having been duly adopted; it is ordered that notices be given as required by law.

17. URBAN PLANNING - APPROVAL OF SITE PLANNING AND ARCHITECTURAL INTEGRATION PROGRAMMES (S.P.A.I.P.)

WHEREAS, according to By-law 1305 on Site Planning and Architectural Integration Programmes, the issuance of some building permits are subordinate to the prior recommendation of plans by the Planning Advisory Committee;

WHEREAS according to section 3.2.2 of this by-law, Council must decide on the recommendations of the Committee by way of resolution.
MOVER

Councillor Peart

SECONDER

THAT, according to the recommendations made by the Planning Advisory Committee at its meetings held on June 21, June 22, and June 28, 2021, the conditions for the issuance of the building permit applications appearing on the attached list, reviewed under By-law 1305 on Site Planning and Architectural Integration Programmes, be approved.

18. URBAN PLANNING - REJECTION OF A SITE PLANNING AND ARCHITECTURAL INTEGRATION PROGRAMME (S.P.A.I.P.)

WHEREAS, according to By-law 1305 on Site Planning and Architectural Integration Programmes, the issuance of some building permits are subordinate to the prior recommendation of plans by the Planning Advisory Committee;

WHEREAS according to section 3.2.2 of this by-law, Council must decide on the recommendations of the Committee by way of resolution;

WHEREAS the application does not meet the objectives and criteria of By-law 1305 on Site Planning and Architectural Integration Programmes;

WHEREAS the building is a Category II building;

WHEREAS the existing interior windows on the second floor are the original wooden windows with lead elements;

WHEREAS an elevation of the front wall, dated 1924, was found in the City's archives and shows that the original windows on the second floor were casement windows with lead elements and a transom above, and that the original windows on the second floor were double-hung windows with tile on the upper sash;

WHEREAS, in accordance with Section 4.2.2 of the guidelines Renovating and Building in Westmount, the replacement elements should fit exactly into the existing openings and resemble the original windows with respect to their function (double-hung, casement), proportions, divisions, setback from the wall, and frame details;

WHEREAS, in accordance with Table 4.2.2 of the guidelines Renovating and Building in Westmount, it is recommended to preserve the original windows and to replace wooden windows with windows of the same material in the case of a Category II building;

WHEREAS, in accordance with Section 4.1.6 of the guidelines Renovating and Building in Westmount, polyvinyl chloride (PVC) and metal windows are generally not acceptable on Class II buildings;

WHEREAS, in accordance with Section 4.1.5 of the guidelines Renovating and Building in Westmount, if imitation lead mullions are used, they should be attached to both sides of the glass and be the same width, thickness and colour as the traditional lead;

WHEREAS the proposed windows are PVC;

WHEREAS, the proposed windows on the second floor do not have tile on the upper sash;
WHEREAS the imitation mullions are installed between the glass panes;

WHEREAS, the proposed windows do not replicate the function, divisions and details of the original windows.

MOVER  Councillor Peart
SECONDER
THAT, according to the recommendations made by the Planning Advisory Committee at its meeting held on June 28, 2021, the site planning and architectural integration programme appearing on the attached list, reviewed under By-law 1305 on Site Planning and Architectural Integration Programmes, be rejected.

19. NEW BUSINESS

20. SECOND QUESTION PERIOD

21. CLOSING OF THE SITTING

The Mayor declares the sitting closed.