



**AGENDA
REGULAR MUNICIPAL COUNCIL MEETING
OF THE CITY OF WESTMOUNT
THURSDAY, SEPTEMBER 9, 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 Lulham

SECONDER

THAT the agenda of the regular Council sitting of September 9, 2021 be adopted.

5. CONFIRMATION OF MINUTES

MOVER

Councillor Lulham

SECONDER

THAT the minutes of the regular Council sitting held on August 16, 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 Lulham

No minutes are tabled.

6.3. FINANCE AND ADMINISTRATION COMMITTEE MINUTES

Councillor Kez

The minutes of the Finance and Administration Committee meeting held on June 2, 2021 are tabled.

6.4. TRANSPORTATION ADVISORY COMMITTEE MINUTES

Councillor Bostock

No minutes are tabled.

6.5. WESTMOUNT ACCESSIBILITY ADVISORY COMMITTEE MINUTES

Councillor Brzeski

The minutes of the Westmount Accessibility Advisory Committee meeting held on July 28, 2021 are tabled.

6.6. PAYMENT REGISTRY

Councillor Kez

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

6.7. 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 July 2021 is tabled.

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

MOVER

Councillor Lulham

SECONDER

THAT the Mayor, or in her absence the Acting Mayor, be authorized to make any decisions she deems necessary and in the best interest of the City of Westmount and its residents regarding the items on the agenda of the Montreal Agglomeration Council meeting to be held on September 30, 2021.

8. APPROVAL OF THE WORKFORCE REPORT

MOVER

Councillor Shamie

SECONDER

THAT the attached workforce report for the month of July 2021 be approved.

9. APPOINTMENT - SUBSTITUTE CITY CLERK

WHEREAS according to section 85 of the *Cities and Towns Act* (CQLR, c. C-19), the Council shall always have an officer or employee of the municipality as keeper of its office and archives. Such officer or employee shall be styled the clerk;

WHEREAS the Director of Human Resources recommends that the Director General be appointed to replace the City Clerk and Assistant City Clerk in the event of both of their absences or incapacity in order to ensure the normal course of operations of the City.

MOVER

Councillor Shamie

SECONDER

THAT Mr. Hadi Hakim be appointed as substitute City Clerk and, in the absence or incapacity of both the City Clerk and Assistant City Clerk, be authorized to execute the authority and signing privileges of those regularly performed by the City Clerk.

10. TERMINATION OF AN EMPLOYEE - EMPLOYEE NUMBER 04373

WHEREAS, as a switchboard operator with a rotating schedule including evenings, days and nights, weeks and weekends, employee number 04373 had a great degree of freedom and confidence in the performance of his work;

WHEREAS the employee number 04373 has committed acts that constitute serious theft of time;

WHEREAS employee number 04373 has failed to comply with the Code of Ethics and Good Conduct for Employees of the City of Westmount, primarily with respect to integrity and loyalty;

WHEREAS, the employee has in the past received disciplinary measures for significant occupational health and safety omissions and negligence, endangering his safety and that of others;

WHEREAS, despite the facts presented at the meeting on August 9, 2021, the employee denies or minimizes the facts alleged;

WHEREAS employee number 04373 was suspended without pay on August 9, 2021, for the purpose of an investigation;

WHEREAS the results of the investigation conducted by the Human Resources Department demonstrate, without question, the seriousness of the infractions committed by employee number 04373;

WHEREAS employee number 04373 has broken the bond of trust with his employer, with the aforementioned serious fault.

MOVER

Councillor Shamie

SECONDER

THAT the City of Westmount dismiss, with cause, employee number 04373 retroactively to August 10, 2021, the date following the meeting at which he was suspended without pay for the purpose of an investigation.

11. AMENDED TARIFF - REMUNERATION OF ELECTION STAFF

WHEREAS a municipal general election will be held on November 7, 2021;

WHEREAS in accordance with Section 88 of *An Act respecting elections and referendums in municipalities* (CQLR, chapter E-2.2), every election officer is entitled to receive remuneration or an expense allowance from the municipality for the duties he performs. The council of the municipality may establish a tariff of such remuneration or allowances;

WHEREAS, a tariff for the remuneration of election staff was adopted at the council meeting of August 16, 2021 (Resolution No. 2021-08-194);

WHEREAS organizational changes in the Legal Services and the City Clerk's Office require the amendment of the tariff for the remuneration of election staff.

MOVER

Councillor Kez

SECONDER

THAT the attached tariff of remuneration or allowance be established for the election officers for duties they must perform in the course of an election or a referendum.

12. VOICE RADIO COMMUNICATION SYSTEM (SERAM) - ACQUISITION OF 32 PORTABLE RADIOS

WHEREAS an agreement concerning the supply of a voice radio communication system (user terminals and accessories) in order to use the Montreal Agglomeration advanced radio communication network (SÉRAM) was entered into on August 18, 2015, between the City of Montreal and the City of Westmount (Resolution No. 2015-03-58);

WHEREAS, the parties updated Annex 2 of the original Agreement on July 6, 2020 (Resolution No. 2020-07-125);

WHEREAS the Division Chief of the Information Technology Division recommends the purchase of thirty-two (32) portable radios.

MOVER

Councillor Bostock

SECONDER

To authorize an expenditure in the amount of \$40,206.93, including tax credits, for the purchase of thirty-two (32) portable radios;

To ask the City of Montreal to purchase the radios from Motorola Solutions Canada Inc.;

To allocate this expenditure in accordance with the financial information included in the decision-making file No. 2021-1343.

13. REQUEST FOR PROPOSALS - INSTALLATION OF A TOBOGGAN RUN AT KING GEORGE PARK FOR THE 2021-2022 WINTER SEASON (DDP-2021-025)

WHEREAS a request for proposals was sent for the installation of a toboggan run at King George Park for the 2021-2022 winter season (request for proposals No. DDP-2021-025), and that, in conformity with *By-law 1556 on contract management*, the *Déclaration relative aux mesures prises pour assurer la rotation des cocontractants* is submitted to this meeting;

WHEREAS, following the analysis of the received proposals, Snö Innovation Inc. is the selected bidder.

MOVER

Councillor Cutler

SECONDER

To authorize an expenditure in the amount of \$35,853.23, including tax credits, for the 2021 fiscal year, for the installation of a toboggan run at King George Park for the 2021-2022 winter season (request for proposals No. DDP-2021-025);

To award to Snö Innovation Inc. the contract for this purpose at its proposal, for a maximum amount of \$78,527.93, including taxes, the whole in conformity with the contractual documents of the request for proposals DDP-2021-025;

To allocate this expenditure in accordance with the financial information included in the decision-making file No. 2021-1345.

14. REQUEST FOR PROPOSALS - PURCHASE OF PAD-MOUNTED TRANSFORMER OF 1500 KVA FOR THE PROJECT HWSP2107-03 (DDP-2021-026)

WHEREAS a request for proposals was sent for the purchase of a pad-mounted transformer of 1500 KVA for the project HWSP2107-03 (request for proposals No. DDP-2021-026), and that, in conformity with *By-law 1556 on contract management*, the *Déclaration relative aux mesures prises pour assurer la rotation des cocontractants* is submitted to this meeting;

WHEREAS, following the analysis of the received proposals, ABB Enterprise Software Inc. is the selected bidder.

MOVER

Councillor Shamie

SECONDER

To authorize an expenditure in the amount of \$49,820.00, including tax credits, for the purchase of a pad-mounted transformer of 1500 KVA for the project HWSP2107-03 (request for proposals No. DDP-2021-026);

To award to ABB Enterprise Software Inc. the contract for this purpose at its proposal, for a maximum amount of \$57,280.55, including taxes, the whole in conformity with the contractual documents of the request for proposals DDP-2021-026;

To allocate this expenditure in accordance with the financial information included in the decision-making file No. 2021-1351.

15. REQUEST FOR PROPOSALS - BANK OF HOURS FOR PROFESSIONAL SERVICES - EXTERNAL SUPPORT FOR THE LEGAL SERVICES AND CITY CLERK'S OFFICE (DDP-2021-034)

WHEREAS a request for proposals was sent for a bank of hours for professional services – external support for the Legal Services and City Clerk's Office (request for proposals No. DDP-2021-034), and that, in conformity with *By-law 1556 on contract management*, the *Déclaration relative aux mesures prises pour assurer la rotation des cocontractants* is submitted to this meeting;

WHEREAS, following the analysis of the received proposals, *Bélanger Sauvé, S.E.N.C.R.L.* is the selected bidder.

MOVER

Councillor Shamie

SECONDER

To authorize an expenditure in the amount of \$95,878.99, including tax credits, for a bank of hours for professional services – external support for the Legal Services and City Clerk's Office (request for proposals No. DDP-2021-034);

To award to *Bélanger Sauvé, S.E.N.C.R.L.* the contract for this purpose in accordance with its proposal, for a maximum amount of \$105,000.00, including taxes, the whole in conformity with the contractual documents of the request for proposals DDP-2021-034;

To allocate this expenditure in accordance with the financial information included in the decision-making file No. 2021-1362.

16. REQUEST FOR PROPOSALS - PURCHASE OF THREE SNOW PLOWS

WHEREAS a request for proposals was sent for the purchase of three snow plows, and that, in conformity with *By-law 1556 on contract management*, the *Déclaration relative aux mesures prises pour assurer la rotation des cocontractants* is submitted to this meeting;

WHEREAS, following the analysis of the received proposals, *Entreprises Desjardins & Fontaine Ltée* is the selected bidder.

MOVER

Councillor Cutler

SECONDER

To authorize an expenditure in the amount of \$64,717.09, including tax credits, for the purchase of three snow plows;

To award to *Entreprises Desjardins & Fontaine Ltée* the contract for this purpose at its proposal, for a maximum amount of \$70,882.09 , including taxes;

To allocate this expenditure in accordance with the financial information included in the decision-making file No. 2021-1353.

17. CALL FOR TENDERS BY INVITATION - RENTAL OF A REFRIGERATED ICE RINK IN WESTMOUNT PARK FOR THE 2021-2022 WINTER SEASON (INV-2021-021)

WHEREAS the City of Westmount is considering entering into a contract pursuant to section 573.3 of the *Cities and Towns Act* (CQLR, chapter C-19) with Synergplace Canada Inc. for the rental of a refrigerated ice rink in Westmount Park for the 2021-2022 winter season;

WHEREAS, in accordance with section 573.3.0.0.1 of the *Cities and Towns Act* (CQLR, chapter C-19), a notice of intention was published on the *Système électronique d'appel d'offres du gouvernement du Québec* on August 9, 2021, informing of the City's intention to award a contract by mutual agreement to a sole supplier identified in said notice;

WHEREAS Synergplace Canada Inc. is the only supplier able to offer the rental of a refrigerated ice rink in Westmount Park for the 2021-2022 winter season.

MOVER

Councillor Gallery

SECONDER

To authorize an expenditure in the amount of \$45,653.29, including tax credits, for the 2021 fiscal year, for the rental of a refrigerated ice rink in Westmount Park for the 2021-2022 winter season (Tender by invitation No. INV-2021-021);

To award to Synergplace Canada Inc. the contract for this purpose at its bid price, for a maximum amount of \$99,992.61, including taxes, the whole in conformity with the contractual documents of the call for tenders by invitation INV-2021-021;

To allocate this expenditure in accordance with the financial information included in the decision-making file No. 2021-1347.

18. CALL FOR PUBLIC TENDERS - CANCELLATION OF THE CALL FOR PUBLIC TENDERS PUB-2021-043

WHEREAS tenders were publicly opened on August 13, 2021, for the asphalt resurfacing and sidewalk reconstruction on Sydenham Avenue (Tender No. PUB-2021-043), 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 ten (10) tenders submitted as a result of the call for tenders bearing number PUB-2021-043 for the contract for the asphalt resurfacing and sidewalk reconstruction on Sydenham Avenue, be rejected on the basis that the prices received are too high.

19. CALL FOR PUBLIC TENDERS - CANCELLATION OF THE CALL FOR PUBLIC TENDERS PUB-2021-045

WHEREAS tenders were publicly opened on August 13, 2021, for the rehabilitation of public lanes in the City of Westmount (Tender No. PUB-2021-045), 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 four (4) tenders submitted as a result of the call for tenders bearing number PUB-2021-045 for the contract for the rehabilitation of public lanes in the City of Westmount, be rejected on the basis that the prices received are too high.

20. NOTICE OF MOTION AND ADOPTION OF FIRST DRAFT - BY-LAW 1578 TO FURTHER AMEND ZONING BY-LAW 1303 - CREATION OF COMMERCIAL ZONES ON SAINTE-CATHERINE STREET WEST

NOTICE OF MOTION

Councillor Lulham to give notice of the intention to submit for adoption at a subsequent meeting of Council, By-law No. 1578 entitled *By-law to further amend Zoning By-law 1303 - Creation of commercial zones on Sainte-Catherine Street West*.

OBJECT

The object of this bylaw is to:

- amend the zoning map to create Zone C4-32-03 from Zones R9-32-01 and R4-32-03 (which disappears);
- amend the zoning map to create Zone C4-34-15 from Zones R4-34-12 and C1-34-11;
- Adopt the use tables and physical-spatial specification tables for these two new zones, to allow a wide range of office and commercial uses with minimal changes to maximum permitted heights and densities.

MOVER

Councillor Lulham

SECONDER

THAT the first draft of By-law No. 1578 entitled *By-law to further amend Zoning By-law 1303 - Creation of commercial zones on Sainte-Catherine Street West* be adopted for submission to public consultation in accordance with the provisions of the *Act respecting Land Use Planning and Development* (CQLR, chapter A-19.1); and

THAT, in accordance with Order 2020-049, the public consultation meeting be replaced by a 15-day written consultation, announced in advance by public notice.

21. ADOPTION - BY-LAW 1576 ON MINOR EXEMPTIONS

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 object of this by-law is to establish an exception procedure whereby Council may authorize the carrying out of proposed work, or the regularization of work in progress or completed, that does not comply with all provisions of the *Zoning By-law* or the *By-law concerning subdivisions*.

MODIFICATION

The draft by-law was modified to clarify the vocabulary used in Section 8.

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. 1576 entitled *By-law on minor exemptions* be adopted.

Declaration

Mayor Smith

THAT By-law No. 1576 entitled *By-law on minor exemptions* having been duly adopted; it is ordered that notices be given as required by law.

22. ADOPTION - BY-LAW 1577 TO AMEND BY-LAW 1565 TO ESTABLISH TARIFFS FOR THE 2021 FISCAL YEAR

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 object of this by-law is to introduce a fee for minor exemptions and to provide for the possibility of a partial refund of the fee for an application for an amendment to the zoning 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 Kez

SECONDER

THAT No. 1577 entitled *By-law to amend by-law 1565 to establish tariffs for the 2021 fiscal year* be adopted.

Declaration

Mayor Smith

THAT By-law No. 1577 entitled *By-law to amend by-law 1565 to establish tariffs for the 2021 fiscal year* having been duly adopted; it is ordered that notices be given as required by law.

23. MODIFICATION OF A CONTRACT - APPROVAL OF SAFETY FENCING AND VEHICLE TUNNEL AROUND 4030 DORCHESTER BOULEVARD

WHEREAS, under section 573.2 of the *Cities and Towns Act* (CQLR, chapter C-19), in case of irresistible force of such a nature as to imperil the life or health of the population or seriously damage the equipment of the municipality, the mayor may order any expenditure deemed necessary and award any contract necessary to remedy the situation.

WHEREAS, on April 6, 2021, Council awarded a contract to Scaffolds Plus (Laval) Inc. for the rental of protective fencing on Weredale Park (Resolution No. 2021-04-82);

WHEREAS the duration of the installation of the safety measures could not be foreseen or planned at the time the initial mandate was given;

WHEREAS the independent engineer's report states that pieces of stone could fall from the building located at 4030 Dorchester Boulevard onto the public domain, requiring emergency measures;

WHEREAS it is essential to maintain a safe passageway for pedestrians and vehicles on Dorchester Boulevard and Weredale Park to avoid possible injuries, loss of life, or property damage on the public domain;

WHEREAS these expenses will be claimed from the owner in the context of upcoming legal proceedings.

MOVER

Councillor Lulham

SECONDER

THAT the contract awarded to Scaffolds Plus (Laval) Inc. for the rental of protective fencing on Weredale Park (Resolution No. 2021-04-82) be modified and increased to a maximum amount of \$106,488.17, including taxes;

THAT an additional expenditure be authorized in the amount of \$33,613.11, including taxes, for the rental of protective fencing on Weredale Park with Scaffolds Plus (Laval) Inc.;

To allocate this expenditure in accordance with the financial information included in the decision-making file Nos. 2021-1209 and 2021-1316.

24. TRANSACTION - 3634175 CANADA INC.

WHEREAS 3634175 Canada Inc. has undertaken an action for damages against 9075-3856 Québec inc. (*Construction Bentech inc.*) and the City of Westmount in Court of Québec (Civil Division), District of Montreal, file number 500-22-266204-216;

WHEREAS the City has agreed in principle to enter into a settlement agreement and transaction with 3634175 Canada Inc. to settle the action out of court;

WHEREAS it is in the best interests of the City to settle this case.

MOVER

Councillor Kez

SECONDER

THAT the City of Westmount agree to settle the legal proceedings conducted by 3634175 Canada Inc. against 9075-3856 Québec inc. (*Construction Bentech inc.*) and the City of Westmount at the Court of Québec (Civil Division), District of Montréal, file number 500-22-266204-216;

THAT the City of Westmount execute the out-of-court settlement, Receipt, Release and Transaction, for which a copy is attached hereto, and that the Director General be authorized to sign on its behalf.

25. 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 meeting held on August 17 and August 31, 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.

26. 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 request does not meet the objectives and criteria;

WHEREAS the building is a category II building;

WHEREAS the location of the building on the corner lot;

WHEREAS the facade facing Devon Avenue and the facade facing Roxborough Avenue are both considered as significant facades;

WHEREAS the existing bay window on the Roxborough Avenue facade is an architectural element that marks the entrance;

WHEREAS the window composition for the existing openings on the facades has the same architectural rhythm;

WHEREAS elevations dating back to 1980 were found in the City's archives and show that the composition of the original openings has been preserved;

WHEREAS, as described in section 4.2.2 of the *Guidelines for Building and Renovating in Westmount*, the replacement elements should fit exactly into the existing openings and resemble the original windows in terms of their operation (double-hung, casement), proportions, divisions, setback from the wall and frame details;

WHEREAS, as described in section 4.2.6 of the *Guidelines for Building and Renovating in Westmount*, the addition of new openings in masonry walls for doors and windows as well as the modification or removal of old openings are generally not acceptable on facades that contribute to the character of Category I and II buildings;

WHEREAS the proposed bay windows alter the architectural composition of the existing building.

MOVER

Councillor Peart

SECONDER

THAT, according to the recommendations made by the Planning Advisory Committee at its meeting held on August 17, 2021, the site planning and architectural integration programme, a condition for the issuance of the building permit application appearing on the attached list, reviewed under *By-law 1305 on Site Planning and Architectural Integration Programmes*, be denied.

27. NEW BUSINESS

28. SECOND QUESTION PERIOD

29. CLOSING OF THE SITTING