



**AGENDA
REGULAR MUNICIPAL COUNCIL MEETING
OF THE CITY OF WESTMOUNT
MONDAY, DECEMBER 20, 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 Shamie

SECONDER

THAT the agenda of the regular Council sitting of December 20, 2021 be adopted with the addition of the following items:

- 20.01 Contract renewal - Rental of two (2) trailers - COVID-19 (DDP-2020-002)
- 20.02. Call for public tenders - Rental of 12-wheel trucks with operator for snow loading - City of Westmount (PUB-2021-056)

5. CONFIRMATION OF MINUTES

MOVER

Councillor Shamie

SECONDER

THAT the minutes of the regular Council sitting held on December 6, 2021, the Demolition Committee sitting held on December 9, 2021, and of the special Council sitting held on December 14, 2021 be approved.

6. REPORTS TO COUNCIL

6.1. CORRESPONDENCE

Mayor Smith

The following documents are tabled:

- List of by-laws of the Montreal Agglomeration Council dated December 2, 2021;
- Resolution CG21 0667 entitled "*Déclaration des membres du conseil d'agglomération élu-es le 7 novembre 2021 à l'effet qu'ils ou elles sont adéquatement protégé-es contre la COVID-19 afin d'assumer leurs fonctions et demande aux nouveaux membres du conseil municipal de chacune des 14 villes reconstituées de l'agglomération de Montréal de se déclarer également adéquatement protégé-es contre la COVID-19*" adopted by the Montreal Agglomeration Council on December 2, 2021.

6.2. MINUTES OF THE GENERAL COMMITTEE OF COUNCIL

Councillor Shamie

The minutes of the General Committee meeting of Council held on November 15, 2021 are tabled and are available on the City's website.

6.3. COMPARATIVE FINANCIAL STATEMENTS

Councillor D'Amico

With respect to section 105.4 of the Cities and Towns Act (CQLR, chapter C-19), the following statements were filed by the Treasurer:

1. the comparative financial statement of the revenues and expenditures of the 2020 fiscal year, as at October 31, 2021, and those of the 2020 fiscal year for the same corresponding period, a copy of which is attached hereto;
2. the comparative financial statement of the projected revenues and expenditures for the 2021 fiscal year and those provided for in the adopted budget for that fiscal year, a copy of which is attached hereto.

6.4. TABLING OF THE COMMISSIONERSHIP LETTERS

Mayor Smith

The Commissionership letters addressed to Councillors are tabled.

7. APPOINTMENT - DIRECTOR - LEGAL SERVICES AND CITY CLERK'S OFFICE

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 Director of Legal Services and City Clerk's Office is currently vacant;

WHEREAS the Director of Human Resources recommends the appointment of Mr. Denis Ferland to the position of Director of Legal Services and City Clerk's Office.

MOVER

Councillor Shamie

SECONDER

THAT Mr. Denis Ferland be appointed to the position of Director of Legal Services and City Clerk's Office, grade 3, effective on or around January 17, 2022, in accordance with the salary recommendation of the Director of the Human Resources Department as stipulated in the decision-making file No. 2021-1433 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. Ferland has completed a probationary period in accordance with Section 2 of the *Working Conditions and Remuneration of Management Personnel*.

8. APPOINTMENT - DIVISION HEAD - NETWORK ENGINEERING - HYDRO WESTMOUNT

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 Division Head - Network Engineering at Hydro Westmount will be vacant in the year 2022; ;

WHEREAS due to the strategic nature of this position, it was agreed to post the position to allow for a gradual transfer of knowledge;

WHEREAS the Director of Human Resources recommends the appointment of Ms. Cristina Popa to the position of Division Head - Network Engineering at Hydro Westmount.

MOVER

Councillor Shamie

SECONDER

THAT Ms. Cristina Popa be appointed to the position of Division Head - Network Engineering at Hydro Westmount, grade 6, effective January 5, 2022, in accordance with the salary recommendation of the Director of the Human Resources Department as stipulated in decision-making file No.2021-1436 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 Ms. Popa has completed a probationary period in accordance with Section 2 of the *Working Conditions and Remuneration of Management Personnel*.

**9. TERMINATION OF EMPLOYMENT FOR A MANAGEMENT EMPLOYEE -
EMPLOYEE NUMBER 06166**

WHEREAS employee number 06166 is currently on probation;

WHEREAS the Director of Public Works has been informed of several professional lapses directly affecting the quality of public spaces from which residents have high expectations;

WHEREAS the knowledge of employee number 06166 and the thoroughness necessary for this type of employment were not at the level expected by the Employer.

MOVER

Councillor Shamie

SECONDER

THAT the City of Westmount terminate the probationary period of employee number 06166 as of December 20, 2021;

THAT the payment of compensation and hours of leave follow this termination.

10. WRITTING-OFF OF UNPAID HYDRO WESTMOUNT'S CUSTOMER ACCOUNTS

WHEREAS Hydro Westmount has registered a total of \$905.88 in reported bankruptcies for its 2021 operating year in its 2021 Budget;

WHEREAS provisions in the amount of \$905.88 have been recorded in the Financial Statement for the year ending December 31, 2021;

WHEREAS the client accounts that are the subject of this application for authorization, have been entrusted, unsuccessfully, to a collection agency.

MOVER

Councillor Shamie

SECONDER

THAT the list of Hydro Westmount's reported bankruptcies for the year 2021, attached hereto, be written off in the amount of \$905.88.

**11. PRIOR NOTICE OF AN ORDER TO DECLARE A DOG POTENTIALLY
DANGEROUS**

WHEREAS Ms. Nicole Hesler is the owner of a dog named Bellingham that bit another dog and injured it on or around October 13, 2021;

WHEREAS the City's Public Safety Department has written an incident report dated October 13, 2021;

WHEREAS there are reasonable grounds to believe that Bellingham, the dog, could constitute a risk to public safety;

WHEREAS a dog that bit or attacked a domestic animal and injured the animal may be declared potentially dangerous by a local municipality in accordance with the *Regulation*

respecting the application of the Act to promote the protection of persons by establishing a framework with regard to dogs (CQLR, c. P-38.002, r. 1);

WHEREAS a local municipality must, before declaring a dog potentially dangerous in accordance to the dispositions of the *Regulation respecting the application of the Act to promote the protection of persons by establishing a framework with regard to dogs*, inform the owner or custodian of the dog of its intention and of the grounds on which it is founded and indicate the period within which the owner or custodian may present observations and, where applicable, produce documents to complete the file.

MOVER

Councillor Kez

SECONDER

THAT notice be given to Ms. Nicole Hesler of City of Westmount Council's intent to declare her dog Bellingham potentially dangerous and to impose the standards applicable to dogs declared potentially dangerous provided in Sections 22 to 25 of the *Regulation respecting the application of the Act to promote the protection of persons by establishing a framework with regard to dogs*, as follows:

- 1° A dog declared potentially dangerous must have a rabies vaccination status up to date at all times, be spayed or neutered and microchipped, unless there is a contraindication for the dog established by a veterinary surgeon.
- 2° A dog declared potentially dangerous may not be kept in the presence of a child 10 years of age or under unless it is under the constant supervision of a person 18 years of age or over.
- 3° A dog declared potentially dangerous must be kept using a device that prevents the dog from going beyond the boundaries of a private property that is not fenced or whose fence cannot contain it. In addition, a sign must be posted at a place announcing to a person coming on the property the presence of a dog declared potentially dangerous.
- 4° In a public place, a dog declared potentially dangerous must wear, at all times, a basket muzzle. In addition, it must be on a leash which maximum length is 1.25 m, except in a dog run facility.

THAT notice be given to Ms. Nicole Hesler that she has 20 days from the service by bailiff of the present notice to submit written observations and, where applicable, produce documents to complete the file to the Legal Services and City Clerk's Office;

THAT City Council provisionally orders Mrs. Nicole Hesler, from the service by bailiff of the present notice, to submit her dog Bellingham to the standards applicable to dogs declared potentially dangerous provided in Sections 22 to 25 of the *Regulation respecting the application of the Act to promote the protection of persons by establishing a framework with regard to dogs*, previously cited above;

Failing that, an inspector may seize the dog Bellingham or have it seized in order to entrust it to a person in a veterinary establishment or in a shelter, an animal service, a pound or premises kept by a person or an organization dedicated to the protection of animals holding a permit referred to in Section 19 of the Animal Welfare and Safety Act (CQLR, chapter B-3.1);

THAT City Council mandate the Legal Services and City Clerk's Office to service by bailiff the present notice to Mrs. Nicole Hesler.

12. APPROPRIATION - APPROPRIATED SURPLUS

WHEREAS projects to be funded from the surplus have been completed and monies were spent;

WHEREAS there are sufficient amounts available in the appropriated surplus account "PAYG Projects";

WHEREAS the amounts to be appropriated to the projects must be authorized by the municipal Council;

WHEREAS the appropriation to the 2021 results must be made prior to the end of the fiscal year;

WHEREAS the figures for said projects are not final, as they will be known after December 31, 2021;

WHEREAS, as of this date, \$8,132,032 remains unallocated from the projected envelope of \$13,562,600;

WHEREAS, of this \$8,132,032, expenditures in the amount of \$3,821,532 have been made, for which no appropriation has yet been requested.

MOVER

Councillor D'Amico

SECONDER

THAT a total amount of \$3,821,532 of the appropriate surplus in the "PAYG Projects" account be appropriated to the 2021 fiscal year results, as follows:

- \$9,490 for Phase 3 of the restoration of the envelope of City Hall – windows;
- \$11,032 for the restoration of the Heritage Greenhouse;
- \$246,500 for the water main rehabilitation on Lexington Avenue;
- \$18,530 for the reconstruction of the pond in King George Park;
- \$41,827 for the reconstruction of the Roslyn steps;
- \$2,479,500 for the reconstruction of Sunnyside Avenue, between Upper Bellevue Avenue and Belvedere Road;
- \$1,014,653 for the reconstruction of Sunnyside Avenue, between Upper Bellevue and Belvedere Road – Hydro Westmount infrastructure.

13. REQUEST FOR PROPOSALS - DRAIN THAWING SERVICE FOR THE 2022 WINTER SEASON (DDP-2021-046)

WHEREAS a request for proposals was sent for the drain thawing service for the 2022 winter season (request for proposals No. DDP-2021-046), 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, Michel Guimont Entrepreneur électricien Itée is the selected bidder.

MOVER
SECONDER

Councillor Bostock

To award to *Michel Guimont entrepreneur électricien Itée* the contract for the drain thawing service for the 2022 winter season in accordance with its proposal (request for proposals No. DDP-2021-046), for a maximum amount of \$56,912.63, including taxes, the whole in conformity with the contractual documents of the request for proposals DDP-2021-046;

To allocate this expenditure in accordance with the financial information included in the decision-making file No. 2021-1437.

14. CONTRACT RENEWAL - BANK OF HOURS FOR PROFESSIONAL SERVICES - EXTERNAL SUPPORT FOR LEGAL SERVICES AND CITY CLERK'S OFFICE (DDP-2021-034)

WHEREAS following the Request for Proposals for Public Tender No. DDP-2021-034, City Council awarded the contract for a bank of hours for professional services - external support for the Legal Services and City Clerk's Office to Bélanger Sauvé, S.E.N.C.R.L. (Resolution No. 2021-09-207);

WHEREAS the relationship of trust that has been established between Bélanger Sauvé, S.E.N.C.R.L. and the City of Westmount;

WHEREAS the staff of Bélanger Sauvé, S.E.N.C.R.L. are familiar with the functioning and operations of the City of Westmount;

WHEREAS the City of Westmount is satisfied with the work throughout the term of the mandate;

WHEREAS it was not foreseeable that the position of Director of Legal Services and City Clerk would be delayed in being filled;

WHEREAS it was not foreseeable that the absence of the Assistant Director of Legal Services and City Clerk would be prolonged;

WHEREAS the Director General recommends the renewal of the contract for a bank of hours for professional services - external support for the Legal Services and Clerk's Office to ensure a transition of files upon the arrival of the new Director and the return of the Assistant Director,

MOVER
SECONDER

Councillor Shamie

TO authorize the renewal of the contract awarded to Bélanger Sauvé; S.E.N.C.R.L. as part of the request for proposals DDP-2021-034 (resolution no. 2021-09-207) for a bank of hours for professional services - external support for the Legal Services and Clerk's Office for a maximum amount of \$75,000.00, including all taxes;

TO authorize an expenditure in the amount of \$5,249.38, including tax credit, for the 2021 fiscal year, for the purpose of this contract, 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. 2021-1417.

15. GROUP PURCHASE WITH THE VILLE DE MONTRÉAL - PURCHASE OF FUELS

WHEREAS according to Section 572.1, paragraph 2 of the *Cities and Towns Act* (CQLR c. C-19), a municipality may enter into an agreement with another municipality in order to call for tenders for the purpose of awarding contracts;

WHEREAS the City of Montreal published a call for tenders on May 26, 2021 for the supply of various bulk fuels for the Ville de Montréal grouping (Tender No. 21-18803);

WHEREAS tenders will be publicly opened at Montreal City Hall on July 6, 2021;

WHEREAS the City of Westmount wishes to participate in this group purchase with the *Ville de Montréal*.

MOVER

Councillor Bostock

SECONDER

THAT Council authorize the City of Westmount to participate in the group purchase with the *Ville de Montréal* for the supply of various bulk fuels for the Ville de Montréal grouping (Tender No. 21-18803);

THAT the Purchasing Manager be mandated to act as a representative of the City for this call for tenders and be authorized to sign any and all documents required to give effect to the present resolution.

16. CALL FOR PUBLIC TENDERS - CANCELLATION OF THE CALL FOR PUBLIC TENDERS PUB-2021-049

WHEREAS tenders were publicly opened on November 12 2021, for the rental of 12-wheel trucks with operators snow loading for the City of Westmount (Tender No. PUB-2021-049), 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 Bostock

SECONDER

THAT the two (2) tenders submitted as a result of the call for tenders bearing number PUB-2021-049 for the contract for the rental of 12-wheel trucks with operators for snow loading for the City of Westmount, be rejected on the basis that the prices received are too high;

THAT a new call for tenders be initiated to obtain new prices.

17. NOTICE OF MOTION - BY-LAW 1583 TO IMPOSE AND LEVY A TAX AND COMPENSATION FOR THE 2022 FISCAL YEAR

NOTICE OF MOTION

Councillor D'Amico to give notice of motion of the intention to submit at a subsequent council meeting, By-law 1583 entitled *By-law to impose and levy a tax and compensation for the 2022 fiscal year*.

OBJECT

The object of this by-law is to impose and levy a tax and compensation for the 2022 fiscal year.

18. ADOPTIONT - BY-LAW 1578 TO FURTHER AMEND ZONING BY-LAW 1303 - CREATION OF COMMERCIAL ZONES ON SAINTE-CATHERINE STREET WEST

Substitute City Clerk

The Substitute 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 Substitute City Clerk to explain that the object of this by-law 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 density.

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
SECONDER**

Councillor Peart

THAT *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.

Declaration

Mayor Smith

THAT *By-law No. 1578 entitled By-law to further amend Zoning By-law 1303 - Creation of commercial zones on Sainte-Catherine Street West* having been duly adopted; it is ordered that notices be given as required by law.

19. TABLING OF THE PLANNING ADVISORY COMMITTEE MINUTES

WHEREAS the Planning Advisory Committee held regular meeting on November 24, 2021 and that minutes are submitted to this Council sitting;

WHEREAS the main role of the Planning Advisory Committee is to analyze and give an opinion on any request that must be submitted to it in accordance with the *Land Use Planning and Development Act* (e.g.: SPAIP, minor exemption, SCAOPI, conditional uses, etc.) and on any other application in matters of land use planning and development that is submitted to it by Council.

MOVER

Councillor Peart

SECONDER

THAT Council acknowledge and accept the minutes of the Planning Advisory Committee meeting held on November 24, 2021.

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

WHEREAS the minutes of the special meeting of the Planning Advisory Committee held on November 24, 2021, were tabled;

WHEREAS the main role of the Planning Advisory Committee is to analyze and give an opinion on any request that must be submitted to it in accordance with the *Land Use Planning and Development Act* (e.g.: SPAIP, minor exemption, SCAOPI, conditional uses, etc.) and on any other application in matters of land use planning and development that is submitted to it by Council;

WHEREAS applications have been submitted by the applicants under *By-law 1305 on Site Planning and Architectural Integration Programmes*;

WHEREAS the Planning Advisory Committee has issued opinions regarding these applications, as stated in the Planning Advisory Committee minutes of November 24, 2021;

WHEREAS according to *By-law 1305 on Site Planning and Architectural Integration Programmes*, Council must decide on the opinions of the Committee by way of resolution.

MOVER

Councillor Peart

SECONDER

THAT the Municipal Council act on the opinions of the Planning Advisory Committee (PAC) as set out in the minutes of the special meeting held on November 24, 2021, and adopt for each of them the Site Planning and Architectural Integration Programmes' conditions for the issuance of a permit, as listed in the following items:

- CCUS-2021-11-24-01 to CCUS-2021-11-24-11 of the agenda of the special PAC meeting held on November 24, 2021.

21. NEW BUSINESS

21.1. CONTRACT RENEWAL - RENTAL OF TWO (2) TRAILERS - COVID-19 (DDP-2020-002)

WHEREAS a request for proposals was sent for the rental of two (2) trailers - COVID-19 (request for proposals No. DDP-2020-002) 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 as a result of the COVID-19, the City of Westmount was required to rent two (2) trailers from Williams Scotsman of Canada, Inc. to accommodate the various blue collar teams that need to be spaced in various bubbles;

WHEREAS at the time of the original purchase order, it was impossible to foresee that the sanitary measures related to COVID-19 would still be in effect;

WHEREAS, with the extension of the sanitary measures, the Director of Public Works recommends renewal of said contract for a period of six (6) months, from December 21, 2021, to June 22, 2022.

MOVER
SECONDER

Councillor Bostock

TO authorize the renewal of the contract awarded to Williams Scotsman of Canada, Inc. under request for proposals DDP-2020-002 for the rental of two (2) trailers - COVID-19 for a period of six (6) months, from December 21, 2021, to June 22, 2022, for a maximum amount of \$14,190.00, plus taxes;

To allocate this expenditure in accordance with the financial information included in the decision-making file No. 2021-1440.

21.2. CALL FOR PUBLIC TENDERS - RENTAL OF 12-WHEEL TRUCKS WITH OPERATOR FOR SNOW LOADING - CITY OF WESTMOUNT (PUB-2021-056)

WHEREAS tenders were publicly opened on December 17, 2021 for the rental of 12-wheel trucks with operator for snow loading - City of Westmount (Tender No. PUB-2021-056) and minutes prepared by the City Clerk's Office are submitted at this meeting;

WHEREAS the need for this project is for a total of twenty-two (22) trucks and the two (2) lowest bids combined were able to provide the total required;

WHEREAS following the analysis of the open tenders, Transport Sud-Ouest inc. and Pep-Vrac inc. are the two (2) lowest conforming bidders as it appears from the report prepared by the Purchasing Manager, which is submitted at this meeting.

MOVER
SECONDER

Councillor Bostock

To authorize an expenditure in the amount of \$96,394.06 including tax credits, for the 2021 fiscal year, for the rental of 12-wheel trucks with operator for snow removal - City of Westmount (Tender No. PUB-2021-056);

To award to Transport Sud-Ouest inc. the contract for this purpose at its bid price, for a minimum amount of \$ 114,000.00, including taxes, and a maximum amount of 375,606.00, including taxes, the whole in conformity with the contractual documents of the call for tenders PUB-2021-056;

To award to Pep Vrac inc. the contract for this purpose at its bid price, for a minimum amount of \$ 95,000.00, plus taxes, and a maximum amount of \$313,005.00, plus taxes, the whole in conformity with the contractual documents of the call for tenders PUB-2021-056;

To allocate this expenditure in accordance with the financial information included in the decision-making file No. 2021-1441.

22. SECOND QUESTION PERIOD

23. CLOSING OF THE SITTING