



**AGENDA
REGULAR MUNICIPAL COUNCIL MEETING
OF THE CITY OF WESTMOUNT
MONDAY, DECEMBER 18, 2023**

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 Kez

SECONDER

THAT the agenda of the regular Council sitting of December 18, 2023, be adopted with the adoption of the following items under New Business:

- 32.1. Appointment - Director - Legal Services and City Clerk's Office;
- 32.2. Collective agreement 2023-2027 - *Syndicat des fonctionnaires municipaux de Montréal*;
- 32.3. Transaction - SM Construction Inc.

5. CONFIRMATION OF MINUTES

MOVER

Councillor Kez

SECONDER

THAT the minutes of the regular Council sitting held on December 4, 2023, be approved.

6. REPORTS TO COUNCIL

6.1. CORRESPONDENCE

Mayor Smith

The following documents are tabled:

- By-law 04-047-255 of the City of Montreal: *Règlement modifiant le plan d'urbanisme de la Ville de Montréal (04-047)*;
- The certificate of publication for the notice concerning the entry into force of By-law 04-047-255.

6.2. MINUTES OF THE GENERAL COMMITTEE OF COUNCIL

Councillor Kez

The minutes of the General Committee of Council meeting held on November 20, 2023, are tabled and are available on the City's website.

7. MODIFICATION TO THE 2024 REGULAR COUNCIL SITTING SCHEDULE

WHEREAS pursuant to Section 319 of the *Cities and Towns Act* (CQLR, c. C-19), Council may decide that a regular sitting is to begin on a date other than that specified in the schedule;

WHEREAS, on November 20, 2023, Council adopted the schedule of the regular Council sittings for the year 2024 (Resolution No. 2023-11-298);

WHEREAS it is appropriate to amend the time of the regular Council sittings for 2024.

MOVER

Councillor Kez

SECONDER

THAT the schedule for the regular Council sittings (Resolution No. 2023-11-298) be amended so that the regular sittings of Council scheduled for 2024 start at 7:00 p.m.;

THAT a notice be published to this effect, in accordance with the *Cities and Towns Act*.

8. EQUAL ACCESS TO EMPLOYMENT PROGRAM - ADOPTION OF THE IMPLEMENTATION REPORT - IMPLEMENTATION 04

WHEREAS a municipality subject to an *Act respecting equal access to employment in public bodies* (CQLR, c. A-2.01) shall conduct a workforce analysis to determine, for each type of employment, the number of persons in each of the groups covered by the Act;

WHEREAS Council approved the implementation of the equal access to employment program to increase the representation of each target group concerned in the workforce and to correct practices in employment systems (Resolution No. 2009-02-20);

WHEREAS in accordance with section 20 of the Act, the municipality shall report to the *Commission des droits de la personne et des droits de la jeunesse* on the implementation of the program, the measures taken and the goals achieved.

MOVER

Councillor Shamie

SECONDER

THAT the *Equal Access Employment Program Implementation Report* be adopted.

9. INTERIM APPOINTMENT - PENSION PLAN COMMITTEE FOR THE OFFICERS AND THE EMPLOYEES OF THE CITY OF WESTMOUNT

WHEREAS, in accordance By-law 1530 entitled "*Règlement concernant le régime de retraite pour les fonctionnaires et les employés de la Ville de Westmount – Refonte au 1^{er} janvier 2014*", the Pension Plan Committee for the Officers and the Employees of the City of Westmount shall consist of four (4) members representing the Employer;

WHEREAS Ms. Annie-Claude Cérat, Director of the Human Resources Department, was appointed as member representing the Employer on said Pension Plan Committee, for a three-year term (Resolution No. 2023-05-132);

WHEREAS it is deemed necessary to appoint an interim member representing the Employer in the absence of Ms. Cérat.

MOVER

Councillor Shamie

SECONDER

THAT Ms. Laurie Meloche be appointed as interim member representing the Employer on the Pension Plan Committee for the officers and the employees of the City of Westmount, for a one-year term, in 2024, all in accordance with By-law 1530 entitled "*Règlement concernant le régime de retraite pour les fonctionnaires et les employés de la Ville de Westmount – Refonte au 1^{er} janvier 2014*".

10. APPOINTMENT - DIRECTOR - CULTURE, SPORTS, RECREATION, AND SOCIAL DEVELOPMENT

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 - Culture, Sports, Recreation, and Social Development was created to offer cultural, sports, community, recreation and social development programs, activities and events that enhance the quality of life of residents;

WHEREAS the Director of Human Resources recommends the appointment of Mr. David Lapointe to the position of Director - Culture, Sports, Recreation, and Social Development.

MOVER

Councillor Gallery

SECONDER

THAT Mr. David Lapointe be appointed to the position of Director - Culture, Sports, Recreation, and Social Development, grade 3, effective January 1, 2024, in accordance with the salary recommendation stipulated in the decision-making file No. 2023-2128 and according to the terms provided for in the *Working Conditions and Remuneration of Management Personnel*.

11. APPOINTMENTS - INTERIM DIRECTOR AND INTERIM ASSISTANT DIRECTOR - HUMAN RESOURCES 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 the Director of Human Resources will be absent during the year 2024;

WHEREAS the Director of Human Resources recommends the appointments of Mr. Roslane Mediouni as Interim Director and of Mr. Richard Pires as Interim Assistant Director of the Human Resources Department.

MOVER
SECONDER

Councillor Shamie

THAT Mr. Roslane Mediouni be appointed to the position of Interim Director of the Human Resources Department, effective January 4, 2024, until the return of the Director of the Human Resources Department; and

THAT Mr. Richard Pires be appointed to the position of Interim Assistant Director of the Human Resources Department, effective January 4, 2024, until the return of the Director of the Human Resources Department

all in accordance with the salary recommendation stipulated in the decision-making file No. 2023-2114 and according to the terms provided for in the *Working Conditions and Remuneration of Management Personnel*.

12. TERMS AND CONDITIONS FOR THE PAYMENT OF THE GOVERNMENT CONTRIBUTION UNDER THE GAS TAX AND QUÉBEC CONTRIBUTION PROGRAMME (TECQ) FOR THE YEARS 2019 TO 2024

WHEREAS the City has examined the *Guide relatif aux modalités de versement de la contribution gouvernementale dans le cadre du programme de la taxe sur l'essence et de la contribution du Québec* (TECQ) pour les années 2019 à 2024 and its annexes;

WHEREAS the City must comply with the terms and conditions of this guide that apply in its situation in order to receive the governmental financial assistance which was confirmed in a letter from *La Ministre des Affaires municipales et de l'Habitation* to that effect.

MOVER
SECONDER

Councillor Peart

THAT the City of Westmount commit to complying with the terms and conditions of the *Guide relatif aux modalités de versement de la contribution gouvernementale dans le cadre du programme de la taxe sur l'essence et de la contribution du Québec* (TECQ) pour les années 2019 à 2024 that apply in its case;

THAT the City of Westmount commit to being the sole body in charge and to release the governments of Canada and Québec, as well as their ministers, senior officials, employees and agents, of any responsibility relating to claims, requirements, losses, damages, and costs of any kind based on an injury inflicted to a person, the death of this person, any damages done to property or the loss of property attributable to a deliberate or careless act ensuing directly or indirectly from the investments made through the financial assistance obtained under the 2019-2024 TECQ program;

THAT the City of Westmount approve the content and authorize the transmission of the schedule of works No. 4 attached herewith to the *Ministère des Affaires municipales et de l'Habitation* and of all other documents required by the Ministère, in order to receive the government contribution which was confirmed in a letter of the *Ministère des Affaires municipales et de l'Habitation* to that effect;

THAT the City of Westmount commit to achieving the minimum capital work imposed to him for the entire five years of the program;

THAT the City of Westmount commit to informing the *Ministère des Affaires municipales et de l'Habitation* of any modification made to the schedule of works approved under the present resolution;

THAT the City of Westmount hereby certify that, as per this resolution, the schedule of work No. 4 attached herewith includes the true expenditures incurred.

13. AGREEMENT - ACCESS TO WESTMOUNT'S SPORTS AND RECREATION FACILITIES - TRADAU AREA

WHEREAS the City of Westmount had an agreement with the Ville-Marie Borough for residents of the "Tradau" area to have access to the City of Westmount's recreational service;

WHEREAS there has been a continued offering of services to the Tradau area residents since 1997 but no written agreement between the City of Westmount and the Ville-Marie Borough since 2006;

WHEREAS the City of Westmount wishes to continue to offer the residents of the Tradau area access to the City's sports and recreation facilities, as well as its programs.

MOVER

Councillor Gallery

SECONDER

THAT the City of Westmount continue to offer the residents of the Tradau area access to City of Westmount's sports and recreation facilities, as well as its programming.

14. APPROVAL OF A SYSTEM OF BID WEIGHTING AND EVALUATING - CALL FOR TENDERS - REPLACEMENT OF THE WATER TOWER AT THE WESTMOUNT RECREATION CENTRE (PUB-2024-001)

WHEREAS according to sections 573.1.0.1.1 and 573.1.0.1.2 of the *Cities and Towns Act* (CQLR, c. C-19), where a contract for professional services is to be awarded, the council must use a system of bid weighting and evaluating;

WHEREAS the current system of bid weighting and evaluating does not provide a basis to evaluate the bids that will be received for such a mandate;

WHEREAS the Engineering Department recommends a new system of bid weighting and evaluating to ensure a transparent, fair process that meets the highest quality standards.

MOVER

Councillor Peart

SECONDER

THAT the City adopt the attached system of bid weighting and evaluating for a call for tenders relating to the replacement of the water tower at the Westmount Recreation Centre (PUB-2024-001).

15. REQUEST FOR PROPOSALS - PROFESSIONAL SERVICES - MOBILITY AND SAFETY STUDY OF UPPER LANSDOWNE, UPPER BELMONT, LANSDOWNE RIDGE AVENUES AND SURROUNDING AREA (DDP-2023-051)

WHEREAS a request for proposals was sent for professional services for a mobility and safety study of Upper Lansdowne, Upper Belmont, Lansdowne Ridge Avenues and surrounding area (request for proposals No. DDP-2023-051), 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, Intervia Group Inc. is the selected bidder.

MOVER

Councillor Kez

SECONDER

To award to Intervia Group Inc. the contract for professional services for a mobility and safety study of Upper Lansdowne, Upper Belmont, Lansdowne Ridge Avenues and surrounding area (request for proposals No. DDP-2023-051), in accordance with its proposal, for a maximum amount of \$63,063.79, including taxes, the whole in conformity with the contractual documents of the request for proposals DDP-2023-051;

To allocate this expenditure in accordance with the financial information included in the decision-making file No. 2023-2118.

16. REQUEST FOR PROPOSALS - PURCHASE OF A FULL-SIZE UTILITY VAN, ELECTRIC MOTOR, THREE (3) PASSENGER CAB, LONG BOX AND ROOF EXTENSION, YEAR 2023 OR LATER (DDP-2023-060)

WHEREAS a request for proposals was sent for the purchase of a full-size utility van, electric motor, three (3) passenger cab, long box and roof extension, year 2023 or later (request for proposals No. DDP-2023-060), 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, Terrebonne Ford Inc. is the selected bidder.

MOVER

Councillor Aronson

SECONDER

To authorize an expenditure in the amount of \$85,404.71, including tax credits, for the purchase of a full-size utility van, electric motor, three (3) passenger cab, long box and roof extension, year 2023 or later (request for proposals No. DDP-2023-060);

To award to Terrebonne Ford Inc. the contract for this purpose in accordance with its proposal, for a maximum amount of \$93,529.29, including taxes, the whole in conformity with the contractual documents of the request for proposals DDP-2023-060;

To allocate this expenditure in accordance with the financial information included in the decision-making file No. 2023-2109.

17. CALL FOR PUBLIC TENDERS - PURCHASE OF MEDIUM-VOLTAGE POWER TRANSFORMERS (PUB-2023-035)

WHEREAS tenders were publicly opened on November 24, 2023, for the purchase of medium-voltage power transformers (Tender No. PUB-2023-035), and minutes prepared by the City Clerk's Office are submitted to this meeting;

WHEREAS, following the analysis of the opened tenders, *Transmag Énergie inc.* is the lowest conforming bidder as it appears from the report prepared by the Purchasing Manager, which is submitted at this meeting.

MOVER
SECONDER

Councillor Shamie

To authorize an expenditure in the amount of \$1,081,002.08, including tax credits, for the purchase of medium-voltage power transformers (Tender No. PUB-2023-035);

To award to *Transmag Énergie inc.* the contract for this purpose at its bid price, for a maximum amount of \$1,242,882.14, including taxes, the whole in conformity with the contractual documents of the call for tenders PUB-2023-035;

To allocate this expenditure in accordance with the financial information included in the decision-making file No. 2023-2097.

18. CALL FOR PUBLIC TENDERS - COLLECTION AND TRANSPORTATION OF HOUSEHOLD WASTE AND FOOD RESIDUES (PUB-2023-039)

WHEREAS tenders were publicly opened on November 17, 2023, for the collection and transportation of household waste and food residues (Tender No. PUB-2023-039), and minutes prepared by the City Clerk's Office are submitted to this meeting;

WHEREAS, following the analysis of the opened tenders, Derichebourg Canada Environment Inc. is the lowest conforming bidder as it appears from the report prepared by the Purchasing Manager, which is submitted at this meeting.

MOVER
SECONDER

Councillor Bostock

To award to Derichebourg Canada Environment Inc. the contract for the collection and transportation of household waste and food residues (Tender No. PUB-2023-039), at its bid price, for a maximum amount of \$1,064,945.49, including taxes, the whole in conformity with the contractual documents of the call for tenders PUB-2023-039;

To allocate this expenditure in accordance with the financial information included in the decision-making file No. 2023-2103.

19. CALL FOR PUBLIC TENDERS - DISPOSAL OF STREET SWEEPER RESIDUES FOR THE CITY OF WESTMOUNT (PUB-2023-052)

WHEREAS tenders were publicly opened on November 17, 2023, for the disposal of street sweeper residues for the City of Westmount (Tender No. PUB-2023-052), and minutes prepared by the City Clerk's Office are submitted to this meeting;

WHEREAS, following the analysis of the opened tenders, *Recyclage Notre-Dame inc.* is the lowest conforming bidder as it appears from the report prepared by the Purchasing Manager, which is submitted at this meeting.

MOVER
SECONDER

Councillor Bostock

To award to *Recyclage Notre-Dame inc.* the contract for the disposal of street sweeper residues for the City of Westmount (Tender No. PUB-2023-052), at its bid price, for a maximum amount of \$68,410.12, including taxes, the whole in conformity with the contractual documents of the call for tenders PUB-2023-052;

To allocate this expenditure in accordance with the financial information included in the decision-making file No. 2023-2115.

20. CALL FOR PUBLIC TENDERS - CANCELLATION OF THE CALL FOR PUBLIC TENDERS PUB-2023-045

WHEREAS according to sections 573.1.0.1.1 and 573.1.0.1.2 of the *Cities and Towns Act* (CQLR, c. C-19), where a contract for professional services is to be awarded, the council must use a system of bid weighting and evaluating;

WHEREAS tenders were publicly opened on November 3, 2023, for the rehabilitation project for the former Westmount train station - technical assessment and preliminary program (Tender No. PUB-2023-045), and minutes prepared by the City Clerk's Office are submitted to this meeting;

WHEREAS, following the analysis of the opened tenders, the prices of the bidders having obtained the required score are deemed too high, as it appears from the report prepared by the Purchasing Manager, which is submitted at this meeting.

MOVER

Councillor Peart

SECONDER

THAT the two (2) tenders having obtained the required score as a result of the call for tenders bearing number PUB-2023-045 for the contract for the rehabilitation project for the former Westmount train station - technical assessment and preliminary program, be rejected on the basis that the prices received are too high.

21. MODIFICATION OF A CONTRACT - BANK OF HOURS FOR PROFESSIONAL SERVICES - EXTERNAL SUPPORT FOR LEGAL SERVICES AND CITY CLERK'S OFFICE

WHEREAS on September 9, 2021, Council awarded the contract 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 *Bélanger Sauvé, S.E.N.C.R.L.* (Resolution No. 2021-09-207);

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

WHEREAS the firm's support is still deemed necessary in order to properly serve residents and ensure that legal files follow their course.

MOVER

Councillor Shamie

SECONDER

THAT an additional expenditure be authorized in the amount of \$91,980.00, including taxes, for the bank of hours for professional services - external support for the Legal Services and City Clerk's Office with *Bélanger Sauvé, S.E.N.C.R.L.* (Resolution No. 2021-09-207);

To allocate this expenditure in accordance with the financial information included in the decision-making file No. 2023-2126.

22. RENEWAL OF A CONTRACT - SOFTWARE MAINTENANCE AND SUPPORT

WHEREAS, in accordance with Section 573.3 of the *Cities and Towns Act* (CQLR c. C-19), the Director of Digital Information Technologies recommends renewing the contract for the period from January 1 to December 31, 2024.

MOVER
SECONDER

Councillor Roux

To authorize the renewal of the contract awarded to PG Solutions Inc., for software maintenance and support, for the period from January 1 to December 31, 2024, for a maximum amount of \$115,169.31, including taxes, the whole in accordance with the financial information included in the decision-making file No. 2023-2121.

23. RENEWAL OF A CONTRACT - ESRI ENTERPRISE AGREEMENT FOR SMALL MUNICIPALITIES - ARCGIS

WHEREAS the Municipal Council awarded the contract for the purchase of licences from Environmental Systems Research Institute, Inc. (ESRI) under the Esri enterprise agreement for small municipalities (SG-EA) for the City of Westmount, to Esri Canada Limited (Resolution No. 2021-04-69);

WHEREAS Esri Canada Limited is the only supplier designated by Environmental Systems Research Institute, Inc. (ESRI), the manufacturer, for the sale of licences of Environmental Systems Research Institute, Inc. (ESRI);

WHEREAS, in accordance with Section 573.3 of the *Cities and Towns Act* (CQLR c. C-19), the Director of Digital Information Technologies recommends renewing the contract for the ArcGIS software maintenance and support, in 2024, for a period one (1) year.

MOVER
SECONDER

Councillor Roux

To authorize the renewal of the contract for the ArcGIS software maintenance and support to Esri Canada Limited, as part of the contract for the purchase of licences from Environmental Systems Research Institute, Inc. (ESRI) (Resolution No. 2021-04-69) for 2024, for a period one (1) year, for a maximum amount of \$19,452.45, including taxes, the whole in accordance with the financial information included in the decision-making file No. 2023-2123.

24. NOTICE OF MOTION - BY-LAW 1613 FURTHER AMENDING BY-LAW 726 CONCERNING STREET TRAFFIC AND BY-LAW 1498 ON PAID PARKING

NOTICE OF MOTION

Councillor Kez to give notice of the intention to submit for adoption at a subsequent meeting of Council, By-law No. 1613 entitled *By-law further amending By-law 726 concerning street traffic and By-law 1498 on paid parking*.

Councillor Kez to table the draft of said by-law.

OBJECT

The object of this by-law is to increase the fine rates for parking and traffic violations.

A copy of the draft by-law is available for public consultation.

25. NOTICE OF MOTION - BY-LAW 1614 TO IMPOSE AND LEVY A TAX AND A COMPENSATION FOR THE 2024 FISCAL YEAR

NOTICE OF MOTION

Councillor Shamie to give notice of the intention to submit for adoption at a subsequent meeting of Council, By-law No. 1614 entitled *By-law to impose and levy a tax and a compensation for the 2024 fiscal year*.

Councillor Shamie to table and present the draft of said by-law.

OBJECT

The object of this by-law is to impose and levy a tax and compensation for the 2024 fiscal year.

A copy of the draft by-law is available for public consultation.

26. ADOPTION - BY-LAW 1612 TO ESTABLISH TARIFFS FOR THE 2024 FISCAL YEAR

Substitute City Clerk

The Substitute City Clerk to report that copies of the by-law have been remitted to all members of Council and are available for public reference in due course.

OBJECT

The Substitute City Clerk to explain that the object of this by-law is to establish the tariffs and user fees to be charged during the 2024 fiscal year.

MODIFICATIONS

The Substitute City Clerk to explain that modifications were made to the draft by-law:

- Sections 2 and 8 have been modified to add definitions and tariffs, respectively, relating to the Tradau membership;
- Annex III has been added.

A copy of the modified draft by-law is available for public consultation.

Mayor Smith

Declaration by each member of Council present that he or she has read the by-law.

MOVER

SECONDER

Councillor Shamie

THAT By-law No. 1612 entitled *By-law to establish tariffs for the 2024 fiscal year* be adopted.

Declaration

Mayor Smith

THAT By-law No. 1612 entitled *By-law to establish tariffs for the 2024 fiscal year* having been duly adopted; it is ordered that notices be given as required by law.

27. TABLING OF THE PLANNING ADVISORY COMMITTEE MINUTES - NOVEMBER 2023

WHEREAS the Planning Advisory Committee (PAC) held the regular meeting for November 2023 on November 14 and November 16, 2023 as well as a special meeting pertaining to minor exemption applications, on November 14, 2023, and minutes are submitted to this Council sitting;

WHEREAS the main role of the PAC 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* (CQLR, c. A-19.1) and on any other application in matters of land use planning and development that is submitted to it by Council.

**MOVER
SECONDER**

Councillor Peart

THAT Council acknowledge and accept the minutes of the regular Planning Advisory Committee (PAC) meeting of November 2023 held on November 14 and November 16, 2023, as well as the minutes of the special meeting pertaining to minor exemption applications held on November 14, 2023.

28. APPROVAL OF SITE PLANNING AND ARCHITECTURAL INTEGRATION PROGRAMMES (S.P.A.I.P.) - NOVEMBER 2023

WHEREAS the minutes of the regular meeting of the Planning Advisory Committee (PAC) of November 2023, were tabled at this sitting;

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

WHEREAS the PAC has issued recommendations regarding these applications, as stated in the minutes of the regular meeting of November 2023.

**MOVER
SECONDER**

Councillor Peart

THAT the Municipal Council act on the recommendations of the Planning Advisory Committee (PAC) as set out in the minutes of its regular meeting held on November 14 and November 16, 2023, and approve, with respect to each of them, the plans and permit conditions attached to items listed below:

NOVEMBRE 2023 – RECOMMANDATIONS FAVORABLES				
NOVEMBER 2023 – FAVORABLE RECOMMENDATIONS				
Point de l'ordre du jour / <i>Agenda Item Number</i>	Numéro de demande / <i>Application Number</i>	Emplacement / Location		Type de demande de permis / <i>Type of Permit Application</i>
		Numéro civique / <i>Civic Number</i>	Voie publique / <i>Public Way</i>	
CCU 23-11.01	2021-01681	100	SUMMIT CIRCLE	Rénovations extérieures Exterior renovations
CCU 23-11.03	2022-01441	200	KENSINGTON	Enseigne Signage
CCU 23-11.05	2023-00255	494	GROSVENOR	Rénovations extérieures Exterior renovations
CCU 23-11.07	2023-00524	3	COTE-ST-ANTOINE	Rénovations extérieures Exterior renovations
CCU 23-11.08	2023-00728	54	ABERDEEN	Fenêtres et portes Windows and doors
CCU 23-11.09	2023-00732	66	FORDEN	Fenêtres et portes Windows and doors
CCU 23-11.10	2023-00813	4898	MAISONNEUVE OUEST	Nouvelle construction bâtiment New building construction
CCU 23-11.14	2023-00942	107	IRVINE	Rénovations extérieures Exterior renovations
CCU 23-11.16	2023-01024	4840	STE-CATHERINE OUEST	Rénovations extérieures Exterior renovations
CCU 23-11.19	2023-01069	4338	MONTROSE	Fenêtres et portes Windows and doors
CCU 23-11.20	2023-01080	478	COTE-ST-ANTOINE	Fenêtres et portes Windows and doors
CCU 23-11.21	2023-01085	4458	STE-CATHERINE OUEST	Enseigne Signage
CCU 23-11.22	2023-01087	348	LANSDOWNE	Fenêtres et portes Windows and doors
CCU 23-11.24	2023-01112	27	BURTON	Fenêtres et portes Windows and doors
CCU 23-11.26	2023-01124	27	BARAT	Fenêtres et portes Windows and doors
CCU 23-11.27	2023-01127	40	CHURCH HILL	Toiture Roof
CCU 23-11.28	2023-01133	65	PROSPECT	Agrandissement jusqu'à 40 mètres carrés Addition up to 40 square metres

CCU 23-11.29	2023-01135	577	LANSDOWNE	Rénovations extérieures Exterior renovations
CCU 23-11.31	2023-01149	1	WOOD, APT. 1003	Fenêtres et portes Windows and doors
CCU 23-11.32	2021-01549	245	CLARKE	Fenêtres et portes Windows and doors
CCU 23-11.33	2023-00737	26	MELBOURNE	Aménagement paysager Landscaping

29. DENIAL OF SITE PLANNING AND ARCHITECTURAL INTEGRATION PROGRAMME (S.P.A.I.P.)

WHEREAS the minutes of the regular meeting of the Planning Advisory Committee (PAC) for the month of November 2023, held on November 14 and November 16, 2023, were tabled at this sitting;

WHEREAS the main role of the PAC is to analyze and give recommendations on any request that must be submitted to it in accordance with the *Act respecting land use planning and development* (CQLR, c. A-19.1) and on any other application in matters of land use planning and development that is submitted to it by Council;

WHEREAS an application has been submitted by the applicant under *By-law 1305 on Site Planning and Architectural Integration Programmes*;

WHEREAS said application does not meet the objectives and criteria of By-law 1305;

WHEREAS the PAC has issued an unfavourable recommendation regarding said application, as stated in the minutes of the regular meeting of November 2023;

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

MOVER

Councillor Peart

SECONDER

THAT the Municipal Council act on the unfavourable recommendation of the Planning Advisory Committee (PAC), as set out in the minutes of the regular meeting of November 2023 held on November 14 and November 16, 2023, 2023, in item CCU 23-11.02 of the agenda of said meeting.

30. MINOR EXEMPTION APPLICATION - 120 IRVINE AVENUE

WHEREAS the City of Westmount's *By-law 1576 on minor exemptions* was adopted on September 20, 2021;

WHEREAS a minor exemption must comply with the objectives of the Planning Programme;

WHEREAS the exemption shall be considered minor, in quantitative terms, in terms of environmental impact, and architectural terms;

WHEREAS the application of the regulatory provisions targeted by the application shall cause serious harm to the person requesting the minor exemption;

WHEREAS the exemption shall not hinder the owners of neighbouring properties in the enjoyment of their right of ownership;

WHEREAS the exemption shall not exacerbate safety or public health risks or affect the quality of the environment or general well-being;

WHEREAS the minor exemption application aims to regularize the siting of an existing main building and the siting of an existing staircase;

WHEREAS the Planning Advisory Committee (PAC) is of the opinion that the impact is minor, given that, following the loss of acquired rights, the proposed stairs have the same surface area as the original stairs;

WHEREAS the Planning Advisory Committee (PAC) is of the opinion that it would be impossible to build stairs that would respect both the *Construction Code* and *Zoning By-law 1303*.

MOVER

Councillor Peart

SECONDER

THAT the preamble be an integral part of this resolution;

THAT Council approve the minor exemption application to regularize:

- the siting of an existing main building whose building line is measured at 3.43 metres (11.25 feet) from the front lot line, even though Division 5.2 of *Zoning By-law 1303* provides for a minimum building line of 4.57 metres (15.00 feet) on the west side of Irvine Avenue (encroachment of 1.14 metres [3.75 feet]); and
- the siting of an existing staircase whose bottom step is measured at 0.60 metres (1.96 feet) from the front lot line, even though Subdivision 5.2.3 stipulates that a staircase may encroach into the space between a street and the building line provided it remains within 1.83 metres (6.00 feet) of the street line (encroachment of 1.23 metres [4.04 feet]);

the whole, as demonstrated by the siting of the main building illustrated by land surveyor Talel Mahfoudh in the certificate of location completed on September 2, 2020 (file 12946-1, minute 1462) and the siting of the staircase measured by the Urban Planning Department on November 13, 2023.

31. MINOR EXEMPTION APPLICATION - 473 ROSLYN AVENUE

WHEREAS the City of Westmount's *By-law 1576 on minor exemptions* was adopted on September 20, 2021;

WHEREAS a minor exemption must comply with the objectives of the Planning Programme;

WHEREAS the exemption shall be considered minor, in quantitative terms, in terms of environmental impact, and architectural terms;

WHEREAS the application of the regulatory provisions targeted by the application shall cause serious harm to the person requesting the minor exemption;

WHEREAS the exemption shall not hinder the owners of neighbouring properties in the enjoyment of their right of ownership;

WHEREAS the exemption shall not exacerbate safety or public health risks or affect the quality of the environment or general well-being;

WHEREAS the minor exemption application aims to regularize the siting of a main building of which the foundation was shifted during the construction work, as demonstrated by land surveyor Bruno Arbour in his plan showing the foundation after siting, completed on October 11, 2023 (File AMTL-239417-6, Minute No. 0479);

WHEREAS the distance of the building line for the main building is measured at 4.77 metres (15.65 feet) from the front lot line, despite Subdivision 5.2.3 of *Zoning By-law 1303* providing for a building line of at least 5.18 metres (17.00 feet) for Roslyn Avenue (encroachment of 0.41 metres [1.35 feet]);

WHEREAS the Planning Advisory Committee (PAC) is of the opinion that:

- the application of the regulatory provisions would require the demolition of the derogatory foundations and the work carried out to date, which represents a serious harm; certain members of the PAC not considering a deviation of 0.41 metres (1.35 feet) to be a minor error;
- the minor exemption would not entail any architectural changes in relation to the approved plans, and the visual perspectives demonstrating the siting of the building in its environment do not show any inconsistencies;
- the applicant appears to be acting in good faith, considering his reaction following the discovery of the error on site.

MOVER
SECONDER

Councillor Peart

THAT the preamble be an integral part of this resolution;

THAT Council approve the minor exemption application aimed to regularize the location of the main building for which the building line is measured at 4.77 metres (15.65 feet) from the front property line, despite Division 5.2 of *Zoning By-law 1303* requiring a minimum building line of 5.18 metres (17.00 feet) for Roslyn Avenue (encroachment of 0.41 metres [1.35 feet])

all as demonstrated by Bruno Arbour, land surveyor, in his plan dated October 11, 2023 (file AMTL-239417-6, minute 0479).

32. NEW BUSINESS

32.1. 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 the Legal Services and City Clerk's Office is currently vacant;

WHEREAS the Director of Human Resources recommends the appointment of Julia Levitin to the position of Director of the Legal Services and City Clerk's Office.

MOVER

Councillor Shamie

SECONDER

THAT Julia Levitin be appointed to the position of Director of the Legal Services and City Clerk's Office, grade 3, effective January 22, 2024, in accordance with the salary recommendation stipulated in the decision-making file No. 2023-2137 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. Levitin has completed a probationary period in accordance with Section 2 of the *Working Conditions and Remuneration of Management Personnel*.

32.2. COLLECTIVE AGREEMENT 2023-2027 - SYNDICAT DES FONCTIONNAIRES MUNICIPAUX DE MONTRÉAL

WHEREAS the collective agreement between the City of Westmount and the *Syndicat des fonctionnaires municipaux de Montréal* (SCFP) expired on December 31, 2022;

WHEREAS on July 28, 2023, an agreement was reached in principle between the parties;

WHEREAS the Director of Human Resources recommends the approval of the Municipal Council for said agreement.

MOVER

Councillor Shamie

SECONDER

THAT the collective agreement for the municipal officers be ratified for the period from January 1, 2023 to December 31, 2027;

To authorize all expenses related to the retroactive payment as of January 1, 2023, in accordance with decision-making file No. 2023-2139;

THAT the Mayor, the Director General, the Director of Human Resources, the Assistant Director of Human Resources and the Director of Sports and Recreation be authorized to sign the new collective agreement, for and in the name of the City.

32.3. TRANSACTION - SM CONSTRUCTION INC.

WHEREAS SM Construction Inc. has filed a Statement of Claim against the City of Westmount before the Court of Quebec, Civil Division, District of Québec, under Court File No. 200-22-093807-238;

WHEREAS a default judgment was rendered against the City of Westmount on October 5, 2023.

MOVER
SECONDER

Councillor Shamie

THAT the City of Westmount pay the amount of \$48,866.51 in execution of the judgment in the Court of Quebec, Civil Division, District of Quebec file No. 200-22-093807-238, in accordance with the decision-making file No. 2023-2133.

33. SECOND QUESTION PERIOD

34. CLOSING OF THE SITTING

The Mayor declares the sitting closed.