

**MINUTES OF THE SPECIAL MEETING OF THE CITY COUNCIL HELD ON
WEDNESDAY, MAY 25, 2011, AT 5801 CAVENDISH BOULEVARD,
CÔTE SAINT-LUC, AT 7:00 P.M.**

PRESENT:

Mayor Anthony Housefather, B.C.L., L.L.B, M.B.A. presiding
Councillor Dida Berku, B.C.L.
Councillor Mitchell Brownstein, B. Comm., B.C.L., L.L.B.
Councillor Mike Cohen, B.A.
Councillor Sam Goldbloom, B.A.
Councillor Ruth Kovac, B.A.
Councillor Allan J. Levine, B.Sc., M.A., DPLI

ALSO PRESENT:

M^e Cheri Bell, Assistant City Clerk, acted as Secretary of the
meeting

QUESTION PERIOD

Having no residents present there were no questions asked.

110526

APPOINTMENT OF ASSISTANT CITY CLERK

It was

MOVED BY COUNCILLOR MIKE COHEN
SECONDED BY COUNCILLOR SAM GOLDBLOOM

AND RESOLVED

“THAT Cheri Bell be and is appointed Assistant City Clerk when the City
Clerk is absent or unable to act.”

CARRIED UNANIMOUSLY

110527

**RATIFICATION AND AWARDING OF A LEGAL MANDATE TO HEENAN
BLAIKIE S.E.N.C., S.R.L. FOR ALL MATTERS RELATED TO LITIGATION
CONCERNING EMPLOYEE NUMBER 1368**

WHEREAS on April 4, 2011, Arbitrator Diane Sabourin rendered an arbitration
award concerning employee number 1368 (sometimes referred to as “the
Employee”) which the City of Côte Saint-Luc wishes to contest;

WHEREAS said award comprised, *inter alia*, an order of reinstatement of the
dismissed Employee, subject to conditions to be determined, said reinstatement
being a cause of ‘public concern’;

WHEREAS the City of Côte Saint-Luc (“the City”) has availed itself of the Services
of Heenan Blaikie S.E.N.C., S.R.L. to represent its legal interests which includes -
going forward - to contest the said award;

It was

MOVED BY COUNCILLOR RUTH KOVAC
SECONDED BY COUNCILLOR SAM GOLDBLOOM

AND RESOLVED:

"THAT the Côte Saint-Luc City Council ("Council") hereby ratifies and grants a legal Mandate to Heenan Blaikie S.E.N.C., S.R.L., attorneys, to represent the City in all labour-relations matters concerning employee number 1368 including but not limited to, to represent the City before arbitrator Diane Sabourin (under reserve of all of the City's rights and recourses and without prejudice to the City's position that said arbitrator has committed an excess of jurisdiction) and to contest her award rendered on April 4, 2011 before any court of competent jurisdiction;

THAT correlative to the legal mandate granted, Council further authorizes the City to contest by way of Judicial Review and / or any subsequent Appeal the said arbitrator's award;

THAT correlative to the legal mandate granted, Council further authorizes the City to seek a stay of the said arbitrator's award and any related proceedings, notably by way of Motion before the court and / or any subsequent Appeal in respect of same;

That correlative to the preparation of the Judicial Review proceedings, Council hereby authorizes Councillor Dida Berku to provide an affidavit indicating the detailed rationale behind Council's decision to terminate the Employee and its concerns regarding the Employee's possible reinstatement;

THAT Treasurer's certificate number 11-0099 dated May 19, 2011 has been issued by the City Treasurer attesting to the availability of funds to cover the described expenses."

CARRIED UNANIMOUSLY

110528

PUBLIC WORKS – ASPHALT AND STONES

WHEREAS the City of Côte Saint-Luc ("City") wishes to purchase asphalt and stones to repair certain streets within the City;

WHEREAS the City made an invited call for tender under file number C-16-11 and received two conforming tenders from Les Pavages Chenail ("Chenail") and Construction DJL ("DJL") as follows;

	Chenail:	DJL:
1. MB-7 PG 58-28 (finishing asphalt):	\$70.00/ton*	\$80.85/ton
2. MB-6 PG 58-28 (rough surfacing asphalt):	\$65.00/ton*	\$76.85/ton
3. Pierre 0-3/4":	\$16.00/ton*	\$16.25/ton
4. Poussiere de roche:	\$15.00/ton*	\$16.85/ton
5. Pierre 1/2" clean:	\$18.00/ton	\$17.30/ton*

WHEREAS the lowest bidder in each above category is indicated by an asterisk (*);

WHEREAS the City requires a maximum quantity of each of the following to repair the selected streets on an as-prioritized basis:

1. MB-7 PG 58-28 (finishing asphalt):	<u>Maximum Quantity:</u> 200 tons
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- | | |
|---|----------|
| 2. MB-6 PG 58-28 (rough surfacing asphalt): | 100 tons |
| 3. Pierre 0-3/4": | 150 tons |
| 4. Poussiere de roche: | 50 tons |
| 5. Pierre 1/2" clean: | 50 tons |

It was

MOVED BY COUNCILLOR DIDA BERKU
SECONDED BY COUNCILLOR RUTH KOVAC

AND RESOLVED:

"THAT Côte Saint-Luc City Council hereby approves and awards a contract for the purchase of the following products in the following maximum quantities from the following lowest bidder, for the following total pre-tax price:

PRODUCT	MAXIMUM QUANTITY:	LOWEST: BIDDER:	UNIT PRICE:	TOTAL PRICE
1. MB-7 PG 58-28:	200 tons	Chenail	\$70.00	\$14,000.00
2. MB-6 PG 58-28:	100 tons	Chenail	\$65.00	\$ 6,500.00
3. Pierre 0-3/4":	150 tons	Chenail	\$16.00	\$ 2,400.00
4. Poussiere de roche:	50 tons	Chenail	\$15.00	\$ 750.00
5. Pierre 1/2" clean:	50 tons	DJL	\$17.30	\$ 865.00

THAT the City hereby approves a maximum total expenditure of \$24,515.00 plus applicable taxes, as per the above;

THAT Treasurer's certificate number 11-0102 dated May 19, 2011 has been issued by the City Treasurer attesting to the availability of funds to cover the described expenses."

CARRIED UNANIMOUSLY

110529

ADJUDICATION RESOLUTION TO FINANCE A BOND ISSUE IN THE AMOUNT OF \$11,260,000

WHEREAS the City of Côte Saint-Luc intends to issue a series of bonds or one issue per maturity date, pursuant to by-law numbers: 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247 and resolution 060518;

WHEREAS the City of Côte Saint Luc has requested, in this respect, as per intervention of the electronic system of "Financial information of tenders and publication of the results of said loans issued for the purposes of the municipal financing", tenders for the sale of a bond issue, dated June 8, 2011, in the amount of \$11,260,000;

WHEREAS following this request, the City of Côte Saint-Luc has received following tenders hereunder:

Name of Bidder	Bid Price	Amount	Rate	Term	Real Cost
FINANCIÈRE BANQUE NATIONALE		\$122,000	1,60000%	2012	
		\$126,000	2,00000%	2013	
		\$131,000	2,30000%	2014	
		\$135, 000	2,70000%	2015	
		\$10,746,000	3,00000%	2016	
	98,29400				3,36558%
MARCHÉS		\$122,000	1,60000%	2012	

MONDIAUX CIBC INC.		\$126,000	2,05000%	2013	
		\$131,000	2,45000%	2014	
		\$135,000	2,80000%	2015	
		\$10,746,000	3,10000%	2016	
	98,52700				3,41372%
VALEURS MOBILIÈRES DESJARDINS INC.		\$122,000	1,60000%	2012	
		\$126,000	2,00000%	2013	
		\$131,000	2,50000%	2014	
		\$135,000	2,75000%	2015	
		\$10,746,000	3,05000%	2016	
	98,27200				3,42181%
RBC DOMINION VALEURS MOBILIÈRES INC.		\$122,000	1,80000%	2012	
		\$126,000	2,20000%	2013	
		\$131,000	2,60000%	2014	
		\$135,000	2,90000%	2015	
		\$10,746,000	3,20000%	2016	
	98,28820				3,56962%

WHEREAS this offer received from the company FINANCIÈRE BANQUE NATIONALE INC. turned out to be the most advantageous.

It was

MOVED BY COUNCILLOR DIDA BERKU
SECONDED BY COUNCILLOR ALLAN J. LEVINE

AND RESOLVED:

"THAT the bond issue in the amount of \$11,260,000 of the City of Côte Saint-Luc will be awarded to Financière Banque Nationale Inc.;

THAT a request be made to the dealer manager to mandate The Canadian Depository for Securities Limited (CDS) to register this issue in the book-based system;

THAT the Mayor and the Treasurer be authorized to sign the bonds covered by this issue, or one bond per maturity date;

THAT CDS shall be acting as registrar for the book-based system bondholding officer and paying officer in charge of the transactions for the members; the Council authorizes CDS to act as its fiscal authenticator agent, as described in the memorandum of understanding with the Minister of Municipal Affairs and Regions and CDS;

THAT CDS will perform fund transfers in accordance with legal requirements regarding bonds; in this regard, the Council authorises the Treasurer to sign the document required by the Canadian Banking System entitled: "Authorization for a Business Pre-Authorized Debit Plan".

CARRIED UNANIMOUSLY

110530

**RESOLUTION FOR CONCORDANCE OF THE FINANCING OF THE LOAN
BY-LAWS**

WHEREAS the City of Côte Saint-Luc intends to issue a series of bonds, or one issue per maturity date, for an amount of \$11,260,000 pursuant to the following loan by-laws and for the amounts indicated against each one:

Loan By-Laws	In the amount of
#2240	\$468,600
#2241	\$264,200
#2242	\$701,900
#2243	\$184,900
#2244	\$87,800
#2245	\$144,500
#2246	\$94,600
#2247	\$49,500
Resolution 060518	\$9,264,000

WHEREAS, for the purpose of the said issue, it is necessary to modify the by-laws pursuant to which these bonds are issued;

It was

MOVED BY COUNCILLOR DIDA BERKU
SECONDED BY COUNCILLOR ALLAN J. LEVINE

AND RESOLVED:

"THAT the above-mentioned loan by-laws be amended, if necessary, to comply with what is stipulated below regarding the previously determined number of bonds related to the said by-laws in the issue of \$11,260,000;

THAT the bonds or one bond per maturity date be dated June 8, 2011;

THAT these bonds be registered in the name of The Canadian Depository for Securities Limited (CDS) and filed with it;

THAT CDS shall act in the name of its members as a registrar for the book-based system, bondholding officer and paying officer in charge of the transactions for the members as described in the agreement protocol duly signed by the Minister of Municipal Affairs and Regions and CDS;

THAT to make the payments to the members by electronic funds transfers, The Canadian Depository for Securities Limited (CDS) is authorized to make direct withdrawals to pay off the principle and interest in the account in the following financial institution:

Royal Bank of Canada
5755 Cavendish Blvd.
Côte Saint-Luc, Quebec
H4W 2X8

THAT the interest is payable semi annually, on June 8th and December 8th of every year;

THAT the bonds shall not be redeemable before maturity; however, they may be redeemed with the consent of the holders in accordance with the *Act Regarding Municipal Debts and Loans* (R.S.Q., ch. D-7, art. 17);

THAT the bonds shall be signed by the Mayor and the Treasurer. The City of Côte Saint-Luc, as entitled by law, has mandated CDS to act as its fiscal authenticator agent and the bonds will only become valid once they have been authenticated.”

CARRIED UNANIMOUSLY

110531

RESOLUTION FOR A SHORTER-TERM FOR THE FINANCING OF LOAN BY-LAWS

It was

MOVED BY COUNCILLOR DIDA BERKU
SECONDED BY COUNCILLOR ALLAN J. LEVINE

AND RESOLVED:

“THAT, to realize a loan in the total amount of \$11,260,000, pursuant to by-law numbers 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247 and resolution 060518, the City of Côte Saint-Luc issues bonds for a term shorter than the term provided for in the loan by-laws, for a term of:

Five (5) years (as of June 8, 2011); regarding the annual amortization of capital projected for the years 2017 and following, instead of the term prescribed for said amortization for following by-law numbers #2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247 and resolution 060518, every subsequent issue being for the balance or part of the balance of the loan”.

CARRIED UNANIMOUSLY

110532

RESOLUTION TO AUTHORIZE THE CITY TO PAY THE CITY OF MONTREAL THE SUM OF \$12,938,331.45 REPRESENTING THE SECOND INSTALMENT FOR THE 2011 APPORTIONMENT

It was

MOVED BY COUNCILLOR DIDA BERKU
SECONDED BY COUNCILLOR ALLAN J. LEVINE

AND RESOLVED:

“THAT the Côte Saint-Luc City Council approves the payment of \$12,938,331.45 on June 1, 2011 to the City of Montreal representing the 2nd instalment of its 2011 apportionment comprised of the following breakdown:

General Apportionment	\$23,042,963.81
Apportionment for the residual expenses of water service	1,460,807.70
Apportionment of contribution for financial reserve of water service	1,200,388.39
Apportionment of arterial roads debt (2006-2008)	62,319.90
Admissible investments for financing with TECQ	<u>110,183.11</u>
	\$25,876,662.91

THAT Treasurer's certificate No.11-0095 dated May 13, 2011 issued by the City Treasurer attesting to the availability of funds to cover the described expenses.”

CARRIED UNANIMOUSLY

110533

**RESOLUTION TO AUTHORIZE PAYMENT TO THE CITY OF MONTREAL FOR
WATER COST FOR THE YEAR OF 2010**

WHEREAS on May 2, 2011 the City received a Statement from Montreal for their portion of water usage for the period of January 1, 2010 to December 31, 2010 in the amount of \$741,651.59;

It was

MOVED BY COUNCILLOR DIDA BERKU
SECONDED BY COUNCILLOR ALLAN J. LEVINE

AND RESOLVED:

"THAT the Côte Saint-Luc City Council approves the attached invoice from the City of Montreal for the water cost for the abovementioned period in the amount of \$741,651.59;

THAT Treasurer's certificate No.11-0093 dated May 12, 2011 issued by the City Treasurer attesting to the availability of funds to cover the described expenses."
CARRIED UNANIMOUSLY

110534

**RESOLUTION TO AUTHORIZE PAYMENT TO THE CITY OF MONTREAL FOR
WATER COST FOR THE PERIOD OF JANUARY 1, 2011 TO APRIL 19, 2011**

WHEREAS on May 9, 2011 the City received an invoice from Montreal for their portion of water usage for the period of January 1, 2011 to April 19, 2011 in the amount of \$195,015.19;

It was

MOVED BY COUNCILLOR DIDA BERKU
SECONDED BY COUNCILLOR ALLAN J. LEVINE

AND RESOLVED:

"THAT the Côte Saint-Luc City Council approves the attached invoice from the City of Montreal for the water cost for the abovementioned period in the amount of \$195,015.19;

THAT Treasurer's certificate No.11-0094 dated May 13, 2011 issued by the City Treasurer attesting to the availability of funds to cover the described expenses."
CARRIED UNANIMOUSLY

110535

MARCH COMPARATIVE AND 2011 BUDGET UPDATE REPORT

Pursuant to his obligation conferred upon him within article 105.4 of the *Cities and Towns Act*, the City Treasurer filed his comparative statement at tonight's council sitting. The said statements were physically tabled by the Assistant City Clerk. The said statement compares the revenues and expenditures of the current fiscal year and those of the preceding fiscal year received or incurred during the corresponding period.

110536

**URBAN PLANNING – ENGAGEMENT OF PART-TIME ARCHITECT ON AN
INDEPENDENT-CONTRACTOR BASIS**

WHEREAS the City of Côte Saint-Luc (“City”) wishes to engage a part-time architect on an independent-contractor consultant basis;

WHEREAS the City requested quotations under file number Q-13-11 and received one conforming quotation from Denis Asquini Architect in the amount of \$17,000 plus applicable taxes for up to 200 hours of service over a one-year term, to be divided between himself (charged out at \$85/hour for 140 hours) plus his junior staff, as detailed in the Quotation Results in this dossier;

WHEREAS the City undertook negotiations with this sole conforming bidder who, on May 19th, 2011, agreed to provide 12 additional bonus hours with no increase in the total fee.

It was

MOVED BY COUNCILLOR MIKE COHEN
SECONDED BY COUNCILLOR RUTH KOVAC

AND RESOLVED:

“THAT Côte Saint-Luc City Council hereby approves and awards a contract for the engagement of Denis Asquini, architect, on a part-time independent-contractor consultant basis under Quotation File # Q-13-11 for *up to* 200 hours of firm service to include: at least 140 quoted hours plus 12 negotiated additional bonus hours, for a total of at least 152 personal hours (and a maximum of 212 hours);

THAT the City be and is hereby authorized to pay Mr. Asquini’s rate (\$85/hour) and that of his junior staff for actual services rendered charged at their respective hourly rates, up to a total maximum of \$17,000 before taxes;

THAT Treasurer’s certificate number 11-0101 dated May 19, 2011 has been issued by the City Treasurer attesting to the availability of funds to cover the described expenses.”

CARRIED UNANIMOUSLY

110537

LEGAL – PG SOLUTIONS - INTERIM CONDITIONAL PAYMENT

WHEREAS the City of Côte Saint-Luc (“City”) is disputing various invoices of PG Solutions (“PG”) for annual maintenance and support fees charged during 2006-2011 (“Overcharges”) in respect of various software modules licensed by the City from PG;

WHEREAS the City’s first goal and resort is to initiate and reach a negotiated settlement in lieu of litigation in connection with the Overcharges;

WHEREAS in order to foster a positive negotiating climate, it is recommended that the City pay the amount of \$66,871.58 plus applicable taxes to PG toward its 2011 invoices to date for annual maintenance and support for the 2011 year;

WHEREAS this payment would be made without any admission of liability and subject to the execution by PG of a certain Interim Conditional Payment

Agreement effective as of April 29, 2011 ("Agreement") on terms which reserve the rights and recourses of each party, amongst other things;

WHEREAS it is recommended that, provided PG first execute this Agreement, that the City also adopts this Agreement and authorizes the City's Associate General Counsel to sign the same on the City's behalf;

It was

MOVED BY COUNCILLOR ALLAN J. LEVINE
SECONDED BY COUNCILLOR MITCHELL BROWNSTEIN

AND RESOLVED:

"THAT provided PG Solutions ("PG") first signs this Agreement, the Côte Saint-Luc City Council hereby adopts and approves that certain Interim Conditional Payment Agreement effective as of April 29, 2011 ("Agreement") to be entered into with PG;

THAT provided PG first signs this Agreement, the City's Associate General Council be and is hereby authorized to sign this Agreement on the City's behalf;

THAT provided PG first signs this Agreement, that the conditional payment of \$66,871.58 plus applicable taxes, be and is hereby authorized to be paid without admission of liability and subject to the other terms of this Agreement including, without limitation, under reserve of the City's rights and recourses;

THAT Treasurer's Certificate number 11-0100 dated May 19, 2011 has been issued by the City Treasurer attesting to the availability of funds to cover the described expenses."

CARRIED UNANIMOUSLY

110538

APPROVAL OF THE ADJOURNMENT OF THE MEETING

It was

MOVED BY COUNCILLOR RUTH KOVAC
SECONDED BY COUNCILLOR SAM GOLDBLOOM

AND RESOLVED:

"THAT Council hereby authorizes the Mayor to declare the Meeting adjourned."

CARRIED UNANIMOUSLY

**AT 7:25 P.M. MAYOR HOUSEFATHER DECLARED THE MEETING
ADJOURNED.**

ANTHONY HOUSEFATHER
MAYOR

CHERI BELL
ASSISTANT CITY CLERK