

**MINUTES OF THE SPECIAL MEETING OF THE CITY COUNCIL HELD ON
MONDAY, DECEMBER 17, 2012, AT 5801 CAVENDISH BOULEVARD,
CÔTE SAINT-LUC, AT 8:00 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 Steven Erdelyi, B.Sc., B.Ed.
Councillor Sam Goldbloom, B.A.
Councillor Ruth Kovac, B.A.
Councillor Allan J. Levine, B.Sc., M.A., DPLI
Councillor Glenn J. Nashen

ALSO PRESENT:

Ms. Tanya Abramovitch, City Manager
Ms. Nadia DiFuria, Associate City Manager
M^e Jonathan Shecter, City Clerk, acted as Secretary of the meeting

QUESTION PERIOD

Having no residents present, there were no questions asked.

121243

**RESOLUTION TO WAIVE THE READING OF BY-LAW 2399 TO BE ENTITLED:
"BY-LAW 2399 CONCERNING TAXES AND TARIFFS OF THE CITY OF
CÔTE SAINT-LUC FOR THE FISCAL YEAR 2013"**

WHEREAS, the above captioned by-law was given to members of Council on Thursday, December 13, 2012;

WHEREAS, all Council members present hereby declare that they have read said by-law and waive the reading thereof;

It was

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

AND RESOLVED:

"THAT the Council of the City of Côte Saint-Luc unanimously waives the reading of By-Law 2399 to be entitled: *"By-law 2399 concerning taxes and tariffs of the City of Côte Saint-Luc for the fiscal year 2013"* when it will be presented for adoption tonight, the whole in accordance with the law."

CARRIED UNANIMOUSLY

121244

BY-LAW ENTITLED: "BY-LAW 2399 CONCERNING TAXES AND TARIFFS OF THE CITY OF CÔTE SAINT-LUC FOR THE FISCAL YEAR 2013" - ADOPTION

It was

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

AND RESOLVED:

"THAT By-law entitled: "*By-law modifying By-law 2399 concerning taxes and tariffs of the City of Côte Saint-Luc for the fiscal year 2013*" be and is hereby adopted and numbered 2399."

CARRIED UNANIMOUSLY

COUNCILLOR STEVEN ERDELYI ENTERED THE MEETING

121245

PURCHASING / PUBLIC WORKS – JANITORIAL SERVICES CONTRACT

WHEREAS the City of Côte Saint-Luc ("City") issued a public call for tenders for janitorial services for certain of its facilities (C-12-12) according to the law for the above-mentioned services for a term of three years commencing January 1, 2013 and expiring on December 31, 2015, with two additional one-year options with respect to the calendar years 2016 and 2017 – said options to be exercised at the discretion of the City - and received 4 conforming bids;

WHEREAS the tender terms contemplate certain City buildings which may be selected, at the discretion of the City, to form part of the contract to be awarded under C-12-12;

WHEREAS the tender terms furthermore contemplate regular-cleaning services as well as, at the option of the City, certain deep-cleaning services, which deep-cleaning services may be selected at the discretion of the City to form part of the contract to be awarded under C-12-12;

WHEREAS Le Groupe Laberge Inc. was the lowest conforming bidder;

It was

MOVED BY COUNCILLOR MIKE COHEN
SECONDED BY COUNCILLOR GLENN J. NASHEN

AND RESOLVED:

"THAT the Côte Saint-Luc City Council ("Council") hereby awards the contract for janitorial services to Le Groupe Laberge Inc. ("Laberge") for the base term of three years commencing on January 1, 2013 and expiring on December 31, 2015 with respect to the following City facilities, for regular-cleaning services plus quarterly deep-cleaning services, the whole in accordance with the terms of Tender C-12-12, and the following pretax prices:

City Facility	Pretax Yearly Fees 2013	Pretax Yearly Fees 2014	Pretax Yearly Fees 2015
City Hall	\$31,850.00	\$31,850.00	\$31,850.00
Library	\$36,371.00	\$36,371.00	\$36,371.00

Public Works	\$ 7,055.80	\$ 7,055.80	\$ 7,055.80
Public Safety	\$ 6,428.00	\$ 6,428.00	\$ 6,428.00
Dispatch	\$ 4,729.00	\$ 4,729.00	\$ 4,729.00
YEARLY TOTAL	\$86,433.80	\$86,433.80	\$86,433.80

THAT Council hereby reserves its rights to add to or remove from the scope of work for the base term, any facilities, tasks (including, but not limited to, deep-cleaning services), quantities and frequencies, the whole in accordance with the tender terms and Laberge's bid, and subject to the City making the proper price adjustment at that time;

THAT Council furthermore hereby reserves its rights (without any obligation) to exercise at a future time one or both of the aforementioned option years and to determine at that time the facilities covered and the scope of work, based on the tender terms of Tender C-12-12 and the prices contained in Laberge's bid for those option years;

THAT Council hereby authorizes an expense of an amount not to exceed \$86,433.80, plus applicable taxes, for the 2013 calendar year, pursuant to tender C-12-12;

THAT a Treasurer's certificate shall be issued by the (Assistant) City Treasurer at the beginning of the 2013 calendar year and in each subsequent calendar year of the term thereafter, to attest to the availability of funds to cover the described expenses in and for that calendar year."
CARRIED UNANIMOUSLY

121246

RESOLUTION TO APPLY THE RELIEF MEASURES ALLOWING THE REDUCTION OF THE CITY OF CÔTE SAINT-LUC'S SUPPLEMENTAL PENSION PLAN DEFICIENCY PAYMENTS TO ONE THIRD FOR 2012 AND 2013

WHEREAS the City of Côte Saint-Luc ("the City") is the sponsor of the Supplemental Pension Plan for the employees of the City;

WHEREAS Sections 39.1 and 41 of the *Regulation respecting the funding of pension plans of the municipal and university sectors* c. R-15.1, r. 2 allow an employer to reduce the amount of a payment - to one-third of the amount of the monthly payments that become due after December 31, 2011 and before January 1, 2014 - relating to a technical actuarial deficiency determined during a complete actuarial valuation of the plan dated after December 30, 2008 and prior to December 31, 2013 ("Relief Measures");

WHEREAS the City wishes to apply the above-described Relief Measures;

It was

MOVED BY COUNCILLOR DIDA BERKU
SECONDED BY COUNCILLOR SAM GOLDBLOOM

AND RESOLVED:

"THAT Council hereby authorizes the City to apply the Relief Measures described above-herein for the monthly payments due to the pension fund subsequent to December 31, 2011 and prior to January 1, 2014; and

THAT either of the City's General Counsel be and are hereby authorized to sign any required documents on behalf of the City to give effect to the foregoing."

CARRIED UNANIMOUSLY

121247

NOTICE OF MOTION – BY-LAW 2388-1 TO BE ENTITLED: “BY-LAW 2388-1 AMENDING BY-LAW 2388 IN VIEW OF SETTING ONE UNIFORM TARIFF OF \$25.00 PER DWELLING UNIT FOR AN ANNUAL VIDEO MEMBERSHIP AT THE ELEANOR LONDON CÔTE SAINT-LUC PUBLIC LIBRARY”

Councillor Sam Goldbloom gave Notice of Motion that By-Law 2388-1 to be entitled: “By-law 2388-1 amending by-law 2388 in view of setting one uniform tariff of \$25.00 per dwelling unit for an annual video membership at the Eleanor London Côte Saint-Luc Public Library” will be presented at a later meeting for adoption.

121248

RESOLUTION TO WAIVE THE READING OF BY-LAW 2388-1 TO BE ENTITLED: “BY-LAW 2388-1 AMENDING BY-LAW 2388 IN VIEW OF SETTING ONE UNIFORM TARIFF OF \$25.00 PER DWELLING UNIT FOR AN ANNUAL VIDEO MEMBERSHIP AT THE ELEANOR LONDON CÔTE SAINT-LUC PUBLIC LIBRARY”

WHEREAS, the above captioned by-law was given to members of Council on Thursday, December 13, 2012;

WHEREAS, all Council members present hereby declare that they have read said by-law and waive the reading thereof;

It was

MOVED BY COUNCILLOR SAM GOLDBLOOM
SECONDED BY COUNCILLOR MIKE COHEN

AND RESOLVED:

“THAT the Council of the City of Côte Saint-Luc unanimously waives the reading of By-Law 2388-1 to be entitled: “By-law 2388-1 amending by-law 2388 in view of setting one uniform tariff of \$25.00 per dwelling unit for an annual video membership at the Eleanor London Côte Saint-Luc Public Library” when it will be presented for adoption, the whole in accordance with the law.”

CARRIED UNANIMOUSLY

121249

URBAN DEVELOPMENT – CHANGE ORDER NO. 3 FOR PROFESSIONAL SERVICES FOR TRAFFIC LIGHTS AND EQUIPMENT REPLACEMENT (C-17-10)

It was

MOVED BY COUNCILLOR STEVEN ERDELYI
SECONDED BY COUNCILLOR RUTH KOVAC

AND RESOLVED:

"THAT the Côte Saint-Luc City Council hereby ratifies and approves change order #3 to Cima+ under Tender C-17-10 in the amount of \$12,000.00, plus applicable taxes;

"THAT a Treasurer's Certificate TC 12-0173 which was issued by the Assistant City Treasurer on December 10, 2012 attesting to the availability of funds was issued for the amount - over and above the contingency available under purchase order no. 1115 - to cover the above-described expenses."
CARRIED UNANIMOUSLY

121250

FINANCE - CHANGE ORDER FOR ADDITIONAL FEES OF RAYMOND CHABOT GRANT THORNTON FOR AUDIT ENDING DECEMBER 31, 2011

It was

MOVED BY COUNCILLOR ALLAN J. LEVINE
SECONDED BY COUNCILLOR MIKE COHEN

AND RESOLVED

"THAT the Côte Saint-Luc City Council approves the change order for additional fees to be paid to Raymond Chabot Grant Thornton under invoice FAC0755768 (Oct. 26, 2012) in the amount of \$30,180.94, including applicable taxes;

THAT Treasurer's certificate No.12-0170 dated December 6, 2012 was issued by the Assistant City Treasurer attesting to the availability of funds to cover the above-described expenses."
CARRIED UNANIMOUSLY

121251

LEGAL / PUBLIC WORKS – METAL RECYCLING AGREEMENT WITH BOISBRIAND METAL RECYCLING L.P.

It was

MOVED BY COUNCILLOR STEVEN ERDELYI
SECONDED BY COUNCILLOR RUTH KOVAC

AND RESOLVED

"THAT the Côte Saint-Luc City Council hereby approves and adopts a Metal Recycling Agreement with Boisbriand metal Recycling L.P. dated December 10, 2012 and authorizes either of its General Counsel to sign such agreement on the City's behalf."
CARRIED UNANIMOUSLY

121252

ADOPTION OF 2012 ACTION PLAN FOR THE DISABLED

WHEREAS the provincial government, through Law 56, requires municipalities with greater than 15,000 residents to adopt an action plan for the disabled, outlining the steps that are to be taken to ensure the complete integration of residents, visitors and employees with physical and/or mental disabilities;

WHEREAS the City of Côte Saint-Luc ("the City") puts great emphasis on ensuring the accessibility of City services to its residents, visitors and employees;

It was

MOVED BY COUNCILLOR RUTH KOVAC
SECONDED BY COUNCILLOR MITCHELL BROWNSTEIN

AND RESOLVED:

"THAT The Côte Saint-Luc City Council ("Council") hereby adopts the 2012 Action Plan for the Disabled ("Plan") said Plan, dated December 17, 2012 and comprising 28 pages;

THAT Council hereby requests that said Action Plan be made available to any resident, visitor or employee who wishes to consult said Plan or obtain a copy thereof;

THAT Council hereby requests that, in addition, a copy of said Plan be deposited for consultation in the City's archives and at the Eleanor London Côte Saint-Luc Public Library."

CARRIED UNANIMOUSLY

121253

RATIFICATION OF FILING OF PROCEEDINGS AND AUTHORIZATION TO SETTLE A LAWSUIT FILED BY THE CITY OF CÔTE SAINT-LUC AGAINST DEFENDANTS MANOX CONSTRUCTION, LA COMPAGNIE D'ASSURANCES MISSISQUOI , ISAC KADOCH, SABINE STADLER AND LA PERSONNELLE COMPAGNIE D'ASSURANCE

WHEREAS on or about November 1, 2011, on the South West corner of Bernard Mergler, the pool excavation for 54 Cleve Road started to cave in ("the Cave-in");

WHEREAS the City of Côte Saint-Luc ("the City") immediately took proactive measures to protect its infrastructure; in particular, by closing the area to vehicles and by insisting on a stabilization plan;

WHEREAS as a result of the Cave-in, the City, on or about June 11, 2012, instituted solidary proceedings ("Proceedings") for damages and interest against Manox Construction Inc, Isaac Jacques Kadoch, Sabine Stadler and La Personnelle, Assurances Générales Inc. (collectively referred to as "the Defendants");

WHEREAS the City and the Defendants wish to amicably resolve the Proceedings;

It was

MOVED BY COUNCILLOR MITCHELL BROWNSTEIN
SECONDED BY COUNCILLOR STEVEN ERDELYI

AND RESOLVED:

"The preamble of this resolution as well as all of the definitions contained therein shall form an integral part of this resolution as if cited hereinafter at length;

THAT the Côte Saint-Luc City Council ("Council") hereby ratifies the filing the Proceedings against Defendants said Proceedings bearing docket number 500-22-193193289-124;

THAT Council hereby authorizes the City to settle the Proceedings against Defendants filed pursuant to the Cave-in for an amount of \$11,865.58 including: taxes, capital and interest;

THAT Council further authorizes Me. Jonathan Shecter, the Attorney of record, to sign any document giving effect to the foregoing.”

CARRIED UNANIMOUSLY

SERVITUDE BELL CANADA (MARC CHAGALL)

This item was struck from the Agenda

121254

RESOLUTION ON SECTION 29.1 “BILINGUAL” STATUS

WHEREAS the Charter of the French Language (“Charter”) was adopted by the Quebec National Assembly in 1977, and over 80 municipalities throughout the Province of Quebec were recognized as having “bilingual status” pursuant to the provisions of Section 29.1 of the Charter; and

WHEREAS the original provisions of the Charter allowed those municipalities that had a majority of residents who spoke a language other than French to be officially recognized under Section 29.1; and

WHEREAS the City of Côte Saint-Luc has been recognized as having bilingual status under Section 29.1 of the Charter since 1977 and wishes to retain such “bilingual status”; and

WHEREAS currently the Charter does not allow the recognition of “bilingual status” under Section 29.1 to be removed from a municipality or borough except at the request of such municipality or borough; and

WHEREAS the Quebec National Assembly adopted Bill 170 imposing forced municipal mergers on municipalities in 2000 and simultaneously adopted companion legislation Bill 171 which drastically changed the criteria to obtain recognition under Section 29.1 of the Charter, from a majority of residents of a municipality or borough who spoke a language other than French to a majority of residents whose mother tongue was English; and

WHEREAS the revised criteria under Bill 171 was imposed without consultation with municipalities recognized under Section 29.1 and adopted the narrowest and most inaccurate definition of the English-speaking communities within said municipalities or boroughs; and

WHEREAS the current Quebec Government has now proposed Bill 14 which would allow for the removal of Section 29.1 recognition from municipalities or boroughs by decree and against the will of the municipality or borough concerned, its duly elected council and its residents; and

WHEREAS the City of Côte Saint-Luc is firmly opposed to the proposed amendments to Section 29 of the Charter as set out in Bill 14;

It was

MOVED BY MAYOR ANTHONY HOUSEFATHER
SECONDED BY: COUNCILLOR DIDA BERKU

COUNCILLOR MITCHELL BROWNSTEIN

COUNCILLOR MIKE COHEN
COUNCILLOR STEVEN ERDELYI
COUNCILLOR SAM GOLDBLOOM
COUNCILLOR RUTH KOVAC
COUNCILLOR ALLAN J. LEVINE
COUNCILLOR GLENN J. NASHEN

AND RESOLVED:

- The City of Côte Saint-Luc hereby declares that it wishes to retain its “bilingual status” recognition under Section 29.1 of the Charter now and in the future and wishes to do so irrespective of any fluctuations in its population shown in census numbers now or in the future.
- The residents and Council of the City of Côte Saint-Luc’s view the recognition of our municipality under Section 29.1 as fundamental to the character of the municipality and as a testament of the historical presence of both the English- and French-speaking communities in the municipality.
- The City of Côte Saint-Luc vigorously opposes the proposed modifications to Section 29 of the Charter set out in Bill 14 and demands that the Quebec National Assembly continue to recognize the acquired rights of all municipalities and boroughs that currently possess such status and refrain from adopting any legislation that allows Section 29.1 recognition of bilingual status to be removed from a municipality or borough except at the initiative of and express request of said municipality or borough.
- The City of Côte Saint-Luc calls upon all of the members of the Quebec National Assembly to remove the provisions of Bill 14 that propose to amend Section 29 of the Charter or to vote against and defeat such provisions since we view such provisions as an attack on the fundamental rights and intrinsic character of all municipalities and boroughs that currently possess Section 29.1 recognition.
- The City of Côte Saint-Luc directs its clerk to send copies of this resolution to all of members of the Quebec National Assembly, to all other municipalities in Quebec officially recognized under Section 29.1 of the Charter and to the local federal member of Parliament and the Commissioner of Official Languages of Canada and the UMQ, FQM and FCM.”

CARRIED UNANIMOUSLY

121255

APPROVAL OF THE ADJOURNMENT OF THE MEETING

It was

MOVED BY COUNCILLOR GLENN J. NASHEN
SECONDED BY COUNCILLOR RUTH KOVAC

AND RESOLVED:

“THAT Council hereby authorizes the Mayor to declare the Meeting adjourned.”

CARRIED UNANIMOUSLY

**AT 8:36 P.M. MAYOR HOUSEFATHER DECLARED THE MEETING
ADJOURNED.**

ANTHONY HOUSEFATHER
MAYOR

JONATHAN SHECTER
CITY CLERK