MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD ON MONDAY, MAY 11, 2020 AT 8:00PM BY WAY OF VIDEOCONFERENCE[1]

PRESENT:

Mayor Mitchell Brownstein, B. Comm., B.C.L., L.L.B. presiding
Councillor Sidney Benizri
Councillor Dida Berku, B.C.L.
Councillor Mike Cohen, B.A.
Councillor Steven Erdelyi, B.Sc., B.Ed.
Councillor Mitch Kujavsky
Councillor Oren Sebag, B.Sc. RN MBA
Councillor David Tordjman, ing.

ALSO PRESENT:

Ms. Tanya Abramovitch, City Manager
Me Jonathan Shecter, Co-City Manager, Director of Legal Services and City Clerk
Ms. Nadia Di Furia, Associate City Manager
Me Jason Prévost, Assistant City Clerk, acted as Secretary of the meeting

OPENING STATEMENT BY THE MAYOR CONCERNING THE COVID-19 VIRUS

Prior to the holding of tonight's council meeting, Mayor Brownstein asked that a moment of silence be observed for the people who have passed away due to the COVID-19 virus. Mayor Brownstein further asked that a moment of silence be observed for the victims of the shooting in Nova-Scotia on April 18 and 19, 2020.

QUESTION PERIOD

The question period started at 8:11 p.m. and finished at 8:40 p.m. Four (4) residents submitted questions prior to the holding of tonight's meeting and they were answered during the live feed.

1) Lior Azerad

The resident inquired about the status of overnight parking permits and if the City is receiving any payments for overnight parking permits during the current pandemic; to which Mayor Brownstein responded that City has not made any revenue whatsoever from the overnight parking and there is a general tolerance in effect till May 31, 2020.

The resident further inquired about the library's reopening guidelines; to which Mayor Brownstein responded that the library is planning to implement a pick-up service once the government regulations allow it.

2) Nathan Elberg

The resident inquired about the City's legal jurisdiction to legislate physical distancing measures beyond those provided by Quebec government; to which Mayor Brownstein responded that the City can legislate on the subject matter

[1] Tonight's council meeting was held by way of videoconference by virtue of Ministerial Order 2020-029 adopted by the Quebec government on April 26, 2020.

raised by the resident and that the City will be giving a notice of motion concerning safety measures at tonight's meeting.

3) Adina Gordon

The resident inquired about when condominium complexes and apartment buildings will be able to allow for visitors, personal cleaning services and nannies during the pandemic; to which Mayor Brownstein responded that the City does not have that information currently and that the Quebec health authorities will determine these measures.

4) Marissa Sidel

The resident inquired about the City's intentions in adopting a by-law with measures related to the COVID-19 virus; to which Mayor Brownstein responded that any decision the City renders or measures provided in a by-law will follow the Quebec health authorities' recommendations and that the goal is to sensitize the population on the measures taken due to the pandemic.

200501
CONFIRMATION OF THE MINUTES OF THE REGULAR MEETING OF COUNCIL DATED APRIL 6, 2020 AT 8:00 P.M.

It was

MOVED BY COUNCILLOR SIDNEY BENIZRI
SECONDED BY COUNCILLOR OREN SEBAG

AND RESOLVED:

"THAT the Minutes of the Regular Meeting of Council dated April 6, 2020 at 8:00 p.m. be and are hereby approved as submitted."
CARRIED UNANIMOUSLY

200502
NOTICE OF MOTION – BY-LAW 2556 TO BE ENTITLED: "BY-LAW 2556 INSTITUTING TEMPORARY SAFETY MEASURES RELATED TO THE COVID-19 VIRUS AND AMENDING BY-LAW 2470 ENTITLED: "BY-LAW TO REGULATE NUISANCE", BY-LAW 2396 ENTITLED: "BY-LAW MODIFYING BY-LAW 626 CONCERNING FIRE PREVENTION" AND BY-LAW 03-096 ENTITLED: "BY-LAW CONCERNING THE SANITATION AND MAINTENANCE OF DWELLING UNITS""

WHEREAS on March 11, 2020 the World Health Organization declared a global pandemic related to the spread of the COVID-19 virus;

WHEREAS on March 13, 2020 the Quebec government declared a state of emergency in the province of Quebec due to the spread of the COVID-19 virus by way of decree 177-2020 and subsequently renewed the state of emergency by way decrees 222-2020, 388-2020, 418-2020, 460-2020, 478-2020, 483-2020 and 501-2020;

WHEREAS since declaring a state of emergency on March 13, 2020, the Quebec government has adopted numerous decrees and ministerial orders imposing measures for the safety and protection of human health;

WHEREAS the City of Côte Saint-Luc ("City") has a high concentration of senior citizens, representing over 30% of its population, which are most susceptible to be affected by the COVID-19 virus;

WHEREAS the City also has a high population density per square kilometer due to the high number of multi-family dwellings such as condominium complexes and apartment buildings on its territory;

WHEREAS the City has several institutions including seven (7) senior residences and, two (2) hospitals and one (1) CLSC on its territory;

WHEREAS since the provincial state of emergency, the City has experienced a high rate of infection as evidenced by the public health authority reports, including up to 400 confirmed cases and 20 confirmed deaths as of May 9, 2020;

WHEREAS the City wishes to impose certain temporary health and safety measures in order to further protect the public;

Councillor Dida Berku gave Notice of Motion that By-Law 2556 to be entitled: "By-law 2556 instituting temporary safety measures related to the COVID-19 virus and amending By-law 2470 entitled: By-law to regulate nuisances", By-law 2396 entitled: "By-law modifying by-law 626 concerning fire prevention" and By-law 03-096 entitled: "By-law concerning the sanitation and maintenance of dwelling units", will be presented at a later meeting for adoption.

Councillor Dida Berku mentioned the object and the scope of By-Law 2556 to be entitled: "By-law 2556 instituting temporary safety measures related to the COVID-19 virus and amending By-law 2470 entitled: By-law to regulate nuisances", By-law 2396 entitled: "By-law modifying by-law 626 concerning fire prevention" and By-law 03-096 entitled: "By-law concerning the sanitation and maintenance of dwelling units". This By-law shall potentially include some of the following measures:

- to impose the mandatory use of masks in public buildings and facilities, certain commercial establishments, elevators and common spaces in apartment buildings and condominium complexes;

- to establish a limit of occupancy for indoor establishments in order to respect physical distancing measures;

- to impose screening at the entrance of commercial establishments;

- to establish physical distancing measures in indoor establishments and prohibit outdoor social gatherings;

- to establish sanitary measures and requirements concerning signage in condominium complexes, apartment buildings and commercial establishments;

Further measures may also be examined.

200503
NOTICE OF MOTION – BY-LAW 2088-11 TO BE ENTITLED: "BY-LAW 2088-11 AMENDING BY-LAW 2088 ENTITLED: "CONSOLIDATED BUILDING BY-LAW OF THE CITY OF CÔTE SAINT-LUC" IN ORDER TO REGULATE THE NUMBER OF OCCUPANTS IN CERTAIN BUILDINGS DUE TO THE COVID-19 PANDEMIC"

WHEREAS on March 11, 2020 the World Health Organization declared a global pandemic related to the spread of the COVID-19 virus;

WHEREAS on March 13, 2020 the Quebec government declared a state of emergency in the province of Quebec due to the spread of the COVID-19 virus by way of decree 177-2020 and subsequently renewed the state of emergency by way decrees 222-2020, 388-2020, 418-2020, 460-2020, 478-2020, 483-2020 and 501-2020;

WHEREAS since declaring a state of emergency on March 13, 2020, the Quebec government has adopted numerous decrees and ministerial orders imposing measures for the safety and protection of human health;

WHEREAS the City of Côte Saint-Luc ("City") has a high concentration of senior citizens, representing over 30% of its population, which are most susceptible to be affected by the COVID-19 virus;

WHEREAS the City also has a high population density per square kilometer due to the high number of multi-family dwellings such as condominium complexes and apartment buildings on its territory;

WHEREAS the City has several institutions including seven (7) senior residences and, two (2) hospitals and one (1) CLSC on its territory;

WHEREAS since the provincial state of emergency, the City has experienced a high rate of infection as evidenced by the public health authority reports, including up to 400 confirmed cases and 20 confirmed deaths as of May 9, 2020;

WHEREAS the City wishes to impose certain temporary health and safety measures in order to further protect the public;

Councillor Dida Berku gave Notice of Motion that By-law 2088-11 to be entitled: "By-law 2088-11 amending by-law 2088 entitled: "Consolidated building by-law of the City of Côte Saint-Luc" in order to regulate the number of occupants in certain buildings due to the COVID-19 pandemic", will be presented at a later meeting for adoption.

Councillor Dida Berku mentioned the object and scope of By-law 2088-11 to be entitled: "By-law 2088-11 amending by-law 2088 entitled: "Consolidated building by-law of the City of Côte Saint-Luc" in order to regulate the number of occupants in certain buildings due to the COVID-19 pandemic." This By-law shall potentially include measures to limit the number of occupants in certain buildings on the City's territory in order to respect physical distancing measures.

Further measures may also be examined.

200504
MONTHLY DEPARTMENTAL REPORTS FOR APRIL 2020

It was

MOVED BY COUNCILLOR MITCH KUJAVSKY
SECONDED BY COUNCILLOR DAVID TORDJMAN

AND RESOLVED:

"THAT the monthly departmental reports submitted for April 2020 be and are hereby approved as submitted."
CARRIED UNANIMOUSLY

200505
TABLING OF FINANCIAL REPORTS AND THE EXTERNAL AUDITORS' REPORT FOR THE FISCAL YEAR-ENDING DECEMBER 31, 2019[2]

The City clerk confirmed that the financial reports and the external auditors' report for the fiscal year-ending December 31, 2019 were tabled at tonight's meeting.

200506
AUTHORIZATION TO PUBLISH THE MAYOR'S MESSAGE ON THE FINANCIAL STATEMENTS FOR THE YEAR ENDED DECEMBER 31, 2019 OF THE CITY OF CÔTE SAINT-LUC[3]

It was

MOVED BY COUNCILLOR STEVEN ERDELYI
SECONDED BY COUNCILLOR DIDA BERKU

AND RESOLVED:

"THAT in accordance with the law, the Côte Saint-Luc City Council hereby authorizes and orders the publication of the text of the Mayor's message on the financial statements for the year ended December 31, 2019 of the City of Côte Saint-Luc to be distributed to each civic address in the municipality and to be posted on the City's website."
CARRIED UNANIMOUSLY

200507
RESOLUTION TO APPROVE THE DISBURSEMENTS FOR THE PERIOD OF APRIL 1, 2020 TO APRIL 30, 2020

It was

MOVED BY COUNCILLOR STEVEN ERDELYI
SECONDED BY COUNCILLOR DIDA BERKU

AND RESOLVED

"THAT the Côte Saint-Luc City Council approves the list of disbursements for the period of April 1, 2020 to April 30, 2020 for a total amount of $3,978,420.85 in Canadian Funds;

THAT Treasurer's certificate No. 20-0067 dated May 5, 2020 has been issued by the City Treasurer attesting to the availability of funds to cover the described expenses."
CARRIED UNANIMOUSLY

200508
RESOLUTION TO RENEW THE BANKING SERVICES AGREEMENT (2020-2023) WITH THE ROYAL BANK OF CANADA ("RBC")

---

[2] The financial reports and the external auditors report for the fiscal year-ending December 31, 2019 have been published on the City's website at the following link : https://cotesaintluc.org/city-government/finance/
[3] The Mayor's message on the financial statements for the year ended December 31, 2019 has been published on the City's website at the following link : https://cotesaintluc.org/city-government/finance/

WHEREAS the Banking Services Agreement with the Royal Bank of Canada ("RBC") for the City of Côte Saint-Luc ("City") terminates on June 30, 2020;

WHEREAS the City's Finance Department renegotiated a favorable agreement with the RBC to extend the agreement for an additional three (3) year term;

It was

MOVED BY COUNCILLOR STEVEN ERDELYI
SECONDED COUNCILLOR DIDA BERKU

AND RESOLVED:

"THAT the Côte Saint-Luc City Council hereby approves the Banking Services Agreement (2020-2023) ("Agreement") to be entered into with the RBC for the period covering July 1, 2020 to June 30, 2023;

THAT the bank charges payable by the City to the RBC pursuant to this Agreement for the period of July 1, 2020 to July 1, 2023 are estimated to be $39,000.00, plus applicable taxes; said amount being approximately $13,000.00 per year;

THAT the Mayor and the City Treasurer are hereby authorized to sign the Agreement with the RBC on behalf of the City."
CARRIED UNANIMOUSLY

200509
BY-LAW 2548-1 ENTITLED: "BY-LAW 2548-1 AMENDING BY-LAW 2548 CONCERNING TAXES OF THE CITY OF CÔTE SAINT-LUC FOR THE FISCAL YEAR 2020" - ADOPTION

It was

MOVED BY COUNCILLOR STEVEN ERDELYI
SECONDED BY COUNCILLOR DIDA BERKU

AND RESOLVED:

"THAT By-law 2548-1 entitled: "By-law 2548-1 amending By-law 2548 concerning taxes in the City of Côte Saint-Luc for the fiscal year 2020" be and is hereby adopted."
CARRIED UNANIMOUSLY

200510
BY-LAW 2555 TO BE ENTITLED: "BY-LAW 2555 REPLACING BY-LAW 2508 CONCERNING THE REGULATION OF DOGS" - ADOPTION

The City Clerk explained that article 4 of By-law 2553 entitled: "By-law 2553 amending By-laws 2394, 2508 and 2539 in order to oblige all cats and dogs to be microchipped on the territory of Côte Saint-Luc", adopted on April 6, 2020, was incorporated in By-law 2555 which is being adopted at tonight's meeting. This article indicates that the obligation for all dogs to be microchipped will take effect on April 6, 2021 and is provided by article 8.2 of By-law 2555.

It was

MOVED BY COUNCILLOR MIKE COHEN

SECONDED BY COUNCILLOR OREN SEBAG

AND RESOLVED:

"THAT By-law 2555 entitled: "By-law 2555 replacing by-law 2508 concerning the regulation of dogs" be and is hereby adopted."
CARRIED UNANIMOUSLY

200511
TABLING OF MINISTERIAL ORDER 2020-029 CONCERNING MODIFICATIONS TO THE RULES FOR THE HOLDING OF PUBLIC COUNCIL MEETINGS DUE TO THE COVID-19 VIRUS PANDEMIC

The City Clerk confirmed that Ministerial Order 2020-029 concerning modifications to the rules for the holding of public council meetings due to the COVID-19 virus pandemic was tabled at tonight's council meeting and it is annexed herewith as Annex A.

200512
TABLING OF LETTERS ADDRESSED TO THE DIRECTION DE LA SANTÉ PUBLIQUE ("DSP") AND THE SERVICE DE POLICE DE LA VILLE DE MONTRÉAL ("SPVM") PURSUANT TO THE CÔTE SAINT-LUC DECLARATION OF STATE OF EMERGENCY ON MARCH 17, 2020

The City Clerk confirmed that the letters dated April 29, 2020 and addressed to the DSP and SPVM in order to fulfill their obligations by virtue of section 51 of the Civil Protection Act (C.Q.L.R., chapter S-2.3) pursuant to the Côte Saint-Luc declaration of state of emergency on March 17, 2020 have been tabled at tonight's meeting.

200513
RESOLUTION TO AUTHORIZE THE USE OF THE INFORMATION CONTAINED IN THE CITY'S LIST OF ELECTORS FOR COMMUNICATION PURPOSES DURING THE COVID-19 PANDEMIC

WHEREAS by virtue of section 659.1 of the *Act respecting elections and referendums in municipalities* (C.Q.L.R., chapter E-2.2), a municipality may use the information on a list of electors in the exercise of its powers, provided that it takes the appropriate security measures to ensure the confidentiality of said information;

WHEREAS given its jurisdiction over civil safety and health, a municipality may use the list of electors to communicate with its citizens during a health emergency, such as communicating the directives issued by the government to limit the spread of COVID-19 in the event that these directives appear to be misunderstood, and communicating the assistance services established to support vulnerable citizens;

WHEREAS the City of Côte Saint-Luc ("City") has deemed it necessary to use the information contained on its list of electors to communicate with its residents given the current circumstances related to the COVID-19 pandemic;

It was

MOVED BY COUNCILLOR SIDNEY BENIZRI
SECONDED BY COUNCILLOR DIDA BERKU

AND RESOLVED:

"THAT the Côte Saint-Luc City Council ("Council") hereby authorizes the Director of Parks and Recreation to use the information contained in the City's list of electors and ratifies the confidentiality agreement signed by the Director of Parks and Recreation on April 21, 2020;

THAT Council hereby authorizes any employee of the Parks and Recreation Department to use the information contained in the City's list of electors, subject to each employee signing a confidentiality agreement."
CARRIED UNANIMOUSLY

200514
PUBLIC WORKS – AWARDING OF A CONTRACT FOR THE PURCHASE AND PLANTING OF TREES (C-16-20)

WHEREAS the City of Côte Saint-Luc ("City") issued a public call for tenders under tender no. C-16-20 for the purchase and planting of trees and received six (6) conforming bids;

WHEREAS the lowest conforming bid was received from Terrassement Technique Sylvain Labrecque Inc. in the amount of $142,722.00, plus applicable taxes;

It was

MOVED BY COUNCILLOR SIDNEY BENIZRI
SECONDED BY COUNCILLOR DAVID TORDJMAN

AND RESOLVED

"THAT the Côte Saint-Luc City Council ("Council") hereby awards a contract to Terrassement Technique Sylvain Labrecque Inc. for the purchase and planting of trees pursuant to the terms of tender no.C-16-20, in the amount of $142,722.00, plus applicable taxes;

THAT the described expenses shall be financed from loan By-law 2503 entitled: "By-Law 2503 authorizing a loan of $262,000 for the purchase and planting of various trees on Cavendish Boulevard and within other parts of the territory of the City of Côte Saint-Luc", previously approved by *Ministère des Affaires Municipales et de l'Habitation*, and from the City's Working Fund, as a non-interest bearing loan;

THAT the Council shall provide, every year, out of its general fund, a sum sufficient to repay the loan back into the Working Fund;

THAT the terms of repayment shall not exceed ten (10) years;

THAT Treasurer's Certificate No. 20-0063 dated May 1, 2020 has been issued by the City Treasurer attesting to the availability of funds to cover the described expense."
CARRIED UNANIMOUSLY

200515
PUBLIC WORKS – EXERCISING TWO (2) OPTION YEARS FOR TREE CUTTING, PRUNING AND CABLING SERVICES (C-15-17-21)

WHEREAS the City of Côte Saint-Luc ("City") issued a public call for tenders for tree pruning, felling and cabling services under tender no. C-15-17-21,

contemplating a base term of three (3) years with two (2) option years in favour of the City;

WHEREAS by way of Resolution no. 170528 adopted on May 8, 2017, by the Côte Saint-Luc City Council, the tendered contract no. C-15-17-21 was awarded to Entrepreneurs paysagistes Strathmore (1997) Ltée, the lowest conforming bidder, for the 2017, 2018 and 2019 seasons;

WHEREAS the City wishes to exercise the two (2) option years of this contract, namely for the years 2020 and 2021;

It was

MOVED BY COUNCILLOR SIDNEY BENIZRI
SECONDED BY COUNCILLOR DAVID TORDJMAN

AND RESOLVED

"THAT the Côte Saint-Luc City Council hereby exercises the two (2) option years under tendered contract no. C-15-17-21 for tree pruning, felling and cabling services, previously awarded to Entrepreneurs paysagistes Strathmore (1997) Ltée, and this, for the following maximum estimated amounts:

- 2020 - $31,695.00, plus applicable taxes;

- 2021 - $32,710.00, plus applicable taxes;

THAT Treasurer's Certificate TC 20-0095 dated January 31, 2020 has been issued by the City Treasurer, attesting to the availability of funds to cover the described expenses".
CARRIED UNANIMOUSLY

200516
CANCELLING A CALL FOR PUBLIC TENDERS FOR THE RECONSTRUCTION OF CITY SIDEWALKS (C-12-20-C)

WHEREAS the City of Côte Saint-Luc ("City") issued a public call for tenders under tender no. C-10-20C for the reconstruction of City sidewalks and received five (5) bids;

WHEREAS it is in the best interests of the City to cancel this call for public tenders;

It was

MOVED BY COUNCILLOR DIDA BERKU
SECONDED BY COUNCILLOR STEVEN ERDELYI

AND RESOLVED

"THAT the Côte Saint-Luc City Council hereby cancels its public call for tenders for the reconstruction of City sidewalks under its tender no. C-10-20C."
CARRIED UNANIMOUSLY

200517
URBAN DEVELOPMENT – AWARDING OF A CONTRACT FOR THE CONSTRUCTION OF A BEACH VOLLEYBALL FIELD AT SINGERMAN PARK (C-07-20C)

WHEREAS the City of Côte Saint-Luc ("City") issued an invited call for tenders and invited four (4) contractors under Tender No. C-07-20C for the construction of a beach volleyball field at Singerman Park and received two (2) bids;

WHEREAS the lowest conforming bid was received from TechniParc (9032-2454 Quebec Inc.) ("TechniParc") in the amount of $32,195.00, plus applicable taxes;

It was

MOVED BY COUNCILLOR DIDA BERKU
SECONDED BY COUNCILLOR STEVEN ERDELYI

AND RESOLVED

"THAT the Côte Saint-Luc City Council hereby awards a contract to TechniParc, the lowest conforming bidder, for the construction of a beach volleyball field at Singerman Park pursuant to the terms of invited tender no. C-07-20C, in the amount of $32,195.00, plus applicable taxes;

THAT the described expenses shall be financed from loan By-law 2543 entitled: "By-Law 2543 authorizing a loan of $315,000 for small Park upgrades and Playground equipment", previously approved by the the *Ministère des Affaires municipales de l'Habitation*;

THAT Treasurer's Certificate No. 20-0059 dated March 18, 2020 has been issued by the City Treasurer, attesting to the availability of funds to cover the described expenses."
CARRIED UNANIMOUSLY

200518
URBAN DEVELOPMENT – APPROVAL OF PAYMENTS TO PERFORM MEASUREMENTS AND GATHER DATA ON THE ELECTROMAGNETIC FIELDS MEASUREMENTS IN SELECTED AREAS OF THE CITY (K-12-20)

WHEREAS the City of Côte Saint-Luc ("City") mandated the École de technologie supérieure ("ETS") to perform measurements and gather data on the electromagnetic fields created by Hydro-Quebec's high tension network in selected areas of the City;

WHEREAS on January 20, 2020 the City awarded a contract to ETS for the amount of $24,900.00, plus applicable taxes;

WHEREAS on April 1, 2020 an extra amount of $15,000.00, plus applicable taxes was requested by ETS;

WHEREAS this request was vindicated and justified by the City's engineering department;

WHEREAS the total amount of expenses for the project exceeds the maximum delegated authority, therefore, the City Council must approve these expenses;

WHEREAS as per Article 12.1 of the City's By-law concerning contract management, the City is allowed to award a contract by mutual agreement for an amount between $25,000 and $100,000, if it is in the best interest of the City (criteria (b) and (d));

It was

MOVED BY COUNCILLOR DAVI TORDJMAN
SECONDED BY COUNCILLOR STEVEN ERDELYI

AND RESOLVED:

"THAT the Côte Saint-Luc City Council hereby acknowledges, confirms and approves the payments to ETS for measurements and gathering of data on the electromagnetic fields in selected areas of the City for a total amount of $39,900.00, plus applicable taxes;

THAT Treasurer's Certificate No. 20-0064 dated May 1, 2020 has been issued by the City Treasurer, attesting to the availability of funds to cover the described expenses."
CARRIED UNANIMOUSLY

200519
URBAN DEVELOPMENT – CANCELLING OF THE TENDER FOR CONTRACTOR SERVICES FOR THE REMOVAL OF LIGHTS ON WESTMINSTER AVENUE AND WESTOVER STREET AND THE REDEVELOPMENT OF THE KELLERT AVENUE AND KILDARE ROAD INTERSECTION (C-04-18-20C2)

WHEREAS on February 24, 2020 the City of Côte Saint-Luc ("City") issued a public call for tenders under tender no. C-04-18-20C2 seeking contractor services for the removal of lights on Westminster Avenue and Westover Street and the redevelopment of the Kellert Avenue and Kildare Road intersection and received three (3) bids;

WHEREAS all the bids received were at least 25% higher than the estimation prepared by the Consultant hired for this project, and therefore, it is in the best interest of the City to cancel this tender;

It was

MOVED BY COUNCILLOR DIDA BERKU
SECONDED COUNCILLOR SIDNEY BENIZRI

AND RESOLVED:

"THAT the Côte Saint-Luc City Council hereby cancels the public call for tenders for contractor services for the removal of lights on Westminster Avenue and Westover Street and the redevelopment of the Kellert Avenue and Kildare Road intersection under tender no. C-04-18-20C2 that was issued on February 24, 2020, for the reason that all the bids received were deemed too high."
CARRIED UNANIMOUSLY

200520
URBAN DEVELOPMENT – RESOLUTION TO AUTHORIZE THE SIGNATURE OF AN INTER-MUNICIPAL AGREEMENT BETWEEN THE CITY OF MONTREAL AND THE CITY OF CÔTE SAINT-LUC FOR THE CONSTRUCTION OF A COMBINED SEWER ON ISABELLA AVENUE, EAST OF MACDONALD AVENUE (K-17-20)

WHEREAS the management of the road infrastructure on Macdonald Avenue is partly the responsibility of the City of Montreal ("MTL") and partly that of the City of

Côte-Saint-Luc ("CSL"), jointly known as the “Parties”, in accordance with municipal boundaries;

WHEREAS MTL wishes to carry out work on Isabella Avenue, West of Macdonald Avenue, for the construction of a combined sewer on Isabella Avenue and its connection to the underground sewer system on Macdonald Avenue, which is located on both the territory of MTL and CSL;

WHEREAS this work will be carried out on the territory of both Parties;

WHEREAS this work is necessary to service an immovable to be built on Lot 4 682 120 of the Quebec cadastre, Registration Division of Montreal, said property being owned by Mrs. Amalia Dinut;

WHEREAS this work is scheduled to begin in May 2020;

WHEREAS the Parties recognize the need for a specific agreement between them concerning the carrying out of this work in order to establish the distribution of the obligations for the realization of this work;

It was

MOVED BY COUNCILLOR DAVID TORDJMAN
SECONDED COUNCILLOR SIDNEY BENIZRI

AND RESOLVED:

"THAT the City’s General Counsel be and is hereby authorized to sign the agreement between the City of Côte Saint-Luc and the City of Montreal, annexed herewith as Annex B, concerning the construction of a combined sewer on Isabella Avenue, which is located on both the territory of the City of Montreal and the City of Côte Saint-Luc".
CARRIED UNANIMOUSLY

200521
URBAN DEVELOPMENT – AWARDING OF A CONTRACT FOR THE REFURBISHING OF THE CITY HALL BUILDING ENVELOPE (C-20-19-20C)

WHEREAS the City of Côte Saint-Luc (“City”) issued a public call for tenders for the refurbishing of the City Hall building envelope under tender no. C-20-19-20C and received two (2) bids, from Melk Construction Inc. and Maçonnerie Rainvilles & Frères Inc. respectively;

WHEREAS according to the City’s bid weighting and evaluation system, the bid received from Melk Construction Inc. did not receive the necessary minimum average interim score of 70 points in order for the bid to be declared conforming;

WHEREAS furthermore, Melk Construction Inc.’s bid was found documentarily non-conforming;

WHEREAS the City deems Maçonnerie Rainvilles & Frères Inc. to be the sole conforming bidder;

It was

MOVED BY COUNCILLOR DAVID TORDJMAN
SECONDED COUNCILLOR SIDNEY BENIZRI

AND RESOLVED:

"THAT the Côte Saint-Luc City Council ("Council") hereby declares Melk Construction Inc.'s bid non-conforming, therefore the bid is rejected;

THAT pursuant to the terms of tender no. C-20-19-20C, Council hereby awards a contract to Maçonnerie Rainville & Frères Inc., the sole conforming bidder under the law, for a total amount of $2,888,535.00, plus applicable taxes;

THAT furthermore the City may consider an amount of 10%, plus applicable taxes, for any potential contingencies and extras if required, that shall first be approved according to the City's procedures;

THAT the described expenses up to an amount of $2,500,000.00, plus applicable taxes shall be financed from loan By-laws 2445 entitled: "By-law authorizing a loan of $2,782,000 for the replacement of the building envelope at City Hall located at 5801 Cavendish Boulevard and at the Eleanor London Côte Saint-Luc public library located at 5851 Cavendish Boulevard", previously approved by the *Ministère des Affaires municipales et de l'Habitation;*

THAT the balance of the described expenses up to an amount of $678,535.00, plus applicable taxes, shall be financed from the Restricted Surplus project 2524;

THAT Treasurer's Certificate No. 20-0066 dated May 5, 2020 has been issued by the City Treasurer, attesting to the availability of funds to cover the described expenses.''
CARRIED UNANIMOUSLY

200522
URBAN DEVELOPMENT – APPROVAL OF ADDITIONAL EXPENSES PURSUANT TO THE REHABILITATION OF THE SAMUEL MOSKOVITCH ARENA AND THE CONSTRUCTION OF AN OUTDOOR RINK IN THE CONFEDERATION ANNEX (C-12-18C)

WHEREAS the City of Côte Saint-Luc ("City") issued a public call for tenders for contractor services for the rehabilitation of the Samuel Moskovitch Arena and the construction of an outdoor rink in the Confederation Annex under tender no. C-12-18C and awarded the contract to Trempro Construction Inc., the lowest conforming bidder;

WHEREAS several change orders for a total amount of $434,743.20, plus applicable taxes, were required for unforeseen elements to complete the project;

WHEREAS the initial list of change orders totalling $312,718.87, plus applicable taxes, has been paid by the City, and the City Council must now ratify these expenses;

WHEREAS the City must pay an additional and final list of change orders totalling $122,024.33, plus applicable taxes;

It was

MOVED BY COUNCILLOR DAVID TORDJMAN
SECONDED COUNCILLOR SIDNEY BENIZRI

AND RESOLVED:

"THAT the Côte Saint-Luc City Council ("Council") hereby acknowledges, approves and ratifies the change orders for all additional work under tender no. C-12-18C for contractor services related to the rehabilitation of the Samuel

Moskovitch Arena and the construction of an outdoor rink in the Confederation Annex for total amount of $434,743.20, plus applicable taxes, to Trempro Construction Inc.;

THAT the sources of financing for the above-described expenses are as follows:

- $380,625.10, plus applicable taxes - from the restricted surplus (Arena and Annex projects);

- $54,118.10, plus applicable taxes - from the unrestricted surplus;

THAT Treasurer's Certificate no. 20-0065 dated May 4, 2020 has been issued by the City Treasurer attesting to the availability of funds to cover the described expenses."
CARRIED UNANIMOUSLY

200523
BY-LAW 2345-1 ENTITLED: "BY-LAW TO AMEND BY-LAW NO. 2345 GOVERNING THE DEMOLITION OF BUILDINGS IN THE CITY OF CÔTE SAINT-LUC IN ORDER TO REPLACE THE TEXT OF ARTICLES 3.3, 3.4, 4.0 AND 5.4 WITH NEW TEXT" - ADOPTION

It was

MOVED BY COUNCILLOR DIDA BERKU
SECONDED BY COUNCILLOR MIKE COHEN

AND RESOLVED:

"THAT By-law 2345-1 entitled: "By-law to amend By-law no. 2345 governing the demolition of buildings in the City of Côte Saint-Luc in order to replace the text of articles 3.3, 3.4, 4.0 and 5.4 with new text" be and is hereby adopted."
CARRIED BY THE MAJORITY OF THE VOTES WITH COUCNILLOR STEVEN ERDELYI DISSENTING

200524
URBAN PLANNING – SITE PLANNING AND ARCHITECTURAL INTEGRATION PROGRAMS (SPAIP) – 5606 HARTWELL – CÔTE SAINT-LUC

It was

MOVED BY COUNCILLOR DIDA BERKU
SECONDED COUNCILLOR SIDNEY BENIZRI

AND RESOLVED:

"THAT the site planning and architectural integration programs received April 17, 2020 showing the perspective and elevations for an addition of a third storey to be built on an existing, single-family, detached dwelling on lot 1 561 973 at 5606 Hartwell and prepared by Studio AD; for the Planning Advisory Committee meeting of April 21, 2020, be approved according to the provisions of Chapter 14 of by-law 2217, of the City of Côte Saint-Luc."
CARRIED UNANIMOUSLY

200525
URBAN PLANNING – SITE PLANNING AND ARCHITECTURAL INTEGRATION PROGRAMS (SPAIP) – 5869 KELLERT – CÔTE SAINT-LUC

It was

MOVED BY COUNCILLOR DAVID TORDJMAN
SECONDED COUNCILLOR DIDA BERKU

AND RESOLVED:

"THAT the site planning and architectural integration programs received April 16, 2020 showing elevations for the construction of a mezzanine addition to an existing, semi-detached, single-family dwelling on lot 4 670 162 at 5869 Kellert and prepared by FRW, architects; for the Planning Advisory Committee meeting of April 21, 2020, be approved according to the provisions of Chapter 14 of by-law 2217, of the City of Côte Saint-Luc."
CARRIED UNANIMOUSLY

200526
URBAN PLANNING – SITE PLANNING AND ARCHITECTURAL INTEGRATION PROGRAMS (SPAIP) – 5611 ALPINE – CÔTE SAINT-LUC

It was

MOVED BY COUNCILLOR DIDA BERKU
SECONDED COUNCILLOR OREN SEBAG

AND RESOLVED:

"THAT the site planning and architectural integration programs received April 15, 2020 showing modifications to the previously approved second story addition to an existing, single-family, detached dwelling on lot 2 090 184 at 5611 Alpine and prepared by Alt and Agapy, architects; for the Planning Advisory Committee meeting of April 21, 2020, be approved subject to the following conditions:

- That the addition on the left elevation of the proposed metal siding must be vertical (and not horizontal) in order to be similar with the proposed side orientation on the front elevation; and

- That, on the left side elevation, the roof corniche that overhangs on the front elevation must be extended on the side of the addition all the way to the back.

The whole, according to the provisions of Chapter 14 of by-law 2217, of the City of Côte Saint-Luc."
CARRIED UNANIMOUSLY

200527
URBAN PLANNING – SITE PLANNING AND ARCHITECTURAL INTEGRATION PROGRAMS (SPAIP) – 5472 WESTMINSTER – CÔTE SAINT-LUC

It was

MOVED BY COUNCILLOR DIDA BERKU
SECONDED COUNCILLOR MIKE COHEN

AND RESOLVED:

"THAT the site planning and architectural integration programs received April 14, 2020 showing an elevation for a new illuminated sign (using the existing box) for the restaurant "C'est tout Soleil" on lot 1 292 251 at 5472 Westminster and prepared for the Planning Advisory Committee meeting of April 21, 2020, be approved according to the provisions of Chapter 14 of by-law 2217, of the City of Côte Saint-Luc."
CARRIED UNANIMOUSLY

200528
RESOLUTION TO ESTABLISH THE STANCE OF THE CITY OF CÔTE SAINT-LUC COUNCIL ON ISSUES TO BE PRESENTED AT THE MONTREAL URBAN AGGLOMERATION COUNCIL MEETING

WHEREAS according to section 4 of *An Act respecting the exercise of certain municipal powers in certain urban agglomerations* (CQLR, c. E-20.001) (hereinafter "the Act"), the urban agglomeration of Montreal is made up *inter alia*, of the City of Côte Saint-Luc since January 1, 2006;

WHEREAS according to section 58 of the Act, every central municipality has an urban agglomeration council, the nature, composition and operating rules of which are set out in an order in council and that this agglomeration council constitutes a deliberative body of the municipality;

WHEREAS under section 59 of the Act, every municipality must be represented on the urban agglomeration council;

WHEREAS according to section 61 of the Act, at a meeting of the council of a related municipality, the Mayor informs the council of the matters that are to be considered at a future meeting of the urban agglomeration council, sets out the position the Mayor intends to take on any matter referred to at the urban agglomeration council meeting, discusses that position with the other members present and proposes the adoption of a resolution establishing the council's stance;

WHEREAS agglomeration council meetings may be held in June 2020 for which members of the municipal council shall establish the stance that it wishes to take;

It was

MOVED BY COUNCILLOR OREN SEBAG
SECONDED BY COUNCILLOR DAVID TORDJMAN

AND RESOLVED

"THAT Council take the following stance in view of any Agglomeration Council meetings to be held in June 2020 as follows:

- to authorize the Mayor or his duly authorized replacement to make any decisions he deems necessary and in the best interest of the City of Côte Saint-Luc and its residents regarding the items on the agenda of the Agglomeration Council meetings to be held in June 2020 based on the information to be presented during those meetings."

CARRIED UNANIMOUSLY

SECOND QUESTION PERIOD

The second question period started at 9:44 p.m. and finished at 9:49 p.m. Two (2) residents submitted questions during the council meeting and they were answered during the live feed.

1) Toby Shulman

The resident inquired about the SPVM enforcing physical distancing on the territory of Côte Saint-Luc; to which Mayor Brownstein responded that the residents are, for the most part, respecting the physical distancing measures and that the SPVM will only give tickets for serious violations.

The resident further inquired about the directive given to residents while walking under the Cavendish Boulevard underpass (in the direction of traffic); to which Mayor Brownstein responded that the situation will not be perfect, but he asks all residents to respect this directive to the best of their ability and to spread the word amongst other residents.

2) Tamar Hertz

The resident inquired about item 8a) of the Agenda, more specifically, what led to the cancellation of the tender for the reconstruction of sidewalks; to which Mayor Brownstein responded that it was due to a technical issue and that the City will study other possibilities to get the work done.

200529
APPROVAL OF THE ADJOURNMENT OF THE MEETING

It was

MOVED BY COUNCILLOR OREN SEBAG
SECONDED BY COUNCILLOR DAVID TORJDMAN

AND RESOLVED:

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

AT 9:49 P.M. MAYOR BROWNSTEIN DECLARED THE MEETING ADJOURNED.

_____
MITCHELL BROWNSTEIN
MAYOR

_____
JASON PRÉVOST
ASSISTANT CITY CLERK

LIST OF ANNEXES		
Resolution number	**Corresponding Annex**	**Document**
200511	Annex A	Ministerial Order 2020-029
200520	Annex B	Agreement with the City of Montreal

A.M., 2020

Arrêté numéro 2020-029 de la ministre de la Santé et des Services sociaux en date du 26 avril 2020

Loi sur la santé publique
(chapitre S-2.2)

CONCERNANT l'ordonnance de mesures visant à protéger la santé de la population dans la situation de pandémie de la COVID-19

LA MINISTRE DE LA SANTÉ ET DES SERVICES SOCIAUX,

VU l'article 118 de la Loi sur la santé publique (chapitre S-2.2) qui prévoit que le gouvernement peut déclarer un état d'urgence sanitaire dans tout ou partie du territoire québécois lorsqu'une menace grave à la santé de la population, réelle ou imminente, exige l'application immédiate de certaines mesures prévues à l'article 123 de cette loi pour protéger la santé de la population;

VU le décret numéro 177-2020 du 13 mars 2020 qui déclare l'état d'urgence sanitaire dans tout le territoire québécois pour une période de 10 jours;

VU que ce décret numéro 177-2020 du 13 mars 2020 et les arrêtés numéros 2020-004 du 15 mars 2020, 2020-005 du 17 mars 2020 et 2020-016 du 7 avril 2020 prévoient l'organisation et la fourniture de services de garde d'urgence;

VU que l'état d'urgence sanitaire a été renouvelé jusqu'au 29 mars 2020 par le décret numéro 222-2020 du 20 mars 2020, jusqu'au 7 avril 2020 par le décret numéro 388-2020 du 29 mars 2020, jusqu'au 16 avril 2020 par le décret 418-2020 du 7 avril 2020, jusqu'au 24 avril 2020 par le décret numéro 460-2020 du 15 avril 2020 et jusqu'au 29 avril 2020 par le décret numéro 478-2020 du 22 avril 2020;

VU que ce dernier décret prévoit que les mesures prévues par les décrets numéros 177-2020 du 13 mars 2020, 222-2020 du 20 mars 2020, 223-2020 du 24 mars 2020 et 460-2020 du 15 avril 2020 et par les arrêtés numéros 2020-003 du 14 mars 2020, 2020-004 du 15 mars 2020, 2020-005 du 17 mars 2020, 2020-006 du 19 mars 2020, 2020-007 du 21 mars 2020, 2020-008 du 22 mars 2020, 2020-009 du 23 mars 2020, 2020-010 du 27 mars 2020, 2020-011 du 28 mars 2020, 2020-012 du 30 mars 2020, 2020-013 du 1er avril 2020, 2020-014 du 2 avril 2020, 2020-015 du 4 avril 2020, 2020-016 du 7 avril 2020, 2020-017 du 8 avril 2020, 2020-018 du 9 avril 2020, 2020-019 et 2020-020 du 10 avril 2020, 2020-021 du 14 avril 2020, 2020-022 du 15 avril 2020, 2020-023 du 17 avril 2020, 2020-025 du 19 avril 2020 et 2020-026 du 20 avril 2020, sauf dans la mesure où elles ont été modifiées par ces décrets ou ces arrêtés, continuent de s'appliquer jusqu'au 29 avril 2020 ou jusqu'à ce que le gouvernement ou la ministre de la Santé et des Services sociaux les modifie ou y mette fin;

VU que le décret numéro 478-2020 du 22 avril 2020 habilite la ministre de la Santé et des Services sociaux à prendre toute mesure prévue aux paragraphes 1° à 8° du premier alinéa de l'article 123 de la Loi sur la santé publique;

CONSIDÉRANT QU'il y a lieu d'ordonner certaines mesures pour protéger la santé de la population;

ARRÊTE CE QUI SUIT :

QU'en outre des services de garde d'urgence prévus par le décret numéro 177-2020 du 13 mars 2020 et les arrêtés numéros 2020-004 du 15 mars 2020, 2020-005 du 17 mars 2020 et 2020-016 du 7 avril 2020, de tels services soient organisés et fournis aux enfants dont l'un des parents est à l'emploi d'un abattoir ou est membre des Forces armées canadiennes;

QUE les producteurs et transformateurs bioalimentaires soient autorisés à louer des unités d'hébergement au sein d'un établissement d'hébergement régi par la Loi sur les établissements d'hébergement touristique (chapitre E-14.2) pour y loger leurs travailleurs;

QUE toute réunion, séance ou assemblée qui a lieu en personne, y compris celle d'un organe délibérant, puisse se tenir à l'aide d'un moyen permettant à tous les membres de communiquer immédiatement entre eux; lorsque la loi prévoit qu'une séance doit être publique, celle-ci doit être publicisée dès que possible par tout moyen permettant au public de connaître la teneur des discussions entre les participants et le résultat de la délibération des membres;

QUE lorsqu'un vote secret est requis, celui-ci puisse être tenu par tout moyen de communication convenu par toutes les personnes ayant droit de vote ou, à défaut, par tout moyen permettant, à la fois, de recueillir les votes de façon à ce qu'ils puissent être vérifiés subséquemment et de préserver le caractère secret du vote;

QUE le dixième alinéa du dispositif de l'arrêté numéro 2020-004 du 15 mars 2020, portant sur les séances tenues par tout conseil et par tout conseil exécutif ou administratif d'une municipalité, d'une communauté métropolitaine, d'une société de transport en commun ou d'une régie intermunicipale, soit abrogé.

Québec, le 26 avril 2020

La ministre de la Santé et des Services sociaux,
DANIELLE MCCANN

72526

APPROUVÉ
QUANT À SA VALIDITÉ
ET À SA FORME
27 FÉV. 2020
POUR
DIRECTEUR
ET AVOCAT EN CHEF
Service des affaires juridiques

ENTENTE INTERMUNICIPALE

OBJET : Travaux de construction d'un égout unitaire sur l'avenue Isabella à l'Est de l'avenue Macdonald, situé sur le territoire des villes de Montréal et de Côte-Saint-Luc.

CANADA

PROVINCE DE QUÉBEC

DISTRICT DE MONTRÉAL

ENTENTE

entre

VILLE DE MONTRÉAL (ARRONDISSEMENT DE CÔTE-DES-NEIGES—NOTRE-DAME-DE-GRÂCE), personne morale de droit public, ayant une adresse au 5160, boulevard Décarie, bureau 600, Montréal (Québec) H3X 2H9, agissant et représentée par Me Geneviève Reeves, secrétaire d'arrondissement de Côte-des-Neiges—Notre-Dame-de-Grâce, dûment autorisée aux fins des présentes en vertu du *Règlement intérieur de l'arrondissement* RCA04 17044, article 5;

Ci-après appelée **« MONTRÉAL »**

et

VILLE DE CÔTE-SAINT-LUC, personne morale de droit public ayant ayant son hôtel de Ville au 5801, boulevard Cavendish, Côte Saint-Luc (Québec) H4W 3C3, ici représenté par Me Andrea Charon, conseillère générale, dûment autorisée aux fins des présentes par résolution du Conseil municipal numéro _____ en date du _____ 2020;
;

Ci-après appelée **« CÔTE-SAINT-LUC »**

MONTRÉAL et **CÔTE-SAINT-LUC** sont également individuellement ou collectivement désignés dans la présente convention comme une « **Partie** » ou les « **Parties** ».

ATTENDU QUE la *Loi sur les compétences municipales* (L.R.Q., c. C-47.1) précise à l'article 75 que lorsqu'une voie publique est divisée par la limite des territoires de deux municipalités, de telle façon que la responsabilité de la gestion de cette voie doit être assumée par une seule municipalité, les municipalités concernées doivent conclure une entente intermunicipale;

ATTENDU QUE la gestion de l'infrastructure de chaussée sur l'avenue Macdonald incombe, en partie, à MONTRÉAL et en partie à CÔTE-SAINT-LUC conformément aux limites municipales;

ATTENDU QUE MONTRÉAL désire réaliser des travaux sur l'avenue Isabella à l'Ouest de l'avenue Macdonald relatifs à la construction d'un égout unitaire sur l'avenue Isabella et son raccordement au réseau d'égout souterrain de l'avenue Macdonald, lequel est situé sur le territoire de MONTRÉAL et de CÔTE-SAINT-LUC;

ATTENDU QUE ces travaux seront réalisés sur le territoire des deux Parties;

ATTENDU QUE de tels travaux sont nécessaires pour desservir un immeuble à être construit sur le lot 4 682 120 du cadastre du Québec, circonscription foncière de Montréal, propriété de madame Amalia Dinut;

ATTENDU QU'il est prévu que ces travaux débutent en mai 2020;

ATTENDU QUE CÔTE-SAINT-LUC a obtenu de MONTRÉAL les plans de voirie, d'égout et d'aqueduc relatifs aux travaux à réaliser joints en annexe D des présentes;

ATTENDU QUE les Parties reconnaissent la nécessité d'une entente spécifique entre elles relative à la réalisation de ces travaux afin d'établir la répartition des obligations en vue de la réalisation de ceux-ci;

ATTENDU QUE l'adoption le 5 décembre 2019 de la *Loi visant principalement l'encadrement des inspections en bâtiment et de la copropriété divise, le remplacement de la dénomination de la Régie du logement et l'amélioration de ses règles de fonctionnement et modifiant la Loi sur la Société d'habitation du Québec et diverses dispositions législatives concernant le domaine municipal*, modifie la *Loi sur les cités et villes* et que l'article 572.1 permet à deux municipalités de s'unir pour poser des actes reliés à un contrat d'exécution de travaux ou de services;

ATTENDU QUE CÔTE-SAINT-LUC désire mandater MONTRÉAL pour agir à titre de donneur d'ouvrage dans le cadre de la réalisation des travaux prévus aux présentes, et ce, conformément aux conditions et modalités du partage des obligations prévues aux présentes;

ATTENDU QUE MONTRÉAL et CÔTE-SAINT-LUC ont respectivement adopté un *Règlement sur la gestion contractuelle* en vertu de l'article 573.3.1.2 de la *Loi sur les cités et villes* et qu'elles en ont chacune transmis une copie à l'autre partie.

À CES FINS, LES PARTIES CONVIENNENT DE CE QUI SUIT:

1. PRÉAMBULE

Le préambule et les Annexes mentionnées aux présentes font partie intégrante de la présente entente et lient les Parties au même titre que les articles ci-dessous. Les annexes sont :

a) la copie conforme de la résolution de MONTRÉAL (annexe A);
b) la copie conforme de la résolution de CÔTE-SAINT-LUC (annexe B);
c) le plan de localisation de l'OUVRAGE (annexe C);
d) le plan de voirie, d'égout et d'aqueduc du PROJET (annexe D)

Les Parties déclarent avoir pris connaissance des annexes et les acceptent. En cas de difficulté d'interprétation, le texte de l'entente a préséance sur celui des annexes qui pourrait être inconciliable avec celui-ci.

2. OBJET

La présente entente a pour objet d'établir les conditions et les modalités du partage des obligations des Parties pour la réalisation de l'OUVRAGE qui sera exécuté dans le cadre du PROJET, comprenant les services professionnels ainsi que les travaux requis pour sa réalisation.

3. MANDAT

Par la présente, CÔTE-SAINT-LUC mandate MONTRÉAL, qui accepte, pour la représenter dans le cadre du processus contractuel, incluant l'octroi des contrats nécessaires à la réalisation de l'OUVRAGE. Les Parties conviennent que les règles d'adjudication des contrats

seront celles applicables à MONTRÉAL, incluant son *Règlement sur la gestion contractuelle (18-038)*.

CÔTE-SAINT-LUC reconnaît être liée à MONTRÉAL concernant les travaux de l'OUVRAGE comme si elle était elle-même partie à tout contrat octroyé par MONTRÉAL dans le cadre du PROJET, incluant tout contrat de services professionnels.

4. DÉFINITIONS

Les termes et les expressions suivants de la présente entente ont, à moins que le contexte ne l'indique autrement, le sens suivant :

« FOURNISSEUR » : désigne toute firme, toute entreprise, toute société privée ou toute compagnie de services publics mandatée par MONTRÉAL pour dispenser les services professionnels et pour exécuter les travaux du PROJET.

« OUVRAGE » : désigne les travaux de construction d'un égout unitaire sur l'avenue Isabella à l'Ouest de l'avenue Macdonald et le raccordement au réseau d'égout de l'avenue Macdonald situé sur les territoires de MONTRÉAL et de CÔTE-SAINT-LUC.

« PROJET » : désigne les travaux de réalisation de l'OUVRAGE, les travaux connexes ainsi que les services professionnels s'y rattachant (qui incluent sans s'y limiter la surveillance de chantier, le contrôle qualitatif et le suivi de la gestion des sols contaminés). Ces travaux se détaillent comme suit et sont identifiés au plan joint en annexe D des présentes :

I. L'installation d'un nouveau réseau de drainage unitaire sur l'avenue Isabella;
II. Le branchement au réseau d'égout de l'avenue Macdonald (ajout d'un regard);
III. La réfection de coupe de la tranchée centrale de la conduite d'égout à installer sur l'avenue Isabella ;
IV. L'ajout d'un puisard et d'un regard sur l'avenue Isabella;
V. L'ajout d'un regard sur la rue Macdonald;
VI. La pose de revêtement bitumineux sur l'avenue Isabella, à l'est de l'avenue Macdonald, jusqu'à la limite du lot 4 682 120.

Tous ces travaux sont réalisés sur le territoire de MONTRÉAL. Les travaux visés par les paragraphes III et VI sont également réalisés sur le territoire de CÔTE-SAINT-LUC.

5. CONTRIBUTION FINANCIÈRE

5.1 Sous réserve de l'adoption d'une résolution de l'instance compétente de MONTRÉAL autorisant les crédits nécessaires pour la réalisation des travaux du PROJET (ci-après, la « Résolution »), les Parties conviennent que MONTRÉAL assume, à l'égard de CÔTE-SAINT-LUC, cent pourcent (100 %) des coûts réels reliés au PROJET.

5.2 Conformément au *Règlement sur les ententes relatives à des travaux municipaux (08-013)*, MONTRÉAL entend conclure une entente relative aux travaux du PROJET avec la propriétaire du lot 4 682 120, madame Amalia Dinut, en vertu de laquelle cette dernière assume une partie des coûts réels reliés au PROJET (ci-après, l' « Entente d'infrastructures »).

6. OBLIGATIONS DES PARTIES

6.1 D'une part, pour la réalisation du PROJET, CÔTE-SAINT-LUC s'engage à :

a) collaborer avec MONTRÉAL à toutes les étapes du PROJET;

b) répondre à toute demande d'autorisation ou d'approbation relative à la réalisation du PROJET touchant le territoire de CÔTE-SAINT-LUC dans les cinq (5) jours ouvrables de la réception d'une demande de MONTRÉAL à cet effet à défaut de quoi, elle sera présumée être acceptée par CÔTE-SAINT-LUC;

6.2 D'autre part, pour la réalisation du PROJET et sous réserve de l'adoption de la Résolution, MONTRÉAL s'engage à :

a) transmettre les plans et devis du PROJET à CÔTE-SAINT-LUC pour information et commentaires;

b) réaliser ou à faire réaliser l'OUVRAGE, à titre de donneur d'ouvrage et à la suite d'appels d'offres conformément à la loi et aux termes du mandat plus spécifiquement détaillé à l'article 3 des présentes, et ce, dans le respect des plans et devis;

c) indiquer aux documents d'appel d'offres relatifs aux travaux du PROJET que MONTRÉAL est mandatée par CÔTE-SAINT-LUC pour la représenter dans le cadre de l'octroi et de l'exécution des contrats nécessaires à la réalisation de l'OUVRAGE, lesquels comprennent des travaux sur le territoire de CÔTE-SAINT-LUC;

d) assumer ou à faire assumer, à titre de donneur d'ouvrage et à la suite d'un appel d'offres, lorsque requis par la loi, la surveillance des travaux du PROJET;

e) mandater, à la suite d'un appel d'offres, si requis par la loi, un laboratoire pour le contrôle qualitatif des matériaux de construction du PROJET et le suivi de la gestion des sols contaminés du PROJET;

f) faire le suivi des travaux du PROJET et de la garantie sur les travaux du PROJET durant une période d'un an suivant l'acceptation provisoire des travaux;

g) informer CÔTE-SAINT-LUC de :

i) toutes les modifications ultérieures à l'acceptation des plans et devis initiaux par CÔTE-SAINT-LUC, et ce, préalablement à la mise en œuvre des travaux visés par ces modifications si de telles modifications touchent le territoire de CÔTE-SAINT-LUC;

ii) les ordres de changements survenant en cours d'exécution des travaux sur le territoire de CÔTE-SAINT-LUC, jusqu'à l'acceptation provisoire des travaux ;

iii) toute modification des coûts engendrée par des travaux supplémentaires sur le territoire de CÔTE-SAINT-LUC;

h) accorder en tout temps à CÔTE-SAINT-LUC un droit de regard et de surveillance sur les travaux du PROJET sur son territoire;

i) payer directement le coût des services professionnels et des travaux du PROJET qui lui seront facturés par les FOURNISSEURS qu'elle aura retenus à titre de donneur d'ouvrage, et ce, dans les trente (30) jours de la réception de toute facture à cet effet;

j) effectuer l'analyse des plaintes et des questions reçues des soumissionnaires dans le cadre des appels d'offres et les traiter conformément à la procédure de réception des plaintes en vigueur à MONTRÉAL. Le représentant de CÔTE-ST-LUC devra collaborer avec MONTRÉAL le cas échéant.

7. MAÎTRE D'OEUVRE

Les Parties conviennent que, conformément à la présente entente, MONTRÉAL sera le maître d'œuvre des travaux du PROJET.

8. DURÉE DE L'ENTENTE

Conditionnellement à la conclusion de l'Entente d'infrastructures, la présente entente prend effet à sa date de signature et se termine lorsque l'ensemble des obligations des Parties prévues aux présentes auront été réalisées.

9. RÉSILIATION

MONTRÉAL peut mettre fin à la présente entente en transmettant un simple avis écrit à CÔTE-SAINT-LUC dans les cas suivants :

9.1 si l'Entente d'infrastructures est résiliée;

9.2 si la Résolution n'est pas adoptée;

CÔTE-SAINT-LUC renonce à tout recours contre MONTRÉAL en raison de la résiliation de la présente entente conformément au présent article.

10. DISPOSITIONS DIVERSES

10.1 La présente entente lie les Parties, leurs successeurs et ayants droit respectifs.

10.2 Tout avis ou document à être donné ou transmis relativement à la présente entente est suffisant s'il est consigné dans un écrit et expédié par un mode de communication qui permet à la Partie expéditrice de prouver sa livraison au destinataire.

Élection de domicile de CÔTE-SAINT-LUC

CÔTE-SAINT-LUC fait élection de domicile au 5801 boulevard Cavendish, Côte-Saint-Luc (Québec) H4W 3C3, et tout avis doit être adressé à l'attention de M. Mohammed Ali, ing., P.Eng., Gestionnaire de l'ingénierie ou au Service du greffe de CÔTE-SAINT-LUC.

Élection de domicile de MONTRÉAL

MONTRÉAL fait élection de domicile au 2140, avenue Madison, 3e étage, Montréal, Québec, H4B 2T4 et tout avis doit être adressé à l'attention du Directeur des travaux publics de l'arrondissement Côte-des-Neiges-Notre-Dame-de-Grâce, M. Pierre Boutin avec copie conforme au Chef de division du Bureau technique, M. Pascal Trottier.

10.3 La présente entente est interprétée selon les lois de la province de Québec et toute procédure judiciaire s'y rapportant doit être intentée dans le district judiciaire de Montréal.

10.4 Les Parties déclarent et reconnaissent expressément que les stipulations de la présente entente n'ont pas été imposées par l'une ou l'autre des Parties, mais qu'au contraire, elles ont été librement discutées entre elles.

De plus, chacune des Parties, après avoir obtenu les explications adéquates sur la nature et l'étendue de chacune des stipulations des présentes et après avoir pris avis sur leur portée, se déclarent satisfaites de leur état lisible, compréhensible et raisonnable.

10.5 Les droits et obligations de l'une des Parties ne peuvent être cédés à un tiers qu'avec l'accord préalable écrit de l'autre Partie.

10.6 La présente entente constitue la totalité et l'intégralité de l'entente intervenue entre les Parties.

10.7 Une clause de la présente entente jugée invalide par le tribunal n'affecte en rien la validité des autres clauses qui conservent leur plein effet et leur force exécutoire.

EN FOI DE QUOI, LES PARTIES ONT SIGNÉ :

À Montréal, ce ___ jour de _____ 2020

VILLE DE MONTRÉAL :

_____

Me Geneviève Reeves, secrétaire d'arrondissement, Côte-des-Neiges-Notre-Dame-de-Grâce

À CÔTE-SAINT-LUC, ce ___ jour de _____ 2020

VILLE DE CÔTE-SAINT-LUC

_____

Me Andrea Charon, conseillère générale

ANNEXE A

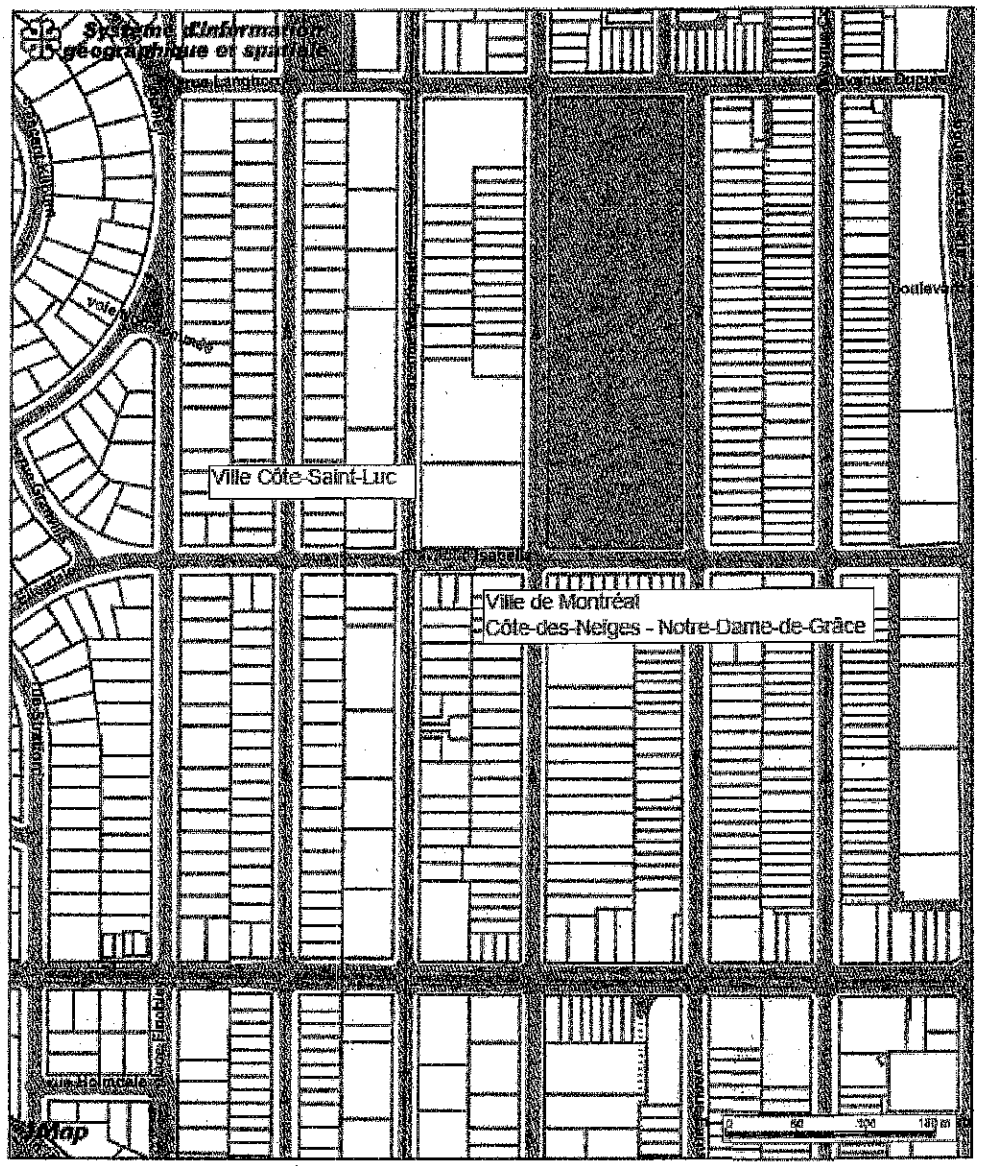
Résolution MONTRÉAL

ANNEXE B

Résolution CÔTE-SAINT-LUC

ANNEXE C

Plan de localisation de l'Ouvrage



Projet Isabella - Plan de localisation des travaux

ANNEXE D

Plan civil