



## CITY OF POINTE-CLAIRE

MINUTES OF THE **REGULAR MEETING** OF THE COUNCIL OF THE CITY OF POINTE-CLAIRE, HELD AT THE CITY HALL, 451 SAINT-JEAN BOULEVARD, POINTE-CLAIRE, QUEBEC ON MONDAY, **DECEMBER 19, 2011** AT 7:30 P.M. AFTER DUE NOTICE HAD BEEN DELIVERED BY THE PUBLIC SECURITY DIVISION ON FRIDAY, DECEMBER 16, 2011.

**PRESENT:** Councillors P. Bissonnette, J. Labbé, J.-P. Grenier, D. Smith, E. Stzuka and M. Trudeau, presided by His Worship the Mayor Bill McMurchie, forming a quorum of council.

**ABSENT:** Councillors R. Geller and A. Iermieri.

Mr. Nicolas Bouchard, Eng., City Manager, Me J.-D. Jacob, Director of Legal Affairs, Communications and City Clerk are also in attendance.

### **2011-535** ADOPTION OF THE AGENDA

**RESOLVED:** It is moved by Councillor Trudeau,  
Seconded by Councillor Grenier, and unanimously  
TO approve the agenda as submitted for this meeting with the following additions:

- To cancel and annul the contract awarded to "Transport Camille Dionne (1991) inc.", under resolution No. 2010-539.
- To modify the resolution 2011-505, as to not take advantage of the two (2) year option foreseen in the current contract with "RCI Environnement Inc." for the collection and transport of recyclable materials.

### **2011-536** ADOPTION OF MINUTES – FRENCH AND ENGLISH VERSIONS

**RESOLVED:** It is moved by Councillor Smith,  
Seconded by Councillor Bissonnette, and unanimously  
TO approve the French and English versions of the minutes of the municipal council meeting held on December 5 and the special council meeting held on December 12, 2011.

### **2011-537** QUESTION PERIOD

Questions are addressed to the members of Council by the persons hereafter mentioned concerning the following subjects:

Mr Yvon Calbert, of 151 Douglas-Shand Avenue:

- One-way traffic on Sainte-Anne and Saint-Joachim Avenues;
- Installation of speed bumps at different locations;

Mr. Marcel Montpetit, of Golf Avenue:

- One-way traffic on Sainte-Anne and Saint-Joachim Avenues;
- Reimbursement of expenses incurred by Mayor McMurchie.

### **2011-538** ADOPTION - BY-LAW DECREERING THE IMPOSITION OF THE GENERAL REAL ESTATE TAX, COMPENSATION FOR MUNICIPAL SERVICES AND THE TARIFFS EXIGIBLE FOR THE WATER SUPPLY AS WELL AS THE FINANCING OF PROPERTIES, SERVICES AND ACTIVITIES

WHEREAS a copy of the draft by-law has been given to the Council members at least two juridical days before the present meeting;

WHEREAS all Council members present hereby acknowledge having read the draft by-law and they hereby waive its reading.

It is moved by Councillor Smith,  
Seconded by Councillor Sztuka, and unanimously

**RESOLVED:** TO adopt By-law No. PC-2798 decreeing the imposition of the general real estate tax, compensation for municipal services and the tariffs exigible for the water supply as well as the financing of properties, services and activities offered by the City of Pointe-Claire, for the fiscal year 2012.

**2011-539** ADOPTION - BY-LAW DECREEING A LONG TERM LOAN TO FINANCE AN EXPENSE OF \$1 400 000 FOR VARIOUS WORKS PERTAINING TO BUILDING RENOVATIONS, ELECTRICAL AND COMMUNICATION WORKS, AND SHORE REINFORCEMENT

WHEREAS a copy of the draft by-law has been given to the Council members at least two juridical days before the present meeting;

WHEREAS all Council members present hereby acknowledge having read the draft by-law and they hereby waive its reading.

It is moved by Councillor Trudeau,  
Seconded by Councillor Labbé, and unanimously

**RESOLVED:** TO adopt, within the framework of the 2012-2013-2014 Capital Expenditures Programme, By-law No. PC-2796, authorizing the financing, over a ten (10) year period, an expense of \$1 400 000 for various works pertaining to building renovations, electrical and communication works, and shore reinforcement.

**2011-540** ADOPTION - BY-LAW DECREEING A LONG TERM LOAN TO FINANCE AN EXPENSE OF \$10 210 000 FOR VARIOUS WORKS PERTAINING TO BUILDING RENOVATIONS, STRUCTURAL WORKS, ROADS, WATERMAIN, STROM AND SANITARY SEWERS AND ALSO SHORE REINFORCEMENT

WHEREAS a copy of the draft by-law has been given to the Council members at least two juridical days before the present meeting;

WHEREAS all Council members present hereby acknowledge having read the draft by-law and they hereby waive its reading.

It is moved by Councillor Bissonnette,  
Seconded by Councillor Trudeau, and unanimously

**RESOLVED:** TO adopt By-law No. PC-2797 decreeing a long term loan to finance an expense of \$10 210 000 for various works pertaining to building renovations, structural works, roads, watermain, storm and sanitary sewers, and also shore reinforcement.

**2011-541** APPROVAL – SITE PLANNING AND ARCHITECTURAL INTEGRATION PLANS – 120-128 HYMUS BOULEVARD

WHEREAS By-law No. PC-2787 on the Site Planning and Architectural Integration Programme, of which is subject the property located at 120-128 Hymus Boulevard, requires that prior to the issuance of a certificate of authorization and/or a subdivision permit and/or a building permit, plans be submitted to Council for approval;

WHEREAS the Planning Advisory Committee recommended at its meetings held on April 11 and May 24, 2011 the approval of the undermentioned site planning and architectural integration plans.

It is moved by Councillor Labbé,  
Seconded by Councillor Sztuka, and unanimously

**RESOLVED:** TO approve the following documents:

1. The “plan cadastral”, file number S-2338 2D2, prepared by David Simoneau, Land Surveyor and filed with the Planning Department August 2, 2011;

2. The plans prepared by Dorel Friedman, Architect:
  - A1 “Implantation”, filed June 30, 2011;
  - A2 “Élévation bâtiment de 6 étages”, filed April 4, 2011;
  - A3 “Élévation bâtiment de 4 étages”, filed April 4, 2011;
  - A6 “Phase 5 Élévation Ouest”, filed August 22, 2011;
  - A7 “Phase 5 Élévation Est”, filed August 22, 2011;
  - A8 Phase 5 Élévation Nord Élévation Sud”, filed August 22, 2011.
3. The landscaping plans AP1 and AP-8, as well as the email prepared by Projet Paysage, filed August 16, 2011;
4. The following samples:
  - Brick by Belden (Commodore colour) or equivalent;
  - Brick by Belden (Black Diamond colour) or equivalent;
  - Solin aluminum (black colour) or equivalent;
  - Steel awning (black colour) or equivalent;
  - Fibrocement Cemfort panels by Arkea (black colour) or equivalent;
  - Aluminum railing (black colour) or equivalent;
  - Door and window frames (black colour) or equivalent.
5. The recommendations submitted by the horticulture division on August 22, 2011;
  - We will visit the grounds at each phase to approve the trees to be cut down and those to be preserved before the beginning of the construction;
  - If the park is build in two phases, and that the first is done within the framework of the construction of Phase 1, this implies that when Phases 2-3-4 and 5, precautions will have to be taken to protect the existing landscape. We will have to fence the perimeter around the landscaping to restrain all traffic or storage of materials. To do so, construction site signs will have to be installed on the fences to advise the contractors. Furthermore, we will have to foresee the watering of the greenery to insure their growth and their survival during the works.
  - The trees preserved in the buffer zone will not have to have more than a 10 cm filling above the ground level or other damages. If this is the case, the City will be able to require corrective works (ground aeration with vertical mulching, pruning of damaged branches, cutting of roots, etc.);
  - The trees, the shrubs and perennial will have to be planted according to the “BNQ” norms and according to the sketch attached to Plan AP-8;
  - The schedule filed November 10, 2011.

With the following conditions:

1. That a temporary road, for the construction of Phases 2 and 3, be done in a way as to permit that the construction vehicles do not pass on the newly paved access road of Phase 1.
2. That a financial one million dollar surety be posted at the deliverance of the permit:
  - Following completion of Phase 1, the surety can be reduced to \$90 000;
  - Following completion of Phase 2, the surety can be reduced to \$150 000;
  - Following the completion of Phase 3, the surety can be reduced to \$195 000;
  - Following the completion of Phase 4, the surety can be reduced to \$265 000
  - Which will leave a \$300 000 surety to insure that phase 5 will be completed.

3. That the “Domus Pacifica” owner binds himself to put in motion his project according to the following schedule:
  - Phase 1: end of works – October 1, 2013
  - Phase 2: end of works – April 1, 2015
  - Phase 3: end of works – April 1, 2016
  - Phase 4: end of works – April 1, 2017
  - Phase 5: end of works – April 1, 2018

4. That the “Domus Pacifica” owner bind himself not to cede, assign, alienate or otherwise transfer the property being the object of the present agreement without the City’s consent, without maintaining the financial sureties, to be established in favour of the City. Unless of a valuable motive, the City’s consent should not be refused. More specifically, the consent will be given at the sale of lot 4 805 625 (Phase 1) to “Développement Vertex” at the condition that they formerly accept the above mentioned conditions regarding Phase 1.

That the “Domus Pacifica” owner supply a valid financial surety to the City of Pointe-Claire in the amount of \$1 000 000, subject to the above mentioned schedule, until June 1, 2018. This financial surety can be supplied in cash or by certified cheque, bank letter or bond in favour of the City of Pointe-Claire.

5. That lot 4 802 940, created for the future widening of Hymus Boulevard, be ceded by Domus Pacifica to the City of Pointe-Claire for an amount of one dollar (\$1), as confirmed in the July 29, 2011 letter from Chris McLean, President.

The whole pertaining to the construction of a five (5) multifamily building development at 120-128 Hymus Boulevard (Domus Pacifica) as these documents are conforming to the criteria and objectives as outlined in By-law No. PC-2787 on the Site Planning and Architectural Integration Programme.

The site planning and architectural integration plans herewith mentioned and the present resolution will become null and void on December 5, 2012, if a certificate or a permit has not been issued for the realisation of the project intended in the plans.

To indicate, as approval conditions of its plans, that the owner take at his expense the infrastructures and equipment costs, which installation will be necessary to serve the buildings to be built, and consequently, to indicate that the delivery of any construction or building permit, certificate of authorization or occupation certificate, is subject to a prior agreement to intervene between the owners / petitioner “Domus Pacifica”, “Développement Vertex” and the City of Pointe-Claire with regard to the realization of works pertaining to infrastructures and municipal equipments and on the coverage of the costs relative to these works by the owners / petitioner above indicated.

The present resolution replaces, for all legal purposes, resolution No. 2011-364.

**2011-542**      APPROVAL – MINOR EXEMPTION TO ZONING BY-LAW NUMBER PC-2775 – 15 DONEGANI AVENUE

RESOLVED:      It is moved by Councillor Labbé,  
Seconded by Councillor Grenier, and unanimously  
TO approve the request for a minor exemption received from Mr. Kevin McBride of Post Canada, to permit at 15 Donegani Avenue the installation of a frost fence, with a height of 1.52 m (5’), in a portion of the front setback in a commercial zone.

**2011-543**      APPROVAL – MINOR EXEMPTION TO ZONING BY-LAW NUMBER PC-2775 – 15 PLACE DE LA TRIADE

It is moved by Councillor Bissonnette,  
Seconded by Councillor Smith, and unanimously

**RESOLVED:** TO approve the request for a minor exemption received from Masterpiece, to permit at 15 Place de la Triade a front setback of 12 m (39.3'), rather than the required 15 m (49.2').

**2011-544** APPROVAL – MINOR EXEMPTION TO ZONING BY-LAW NUMBER PC-2775 – HERMITAGE AVENUE

It is moved by Councillor Grenier,  
Seconded by Councillor Trudeau, and unanimously

**RESOLVED:** TO approve the request for minor exemptions received from Mr. Charlie C. Albano to permit:

- a) the construction of a deck at 5.60 m (18.37') from the property line rather than the minimum required side setback of 7.5 m (24.6') at 290, 292, 294, 296, 298 and 300 Hermitage Avenue;
- b) the bow window of all Model "B" units to encroach 0.40 m (1.31') into the minimum required side setback of 7.5 m (24.6') at 192, 218, 232, 258, 272 and 298 Hermitage Avenue;
- c) the porches of the even numbered addresses located between the 190 and the 300, Hermitage Avenue, to encroach into the minimum required side setback of 7.5 m (24.6').

**2011-545** APPROVAL – MINOR EXEMPTION TO ZONING BY-LAW NUMBER PC-2775 – 6700 TRANSCANADA HIGHWAY

It is moved by Councillor Grenier,  
Seconded by Councillor Labbé, and unanimously

**RESOLVED:** TO approve the request for a minor exemption received from Mr. Pierre Pautzé, urbanist, to permit at 6700 Transcanada Highway:

- a) the installation of three (3) wall signs located on the top section of a building, each with an area of 41,92 m<sup>2</sup> (451.26 ft<sup>2</sup>) rather than the maximum permitted area of 18.6 m<sup>2</sup> (200 ft<sup>2</sup>);
- b) the installation of a sign on an entrance canopy with an area of 4.46 m<sup>2</sup> (48 ft<sup>2</sup>) rather than the maximum permitted area of 2 m<sup>2</sup> (21.5 ft<sup>2</sup>).

**2011-546** APPROVAL – RECOMMENDATIONS FROM THE TRAFFIC COMMITTEE – MEETING OF NOVEMBER 29, 2011

It is moved by Councillor Trudeau,  
Seconded by Councillor Labbé, and unanimously

**RESOLVED:** TO approve the recommendations contained in the minutes of the Traffic Committee meeting held on November 29, 2011.

**2011-547** ADOPTION – FIRST DRAFT - BY-LAW AMENDING ZONING BY-LAW PC-2775 OF THE CITY OF POINTE-CLAIRE

WHEREAS a copy of the draft by-law has been given to the Council members at least two juridical days before the present meeting;

WHEREAS all Council members present hereby acknowledge having read the draft by-law and they hereby waive its reading.

It is moved by Councillor Bissonnette,  
Seconded by Councillor Smith, and unanimously

**RESOLVED:** TO adopt a first draft by-law amending Zoning By-Law PC-2775 of the City of Pointe-Claire to specify the calculation rule for the maximum floor area of detached single-family homes, to specify the rules that apply to certain outdoor uses (walls, fences and signs), to specify the applicable rule to the width of vehicular access, to specify that the outdoor display of passenger vehicles is not permitted on a green or grassed area, to indicate that a green space cannot be used for parking, to specify the front setback requirements in certain residential zones (Ra6, Ra15, Ra16, Ra24 and Ra25) along Bord-du-Lac--Lakeshore Road, to specify the uses permitted in zones Rb12 (Carmel Crescent Avenue), Re12 (Bord-du-Lac--Lakeshore Road between Milroy and Raynor Avenues) and N10 (property located at 220 Labrosse avenue), to specify the classification of certain storage uses



TO charge this expense to Budget Account 1-02-193-00-989, the whole as indicated on Certificate No. 11-3848 issued by the Treasurer on December 8, 2011.

**2011-553** AUTHORIZATION – « CONFÉRENCE SUR LES COLLECTIVITÉS DURABLES 2012 »

RESOLVED: It is moved by Councillor Trudeau,  
Seconded by Councillor Labbé, and unanimously  
TO authorize Mr. Nicolas Bouchard, City manager, to represent the City of Pointe-Claire at the “Conférence sur les collectivités durables 2012” to be held from February 7 to February 12, 2012 in Ottawa;

TO authorize the reimbursement of the fees incurred by Mr. Bouchard at this conference, as per the policy in force.

TO charge the expenses related to this authorization to Budget Account 1-02-131-00-313 (2012 Budget), the whole as indicated on Certificate No. 11-3844 issued by the Treasurer on December 9, 2011.

**2011-554** AUTHORIZATION - MEMBERSHIP RENEWAL – WEST ISLAND CHAMBER OF COMMERCE

RESOLVED: It is moved by Councillor Bissonnette,  
Seconded by Councillor Smith, and unanimously  
TO renew the City of Pointe-Claire’s membership to the West Island Chamber of Commerce at the cost of \$546.84 (tax included);

TO charge this expense to Budget Account 1-02-111-00-494 (2012 Budget), the whole as indicated on Certificate No. 11-3845 issued by the Treasurer on December 7, 2011.

**2011-555** APPROVAL – REIMBURSEMENT OF EXPENSE

*Mayor Bill McMurchie indicates that he does not participate in the deliberations of council and in the vote on this subject, having a personal interest in the question under study.*

*For this item, Councillor Dennis Smith, Pro-Mayor, presides the meeting.*

RESOLVED: It is moved by Councillor Trudeau  
Seconded by Councillor Labbé, and unanimously  
TO approve the reimbursement for an expense incurred by the Mayor Bill McMurchie, following the allegations published in the daily newspaper «La Presse» on July 15, 2008 and subsequently, in the other news bulletins, for an approximate total amount of \$20,701.02, including taxes, according to By-law No. PC-2753, as well as to the documents attached to decision making file No. 11-143-3841;

TO charge this expense to Budget Account 1-02-141-00-448, the whole as indicated on Certificate No. 11-3841 issued by the Treasurer on December 12, 2011.

**2011-556** AUTHORIZATION – « LA BOURSE RIDEAU » CONVENTION

RESOLVED: It is moved by Councillor Sztuka,  
Seconded by Councillor Grenier, and unanimously  
TO authorize Mrs. Micheline Bélanger, Division Manager – Cultural Activities, to represent the City of Pointe-Claire at the “La Bourse Rideau” convention to be held from February 12 to February 16, 2012 in Quebec City and that the City reimburse the fees incurred at this convention as per the policy in force;

TO authorize the reimbursement of the fees incurred by Mrs. Bélanger at this conference, as per the policy in force; and

TO charge the expenses related to this authorization to Budget Account 1-02-702-20-313, the whole as indicated on Certificate No. 11-3766 issued by the Treasurer on November 8, 2011.

**2011-557** AUTHORIZATION – INCREASE THE RESERVE BY AN AMOUNT OF \$1,300,000.00

RESOLVED: It is moved by Councillor Labbé,  
Seconded by Councillor Trudeau, and unanimously  
TO authorize the appropriation of an amount of \$1,300,000.00, from the non-affected accumulated surplus, in favour of the reserve “Tax Contestations Reserve”;

TO charge this expense to Budget Account 1-05-990-10-000, the whole as indicated on Certificate No. 11-3853 issued by the Treasurer on December 9, 2011.

**2011-558** TRAIN DE L'OUEST – SUPPORT RESOLUTION

WHEREAS the «Train de l'Ouest – Vaudreuil - Lucien-L'Allier» is the second most used suburban train operated by l'Agence métropolitaine de transport, but the frequency of service is limited because the tracks are shared with the principle freight line of the Canadian Pacific;

WHEREAS the Quebec Minister of Transport made 22 million \$ available to the Agence métropolitaine de transport in February 2011 to prepare detailed studies for the «Train de l'Ouest» project, including parking and which will be completed in Autumn 2012;

WHEREAS the tracks are on Canadian Pacific property and under federal jurisdiction, it is essential that Canadian Pacific approve and collaborate in bringing this project to completion. Ottawa through its influence can encourage the company to demonstrate an interest in negotiations with the Agence métropolitaine de transport;

WHEREAS the Federal government has a program of public-private partnerships that would permit it to contribute part of the funds required; it is probable that the project «Train de l'Ouest» will be a PPP in which the financial implication of the Federal government will be a key element;

RESOLVED: It is moved by Councillor Sztuka,  
Seconded by Councillor Grenier, and unanimously  
THAT a meeting be held at the earliest possible date between the Minister of Transport of Canada and the municipal mayors of the municipalities served with a view to the Minister announcing his approval of the «Train de l'Ouest – Vaudreuil - Lucien-L'Allier» and its priority status by the Federal government.

**2011-559** FILING – LIST OF THE PURCHASE ORDERS FROM NOVEMBER 1, 2011 TO NOVEMBER 30, 2011 AND THE LIST OF BUDGET TRANSFERS ENDING NOVEMBER 30, 2011

Members of council take note of the filing of the list of the purchase orders from November 1, 2011 to November 30, 2011 and the list of budget transfers ending November 30, 2011, as prepared by the Treasurer.

**2011-560** AWARDING OF CONTRACT – STUDY CONCERNING THE CITY OF POINTE-CLAIRE'S INDUSTRIAL SECTORS

RESOLVED: It is moved by Councillor Trudeau,  
Seconded by Councillor Sztuka, and unanimously  
TO award a contract for the elaboration of a study concerning the City of Pointe-Claire's industrial to “Groupe IBI / DAA” who submitted the lowest conforming bid of an approximate amount of \$56 287.95 (taxes included), in accordance with tender documents No. IU110001; and

TO charge this expense to Budget Account 1-03-920-10-005, the whole as indicated on Certificate No. 11-3825 issued by the Treasurer on December 6, 2011.

**2011-561** APPROVAL - TRANSFER DEED – “GROUPE IMMOBILIER GRILLI” AND THE CITY OF POINTE-CLAIRE

It is moved by Councillor Trudeau,  
Seconded by Councillor Bissonnette, and unanimously  
**RESOLVED:** TO approve the transfer deed to intervene, free of charge, between the  
“Groupe Immobilier Grilli inc.” in favour of the City of Pointe-Claire, as  
far as the final version of this act is substantially in compliance with the  
draft prepared by Me Emile Descary, Notary, dated September 9, 2009;

TO authorize the Mayor, or in his absence the Pro-Mayor, and the City  
Clerk, or in his absence the Assistant City Clerk to sign the  
aforementioned document;

TO authorize the radiation of the taxes due regarding the buildings  
being the object of this deed; and

TO charge this expense to Budget Account 1-02-211-50-000, the whole  
as indicated on Certificate No. 11-3798 issued by the Treasurer on  
November 28, 2011.

**2011-562**      AWARDING OF CONTRACT – SUPPLY AND DELIVERY OF  
DIFFERENT TYPES OF CONCRETE

It is moved by Councillor Labbé,  
Seconded by Councillor Grenier, and unanimously  
**RESOLVED:** TO award a contract for the supply and delivery of different types of  
concrete for the year 2012 to “Meloche inc.” who submitted the lowest  
conforming bid of an approximate amount of \$57 838.17 (taxes  
included), in accordance with tender documents No. IT120006; and

TO charge this expense to Budget Account Nos. 1-02-320-00-623 and  
1-02-413-01-623, the whole as indicated on Certificate No. 11-3823  
issued by the Treasurer on December 6, 2011.

**2011-563**      AWARDING OF CONTRACT – SUPPLY AND DELIVERY OF  
VARIOUS CHEMICAL PRODUCTS

It is moved by Councillor Bissonnette,  
Seconded by Councillor Smith, and unanimously  
**RESOLVED:** TO award a contract for the supply and delivery of various chemical  
products for the Aquatic Centre for the year 2012 to “Aldest” who  
submitted the lowest conforming bid of an approximate amount of  
\$102 689.92 (taxes included), in accordance with tender documents  
No. PL120001; and

TO charge this expense to Budget Account 1-02-877-40-635, the whole  
as indicated on Certificate No. 11-3784 issued by the Treasurer on  
December 6, 2011.

**2011-564**      AWARDING OF CONTRACT – BINDING SERVICES

It is moved by Councillor Sztuka,  
Seconded by Councillor Labbé, and unanimously  
**RESOLVED:** TO award a contract for binding services for the years 2012 and 2013  
to “Les reliures Caron et Létourneau Ltée” who submitted the lowest  
conforming bid of an approximate amount of \$57 254.00 (taxes  
included), in accordance with tender documents No. IL120001; and

TO charge this expense to Budget Account Nos. 1-02-702-31-674 and  
1-02-702-32-674, the whole as indicated on Certificate No. 11-3829  
issued by the Treasurer on December 7, 2011.

**2011-565**      AWARDING OF CONTRACT – SUPPLY AND DELIVERY OF  
VARIOUS STONES

It is moved by Councillor Grenier,  
Seconded by Councillor Sztuka, and unanimously  
**RESOLVED:** TO award a contract for the supply and delivery of various stones for  
the year 2012 to “Les carrières régionales, division Bauval CMM” who  
submitted the lowest conforming bid of an approximate amount of



