

C 03/10/20**MINUTES****OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF CAPE TOWN
HELD VIA THE CITY'S DIGITAL PLATFORM ON THURSDAY, 20 AUGUST 2020
AT 10H00.****MEMBERS PRESENT:**

Cllr A Abrahams (DA)	Ald C C Clayton (DA)	Cllr S John (ANC)
Cllr F L Abrahams (ANC)	Cllr D J Christians (DA)	Cllr X Joja (DA)
Cllr M R Abrahams (DA)	Cllr D G Cottee (ANC)	Cllr C Jordaan (DA)
Cllr M F Achmat (AJ)	Cllr S A Cottle (DA)	Cllr N Jowell (DA)
Cllr A Adams (DA)	Cllr A C Crous (DA)	Ald C Justus (DA)
Cllr A Adams (DI)	Cllr T Dasa (DA)	Cllr M L Kempthorne (DA)
Cllr R Adams (DA)	Cllr M M Davids (DA)	Cllr D Khatshwa (ANC)
Cllr Y Adams (CMC)	Cllr W B Dlulane (ANC)	Cllr M E Kleinsmith (DA)
Cllr M Adonis (DA)	Cllr W P Doman (DA)	Cllr M R H Kleinschmidt (DA)
Cllr Z C Adonis (DA)	Cllr D Dudley (ACDP)	Cllr C Kobeni (DA)
Cllr F K Ah-Sing (DA)	Cllr S S Duka (ANC)	Cllr A L Komeni (ANC)
Cllr W J Akim (DA)	Cllr M R Dwane (EFF)	Cllr N Kopman (ANC)
Ald E P Andrews (DA)	Cllr P A East (DA)	Cllr G P G Kriel (DA)
Cllr E Anstey (DA)	Cllr C J Esau (DA)	Cllr A E Kuhl (DA)
Cllr R Arendse (DA)	Cllr J P Fitz (DA)	Cllr M D Kumeke (ANC)
Cllr Z A Badroodien (DA)	Cllr E Fortune (DA)	Ald N J Landingwe (ANC)
Cllr M K Bafo (PAC)	Ald G D Fourie (DA)	Cllr S P Liell-Cock (DA)
Cllr U M Barends (DA)	Cllr P Francke (DA)	Cllr A Lightburn (DA)
Ald A J G Basson (DA)	Cllr C Fry (DA)	Ald X T Limberg (DA)
Cllr S Batala (DA)	Cllr A Gabuza (ANC)	Cllr N Mahangu (DA)
Cllr T M Batembu (ANC)	Cllr B C Golding (DA)	Cllr N Mahlali (DA)
Cllr M Bele (EFF)	Cllr G E Gordon (DA)	Cllr N Makasi (ANC)
Cllr A M Benadie (DA)	Cllr A J Griesel (DA)	Cllr L C Makeleni (ANC)
Cllr R Beneke (DA)	Cllr C De Wet Groenewoud (DA)	Cllr S Manata (ANC)
Cllr C B Bew (DA)	Cllr N E Grose (DA)	Ald G W March (DA)
Cllr N Bolitye (ANC)	Cllr L A Gungxe (ANC)	Cllr J Martlow (DA)
Cllr M Booï (DA)	Cllr B Hansen (DA)	Cllr V Matanzima (DA)
Cllr F Botha-Rossouw (FF+)	Cllr W Harris (DA)	Cllr J J Maxheke (ANC)
Cllr R Bresler (DA)	Cllr G C R Haskin (ACDP)	Cllr P Maxiti (DA)
Cllr E N Brunette (DA)	Cllr P Helfrich (DA)	Cllr S Mbandezi (DA)
Cllr D W Bryant (DA)	Cllr A Hendricks (AJ)	Cllr J S Mbolompo (DA)
Cllr K R Carls (DA)	Cllr P C Heynes (ANC)	Cllr N V Mbombo (ANC)
Cllr H Carstens (DA)	Cllr N D Hlangisa (UDM)	Cllr J McCarthy (DA)
Cllr M A Cassiem (DA)	Cllr M W Hlazo (ANC)	Cllr A P McKenzie (DA)
Cllr M F Cassim (COPE)	Cllr V R Isaacs (DA)	Cllr C N Mdleleni (EFF)
Ald G V Cavanagh (DA)	Cllr I R Iversen (DA)	Cllr S S Mfecane (ANC)
Cllr C S Cerfontein (DA)	Ald B M Jacobs (DA)	Cllr N Mgolombane (ANC)
Cllr P H Chapple (DA)	Cllr H W Jacobs (DA)	Cllr J H Middleton (DA)
Cllr M N Chitha (ANC)	Cllr W D Jaftha (DA)	Cllr S N Moloto (EFF)
Cllr J G Classen (ACDP)	Cllr L Jali (ANC)	Ald S Moodley (DA)
Cllr B Clarke (DA)	Cllr E E Jansen (DA)	Cllr A C Moses (DA)
	Cllr C Janse van Rensburg (DA)	Cllr N A Moshani (ANC)

Cllr T Mpengezi (ANC)
 Cllr S Mzobe(ANC)
 Cllr P S Mzolisa (DA)
 Cllr N Ndaleni (DA)
 Cllr A X Ndongeni (ANC)
 Ald I D Neilson (DA)
 Cllr K Nethi (DA)
 Cllr B P Ngcani (ANC)
 Cllr B Ngcombolo (ANC)
 Cllr M W N Ngeyi (DA)
 Cllr D Ngubelanga (AIC)
 Cllr P M Ngqu (DA)
 Cllr X W Ngwekazi (ANC)
 Cllr S Ngxumza (ANC)
 Ald M J Nieuwoudt (DA)
 Cllr M Nikelo (DA)
 Cllr F M Nkuzana (ANC)
 Cllr X Nofemele (DA)
 Cllr S Nonkeyizana (ANC)
 Cllr M L Nqavashe (DA)
 Cllr M Nqulwana (ANC)
 Cllr A Ntsodo (DA)
 Cllr P Nyakaza-Sandla (DA)
 Cllr L Nyingwa (ANC)
 Cllr S F Oerson (DA)
 Ald M J Oliver (DA)
 Cllr G C Peck (DA)
 Cllr X G Peter (ANC)
 Cllr M J Petersen (DA)
 Cllr S Philander (DA)
 Cllr M P Pietersen (DA)

Cllr T I Pimpi ((ANC)
 Cllr Y Plaatjie (DA)
 Executive Mayor D Plato (DA)
 Cllr C Pophaim (DA)
 Ald S B Pringle (DA)
 Cllr C B Punt (DA)
 Ald F A Purchase (DA)
 Cllr Z Qoba (ANC)
 Cllr R M Quintas (DA)
 Cllr X Qweshu (DA)
 Cllr M H Raise (DA)
 Cllr B Rass (DA)
 Ald R Rau (DA)
 Cllr F H L Raymond (DA)
 Cllr N Rheeder (DA)
 Cllr S J Rossouw (DA)
 Cllr T Sakathi (ANC)
 Cllr E Sawant (DA)
 Cllr M Sibunzi (DA)
 Cllr R Z Simbeku (ANC)
 Cllr R S Simons (ANC)
 Cllr A J Skippers (DA)
 Ald J D Smit (DA)
 Ald J P Smith (DA)
 Cllr O Solomons (DA)
 Cllr X R Sotashe (ANC)
 Cllr K G Southgate (DA)
 Cllr Z Sulelo (DA)
 Cllr P S Swart (DA)
 Cllr S Taliep (DA)
 Cllr H P Terblanche (DA)

Cllr E A J Theron (ANC)
 Ald T Thompson (DA)
 Cllr G Timm (DA)
 Cllr B E Truter (PA)
 Ald G G Twigg (DA)
 Cllr T A Uys (DA)
 Cllr B van der Merwe (DA)
 Ald J F H van der Merwe (DA)
 Ald A A van der Rheede (DA)
 Cllr P E van der Ross (DA)
 Cllr M L van der Walt (DA)
 Cllr B van Reenen (DA)
 Cllr C H S van Wyk (DA)
 Cllr A van Zyl (DA)
 Cllr M Velem (ANC)
 Cllr R Viljoen (DA)
 Cllr D A Visagie (DA)
 Cllr C L Visser (DA)
 Cllr J Visser (DA)
 Cllr P P Vokwana (DA)
 Ald J Vos (DA)
 Cllr S Vuba (DA)
 Cllr F C Walker (DA)
 Ald B R W Watkyns (DA)
 Cllr C Williams (ACDP)
 Cllr J J Witbooi (DA)
 Cllr J Woodman (DA)
 Cllr N Xamle (DA)
 Cllr S Yalezo (DA)
 Cllr S K Yozi (ANC)

APOLOGIES

Cllr D E Badela (ANC)
 Cllr R Bazier (ANC)
 Cllr M Dambuza (EFF)
 Cllr F Gaffoor (EFF)
 Cllr T T Honono (ANC)
 Cllr B Majingo (ANC)
 Cllr L Mazwi (EFF)
 Cllr P M Mngxunyeni (ANC)
 Cllr S P Nqamnduku (ANC)
 Cllr L G Zondani (ANC)

ABSENT

The following Councillors were absent without an apology:

Cllr B C Madikane (DA)

Cllr S Nkomiyahlaba (ANC)

Cllr N P Sono (ANC)

The following Councillor submitted an apology for late arrival:

None

The following Councillor submitted an apology for leaving early:

None

PRESENT

Executive Management Team

Mr L Mbandazayo - City Manager
 Ms K Le Keur - ED: Economic Opportunities and Asset Management
 Mr K Nassiep - ED: Energy and Climate Change

Executive Committee Services

Mrs G Kenhardt - Director: Executive Support
 Mrs R Razack - Manager: Executive Committee Services
 Ms J Cooper
 Mr G Josephs
 Mrs A Kline
 Ms M Levendall
 Mrs C Minnaar
 Mr N Meissenheimer
 Mrs K Smit
 Mr R Riffel
 Mrs L von Molendorff

Legal Services

Ms R Sayed

ACRONYMS:

LIST OF ACRONYMS FOR INFORMATION

ACDP - African Christian Democratic Party
AIC - African Independent Congress
AJ - Al Jama-ah
ANC - African National Congress
CMC - Cape Muslim Congress
COPE - Congress of the People
DA - Democratic Alliance

DI	- Democratic Independent
EFF	- Economic Freedom Fighters
FF+	- Freedom Front Plus
PA	- Patriotic Alliance
PAC	- Pan Africanist Congress of Azania
UDM	- United Democratic Movement

SECTION 1 OPENING OF MEETING

The Speaker welcomed all Councillors, officials and the media to the virtual Special Council meeting.

A moment of silence was observed.

At this stage, the Speaker explained the procedure to all participants regarding the registration of attendance and the requirements relating to visuals, microphones and instant messaging on skype.

Councillors were called upon to register and 199 Councillors participated via the City's digital platform.

SECTION 2 MAYORAL ADDRESS

The Speaker called on the Executive Mayor, Ald D Plato to address Council, as follows:

“Good morning Speaker, colleagues, fellow Councillors, members of the public, and the media. I sense a certain level of relief and a renewed energy as we enter Level 2 of the national lockdown this week. For months, we have been lobbying national government to allow more business sectors who were able to take the necessary safety precautions to get back to business and to relax some of the more stringent regulations.

We are very pleased that the President has now agreed that we have done what we needed to in preparing for the COVID-19 pandemic, and that businesses have to get back to work, without any further delay. We need to channel our energy towards rebuilding, towards reigniting the economic engine room, and getting back on track of creating employment opportunities.

Speaker, today I table the adjustment budget. Alderman Ian Neilson will cover this in more detail later, but I want to touch on some of the main highlights. The budget has primarily two purposes. The first is to deal with rollovers of funding for projects that were committed in the previous financial year but were not completed by the end of June. The rollovers ensure that these projects can be completed. A total of R520m is to be rolled over, compared to the completed capital budget of R6 billion.

The second purpose is to deal with the substantial changes in national grant funding, mostly reductions due to the tightening of the national budget. The capital budget for grant funded work is to be reduced by R1,48 billion, while the internally funded capital budget is to be increased by R537 million. Municipalities across the country have been subject to budget cuts from National Government, largely as a result of National Treasury having to address the costs related to the impact of COVID-19 interventions. One example is our Human Settlements directorate, which sees a cut of R117 million to USDG and HSDG funding. A number of programmes and projects will have to be put on hold to accommodate the cut in funding, but our basic service delivery will remain unaffected and I am sure residents will take comfort in this.

One thing that we will not be able to do is to keep replacing the infrastructure that is damaged during illegal protest action and illegal land invasions. Our budget has adapted to accommodate the COVID-19 crisis and ensure we deliver our core services and essential capital projects. Sadly, for those communities who bear the brunt of these destructive and illegal actions, we cannot deviate from our core mandate to replace what has been destroyed. I want to applaud Alderman Neilson and his team for making sure the right measures are in place, which allowed us to spend 96% of our total operating budget and close to 90% of our capital budget despite being severely impacted by the COVID-19 crisis and extended lockdown period. The confirmation from the Auditor General in awarding us an unqualified audit and Ratings Afrika, having assessed our operating performance, liquidity management, debt governance, budget practices, affordability and infrastructure development, and naming the City of Cape Town as the most sustainable metro in South Africa, is testament to our good governance.

As far as I'm aware, we were the only metro to keep the doors of our planning department open, which allowed us to approve more than 4 500 building plans with a total value of R5,2 billion throughout the lockdown. These approvals have resulted in critical construction work that creates thousands of jobs and stimulates our economy. Cape Town's good governance is endorsed by consistent unqualified audits and the recent independent finding that we are the most financially sustainable metro in SA. We have seen the devastating impact of the national lockdown, especially on the tourism and hospitality industry. I want to applaud the local chefs, restaurant owners, and hospitality sector fraternity, who staged peaceful protests in recent weeks to draw attention to their plight. I am sure local Councillors will also be doing whatever they can to help their communities during this time.

The Mayor's Special Fund continues to support over 200 soup kitchens, and we have reached many thousands with food relief, because Councillors pooled ward allocation savings. While doing what we can on the ground, we have also been hard at work behind the scenes, drawing up plans to revitalise our tourism sector, and to adapt our way of working so we can continue to serve the residents of Cape Town. I know that many have lost jobs, and many businesses have suffered.

I do believe that these tough times also present us with opportunities. New services are required that were not in demand before. New products that were not even considered before this global pandemic have become essentials. Thousands of residents will continue to work from home and are in need of new, emerging services. Now is the time for innovation and for creativity. Cape Town holds the title of Start Up Capital of Africa and we are also the official Tech Capital of Africa. We are home to almost 60% of South African start-ups. This is clearly a city of entrepreneurs, so if any City can bounce back from this global pandemic, it is Cape Town.

We have world class infrastructure and hardworking residents that allow us to achieve these titles, so I want to assure our residents that we will keep standing up for you and fighting against the daily illegal land invasions while some organisations continue to encourage these illegal activities. I have been informed by several members of the public that the land invaders are 'selling plots' of land that doesn't belong to them. I am also aware of ANC and EFF Councillors actively promoting land invasions in some areas. This is a criminal offence and they will be held accountable by both this Council and the South African Police Service (SAPS). I am also offering a monetary reward for information regarding those who are selling plots.

As Mayor, I have met with the National Police Commissioner to call for more Public Order Policing support. I have further written to the President calling for an urgent coordinated response of the three levels of government to curb the national crisis of illegal land invasions. We urge political parties, activist organisations and community leaders to please consider the bigger picture and to stop driving or condoning land invasions for short-term gain as the long-term impacts are immense.

Speaker, it is good news that our Councillors will finally, for the first time, have access to quarterly crime statistics thanks to some changes made by the South African Police Service (SAPS). We have been calling for the release of regular crime statistics for many years and now that they are being made available we must use them. I think these will be extremely helpful to better plan when it comes to crime prevention activities and identifying shifting trends. You will need to work with your local police, your residents, local businesses and your neighbourhood watches to tackle the crimes that are affecting our communities. We all know what can be achieved when we work together. As Councillors in your communities, you need to be actively involved in making our communities safer for all. While the latest crime statistics show a decrease in gender-based violence, this is not the time to think there isn't work to do. Women's Month might only be one month of the year, but it gives us an opportunity to draw attention to what we need to be doing all year around to address gender-based violence. The boys of today need to be brought up the right way so that when they are the men of tomorrow, they know how to respect and protect the women in our lives. The girls and women in our lives need to know that they should never tolerate any form of abuse, be it verbal or physical.

Speaker, with the heavy rains we have received in recent weeks, I want to thank all the City staff who have been working overtime to clear the drains, remove the trees that have fallen over, and clean up after the storms. Your efforts are always appreciated.

In closing, I want to draw attention to some good news - our tourist season is around the corner and with the opening of inter provincial travel, I want to encourage all the businesses in the hospitality and tourism sector to start preparing for an increase in business. South Africans have been stuck at home for five months now, and are itching to travel again. Cape Town has beautiful beaches, easily accessible hiking trails, inviting wine lands, some of the world's best restaurants, adventure sports activities, the friendliest people and world class shopping – so where do you think South Africans are going to come first? Let's make sure we are ready to welcome the rest of the country to Cape Town, and let us make sure we do so safely. Thank you."

SECTION 2.1 20 MINUTES FOR QUESTIONS AND ANSWERS

The following questions were put to the Executive Mayor, Ald. D Plato:

Cllr D Khatshwa (ANC)

Cllr D Khatshwa enquired if the City has started a process of having a detailed plan to deal with the land invasion, and if inclusive housing projects have been identified for these pieces of land. He further questioned if such information would be made available to the public.

Answer

The Executive Mayor, Ald. D Plato responded that the City's plan, which is managed by the Human Settlements Directorate, contains information of all the sites and pockets of land earmarked for housing development. The Executive Mayor further indicated that the plan contains sensitive information and is for this reason not available for public consumption as it could lead to further land invasions.

Executive Mayor D Plato pointed out that the National Minister of Human Settlements, was briefed as to why the plan should not be made available to the public and that Minister Sisulu was in agreement.

Cllr X Sotashe (ANC)

Cllr X Sotashe mentioned that the Executive Mayor indicated at the previous Council meeting that the Auditor-General could not find any adverse findings in terms of the audit outcomes, whereupon he requested the Executive Mayor to identify the report he was quoting from as the previous Auditor General's had certain findings.

Answer

The Executive Mayor responded that the Auditor-General identified certain administrative issues related to financial matters, which did not constitute to fraudulent activities or mal-administration in the City. The Executive Mayor indicated that he scrutinized the documents of the Auditor-General and National Treasury and that there were no material findings as the nature of the findings was not severe or impacting negatively on the City as a responsible administration.

Cllr M Dwane (EFF)

Cllr M Dwane stated that the EFF did meet with the Executive Mayor and offered their assistance with land invasions, as well as to look into the allegations of the selling of land. He asked if the Executive Mayor would be prepared to divulge information relating to the allegations that EFF Councillors, if any, were involved in selling land to illegal land invaders.

Answer

The Executive Mayor responded that he did not mention that the EFF was instrumental in land invasions. Ald. Plato stated that the EFF's involvement was demonstrated by the position taken by EFF Councillors with regard to the issue of land, the presence of some of the EFF Councillors at land invasion related meetings/gatherings, as well as public announcements in support of the Party's stance on this matter.

Cllr P Francke (DA)

Cllr P Francke stated that August is Women's month and asked what the City is doing to celebrate Women's Month.

Answer

The Executive Mayor responded that it is indeed Women's Month, a very important event on South Africa's events calendar and that it is a period of focussing on the eradication of on gender-based violence against women and children.

Answer

The Executive Mayor stated that the City partnered with various NGO's and community organisations, as well as the South African Police Services on a drive to create awareness and to encourage women not to tolerate any form of abuse. The Executive Mayor reported that the events were well attended, and adhered to all the necessary safety regulations and measures imposed by National Government. The intervention was received extremely well and involved City departments, i.e. Social Development, Metro Police, Law Enforcement and Disaster Risk Management, whereupon the Executive Mayor thanked the relevant staff for their commitment.

Cllr K Yozi (ANC)

Cllr K Yozi asked Executive Mayor to explain why the City is saying that infrastructure damaged during protest action and community unrest will not be replaced as communities need the services. He further asked if it would be fair for National Government, who allocates grant funding for the provision of infrastructure, to stop the allocations, due to the City's failure to spend the grant funding.

Answer

The Executive Mayor responded that the issue with regard to grant funding had been addressed as per National Treasury's directive, that if funding is not used within a specific period financial year, the grant funding should be returned to National Treasury, and the City complied and will continue to comply. Ald. Plato said that damage to infrastructure is also very costly and disruptive as funds need to be transferred from other projects on the budget. Protests should occur in a peaceful manner without damaging infrastructure or City assets.

Cllr Y Adams (CMC)

Cllr Y Adams asked the Executive Mayor if the City could lobby the National Government to make vandalism against state property a more serious crime.

Answer

The Executive Mayor responded that he wrote to the State President to intervene, who tasked the National Minister of Police to act as mediator at a meeting on the specific matter with National Government and the City to discuss matters as proposed by Cllr Adams. The current state of land invasions and damage to property were also discussed with other spheres of government and National Departments as the situation is becoming untenable.

SECTION 3**C 02/08/20 APOLOGIES / LEAVE OF ABSENCE**

The Chief Whip of Council, Cllr D Visagie (DA) announced the applications for leave of absence as listed below.

RESOLVED that the following applications for leave of absence as announced by the Chief Whip of Council, **BE NOTED**:

Cllr D E Badela (ANC)
 Cllr R Bazier (ANC)
 Cllr M Dambuza (EFF)
 Cllr F Gaffoor (EFF)
 Cllr T T Honono (ANC)

Cllr B Majingo (ANC)
 Cllr L Mazwi (EFF)
 Cllr P M Mngxunyeni (ANC)
 Cllr S P Nqamnduku (ANC)
 Cllr L G Zondani (ANC)

ACTION: L KELLEM

SECTION 4 ANNOUNCEMENTS BY THE SPEAKER

The Speaker requested that the following announcement be recorded verbally:

"I have a very important announcement to make here Councillors. I wish to put on record that my office continues experiencing substantial amount of Councillors with outstanding declaration forms for the current 2019/20 financial year. This, despite numerous reminders to the specific Councillors and thereafter formal letters reporting same to their relevant Party Whips.

Also note that the Auditor-General's Office is also looking into matters where Councillors have not declared their interests. More seriously, this may also impact the City's municipal audit as a result.

Further note that while there are still outstanding declaration forms for the 2019/20 financial year, my office is already in a process of putting together a reminder to Councillors to declare their interests for the 2020/21 financial year."

The Speaker also requested all Councillors not to abuse the instant messaging (IM) on Skype during this meeting.

SECTION 5 OFFICIAL NOTICES / URGENT MATTERS

There were no official notices or urgent matters raised.

SECTION 6 MINUTES OF PREVIOUS MEETING

C 03/08/20 CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL MEETING: 30 JULY 2020

RESOLVED that the minutes of the ordinary Council meeting held on 30 July 2020, be confirmed, subject to the following corrections:

Pg 7 THE FOLLOWING COUNCILLORS WERE ABSENT WITHOUT AN APOLOGY

The name of Ald N J Landingwe (ANC) be listed under the heading "APOLOGIES"

Pg 15 ITEM C 04/07/20

AWARDING OF CONTRACT WHICH WILL INCUR FINANCIAL OBLIGATIONS BEYOND THE BUDGET CYCLE: TENDER NO. 011S/2019/20: RENEWAL OF VERITAS ENTERPRISE VAULT LICENCES AND RELATED SERVICES

RESOLVED that:

- (a) Council determined ~~it be noted~~ that the City of Cape Town will secure a significant economic benefit from the contract

Pg 21 ITEM C10A/07/20

AWARDING OF CONTRACT WHICH WILL INCUR FINANCIAL OBLIGATIONS BEYOND THE BUDGET CYCLE: TENDER 373C/2018/19 - CONTRACT FOR PROVISION OF PROFESSIONAL SERVICES TO CONDUCT CUSTOMER SATISFACTION AND SERVICE RELATED RESEARCH SURVEYS FOR THE CITY OF CAPE TOWN (CCT) FOR A FIVE YEAR PERIOD

RESOLVED that:

- (a) Council determined ~~it be noted~~ that the CCT will derive a significant financial economic benefit from the contract

The Speaker announced that the following items were agreed on by the respective parties at the Whips' meeting:

Volume 4 - Items 14 and 15. [Reports for information and noting.]

199 Councillors participated when this announcement was made.

At this stage, Cllr X Sotashe referred to the items on the agenda for information and requested that such items be debated. The Speaker advised Cllr Sotashe to address this matter at the Rules Committee, in order to amend the Rules of Order accordingly, if supported by the Rules Committee.

C 04/08/20 ADJUSTMENTS BUDGET: 2020/21 FINANCIAL YEAR

The Executive Mayor tabled the Adjustments Budget during his Mayoral Address.

Ald I Neilson elaborated on the changes to the Adjustments Budget and stated that an application for the Human Settlements Development Grant (HSDG) roll-over was submitted on the 10 July 2020 as per Treasury Circular Mun No.12/2020, dated 30 June 2020.

He further indicated that roll-over requests in respect of 2019/2020 unspent HSDG funds amounting to R 66 164 414.56 were submitted

based on preliminary figures, as the 2019/20 City of Cape Town's financial year was not finalised at the time.

Provincial Treasury granted approval for such HSDG roll-overs late on 19 August 2020. The final HSDG unspent budgetary allocation of R51 788 938.61 for financial year 2019/20 is now proposed for incorporation in the 2020/21 August Adjustments Budget.

The Deputy Executive Mayor, Ald I Neilson (DA), seconded by Cllr M Booie (DA), proposed the following additional recommendations:

"1. That the Adjustment Budget be further adjusted by:

- a. A roll-over of R51 million funded from the HSDG for the People's Housing Process (PHP) project and other top structure projects within the Human Settlements directorate as indicated in the table below be incorporated in the 2020/21 Operating Budget:*

Cost Element	Element Description	Cost Centre	Amount	Motivation
653510	G&D Housing PHP Payment	19040068	42 757 384	People's Housing Process (PHP) projects: The projects are ongoing in nature. The City receives the full subsidy in advance while the beneficiaries are still in different stages of construction. The projects were initially delayed due to contractors receiving the Housing Subsidy System (HSS) payment notification later than anticipated from the Western Cape Government. Construction of the top structures could therefore not commence until the HSS payment notification were received. The initial delays in the PHP projects' implementation were then further exacerbated due to the impact of the COVID-19 lockdown. Unspent funds will be allocated to active PHP groups, who are currently performing and where support organisations (community elected committees to oversee and support projects) are in place.
653051	G&D Contracted Services	19040000	8 319 170	The implementation of the Somerset West 10 HA Site, Morkel's Cottage Strand, Heideveld Infill - Top Structures and Hazendal Infill - Top Structures housing projects were impacted by the COVID-19 lockdown. The unspent funds are required to continue with these projects.
Total Operating budget amendment			51 076 554	

b. Incorporating the following roll-overs amounting to R712 385 funded from the HSDG within the Human Settlements directorate, as part of the 2020/21 budgetary provisions as indicated below:

Approval Object	Approval Object Description	Approved Budget 2020/21	Proposed Budget 2020/21	Increase/ Decrease
CPX.0010624	Langa Hostels CRU Prj: Special Quarters	0	478 391	478 391
CPX.0010625	Langa Hostels CRU Project: New Flats	0	200 747	200 747
CPX.0010626	Langa Hostels CRU Project: Siyahhlala	0	33 247	33 247

2. That the relevant legislated MBRR Schedule B tables be amended after Council approval but before the submission of the Adjustment Budget to National Treasury."

The additional recommendations were put to the vote, with results as follows:

In favour : 141
Against : 49
Abstentions : 0

The additional recommendations were therefore carried.

The amended recommendation was put to the vote, with results as follows:

In favour : 141
Against : 49
Abstentions : 0

The amended recommendation was therefore carried.

RESOLVED that:

- (a) in terms of section 28 of the MFMA, the amendments proposed for incorporation into the 2020/21 adjustments budget (August 2020), as contained in Annexure A to the report on the agenda, be adopted
- (b) ongoing contractually committed projects funded from national- and provincial allocations, for which approval of unspent 2019/20 budgetary allocations is awaited, be continued via interim funding from internal resources until the outcome of such roll-over application is appropriated into the 2020/21 budget via the January 2021 adjustments budget
- (c) an amount of R357 702 091 from accumulated surpluses be set aside to establish a 'Capital Replacement Reserve: Capital

Grants and Donations: Roll-overs', which will be used to provisionally fund contractually committed, ongoing conditional grant-funded projects until the national- and provincial roll-overs are appropriated into the 2020/21 budget via the January 2021 adjustments budget

- (d) in the event of specific conditional grant-funded projects' roll-overs not being approved by National- or Provincial Treasury, the City continues funding such projects, which are contractually committed, from the 'Capital Replacement Reserve: Capital Grants and Donations: Roll-overs'
- (e) following an executive decision by the City's delegated authority post finalisation of the 2020/21 Budget in May 2020, no salary increases were approved to senior staff members as defined by the MFMA (Section 77), in the 2020/21 financial year. This decision is to be effected in the Adjustments Budget via amendments to relevant tables in Annexure A to the report on the agenda
- (f) the Adjustment Budget be further adjusted by:
 - (i) A roll-over of R51 million funded from the HSDG for the People's Housing Process (PHP) project and other top structure projects within the Human Settlements directorate as indicated in the table below be incorporated in the 2020/21 Operating Budget:

Cost Element	Element Description	Cost Centre	Amount	Motivation
653510	G&D Housing PHP Payment	19040068	42 757 384	People's Housing Process (PHP) projects: The projects are ongoing in nature. The City receives the full subsidy in advance while the beneficiaries are still in different stages of construction. The projects were initially delayed due to contractors receiving the Housing Subsidy System (HSS) payment notification later than anticipated from the Western Cape Government. Construction of the top structures could therefore not commence until the HSS payment notification were received. The initial delays in the PHP projects' implementation were then further exacerbated due to the impact of the COVID-19 lockdown. Unspent funds will be allocated to active PHP groups, who are currently performing and where support organisations (community elected committees to oversee and support projects) are in place.

653051	G&D Contracted Services	19040000	8 319 170	The implementation of the Somerset West 10 HA Site, Morkel's Cottage Strand, Heideveld Infill - Top Structures and Hazendal Infill - Top Structures housing projects were impacted by the COVID-19 lockdown. The unspent funds are required to continue with these projects.
Total Operating budget amendment			51 076 554	

- (ii) Incorporating the following roll-overs amounting to R712 385 funded from the HSDG within the Human Settlements directorate, as part of the 2020/21 budgetary provisions as indicated below:

Approval Object	Approval Object Description	Approved Budget 2020/21	Proposed Budget 2020/21	Increase/ Decrease
CPX.0010624	Langa Hostels CRU Prj: Special Quarters	0	478 391	478 391
CPX.0010625	Langa Hostels CRU Project: New Flats	0	200 747	200 747
CPX.0010626	Langa Hostels CRU Project: Siyahlala	0	33 247	33 247

- (g) the relevant legislated MBRR Schedule A tables, be amended before the submission of the Budget to National Treasury.

[The ANC, ACDP, COPE, EFF and FF+ recorded their votes against the above decision.]

ACTION: J STEYL, K JACOBY

C 05/08/20

APPOINTMENT OF THREE MEMBERS OF THE AUDIT AND PERFORMANCE AUDIT COMMITTEE

RESOLVED that:

- (a) Ms. Sizo Mzizi be appointed as a member of the Audit and Performance Audit Committee of the City of Cape Town for a three-year period commencing 1 October 2020, to be remunerated at the Council-approved rate of R2 199 per hour, in the ratio of 1:1 for meeting attendance and preparation. The remuneration for normal meetings be capped in total at R17 592,00 and special meetings limited to a maximum of four hours
- (b) Mr. Prittish Dala be appointed as a member of the Audit and Performance Audit Committee of the City of Cape Town for a three-year period commencing 1 October 2020, to be remunerated at the Council-approved rate of R2 199 per hour, in the ratio of 1:1 for meeting attendance and preparation. The remuneration for normal meetings be capped in total at R17

592,00 and special meetings limited to a maximum of four hours

- (c) Mr. Mervyn Burton be appointed as a member of the Audit and Performance Audit Committee of the City of Cape Town for a three-year period commencing 1 April 2021, to be remunerated at the Council-approved rate of R2 199 per hour, in the ratio of 1:1 for meeting attendance and preparation. The remuneration for normal meetings be capped in total at R17 592,00 and special meetings limited to a maximum of four hours
- (d) Mr. Charl De Kock be appointed as an alternative candidate (should one of the other recommended candidates not accept appointment) for membership to the Audit and Performance Audit Committee of the City of Cape Town for a three-year period to be remunerated at the Council-approved rate of R2 199 per hour, in the ratio of 1:1 for meeting attendance and preparation. The remuneration for normal meetings be capped in total at R17 592,00 and special meetings limited to a maximum of four hours.

ACTION: A KARRIEM, L NDABA, L MBANDAZAYO

C 06/08/20

PROPOSED APPROVAL FOR THE TRANSFER OF VACANT ERF 178699 (UNREGISTERED PORTION OF ERF 59481) CAPE TOWN, SITUATED AT ROSEDON ROAD LANSDOWNE, FOR RESIDENTIAL PURPOSES

The ANC, AIC, AJ, DI, EFF, PA and PAC were not in support of the recommendation.

The recommendation as per the agenda was put to the vote, with results as follows:

In favour	: 146
Against	: 43
Abstentions	: 0

The recommendation as per the agenda was therefore carried.

RESOLVED that:

- (a) in terms of section 14(2)(a) and (b) of the Municipal Finance Management Act (MFMA), Act 56 of 2003:
- (i) it be resolved and reaffirmed that Erf 178699 (Unregistered Portion of Erf 59481), Cape Town situated at Rosedon Road, Lansdowne, in extent 1152 m², zoned Single Residential, as shown lettered ABCDEF on Plan

LIS 1026v0 attached as Annexure A to the report on the agenda, is not required for the provision of the minimum level of basic municipal services;

- (ii) it be confirmed that the fair market value of the asset described in (a)(i) and the economic and community value to be received in exchange for the asset described in (a)(i) have been considered.
- (b) in terms of Regulation 5(1) of the Municipal Assets Transfer Regulations (MATR), R.878 promulgated on 22 August 2008, approval be granted for the transfer to Skylo Properties 33 CC (in respect of 75%) and IDPS Project Management CC (in respect of 25%) of Erf 178699 (Unregistered Portion of Erf 59481), Cape Town situated at Rosedon Road, Lansdowne, in extent 1152 m², zoned Single Residential, for the sum of R1 600 000.00 (exclusive of VAT), subject to the conditions contained in the sale agreement and addendum attached to the report on the agenda
- (c) the Purchase Price be subject to escalation at the rate of 5% per annum compounded annually on a pro-rata basis commencing 6 (six) months after date of valuation (that is as from 2021-01-01) until the date of registration of transfer
- (d) the purchase price be subject to review in the event that the transfer has not been effected within 24 months from date of valuation (the date for review will be 2022-06-30)
- (e) in terms of Regulation 17 of the Municipal Asset Transfer Regulations, the Director: Property Management, in the exercise of her delegated authority, finalise the terms and conditions, as set out in the sale agreement and addendum to enable the transfer to be effected.

ACTION: L OLIVER, A HUMAN, R GELDERBLOEM, K LE KEUR

C 07/08/20

PROPOSED TRANSFER OF ERF 68909 AND PORTION OF ERF 68902, SITUATED IN MARS ROAD, WYNBERG TO OWNER OF ADJACENT ERF 148367 BUREAU FOR MUSLIM FAMILY CARE

RESOLVED that:

- (a) in terms of section 14(2)(a) and (b) of the Municipal Finance Management Act (MFMA), Act 56 of 2003:
 - (i) it be resolved and reaffirmed that portion of Erf 68909 and portion of Erf 68902, in extent approximately 1380 m² as shown crosshatched and lettered ABCDEFG on Plan LZ 66 attached to the report on the agenda, is not required

for the provision of the minimum level of basic municipal services;

- (ii) it be confirmed that the fair market value of the asset described in (a)(i) and the economic and community value to be received in exchange for the asset described in (a)(i) have been considered.
- (b) in terms of Regulation 5(1) of the Municipal Assets Transfer Regulations (MATR), R.878 promulgated on 22 August 2008, approval be granted for the transfer of portion of Erf 68909 and portion of Erf 68902, in extent approximately 1380 m² as shown cross-hatched and lettered ABCDEFG on Plan LZ 66 attached to the report on the agenda, to Bureau of Muslim Family Care, subject to the conditions contained in the sale agreement attached to the report on the agenda
- (c) a discounted purchase price of R750 000, excluding VAT be payable
- (d) the purchase price be subject to escalation at the rate of 8% per annum compounded annually on a pro rata basis commencing six months after the date of valuation (that is from 2020-05-01) until the date of registration of transfer
- (e) the purchase price be subject to review in the event that the transfer has not been effected within 18 months from date of valuation (effective date being 2021-05-01)
- (f) the purchase price be adjusted should the final extent of the site differ on survey
- (g) in terms of Regulation 17 of the MATR, the Director: Property Management in the exercise of her delegated authority, finalise the terms and conditions as set out in the sale agreement to enable the transfer to be effected.

[The ANC and EFF recorded their votes against the above decision.]

ACTION: A ABRAHAMS, M SIMS, R GELDERBLOEM, K LE KEUR

C 08/08/20

REQUEST FOR APPROVAL IN TERMS OF SECTION 33 OF THE MUNICIPAL FINANCE MANAGEMENT ACT, (ACT 66 OF 2003) FOR TENDER NUMBER: 41G/2019/20: SUPPLY, MAINTENANCE AND SUPPORT SERVICE OF ENGINEERING SOFTWARE LICENCES (POWER SYSTEM ANALYSIS SOFTWARE AND EARTHING DESIGN - ANALYSIS SOFTWARE} AND MAINTENANCE SUPPORT SERVICE OF PREPAID VENDING SYSTEM

RESOLVED that:

- (a) Council determined that the municipality will derive a significant Financial benefit from these contracts
- (b) the entire contracts exactly as they are to be executed, incurring a financial obligation for five Financial Years and in the estimated amount of R5 040 000 (including VAT), funded from Cost Centre(s): 80020050, 80020065 (Software License) and WBS number CPX.0004714-F1, which includes a provision for a price adjustment subject to rate of exchange as per BAC resolutions attached to the report on the agenda, be approved
- (c) the City Manager, or his nominee, be authorised to sign the above contracts.

[The EFF recorded their vote against the above decision.]

ACTION: J VAN DER MERWE, L RENCONTRE, K NASSIEP

C 09/08/20

SUBMISSION OF DRAFT EVENTS POLICY REPORT FOLLOWING PUBLIC PARTICIPATION

RESOLVED that the Draft Events Policy attached as Annexure A to the report on the agenda, be approved.

ACTION: P PETER, L DE SOUZA-ZILWA, R BOSMAN

At this stage, namely at 12H50, the Speaker, Ald D Smit ruled in terms of Rule 5 of the Rules of Order that Cllr M Nikelo (DA) act as Chairperson.

C 10/08/20

GRANTING OF IN-PRINCIPLE APPROVAL: TRANSFER OF CITY LAND BEING A PORTION OF ERF 375 MFULENI: KICK-OFF PROPERTIES (PTY) LTD

Cllr P Heynes (ANC), seconded by Cllr R Simons (ANC), proposed the following amendments to the recommendation:

- “(c) An additional fine be given to Kick of Properties PTY, Trading as Goal Store for illegally building on City land without having followed due process.*
- (d) The new ED launch and internal investigation into the matter and officials found to have be party to misleading Councillors in Subcouncil 22 be taken to a Disciplinary Hearing.”*

The amendments to the recommendation were put to the vote, with results as follows:

In favour : 48
 Against : 145
 Abstentions : 4

The amendments to the recommendation were therefore not carried.

The recommendation as per the agenda was put to the vote, with results as follows:

In favour : 145
 Against : 48
 Abstentions : 4

The recommendation as per the agenda was therefore carried.

RESOLVED that:

- (a) in terms of section 14 of the Local Government Municipal Finance Management Act 56 of 2003, the subject property, portion of Erf 375, Mfuleni situated at Lukhanyo Road, Mfuleni, in extent $\pm 442 \text{ m}^2$ as shown lettered ABCDE on Plan ET 727 attached as Annexure A to the report on the agenda, is not needed to provide the minimum level of basic municipal services and the fair market value of the asset and the economic and community value to be received in exchange for the asset have been considered
- (b) in terms of regulation 5(1)(b)(ii) of the Municipal Asset Transfer Regulations, in-principle approval be granted for the transfer of the subject property, portion of Erf 375, Mfuleni situated at Lukhanyo Road, Mfuleni, in extent $\pm 442 \text{ m}^2$ as shown lettered ABCDE on Plan ET 727 attached as Annexure A to the report on the agenda.

ACTION: J CORNELIUS, R SCHNACKENBERG, R GELDERBLOEM, K LE KEUR

C 11/08/20

PROPOSED LEASE OF PORTION OF ERF 4016, CORNER OF MAIN ROAD AND BROADWAY BOULEVARD, STRAND: BROADWAY CARS

RESOLVED that the lease of portion of Erf 4016 at the corner of Main Road and Broadway Boulevard, Strand shown hatched and lettered ABCD on sketch ET49/1 attached as Annexure A to the report on the agenda, in extent approximately 515 m², to Broadway Cars, or its successors-in-title, be approved subject to *inter alia* the following conditions, that:

- (a) a market rental of R6 500 per month inclusive of rates and excluding VAT calculated at the rate applicable at the time of transaction be payable;
- (b) the rental will escalate at 8% per annum;
- (c) the lease will endure for a period of ten years;
- (d) the rental being reviewed after a period of five years;
- (e) the monthly rental will be adjusted on the basis of 8% per annum, compounded annually commencing 2 months from date of valuation. Accordingly, the above recommended rental is to be adjusted as from 1 July 2016;
- (f) the property be used for commercial (displaying and dealing in the selling of second hand cars) purposes only;
- (g) subject to such further conditions to be imposed by the Director: Property Management in terms of her delegated authority;
- (h) subject to compliance with any other statutory requirements;
- (i) no compensation will be payable for any improvement made to the property.

ACTION: A BANNISTER, R SCHNACKENBERG, R GELDERBLOEM, K LE KEUR

C 12/08/20

PROPOSED GRANTING OF IN-PRINCIPLE APPROVAL FOR THE TRANSFER OF REMAINDER ERF 34924 SITUATED IN MAKABENI ROAD, KHAYELITSHA

The EFF stated that the land should be given to young black entrepreneurs and not be sold.

RESOLVED that:

- (a) in terms of Sections 14(2)(a) and (b) of the Local Government: Municipal Finance Management Act 56 of 2003:
 - (i) it be resolved that Remainder Erf 34924 situated at Makabeni Road, Khayelitsha, approximately 2 693 m² in extent and zoned Community 2, shown lettered ABCDEFGHI on Plan LIS 2159 attached to the report on the agenda, is not needed to provide the minimum level of basic municipal services;

- (ii) it be confirmed that the fair market value of the asset described in (a)(i) and the economic and community value to be received in exchange for the asset described in (a)(i) have been considered.
- (b) in terms of Regulation 5(1)(b) of the Municipal Asset Transfer Regulations (MATR), R.878 promulgated on 22 August 2008, in- principle approval be granted for the disposal of Remainder Erf 34924, Khayelitsha as described in (a)(i) above
- (c) any gain or loss incurred by the municipality in respect of the transfer of the asset described in 7(a)(i), be included in the adjustment budget of the municipality (sections 28 and 87 of the Municipal Finance Management Act, Act 56 of 2003), if not budgeted for in the approved annual budget.

ACTION: T MADIKANE, A HUMAN, R GELDERBLOEM, K LE KEUR

C 13/08/20

PROPOSED TRANSFER OF A PORTION OF REMAINDER ERF 793 SITUATED AT THE CORNER OF PHAKAMANI ROAD AND SCOTT STREET IN KHAYELITSHA

The ANC and EFF stated that the land should be given to the local entrepreneurs and not be sold.

RESOLVED that:

- (a) in terms of Sections 14(2)(a) and (b) of the Local Government: Municipal Finance Management Act 56 of 2003:
 - (i) it be resolved that a portion of Remainder Erf 793, situated at the corner of Phakamani Road and Scott Street, Khayelitsha, approximately 986 m² in extent and zoned Community 2, shown lettered ABCDE on Plan LIS 2251 attached to the report on the agenda, is not needed to provide the minimum level of basic municipal services;
 - (ii) it be confirmed that the fair market value of the asset described in (a)(i) and the economic and community value to be received in exchange for the asset described in (a)(i) have been considered.
- (b) in terms of Regulation 5(1)(b) of the Municipal Asset Transfer Regulations (MATR), R.878 promulgated on 22 August 2008, in- principle approval be granted for the disposal of a portion of Remainder Erf 793, Khayelitsha as described in (a)(i) above
- (c) any gain or loss incurred by the municipality in respect of the transfer of the asset described in 7(a)(i), be included in the

adjustment budget of the municipality (sections 28 and 87 of the Municipal Finance Management Act, Act 56 of 2003), if not budgeted for in the approved annual budget.

ACTION: T MADIKANE, A HUMAN, R GELDERBLOEM, K LE KEUR

C 14/08/20 QUARTERLY REPORT ON THE MAYOR'S SPECIAL FUND: MFMA SECTION 12 FUND: PERIOD ENDING 30 JUNE 2020

RESOLVED that:

- (a) the withdrawals in terms of the requirements set out in the Policy relating to the Mayors Special Fund (WBS N20.00007) for the period 1 April 2020 to 30 June 2020 to the value of R5 210 945.00, be noted
- (b) the grants in aid donations to the Mayor's Special Fund (GD7500020) for the period 1 April 2020 to 30 June 2020 to the value of R99 110.71, be noted.

ACTION: C FERGUSON, R DE LANGE, L MBANDAZAYO

C 15/08/20 REPORT IN TERMS OF SUPPLY CHAIN MANAGEMENT REGULATIONS, REGULATION 36, AND THE SUPPLY CHAIN MANAGEMENT POLICY, CLAUSE 330, FOR THE PERIOD 16 JULY 2020 TO 4 AUGUST 2020: FOR INFORMATION PURPOSES

RESOLVED that the Supply Chain Management deviations as authorised by the City Manager in terms of the Supply Chain Management Regulations, regulation 36, and the Supply Chain Management Policy, clause 330, for the period 16 June 2020 to 15 July 2020, attached as annexure A to the report on the agenda, be noted and be disclosed as a note to the Council's annual financial statements.

ACTION: G POSTINGS, L MBANDAZAYO

THE MEETING CONCLUDED AT 13:40.

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ALD D SMIT
CHAIRPERSON

.....
DATE

.....
CLLR M NIKELO
ACTING CHAIRPERSON

.....
DATE