

MINUTES

OF A MEETING OF THE EXECUTIVE MAYOR AND MEMBERS OF THE MAYORAL COMMITTEE OF THE CITY OF CAPE TOWN HELD IN THE RAY ALEXANDER SIMON ROOM, 6TH FLOOR, PODIUM BLOCK, CIVIC CENTRE, CAPE TOWN ON TUESDAY, 2 JUNE 2020 AT 11:05

Note: Some attendees were present in the venue while others linked in via Skype.

PRESENT

Ald. D Plato (Executive Mayor) (Chairperson)
Ald. I Neilson (Executive Deputy Mayor)
Cllr Z Badroodien
Cllr M Booï
Cllr S Cottle
Ald. X Limberg
Cllr P Maxiti
Ald. M Nieuwoudt
Ald. F Purchase
Ald. JP Smith
Ald. G Twigg
Ald. J Vos

LEAVE/APOLOGIES

None

VISITING COUNCILLORS

None

EXECUTIVE MANAGEMENT TEAM

All officials mentioned below joined the meeting via remote access (Skype).

Mr L Mbandazayo (City Manager)
Mr O Asmal (ED: Spatial Planning & Environment)
Mr V Botto (Acting ED: Community Services & Health)
Ms N Gqiba (ED: Human Settlements)
Ms C January (acting on behalf of the ED: Corporate Services)
Mr C Kesson (in his capacity as Covid-19 Crisis Coordinator)
Ms K Le Keur (ED: Economic Opportunities & Asset Management)
Mr K Jacoby (Chief Financial Officer)
Mr P Mashoko (ED: Urban Management)
Mr K Nassiep (ED: Energy and Climate Change)
Mr E Sass (Acting ED: Transport)
Mr M Webster (ED: Water & Waste Services)

OTHER OFFICIALS

Dr L Geldenhuys
Ms J Holt
Ms G Jeffries
Ms G Kenhardt
Ms C Knott
Ms L Ndaba
Mr A Page
Ms R Sayed
Ms O Vumindaba

PUBLIC AND PRESS

None

EXECUTIVE COMMITTEE SERVICES

Ms R Razack
Mr G Josephs
Ms K Smit

MC 01/06/20 OPENING

The Executive Mayor, Ald. D Plato welcomed all those present to the meeting.

MC 02/06/20 APPLICATIONS FOR LEAVE OF ABSENCE

No applications for leave of absence were received for Mayco Members.

It was noted that an apology was received from Mr R Bosman (ED: Safety & Security), who was attending to other official business.

RESOLVED that it be noted that no applications for leave of absence were received for this meeting.

ACTION: G JOSEPHS

MC 03/06/20 CONFIRMATION OF MINUTES OF MEETING HELD ON 19 MAY 2020

RESOLVED that the minutes of the ordinary Mayoral Committee meeting held on 19 May 2020, be confirmed.

ACTION: G JOSEPHS

EXECUTIVE MAYOR

***FOR DECISION BY THE EXECUTIVE MAYOR
TOGETHER WITH MEMBERS OF MAYCO***

**MC 04/06/20 AMENDMENT OF CONTRACT IN ACCORDANCE WITH CLAUSE
116(3) OF THE MUNICIPAL FINANCE MANAGEMENT ACT**

RESOLVED that, the proposed amendment of Contract CM 48369, by way of an increase in contract period, for the reasons provided in Annexure A to the report on the agenda, be noted.

ACTION: Z BASHOLO; M WEBSTER

**MC 05/06/20 LEASE IN OF OFFICE ACCOMMODATION AT 73 HERTZOG
BOULEVARD, FORESHORE FOR THE SOCIAL DEVELOPMENT
AND EARLY CHILDHOOD DEVELOPMENT DEPARTMENT AND
THE ERP SUPPORT CENTRE**

RESOLVED that approval be granted for a lease at 73 Hertzog Boulevard, Foreshore for the Social Development and Early Childhood Development Department and the ERP Support Centre from 1 July 2020 to 30 June 2022, as follows:

Financial year 2020/2021 - R4 125 000.00 (twelve months);
Financial year 2021/2022 - R4 455 000.00 (twelve months).

ACTION: A JAMES; R GELDERBLOEM; K LE KEUR

**MC 06/06/20 REPORT IN TERMS OF REGULATION 36 OF THE SUPPLY
CHAIN MANAGEMENT REGULATIONS, AND DELEGATION
5(12), DEVIATIONS UNDER R200 000.00 FOR THE PERIOD
MARCH 2020**

RESOLVED that the deviations authorised by the Director: Supply Chain in terms of regulation 36 of the Supply Chain Management Regulations and the Supply Chain Management Policy, the Deviation Reports under R200 000.00 for March 2020, be noted and be included as a note to the Council's annual financial statements.

ACTION: B CHINASAMY; K JACOBY

FOR DECISION BY COUNCIL

**MC 07/06/20 REPORTING ON MINOR BREACHES OF PROCUREMENT
PROCESSES APPROVED BY THE SUPPLY CHAIN
MANAGEMENT BID ADJUDICATION COMMITTEE FOR THE
PERIOD 01 - 31 MARCH 2020**

It is **RECOMMENDED** that the minor breach of the procurement for the period 1 - 31 March 2020 as set out in Annexure A to the report on the agenda, as ratified by the Bid Adjudication Committee, be noted.

ACTION: N MEISSENHEIMER; B CHINASAMY; K JACOBY

MC 08/06/20 PROPOSED APPROVAL FOR THE TRANSFER OF VACANT ERF 20907 (UNREGISTERED PORTION OF ERF 20786) SITUATED AT OLIENHOUT AVENUE, PLATTELKOOF, PAROW ZONED GENERAL RESIDENTIAL 2 (GR2) FOR RESIDENTIAL PURPOSES

The Mayco Member for Economic Opportunities & Asset Management, Ald. J Vos elucidated the matter and clarified the objections received during the public participation process, as well as the affordable/GAP housing concept in terms of the gap in the housing market for the area.

It is **RECOMMENDED** 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 20907 (unregistered portion of Erf 20786, Parow), situated at Olienhout Avenue, Plattekloof, Parow in extent approximately 3.1918 hectares zoned General Residential 4 shown lettered ABCDEFGHJ on attached Plan LIS 1339v1, 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 Erf 20907 (unregistered portion of Erf 20786 Parow), situated at Olienhout Avenue, Plattekloof, Parow to Foodprop Epping (Pty) Ltd, in the amount of R42 300 000.00 (Forty-Two Million Three Hundred Thousand Rand) excluding VAT, subject to the conditions contained in the attached sale agreement
- (c) the purchase price, be subject to review following the final approval of the development proposal for Erf 20907 (unregistered portion of Erf 20786 Parow)

- (d) in terms of Regulation 17 of the Municipal Assets 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 to effect the transfer.

ACTION: N MEISSENHEIMER; S HLENGWA; A HUMAN; R GELDERBLOEM; K LE KEUR

**ECONOMIC OPPORTUNITES &
ASSET MANAGEMENT PORTFOLIO**

FOR DECISION BY COUNCIL

MC 09/06/20 AUTHORISATION TO COMMENCE WITH PUBLIC PARTICIPATION PROCESS IN TERMS OF THE MUNICIPAL ASSET TRANSFER REGULATIONS FOR THE PROPOSED GRANTING OF LONG-TERM RIGHTS TO USE, CONTROL AND MANAGE, PORTION OF REMAINDER ERF 5268, PHILIPPI KNOWN AS PHILIPPI FRESH PRODUCE MARKET

It is **RECOMMENDED** that, in terms of Regulation 34(3)(a) of the Municipal Asset Transfer Regulations, 2008, the City Manager be authorised to conduct the public participation process for the proposed granting of the rights to use, control, and manage a portion of remainder Erf 5268, Philippi East, known as the Philippi Fresh Produce Market.

ACTION: N MEISSENHEIMER; M MURRAY; M SIMS; R GELDERBLOEM; K LE KEUR

MC 10/05/20 PROPOSED TRANSFER OF A PORTION OF ERF 226, CAMPS BAY (PUBLIC STREET) SITUATED ON VICTORIA ROAD, CAMPS BAY TO OWNER OF ADJACENT REMAINDER ERF 221, CAMPS BAY

It is **RECOMMENDED** that the transfer of a portion of Erf 226, Camps Bay (Public Street), in extent approximately 65 m², shown hatched and lettered ABCDEFG, on Plan STC 3189 attached as Annexure A to the report on the agenda, to Banzi Trade 18 (Pty) Ltd, or their successor(s)-in-title, be approved, subject to the following conditions, that:

- (a) a purchase price of R760 000 excluding VAT be payable;
- (b) the purchase price is to be escalated by 6% per annum compounded annually on a pro-rata basis, commencing 6 months from date of valuation, i.e. from 1 July 2018 until date of registration;

- (c) the applicant continues to pay occupational rental of R2 597 per month, escalating annually at the previously agreed escalation rate) until such time as the transaction is implemented;
- (d) rates and municipal charges, if applicable, be levied;
- (e) subject to such further conditions to be imposed by the Director: Property Management in terms of her delegated authority, including *inter alia* the following, that:
 - (i) all further statutory and land use requirements be complied with;
 - (ii) the subject portion of Erf 226, Camps Bay be consolidated with the purchaser's Erf 221, Camps Bay;
 - (iii) all costs related and incidental to the transaction be borne by the purchaser.

ACTION: N MEISSENHEIMER; S JACOBS; R SCHNACKENBERG; R GELDERBLOEM; K LE KEUR

MC 11/06/20 GRANTING OF IN-PRINCIPLE APPROVAL: PROPOSED GRANTING OF RIGHT TO USE, CONTROL OR MANAGE MUNICIPAL CAPITAL ASSET: TRANSFER OF BUILDING RIGHTS SERVITUDE (AIR RIGHTS SERVITUDE) OVER CITY OWNED IMMOVABLE PROPERTY, BEING A PORTION OF UNREGISTERED STATE LAND AND ERF 5161, CAPE TOWN IN FAVOUR OF ERF 177196, CAPE TOWN

PROPOSED GRANTING OF RIGHT TO USE, CONTROL OR MANAGE MUNICIPAL CAPITAL ASSET: TRANSFER OF BUILDING RIGHTS SERVITUDE (AIR RIGHTS SERVITUDE) OVER CITY OWNED IMMOVABLE PROPERTY, PUBLIC STREET, BEING A PORTION OF UNREGISTERED STATE LAND AND ERF 5161, CAPE TOWN, CORNER OF PLEIN AND BARRACK STREET CAPE TOWN IN FAVOUR OF ERF 177196, CAPE TOWN

It is **RECOMMENDED** that:

- (a) it be resolved that, in terms of section 14 of the Local Government: Municipal Finance Management Act, Act 56 of 2003, that Public Street being a portion of Unregistered State Land and Erf 5161, Cape Town situated at corner of Plein and Barrack Street, Cape Town as depicted by the figure ABCDEFG measuring approximately 38m² in extent on sketch STC 3166 attached as Annexure A to the report on the agenda, is not required 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-principle approval be granted for the granting of rights to use, control and manage a municipal capital asset by way of transferring a building rights servitude over portion of Unregistered State Land and Erf 5161 (Public Street), Cape Town situated at corner of Plein and Barrack Street, Cape Town, as depicted by the figures ABCDEFG measuring approximately 38m² in extent on sketch STC 3166 attached as Annexure A to the report on the agenda, in terms of regulation 5(1)(b)(ii) of the Municipal Asset Transfer Regulations
- (c) the granting of rights to use, control and manage a municipal capital asset by way of transferring a building rights servitude over portion of Unregistered State Land and Erf 5161 (Public Street), Cape Town situated at corner of Plein and Barrack Street, Cape Town, as depicted by the figures ABCDEFG on sketch STC 3166 attached as Annexure A to the report on the agenda, to Moxilex (Pty) Ltd, or their successor(s)-in-title, be approved, subject to the following conditions, that:
 - (i) a purchase price of R160 000, excluding VAT, be payable;
 - (ii) the purchase price is to be escalated by 8% per annum compounded annually on a pro-rata basis, commencing 6 months after date of valuation (i.e. as from 1 July 2019) until date of registration;
 - (iii) the valuation is to be reviewed if not approved by the delegated authority within 18 months from date of valuation, i.e. by 1 July 2020;
 - (iv) rates and municipal charges, if applicable, be levied;
 - (v) subject to such further conditions to be imposed by the Director: Property Management in terms of her delegated authority, including inter alia the following, that:
 - (aa) all further statutory and land use requirements be complied with;
 - (bb) all costs related and incidental to the transaction be borne by the purchaser.

ACTION: N MEISSENHEIMER; S JACOBS; R SCHNACKENBERG; R GELDERBLOEM; K LE KEUR

EXECUTIVE MAYOR

***FOR DECISION BY THE EXECUTIVE MAYOR
TOGETHER WITH MEMBERS OF MAYCO***

MC 12/05/20 SECTION 116(3) OF THE MFMA - AMENDMENT OF CONTRACT NO. 83C/2016/17: PROVISION OF PROFESSIONAL SERVICES: PLANNING, DESIGN, TENDER DOCUMENTATION, CONTRACT ADMINISTRATION AND SITE SUPERVISION FOR THE CONSTRUCTION OF A NEW SEWER PUMP STATION AT THE RETREAT LOW LIFT SEWER PUMP STATION

A discussion ensued on the matter during which the Executive Mayor expressed concern with the continuous delay with construction work.

The Mayco Member for Water & Waste, Ald. X Limberg gave reasons for the 259 days' project delay, which included the issuing of a permit by external entities, the involvement of professional service providers and other line departments impacting on the implementation of contracts.

In response to the suggestion made by Ald. M Nieuwoudt for mechanisms to be put in place to prevent lengthy delays with contract implementation and reported to Mayco, the City Manager indicated that adequate measures and processes were already in place and implemented.

RESOLVED that, the reasons for the proposed amendment of Contract No. 83C/2016/17: Provision of Professional Services: Planning, Design, Tender Documentation, Contract Administration and Site Supervision for the Construction of a New Sewer Pump Station at the Retreat Low Lift Sewer Pump Station, as set out in Annexure A to the report on the agenda, be noted.

ACTION: Z BASHOLO; M WEBSTER

THE MEETING ENDED AT 11:25

CHAIRPERSON: _____

DATE: _____