

SPC 06/06/20**MINUTES****OF THE CONTINUATION OF THE ADJOURNED MEETING OF THE COUNCIL OF THE CITY OF CAPE TOWN HELD VIA THE CITY'S DIGITAL PLATFORM ON THURSDAY, 28 MAY 2020 AT 10H00.****MEMBERS PRESENT:**

Cllr A Abrahams (DA)	Cllr D G Cottee (ANC)	Cllr C Janse van Rensburg (DA)
Cllr M R Abrahams (DA)	Cllr S A Cottle (DA)	Cllr S John (ANC)
Cllr M F Achmat (AJ)	Cllr A C Crous (DA)	Cllr X Joja (DA)
Cllr A Adams (DA)	Cllr T Dasa (DA)	Cllr C Jordaan (DA)
Cllr A Adams (DI)	Cllr M M Davids (DA)	Cllr N Jowell (DA)
Cllr R Adams (DA)	Cllr N N Dilima (ANC)	Ald C Justus (DA)
Cllr Y Adams (CMC)	Cllr W B Dlulane (ANC)	Cllr M L Kempthorne (DA)
Cllr M Adonis (DA)	Cllr W P Doman (DA)	Cllr D Khatshwa (ANC)
Cllr Z C Adonis (DA)	Cllr D Dudley (ACDP)	Cllr M E Kleinsmith (DA)
Cllr F K Ah-Sing (DA)	Cllr S S Duka (ANC)	Cllr M R H Kleinschmidt (DA)
Cllr W J Akim (DA)	Cllr M Dambuza (EFF)	Cllr C Kobeni (DA)
Ald E P Andrews (DA)	Cllr M R Dwane (EFF)	Cllr A L Komeni (ANC)
Cllr E Anstey (DA)	Cllr P A East (DA)	Cllr N Kopman (ANC)
Cllr R Arendse (DA)	Cllr C J Esau (DA)	Cllr G P G Kriel (DA)
Cllr D E Badela (ANC)	Cllr J P Fitz (DA)	Cllr A E Kuhl (DA)
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 B C Madikane (DA)
Cllr T M Batembu (ANC)	Cllr F Gaffoor (EFF)	Cllr N Mahangu (DA)
Cllr R Bazier (ANC)	Cllr B C Golding (DA)	Cllr N Mahlati (DA)
Cllr M Bele (EFF)	Cllr G E Gordon (DA)	Cllr B Majingo (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 M Booï (DA)	Cllr N E Grose (DA)	Ald G W March (DA)
Cllr F Botha-Rossouw (FF+)	Cllr L A Gungxe (ANC)	Cllr J Martlow (DA)
Cllr R Bresler (DA)	Cllr B Hansen (DA)	Cllr V Matanzima (DA)
Cllr E N Brunette (DA)	Cllr W Harris (DA)	Cllr J J Maxheke (ANC)
Cllr D W Bryant (DA)	Cllr G C R Haskin (ACDP)	Cllr P Maxiti (DA)
Cllr K R Carls (DA)	Cllr P Helfrich (DA)	Cllr L Mazwi (EFF)
Cllr H Carstens (DA)	Cllr A Hendricks (AJ)	Cllr S Mbandezi (DA)
Cllr M F Cassim (COPE)	Cllr P C Heynes (ANC)	Cllr J S Mbolompo (DA)
Ald G V Cavanagh (DA)	Cllr N D Hlangisa (UDM)	Cllr N V Mbombo (ANC)
Cllr C S Cerfontein (DA)	Cllr M W Hlazo (ANC)	Cllr J McCarthy (DA)
Cllr P H Chapple (DA)	Cllr T T Honono (ANC)	Cllr A P McKenzie (DA)
Cllr M N Chitha (ANC)	Cllr V R Isaacs (DA)	Cllr S S Mfecane (ANC)
Cllr J G Classen (ACDP)	Cllr I R Iversen (DA)	Cllr N Mgolombane (ANC)
Cllr B Clarke (DA)	Ald B M Jacobs (DA)	Cllr J H Middleton (DA)
Ald C C Clayton (DA)	Cllr H W Jacobs (DA)	Cllr P M Mngxunyeni (ANC)
Cllr D J Christians (DA)	Cllr W D Jaftha (DA)	Cllr S N Moloto (EFF)
	Cllr E E Jansen (DA)	Ald S Moodley (DA)

Cllr A C Moses (DA)
 Cllr T Mpengezi (ANC)
 Cllr S Mzobe(ANC)
 Cllr P S Mzolisa (DA)
 Cllr N Ndahleni (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 P M Ngqu (DA)
 Cllr D Ngubelanga (AIC)
 Cllr X W Ngwekazi (ANC)
 Cllr S Ngxumza (ANC)
 Ald M J Nieuwoudt (DA)
 Cllr M Nikelo (DA)
 Cllr S Nkomiyahlaba (ANC)
 Cllr F M Nkuzana (ANC)
 Cllr X Nofemele (DA)
 Cllr S M Noludwe (DA)
 Cllr S Nonkeyizana (ANC)
 Cllr S P Nqamnduku (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 Qweshwa (DA)
 Cllr M H Raise (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 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 N P Sono (ANC)
 Cllr X R Sotashe (ANC)
 Cllr K G Southgate (DA)
 Cllr Z Sulelo (DA)
 Cllr P S Swart (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 K Yozi (ANC)
 Cllr L G Zondani (ANC)

APOLOGIES

Cllr F L Abrahams (ANC)
 Cllr C B Bew (DA)
 Cllr N Bolitye (ANC)
 Cllr M A Cassiem (DA)
 Cllr L Jali (ANC)
 Cllr M D Kumeke (ANC)
 Cllr N Makasi (ANC)
 Cllr C N Mdleleni (EFF)
 Cllr N A Moshani (ANC)
 Cllr B Rass (DA)
 Cllr S Taliep (DA)

ABSENT

The following Councillors were absent without an apology:

None

The following Councillors submitted an apology for late arrival:

Cllr X W Ngwekazi (ANC)

The following Councillor submitted an apology for leaving early:

Cllr R Adams (DA)

Cllr S Mbandezi (DA)

Cllr A P McKenzie (DA)

PRESENT

Executive Management Team

Mr L Mbandazayo - City Manager

Executive Committee Services

Mrs G Kenhardt - Director: Executive Support

Mrs R Razack - Manager: Executive Committee Services

Mr G Josephs

Ms M Levendall

Mr N Meissenheimer

Legal Services

Ms R Sayed

Ms J Holt

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 continuation of the adjourned virtual Council meeting.

Councillors were called upon to register via the City's digital platform and 220 Councillors participated via skype.

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 F L Abrahams (ANC)
Cllr C B Bew (DA)
Cllr N Bolitye (ANC)
Cllr M A Cassiem (DA)
Cllr L Jali (ANC)
Cllr M D Kumeke (ANC)
Cllr N Makasi (ANC)
Cllr C N Mdleleni (EFF)
Cllr N A Moshani (ANC)
Cllr B Rass (DA)
Cllr S Taliep (DA)

ACTION: L KELLEM

At this stage, the Speaker announced that in terms of the current approved Council Calendar, Council should adjourn for its winter recess commencing 12 June 2020 and end on 6 July 2020. He stated that the Council and its Committees did not have any meetings since the special recess was announced at the end of March 2020 before the lockdown period, which is currently in force.

The Speaker further stated that in view of the many important issues which need to be dealt with, he consulted the Executive Mayor and the City Manager and after consultation, it was agreed that Council should continue with business and not go on recess. The Speaker further indicated that a Council meeting will be held on 30 June 2020.

The Speaker therefore proposed that the recess scheduled from 12 June 2020 to 6 July 2020 be cancelled and proposed that the Speaker be

authorised on an ongoing basis to review the pandemic situation in Cape Town, and if deemed necessary, he would announce the commencement of a special recess. Council duly supported the proposal.

The Speaker announced that items C28 to C39 would be clustered for debate, but voted on separately.

C 28/05/20 APPLICATION TO EXTEND THE TERM OF THE ZEEKOEVLEI PENINSULA SPECIAL RATING AREA (ZVPSRA) FROM 1 JULY 2020 TO 30 JUNE 2025

RESOLVED that:

- (a) in terms of section 15 of the Special Rating Area By-law, 2012, as amended, the extension of the Zeekoevlei Peninsula Special Rating Area (ZVPSRA) term from 1 July 2020 to 30 June 2025, be approved
- (b) the Zeekoevlei Peninsula Special Rating Area's new 5-year Business Plan for the period 1 July 2020 to 30 June 2025, be approved
- (c) the City of Cape Town imposes the levying of an additional rate on properties in the ZVPSRA from 1 July 2020 in terms of section 22(1)(b) of the Local Government: Municipal Property Rates Act (MPRA), Act 6 of 2004.

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

ACTION: E SCOTT, P MASHOKO

C 29/05/20 APPLICATION TO EXTEND THE TERM OF THE WYNBERG IMPROVEMENT DISTRICT (WID) FROM 1 JULY 2020 TO 30 JUNE 2025

RESOLVED that:

- (a) in terms of section 15 of the Special Rating Area By-law, 2012, as amended, the extension of the Wynberg Improvement District (WID) term from 1 July 2020 to 30 June 2025, be approved
- (b) the Wynberg Improvement District's new 5-year Business Plan for the period 1 July 2020 to 30 June 2025, be approved
- (c) the City of Cape Town imposes the levying of an additional rate on properties in the WID from 1 July 2020 in terms of section 22(1)(b) of the Local Government: Municipal Property Rates Act (MPRA), Act 6 of 2004.

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

ACTION: E SCOTT, P MASHOKO

C 30/05/20 APPLICATION TO EXTEND THE TERM OF THE SOMERSET WEST CITY IMPROVEMENT DISTRICT (SWCID) FROM 1 JULY 2020 TO 30 JUNE 2025

RESOLVED that:

- (a) in terms of section 15 of the Special Rating Area By-law, 2012, as amended, the extension of the Somerset West City Improvement District (SWCID) term from 1 July 2020 to 30 June 2025, be approved
- (b) Somerset West City Improvement District's new 5-year Business Plan for the period 1 July 2020 to 30 June 2025, be approved
- (c) the City of Cape Town imposes the levying of an additional rate on properties in the SWCID from 1 July 2020 in terms of section 22(1)(b) of the Local Government: Municipal Property Rates Act (MPRA), Act 6 of 2004.

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

ACTION: E SCOTT, P MASHOKO

C 31/05/20 APPLICATION TO EXTEND THE TERM OF THE AIRPORT INDUSTRIA CITY IMPROVEMENT DISTRICT (AICID) FROM 1 JULY 2020 TO 30 JUNE 2025

RESOLVED that:

- (a) in terms of section 15 of the Special Rating Area By-law, 2012, as amended, the extension of the Airport Industria City Improvement District (AICID) term from 1 July 2020 to 30 June 2025, be approved.
- (b) the Airport Industria City Improvement District's new 5-year Business Plan for the period 1 July 2020 to 30 June 2025, be approved
- (c) the City of Cape Town impose the levying of an additional rate on properties in the AICID from 1 July 2020 in terms of section 22(1)(b) of the Local Government: Municipal Property Rates Act (MPRA), Act 6 of 2004.

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

ACTION: E SCOTT, P MASHOKO

C 32/05/20 APPLICATION TO EXTEND THE TERM OF THE PAROW INDUSTRIA IMPROVEMENT DISTRICT (PIID) FROM 1 JULY 2020 TO 30 JUNE 2025

RESOLVED that:

- (a) in terms of section 15 of the Special Rating Area By-law, 2012, as amended, the extension of the Parow Industria Improvement District (PIID) term from 1 July 2020 to 30 June 2025, be approved
- (b) the Parow Industria Improvement District's new 5-year Business Plan for the period 1 July 2020 to 30 June 2025, be approved
- (c) the City of Cape Town imposes the levying of an additional rate on properties in the PIID from 1 July 2020 in terms of section 22(1)(b) of the Local Government: Municipal Property Rates Act (MPRA), Act 6 of 2004.

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

ACTION: E SCOTT, P MASHOKO

C 33/05/20 APPLICATION TO EXTEND THE TERM OF MAITLAND CITY IMPROVEMENT DISTRICT (MAITCID) FROM 1 JULY 2020 TO 30 JUNE 2025

RESOLVED that:

- (a) in terms of section 15 of the Special Rating Area By-law, 2012, as amended, the extension of the Maitland City Improvement District (MAITCID) term from 1 July 2020 to 30 June 2025, be approved
- (b) the Maitland City Improvement District's new 5-year Business Plan for the period 1 July 2020 to 30 June 2025, be approved
- (c) the City of Cape Town imposes the levying of an additional rate on properties in the MAITCID from 1 July 2020 in terms of section 22(1)(b) of the Local Government: Municipal Property Rates Act (MPRA), Act 6 of 2004.

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

ACTION: E SCOTT, P MASHOKO**C 34/05/20 APPLICATION TO EXTEND THE TERM OF THE ELSIES RIVER CITY IMPROVEMENT DISTRICT (ERCID) FROM 1 JULY 2020 TO 30 JUNE 2025****RESOLVED that:**

- (a) in terms of section 15 of the Special Rating Area By-law, 2012, as amended, the extension of the Elsies River City Improvement District (ERCID) term from 1 July 2020 to 30 June 2025, be approved
- (b) the Elsies River City Improvement District's new 5-year Business Plan for the period 1 July 2020 to 30 June 2025, be approved
- (c) the City of Cape Town imposes the levying of an additional rate on properties in the ERCID from 1 July 2020 in terms of section 22(1)(b) of the Local Government: Municipal Property Rates Act (MPRA), Act 6 of 2004.

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

ACTION: E SCOTT, P MASHOKO**C 35/05/20 APPLICATION TO EXTEND THE TERM OF THE MUIZENBERG IMPROVEMENT DISTRICT (MID) FROM 1 JULY 2020 TO 30 JUNE 2025****RESOLVED that:**

- (a) in terms of section 15 of the Special Rating Area By-law, 2012, as amended, the extension of the Muizenberg Improvement District (MID) term from 1 July 2020 to 30 June 2025, be approved
- (b) the Muizenberg Improvement District's new 5-year Business Plan for the period 1 July 2020 to 30 June 2025, be approved
- (c) the City of Cape Town imposes the levying of an additional rate on properties in the MID from 1 July 2020 in terms of section 22(1)(b) of the Local Government: Municipal Property Rates Act (MPRA), Act 6 of 2004.

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

ACTION: E SCOTT, P MASHOKO

C 36/05/20 APPLICATION TO EXTEND THE TERM OF THE CAPE TOWN CENTRAL CITY IMPROVEMENT DISTRICT (CCID) FROM 1 JULY 2020 TO 30 JUNE 2025

RESOLVED that:

- (a) in terms of section 15 of the Special Rating Area By-law, 2012, as amended, the extension of the Cape Town Central City Improvement District (CCID) term from 1 July 2020 to 30 June 2025, be approved
- (b) the Cape Town Central City Improvement District's new 5-year Business Plan for the period 1 July 2020 to 30 June 2025, be approved
- (c) the City of Cape Town imposes the levying of an additional rate on properties in the CCID from 1 July 2020 in terms of section 22(1)(b) of the Local Government: Municipal Property Rates Act (MPRA), Act 6 of 2004.

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

ACTION: E SCOTT, P MASHOKO

C 37/05/20 APPLICATION TO EXTEND THE TERM OF FISH HOEK BUSINESS IMPROVEMENT DISTRICT (FHBID) FROM 1 JULY 2020 TO 30 JUNE 2025

RESOLVED that:

- (a) in terms of section 15 of the Special Rating Area By-law, 2012, as amended, the extension of the Fish Hoek Business Improvement District (FHBID) term from 1 July 2020 to 30 June 2025, be approved
- (b) the Fish Hoek Business Improvement District's new 5-year Business Plan for the period 1 July 2020 to 30 June 2025, be approved
- (c) the City of Cape Town imposes the levying of an additional rate on properties in the FHBID from 1 July 2020 in terms of section 22(1)(b) of the Local Government: Municipal Property Rates Act (MPRA), Act 6 of 2004.

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

ACTION: E SCOTT, P MASHOKO

C 38/05/20 APPLICATION TO EXTEND THE TERM OF THE CLAREMONT IMPROVEMENT DISTRICT COMPANY (CIDC) FROM 1 JULY 2020 TO 30 JUNE 2025

RESOLVED that:

- (a) in terms of section 15 of the Special Rating Area By-law, 2012, as amended, the extension of the Claremont Improvement District Company (CIOC) term from 1 July 2020 to 30 June 2025, be approved
- (b) the Claremont Improvement District Company's new 5-year Business Plan for the period 1 July 2020 to 30 June 2025, be approved
- (c) the City of Cape Town imposes the levying of an additional rate on properties in the CIDC from 1 July 2020 in terms of section 22(1)(b) of the Local Government: Municipal Property Rates Act (MPRA), Act 6 of 2004.

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

ACTION: E SCOTT, P MASHOKO

C 39/05/20 APPLICATION TO EXTEND THE TERM OF GROOTE SCHUUR COMMUNITY IMPROVEMENT DISTRICT (GSCID) FROM 1 JULY 2020 TO 30 JUNE 2025

RESOLVED that:

- (a) in terms of section 15 of the Special Rating Area By-law, 2012, as amended, the extension of the Groote Schuur Community Improvement District (GSCID) term from 1 July 2020 to 30 June 2025, be approved
- (b) the Groote Schuur Community Improvement District's new 5-year Business Plan for the period 1 July 2020 to 30 June 2025, be approved
- (c) the City of Cape Town imposes the levying of an additional rate on properties in the GSCID from 1 July 2020 in terms of section 22(1)(b) of the Local Government: Municipal Property Rates Act (MPRA), Act 6 of 2004.

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

ACTION: E SCOTT, P MASHOKO

The Speaker announced that items C40 to C43 would be clustered for debate, but voted on separately.

C 40/05/20 APPLICATION FOR THE DETERMINATION OF A SPECIAL RATING AREA (SRA) KNOWN AS THE WELGEMOED CITY IMPROVEMENT DISTRICT (WCID)

RESOLVED that:

- (a) the City of Cape Town determine the area as reflected in the body of the report on the agenda as a special rating area (SRA), known as the Welgemoed City Improvement District (WCID), in terms of the Special Rating Area By-law, 2012, as amended
- (b) the application submitted by WF Laurence, the registered owner of Erf 509, Welgemoed, to establish the WCID in terms of section 8.1(c) of the By-law, be approved
- (c) the City of Cape Town impose the levying of an additional rate on properties in the WCID from 1 July 2020 in terms of section 22(1)(b) of the Local Government: Municipal Property Rates Act (MPRA), Act 6 of 2004
- (d) a finance agreement be concluded between the City of Cape Town and the WCID Management Committee in terms of section 12(6) of the By-law.

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

ACTION: E SCOTT, P MASHOKO

C 41/05/20 APPLICATION FOR THE DETERMINATION OF A SPECIAL RATING AREA (SRA) KNOWN AS THE LOWER KENILWORTH IMPROVEMENT DISTRICT (LKID)

RESOLVED that:

- (a) the City of Cape Town determine the area as reflected in the body of the report on the agenda as a special rating area (SRA), known as the Lower Kenilworth Improvement District (LKID), in terms of the Special Rating Area By-law, 2012, as amended
- (b) the application submitted by PC Linnegar, the registered owner of Erf 65152, Kenilworth, to establish the LKID in terms of section 8.1(c) of the By-law, be approved
- (c) the City of Cape Town impose the levying of an additional rate on properties in the LKID from 1 July 2020 in terms of section 22(1)(b)

of the Local Government: Municipal Property Rates Act (MPRA), Act 6 of 2004

- (d) a finance agreement be concluded between the City of Cape Town and the LKID Management Committee in terms of section 12(6) of the By-law.

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

ACTION: E SCOTT, P MASHOKO

C 42/05/20 APPLICATION FOR THE DETERMINATION OF A SPECIAL RATING AREA (SRA) KNOWN AS THE SCOTT ESTATE AND BAVIAANSKLOOF COMMUNITY IMPROVEMENT DISTRICT (SEBCID)

RESOLVED that:

- (a) the City of Cape Town determine the area as reflected in the body of the report on the agenda as a special rating area (SRA), known as the Scott Estate and Baviaanskloof Community Improvement District (SEBCID), in terms of the Special Rating Area By-law, 2012, as amended
- (b) the application submitted by Helen Snell, the registered owner of Erf 3074, Houtbay, to establish the SEBCID in terms of section 8.1 (c) of the By-law, be approved
- (c) the City of Cape Town impose the levying of an additional rate on properties in the SEBCID from 1 July 2020 in terms of section 22(1)(b) of the Local Government: Municipal Property Rates Act (MPRA), Act 6 of 2004
- (d) a finance agreement be concluded between the City of Cape Town and the SECID Management Committee in terms of section 12(6) of the By-law.

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

ACTION: E SCOTT, P MASHOKO

C 43/05/20 APPLICATION FOR THE DETERMINATION OF A SPECIAL RATING AREA (SRA) KNOWN AS THE BOSTON COMMUNITY IMPROVEMENT DISTRICT (BOSTON CID)

RESOLVED that:

- (a) the City of Cape Town determine the area as reflected in the body of the report on the agenda as a special rating area (SRA), known as the Boston Community Improvement District (Boston CID), in terms of the Special Rating Area Bylaw, 2012, as amended
- (b) the application submitted by Johannes Truter, the registered owner of Erf 9607, Boston, to establish the Boston CID in terms of section 8.1 (c) of the By-law, be approved
- (c) the City of Cape Town impose the levying of an additional rate on properties in the Boston CID from 1 July 2019 in terms of section 22(1)(b) of the Local Government: Municipal Property Rates Act (MPRA), Act 6 of 2004
- (d) a finance agreement be concluded between the City of Cape Town and the Boston CID Management Committee in terms of section 12(6) of the By-law.

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

ACTION: E SCOTT, P MASHOKO

C 44/05/20 PROPOSED LEASE OF A PORTION OF CITY-OWNED LAND (A PUBLIC STREET), BEING A PORTION OF ERF 870 BELLVILLE, CORNER KOMMISSARIS AND NEDERBURGH STREETS, WELGEMOED (BELLVILLE): SOUTH AFRICAN POST OFFICE LTD

RESOLVED that:

- (a) it be resolved, in terms of Regulation 41 (2)(e) of the Local Government: Municipal Asset Transfer Regulations, that portion of Erf 870, Bellville at the corner of Kommissaris and Nederburgh Streets, Welgemoed as shown by the figure ABCD on Plan No. TA 452v0 attached as Annexure B to the report on the agenda, in extent approximately 59m², is surplus to the requirements of the Municipality
- (b) the lease of a portion of public street, being a portion of Erf 870, Bellville at the corner of Kommissaris and Nederburgh Streets, Welgemoed as shown hatched and lettered ABCD on the lettered sketch Plan No. TA 452V0 attached as Annexure A to the report on the agenda, in extent approximately 59m², to South African Post Office Ltd, be approved, subject to *inter alia* the following conditions, that:
 - (i) a market rental of R2 700 per month exclusive of VAT inclusive of rates, be payable;

- (ii) the monthly rental will be adjusted on the basis of 8% per annum compounded annually commencing as from date of valuation. Accordingly, the above recommended rental is adjusted and payable as from 2016-08-01;
- (iii) the lease will endure for a period of ten years, subject to a review after 5 years;
- (iv) the property be used for post box terminal purposes only;
- (v) subject to such further conditions to be imposed by the Director: Property Management in terms of her delegated authority;
- (vi) subject to compliance with any other statutory requirements;
- (vii) no compensation will be payable for any improvement made to the property
- (viii) the applicant indemnifies Council against any claims that may arise resulting from the applicants' infrastructure
- (ix) the property on which the container is situated has no electrical connection. If an electrical connection is required, only the owners of the property may apply for a connection and will be responsible for the costs of a new connection but the applicant will be responsible for electricity charges.

ACTION: M VAN DER WESTHUIZEN, R SCHNACKENBERG, R GELDERBLOEM, K LE KEUR

C 45/05/20 PROPOSED LEASE OF CITY LAND BEING ERF 32939 GOODWOOD: NATIONAL GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA DEPARTMENT OF PUBLIC WORKS (DEPARTMENT OF JUSTICE - GOODWOOD MAGISTRATES COURTS)

RESOLVED that:

- (a) it be resolved that, in terms of Regulation 41(2)(e) of the Local Government: Municipal Asset Transfer Regulations, portion of Erf 32939, Goodwood situated at the corner of Molteno Street and Voortrekker Road, Goodwood, in extent approximately 3 842m², is surplus to the requirements of the Municipality
- (b) the proposed lease of a portion of City land, being a portion of Erf 32939, Goodwood shown lettered ABCDEFGH on Plan TA482v2 attached as Annexure A to the report on the agenda, in extent approximately 3 842m², to the National Government of the Republic

of South Africa - Department of Public Works, be approved, subject *inter alia* to the following conditions, that:

- (i) a market related rental of R251 900.00 per month, exclusive of VAT and inclusive of rates, be payable;
- (ii) the monthly rental will escalate at 8% per annum compounded annually commencing 2 months from date of this valuation. Accordingly, the above recommended rental is effective and payable as from 2019-03-01;
- (iii) beneficial occupation of R251 900 per month (inclusive of rates and excluding VAT) is payable as from 2019-03-01 until the date the lease contract is signed by Council;
- (iv) the lease will endure for a period of ten years;
- (vi) the property be used for magisterial purposes only;
- (vii) subject to such further conditions to be imposed by the Director: Property Management in terms of her delegated authority;
- (viii) subject to compliance with any other statutory requirements;
- (ix) no compensation will be payable for any improvement made to the property, with or without the consent of Council, should the lease be terminated for any reason whatsoever.
- (x) access must be granted to the City of Cape Town employees upon request to perform maintenance/repair work.

ACTION: K FORTUIN, R SCHNACKENBERG, R GELDERBLOEM, K LE KEUR

C 46/05/20 PROPOSED TRANSFER OF A PORTION OF ERF 38728 KHAYELITSHA TO OWNER OF ADJACENT ERF 38729 KHAYELITSHA: JK AND PP MAHLANGU

RESOLVED that the transfer of Erf 38728, Mfuleni in extent 160m² as lettered ABCD on Plan ET 620 attached as Annexure A to the report on the agenda, to Mr. JK and Mrs. PP Mahlangu, or their successor(s)-in-title, be approved, subject to the following conditions, that:

- (a) a purchase price of R80 000 excluding VAT, be payable;
- (b) the purchase price is to be escalated by 8% per annum compounded annually on a pro-rata basis, commencing from date of valuation, i.e. from 1 November 2019 until date of registration;

- (c) the valuation is to be reviewed if not implemented within 18 months from date of valuation, i.e. by 1 May 2021;
- (d) an occupational rental of R400 per month (excluding VAT) be paid from 1 November 2019, escalating at 8% per annum, until date of registration;
- (e) rates and municipal charges, if applicable, be levied;
- (f) subject to such further conditions to be imposed by the Director: Property Management in terms of her delegated authority, including *inter alia* the following:
 - (i) that all further statutory and land use requirements be complied with;
 - (ii) that all costs related and incidental to the transaction be borne by the purchaser.

[The ANC recorded their vote against the above decision. The DI abstained]

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

C 47/05/20 PROPOSED LEASE OF VARIOUS LANES IN WOODLANDS, MITCHELLS PLAIN, TO THE ABUTTING PROPERTY OWNERS

RESOLVED that the lease of the portions of Public Streets listed in the abovementioned schedule and the plans attached to the report on the agenda as Annexure A, to the adjacent land owners, or their successors-in-title, be approved, subject to *inter alia* the following conditions, that:

- (i) a tariff rental of R522,61 per annum excluding VAT calculated at the rate applicable at the time of transaction be payable. Rates are not applicable;
- (ii) the lease will endure for a period of ten (10) years with an option to renew for a further ten (10) years;
- (iii) the rental will be adjusted annually in terms of the rental tariff structure as approved by Council;
- (iv) the property be used for gardening and security purposes only;
- (v) subject to such further conditions to be imposed by the Director: Property Management in terms of her delegated authority;
- (vi) subject to compliance with any other statutory requirements;

- (vii) no agreements will be entered into until verification of the debt profiles of the applicants have been completed and cleared;
- (viii) no compensation will be payable for any improvement made to the property;
- (ix) the associated costs in respect of the subject lanes in Woodlands (25 lanes) be waived as per precedent set in respect of the lease of the lanes in Portlands and Westridge. See table below:

Application fee	@R2 500 x 25 lanes in terms of approved tariff structure	R62 500
Advertising fee	Current financial year	R0
Lease Preparation fee	Current financial year	R0
Total		R62 500

ACTION: L GOODO, R SCHNACKENBERG, R GELDERBLOEM, K LE KEUR

C 48/05/20 PROPOSED TRANSFER OF ERVEN 548 & 549 MFULENI: DIOCESE OF FALSE BAY ANGLICAN CHURCH OF SOUTHERN AFRICA

RESOLVED that the transfer of Erven 548 and 549, Mfuleni situated at Nkholo Street, Mfuleni, in extent 933 m², as shown lettered ABCDEF on Plan ET 294 attached as Annexure A to the report on the agenda, to the Diocese of False Bay Anglican Church of Southern Africa, or its successor(s)-in-title, be approved, subject to the following conditions, that:

- (a) a purchase price of R46 250 excluding VAT at the rate applicable at date of registration, be payable;
- (b) the purchase price shall escalate at 6% per annum compounded annually on a pro-rata basis, commencing from 1 February 2019 until date of registration;
- (c) the valuation is to be reviewed if not implemented within 18 months from date of valuation, i.e. by 2020-08-01;
- (d) subject to such further conditions to be imposed by the Director: Property Management in the exercise of her delegated authority;
- (e) subject to compliance with any other statutory requirements;
- (f) all costs related to the transaction be borne by the applicant;

- (g) a suitable reversionary clause be registered against the title deed of the subject property restricting its use to a place for religious purposes.

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

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

**C 49/05/20 PROPOSED TRANSFER OF PORTION OF ERF 5742 STRAND:
STRAND NAASTEDIENS LIMITED**

RESOLVED that the transfer of a portion of Erf 5742, Strand, in extent approximately 544 m² as shown lettered ABCDEFGH on Plan ET588 attached as Annexure A tot the report on the agenda, to Strand Naastediens Limited, or their successor(s)- in-title, be approved, subject to the following conditions, that:

- (a) a purchase price of R385 000 excluding VAT, be payable;
- (b) the purchase price is to be escalated by 8% per annum compounded annually on a pro-rata basis, commencing from date of valuation, i.e. from 1 December 2019 until date of registration;
- (c) the valuation is to be reviewed if not implemented within 24 months from date of valuation, i.e. by 30 November 2021;
- (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 5742 be consolidated/notarial tied with the purchaser's Erf 8999, Strand;
 - (iii) a 6,0 m servitude in favour of the City of Cape Town be registered over the services traversing the property;
 - (vi) all costs related and incidental to the transaction be borne by the purchaser;
 - (v) the land is to be used for gardening purposes only (title deed condition);

(vi) no hard surfacing (gravel or tar) be permitted on the subject property;

(vii) no parking whatsoever be permitted on the subject property.

[The ANC recorded their vote against the above decision. The DI abstained]

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

C 50/05/20 PROPOSED TRANSFER OF ERF 3523 KHAYELITSHA: UNITED METHODIST CHURCH

RESOLVED that the transfer of Erf 3523, Khayelitsha in extent approximately 1020 m², as shown crosshatched and lettered ABCDEFG on Plan ET195 attached as Annexure A to the report on the agenda, to the United Methodist Church, or its successor(s)-in- title, be approved, subject to the following conditions, that:

- (a) a purchase price of R62 500 excluding VAT, be payable;
- (b) the purchase price is to be escalated by 6% per annum compounded annually on a pro-rata basis, commencing from date of valuation (i.e. as from 1 November 2019) until date of registration;
- (c) the valuation is to be reviewed if not implemented within 18 months from date of valuation, i.e. by 1 May 2021;
- (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) a reversionary clause in favour of the City of Cape Town be registered against the title of the property, limiting the use of the subject property to community / social / church use only;
 - (iii) all costs related and incidental to the transaction be borne by the purchaser.

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

C 51/05/20 PROPOSED IN-PRINCIPLE APPROVAL FOR THE GRANTING OF LONG TERM RIGHTS TO USE, CONTROL AND / OR MANAGE, BY WAY OF PUBLIC COMPETITION, IMPROVED CITY-OWNED PROPERTY BEING PORTIONS OF ERVEN 16033 AND 10699, SITUATED AT BEACH ROAD, FISH HOEK, CAPE TOWN, KNOWN AS THE GALLEY RESTAURANT SITE FOR TOURISM RELATED USE

RESOLVED that:

- (a) in terms of the provisions of Regulation 36(a) of the Municipal Asset Transfer Regulations (R.878-promulgated on 22/08/2008), improved property being Portions of Erven 16033 and 10699 at Beach Road, Fish Hoek, Cape Town, in extent approximately 1 295m², zoned Open Space 3, shown lettered A to R on Plan LIS 1721v0 attached as Annexure A to the report on the agenda, known as the Galley Restaurant site, be regarded as not being required for the municipality's own use during the period for which the right is to be granted
- (b) it be confirmed, in terms of Regulation 36(b) of the Municipal Asset Transfer Regulations (R.878 - promulgated on 22/08/2008), that in making the determination in (a) above, the extent to which any compensation to be received for the right together with the estimated value of any improvements or enhancements to be made to the property described in (a) above will result in a significant economic or financial benefit to the municipality, has been taken into account
- (c) in terms of the provisions of Regulation 34(1)(b) of the Municipal Asset Transfer Regulations (R.878 - promulgated on 22/08/2008) the right to use, control or manage by way of public competition, improved property being Portions of Erven 16033 and 10699 at Beach Road, Fish Hoek, Cape Town, in extent approximately 1 295 m², zoned Open Space 3, shown lettered A to R on Plan LIS 1721v0 attached as Annexure A to the report on the agenda, known as the Galley Restaurant site, be granted in-principle, subject to conditions to be imposed by the Director: Property Management in the exercise of her delegated authority, which will include inter alia the following conditions, that:
 - (i) a market-related rental will be charged;
 - (ii) the rights to be granted will endure for a period up to 30 years;
 - (iii) the market-related rental will escalate in accordance with a market -related escalation rate;
 - (iv) rates and municipal charges, if applicable, will be levied;

- (v) the property will be used for purposes to be determined in terms of a consent use to be obtained by the City and subject to the limitations of the prevailing heritage and zoning scheme requirements, environmental and spatial legislation, and the City policies and guidelines applicable to the site;
 - (vi) the lease will be subject to compliance with any applicable statutory requirements;
 - (vii) any further statutory approvals required to enable the proposed use of the property will be the responsibility of the lessee;
 - (viii) the lessee ensures that the necessary land use permissions, if applicable, are in place for the duration of the lease period;
 - (ix) any municipal services on site be protected at all times and no buildings or permanent structures may be constructed over the municipal services;
 - (x) any alterations to any municipal services necessary as a consequence of the proposal or requested by the Lessee will be carried out at the lessee's cost;
 - (xi) any improvements or upgrades to the site requested by the lessee to fulfil its purpose will be carried out at the lessee's cost.
- (d) the comments submitted by all the persons referred to in the report on the agenda on the proposed lease of improved property being Portions of Erven 16033 and 10699 at Beach Road, Fish Hoek, Cape Town, in extent approximately 1 295m², known as the Galley Restaurant site, be noted
- (e) the objections submitted by those persons referred to in the report on the agenda to the proposed lease by public competition of improved property being Portions of Erven 16033 and 10699 at Beach Road, Fish Hoek, Cape Town, in extent approximately 1 295m², known as the Galley Restaurant site, not be upheld.

[The DI abstained from the above decision]

ACTION: S, CHAMBERS, A HUMAN, R SCHNACKENBERG, R GELDERBLOEM, K LE KEUR

C 52/05/20 PROPOSED LEASE OF PUBLIC STREET, BEING PORTIONS OF ERVEN 70100,70194 AND 70195 CAPE TOWN, ABUTTING ERF 146227, CULM ROAD, PLUMSTEAD: GILROUKE PROPERTIES (PTY) LTD (1998/020186/07)

RESOLVED that approval be granted for the lease of portion of public street, being portions of Erven 70100, 70194 and 70195, Cape Town, situated at Culm Road, Plumstead shown hatched and lettered ABCDEF on Plan LT 238v1 attached as Annexure A to the report on the agenda, in extent approximately 285m², to Gilrouke Properties (Pty) Ltd, owner of Erf 146227, Cape Town, or its successors-in-title, subject to *inter alia* the following conditions, that:

- (a) a market rental of R3 150 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, effective as from 2018-11-01;
- (c) the lease will endure for a period of ten (10) years. The rental will be reviewed after five (5) years;
- (d) the property will be used for staff and customer parking only;
- (e) subject to such further conditions to be imposed by the Director: Property Management in terms of her delegated authority;
- (f) subject to compliance with any other statutory requirements;
- (g) no compensation will be payable for any improvement made to the property;
- (h) the City of Cape Town has the right to construct and/or erect and lay such poles, stays, cables, wires or appurtenances relating thereto as may be necessary, together with the right to use, inspect, maintain, repair, alter, relay and/or remove all such poles, stays, cables, wires or appurtenances aforesaid. This includes the right to bring machinery onto the property and to carry out excavations;
- (i) any employee, or contractor of the City of Cape Town has the right to enter and be upon the property at any time in the exercise of the aforesaid rights;
- (j) no building containers or structure may be erected within 3m of the electrical services;
- (k) no excavation or filling may be carried out within the leased area without the prior written consent of the Director: Electricity Services via the wayleave approval process. All excavations within 3m of the

electrical services must be carried out under the direction of a representative of this department. The Electricity Department must be contacted two weeks before the commencement of work;

- (l) no stakes, pegs or pins may be driven into the ground within 1m of any part of the electricity services;
- (m) no plant or material may be stored within 1m of any part of the electricity services;
- (n) no mechanical plant may be used within 3m of medium voltage cable or 5m of high voltage cable;
- (o) perimeter enclosure and access gates - the existing fence enclosing the leased area can remain, but the Electricity Department requires unrestricted 24 hour vehicular and personnel access to the area for the purpose of accessing and maintaining electricity services. The existing lock on the gate must conform to the requirements and specifications of this department;
- (p) the existing boundary wall along 'ab' on attached Plan LT 238v1 must remain;
- (q) the applicant may contact the Electricity Department with regards to the conditions for the existing lighting installation;
- (r) the applicant is responsible at all times for the maintenance and good order of the property;
- (s) on termination of the lease, the entire leased area must be reinstated at the applicant's expense, to a condition acceptable to the City;
- (t) no excavations or filling may be carried out within the area without prior consent of Council;
- (u) no structures may be erected on the lease area;
- (v) no trees may be planted within the lease area;
- (w) the Council requires unimpeded access for the purpose of maintaining or repairing the sewer services;
- (x) manholes must be accessible at all times.

[The DI abstained from the above decision]

ACTION: L ARON, R SCHNACKENBERG, R GELDERBLOEM, K LE KEUR

C 53/05/20 PROPOSED LEASE OF PORTION OF CITY-OWNED LAND, BEING A PORTION OF ERF 112707 CAPE TOWN, SITUATED AT MICHIGAN STREET, AIRPORT CITY, CAPE TOWN: BORCHERDS DEVELOPMENT TRUST

RESOLVED that approval be granted for the lease of a portion of City land, being a portion of Erf 112707, Cape Town situated at Michigan Street, Airport City, Cape Town and as shown hatched and lettered ABCDEFG on Plan No TA 733v2 attached as Annexure B to the report on the agenda, in extent approximately 51 94 m², to Borchers Development Trust, or its successor-in-title, subject *inter alia* to the following conditions, that:

- (a) a market rental of R42 000 per month exclusive of VAT and inclusive of rates be payable;
- (b) the lease will endure for a period of ten (10) years, subject to a review of the rental after a period of five (5) years;
- (c) the monthly rental is to be adjusted on the basis of 8% per annum compounded annually on a pro-rata basis commencing 6 months from date of this valuation. Accordingly, the above recommended rental is to be adjusted as from 2019-01-01;
- (d) the property be used for parking purposes only;
- (e) subject to such further conditions to be imposed by the Director: Property Management in terms of her delegated authority;
- (f) subject to compliance with any other statutory requirements;
- (g) no compensation will be payable for any improvement made to the property;
- (h) no structures may be erected on the property;
- (i) access to the lease area must be shared with Erf 159587 for the duration of the existence of the lease;
- (j) access to Erf 159586 must be ensured by the applicant for the duration of the existence of the lease.

ACTION: G DU PLESSIS, R SCHNACKENBERG, R GELDERBLOEM, K LE KEUR

C 54/05/20 PROPOSED LEASE OF PORTION OF CITY LAND NAMELY ERF 323 AND 2128 VREDEHOEK, LUTON ROAD, VREDEHOEK, FOR PARKING, GARDENING AND SECURITY PURPOSES: JANA LE ROUX AND OTHERS

RESOLVED that approval be granted for the lease of portion of City Land, being a portion of Erf 323 and 2128, Vredehoek situated at Luton Road, Vredehoek, shown hatched and lettered ABCD and EFGHJ on sketch STC 2942 attached as Annexure A to the report on the agenda, in extent approximately 147m² and 13m², to Jana Le Roux, Y Shobert and OS Owen, or their successors-in-title, be approved, subject to *inter alia* the following conditions, that:

- (a) a market rental of R1 650 per month inclusive of rates and excluding VAT calculated at the rate applicable at the time of transaction be payable. The monthly rental is to escalate at 8% per annum compounded annually commencing 01 April 2017. Rental to be reviewed after a period of five (5) years;
- (b) the rental will escalate at 8% per annum;
- (c) the lease will endure for a period of ten (10) years;
- (d) the property be used for parking, gardening and security purposes only;
- (e) subject to such further conditions to be imposed by the Director: Property Management in terms of her delegated authority;
- (f) subject to compliance with any other statutory requirements;
- (g) no compensation will be payable for any improvement made to the property.

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

C 55/05/20 PROPOSED TRANSFER OF PORTIONS OF ERVEN 3858 AND 3859 EVERSDALE

RESOLVED that the transfer of portions of Erven 3858 and 3859, Eversdale, situated off Richelieu Street, Eversdale, in extent approximately 451m² as shown cross-hatched and lettered ABCDEFG on Plan TA 795v1 attached as Annexure A to the report on the agenda, to Nxanxaru Trust, or their successor(s)-in-title, be approved, subject to the following conditions, that:

- (a) a purchase price of R300 000, excluding VAT, be payable;
- (b) the purchase price is to be escalated by 8% per annum compounded annually on a pro-rata basis, commencing 6 months from date of valuation, i.e. from 1 February 2019, until date of registration;

- (c) the valuation is to be reviewed if not approved by the delegated authority within 18 months from date of valuation, i.e. by 1 February 2020;
- (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 portions of Erven 3858 and 3859, Eversdale be consolidated with the purchaser's Erf 4234, Eversdale;
 - (iii) service servitudes be registered over the underground municipal services traversing the subject property;
 - (iv) the current lease agreement be terminated on the date of registration;
 - (v) all costs related and incidental to the transaction be borne by the purchaser;
 - (vi) no structures may be erected on the property without the consent of Council.

ACTION: P STRUMPHER, R SCHNACKENBERG, R GELDERBLOEM, K LE KEUR

C 56/05/20 PROPOSED TRANSFER OF A PORTION OF ERF 459 CLIFTON (PUBLIC STREET) SITUATED OFF FOURTH BEACH STREET, CLIFTON: MICHELLE CLAUDIA MAGID

RESOLVED that the transfer of a portion of Erf 459, Clifton, in extent approximately 60m² as shown cross-hatched and lettered ABCDE on Plan 2915v1 attached as Annexure A to the report on the agenda, to Michelle Claudia Magid, or her successor(s)-in-title, be approved, subject to the following conditions, that:

- (i) a purchase price of R1 800 000 excluding VAT be payable;
- (ii) the purchase price is to be escalated by 6% per annum compounded annually on a pro-rata basis from 1 June 2018 until date of registration;
- (iii) the valuation is to be reviewed if the transaction is not implemented within 18 months from date of valuation, i.e. by 1 June 2019;

- (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) the subject portion of Erf 459, Clifton be consolidated with the purchaser's Erf 460, Clifton;
 - (cc) all costs related and incidental to the transaction be borne by the purchaser.

[The ANC, AJ, DI and EFF recorded their votes against the above decision. The DI abstained]

ACTION: P DAVIS, R SCHNACKENBERG, R GELDERBLOEM, K LE KEUR

C 57/05/20 TENDER NUMBER 262P/2018/19: TENDER FOR THE LEASE OF PORTIONS OF ERF 1056-RE AND A PORTION OF ERF 2194 SITUATED AT BILL PETERS DRIVE, GREEN POINT, FOR MULTI-PURPOSE SPORTS COMPLEX

RESOLVED that:

- (a) Portions of Erf 1 056-Re and a Portion of Erf 2194 situated at Bill Peters Drive, Green Point in extent approximately 5 871m², zoned Public Open Space 2 (OS2) and Transport Zoning 2 (TR2), shown lettered ABCDEFGHJKL and MNPQR on Plan LIS LIS1865, be leased to Exempt (Pty) Ltd, for multi-purpose sports complex in the rental amount of R16 000.00 per month (excluding VAT), escalating at 8% per annum compounded annually, subject to the conditions to be imposed by the Director: Property Management in the exercise of her delegated authority
- (b) the monthly rental will be subject to review after a period of 5 years from the lease commencement date.

[The ANC recorded their vote against the above decision. The DI abstained]

ACTION: S MUKORI, M SIMS, R SCHNACKENBERG, R GELDERBLOEM, K LE KEUR

C 58/05/20 GRANTING OF IN-PRINCIPLE APPROVAL: PROPOSED TRANSFER BY DIRECT TRANSACTION OF CITY-OWNED LAND BEING ERF 173, 6B CHURCH STREET, LANGA, FOR ACCESS PURPOSES

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 that Erf 173, 6B Church Street, Langa, zoned Single Residential 2 (SR2) with extent approximately 315 m², shown in the attached disposal plan 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)(b) of the Municipal Asset Transfer Regulations (MATR), R.878 promulgated on 22 August 2008, in-principle approval be granted for the sale of Erf 173, 6B Church Street, Langa as described in (a)(i) above
- (c) it be noted that Erf 173 at 6B Church Street, Langa be transferred by direct transaction
- (d) it is confirmed that when considering the transfer of the property at less than market value as provided for in terms of clause 15.2 of Council's Policy on the Management of Certain of the City of Cape Town's Immovable Property, the contents of Regulation 13(2) of the MATR have been duly taken into account.

ACTION: A CIMA, S MUKORI, M SIMS, R SCHNACKENBERG, R GELDERBLOEM, K LE KEUR

C 59/05/20 AUCTION NUMBER 015/2019/20: THE TRANSFER OF VACANT ERF 7058 DURBANVILLE, SITUATED AT 44A BOSBOK STREET, WAIROA, DURBANVILLE, ZONED GENERAL RESIDENTIAL 1: GROUP HOUSING

Cllr T Uys (DA) proposed that the subject report be withdrawn, as it was erroneously submitted to Council. She indicated that the recommendation of the report was inadequate to effect the property transaction in line with the legislative framework. It was also noted that the report was replaced with Item C 22/05/20 on the agenda.

The proposal was duly supported.

ITEM WITHDRAWN

ACTION: S NHIWATIWA, A HUMAN, R SCHNACKENBERG, R GELDERBLOEM, K LE KEUR

C 60/05/20 PROPOSED TRANSFER OF VACANT ERF 66, ATLANTIS INDUSTRIAL, SITUATED ON PIETER VAN ECK STREET, ZONED GENERAL INDUSTRIAL, TO ATLANTIS PROPERTY DEVELOPMENT (PTY) LTD, FOR INDUSTRIAL PURPOSES

RESOLVED that:

- (a) approval be granted for the transfer to Atlantis Property Development (Pty) Ltd of Erf 66, Atlantis Industrial situated at Pieter van Eck Street, in extent approximately 7173 m², zoned General Industrial 1, as shown on Plan LIS 2083 attached as Annexure A to the report on the agenda, for the sum of R1 250 000 (excluding VAT);
- (c) 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;
- (d) the purchase price be subject to review in the event that the transfer is not registered within 18 months from date of valuation (effective date being 2021-05-01);
- (e) the transfer be subject to such further conditions to be imposed by the Director: Property Management in terms of her delegated authority.

ACTION: S CHAMBERS, A HUMAN, R SCHNACKENBERG, R GELDERBLOEM, K LE KEUR

C 61/05/20 AUCTION NUMBER 015/2019/20: THE TRANSFER OF VACANT ERF 26171 MITCHELLS PLAIN, SITUATED AT LOBELIA STREET, LENTEGEUR, MITCHELLS PLAIN, ZONED SINGLE RESIDENTIAL 1: CONVENTIONAL HOUSING

RESOLVED that:

- (a) approval be granted for the transfer to Ismail Proptee 1 (Pty) Ltd, Company Registration Number 2019/468018/07, of Erf 26171, Mitchells Plain situated at 45 Lobelia Street, Lentegeur, Mitchells Plain in extent approximately 250m², zoned Single Residential 1 (SR1) as shown on Plan LIS 1504v0 attached as Annexure A to the report on the agenda, for the sum of R175 000 (excluding VAT)

- (b) 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 auction (that is 2020.04.16) until the date of registration of transfer;
- (c) 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 2021.04.01);
- (d) the transfer be subject to such further conditions to be imposed by the Director: Property Management in terms of her delegated authority.

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

ACTION: M VISAGIE, G VAN WYK, A HUMAN, R SCHNACKENBERG, R GELDERBLOEM, K LE KEUR

C 62/05/20 PROPOSED EXEMPTED TRANSFER OF ERF 48076 MITCHELL'S PLAIN, SITUATED AT SPINE ROAD, STRANDFONTEIN: FALSE BAY TVET COLLEGE, AN ORGAN OF STATE

RESOLVED that:

- (a) it be confirmed, in terms of Regulation 20(1)(f)(i) of the Municipal Asset Transfer Regulations, that the property indicated by the figure ABCDEFGHJKLMNPQRS on Plan LT1611v1 attached as Annexure A to the report on the agenda, is not required to provide the minimum level of basic municipal services and is surplus to the requirements of the City;
- (b) it be confirmed, in terms of Regulation 20(1)(f)(ii) of the Municipal Asset Transfer Regulations, that the property indicated by the figure ABCDEFGHJKLMNPQRS on Plan LT1611v1 attached as Annexure A to the report on the agenda, be transferred for less than fair market value
- (c) it be confirmed, per the motivation in the report on the agenda, that the consideration factors of regulation 20(1)(f)(ii) of the Municipal Asset Transfer Regulations, which are triggered by the proposed less than market value transfer of the subject property, have been taken into consideration;
- (d) approval be granted for the transfer of the subject property, in extent 6,7696 hectares, to False Bay TVET College, an Organ of State, or its successors-in-title, subject to the following conditions, that:

- (i) the property be sold at a sales price of 10% of the market value being R2 270 000, excluding VAT calculated at the rate applicable to date of registration of transfer;
- (ii) the discounted transfer price shall escalate at 8% per annum compounded annually on a pro-rata basis commencing 6 months after date of valuation being 01 October 2019 until date of registration of transfer;
- (iii) the transaction be subject to such further conditions to be imposed by the Director: Property Management in terms of her delegated authority *inter alia* that:
 - (aa) any future development must comply with the conditions of the Solid Waste Department, that all refuse generated on the premises must be stored on the premises to the satisfaction of the Director: Solid Waste Management and that the applicant will make use of all Solid Waste Services and will be responsible for the clean-up of the area;
 - (bb) the City of Cape Town Water By-law to be adhered to;
 - (cc) the property shall not be subdivided as the whole of the property is to be developed to establish a fully-fledged TVET College campus and for purposes ancillary thereto;
 - (dd) the sale is subject to suitable reversionary clauses restricting the use of the whole property to educational instruction and ancillary purposes, which restrictions shall be registered against the title deed of the subject property;
 - (ee) subject to compliance by applicant with all statutory requirements;
 - (ff) the applicant will be liable for all costs in connection with the transaction and incidental thereto.
- (e) any gain or loss incurred by the City in respect of the transfer of the asset be included in the adjustment budget, if not budgeted for in the approved annual budget.

ACTION: S CARELSE, B MALI-SWELINDAWO, R SCHNACKENBERG, R GELDERBLOEM, K LE KEUR

C 63/05/20 PROPOSED REVIEW, AMENDMENT AND RESCISSION OF COUNCIL RESOLUTIONS E21 OF JULY 1998 AND C22/03/16 OF MARCH 2016 RESPECTIVELY FOR THE TRANSFER OF ERF 1510 LANGA

RESOLVED that:

- (a) the previous decision taken by the Council under Item E.21 of July 1998 for the transfer of City land, Erf 1510 Langa to Mrs Linda Nomsa Mangaliso, be rescinded
- (b) 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 1510, Langa situated at 21 Washington Drive, Langa, zoned General Business 4 (GB4) approximately 192 m² in extent, shown in the plan 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.
- (c) It be confirmed that when considering the transfer of the property at less than market value as provided for in terms of clause 15.3 of Council's Policy on the Management of Certain of the City of Cape Town's Immovable Property, the contents of Regulation 13(2) of the MATR have been duly taken into account
- (d) in terms of Regulation 5(1)(b) of the Municipal Asset Transfer Regulations (MATR), R.878 promulgated on 22 August 2008, approval be granted for the transfer of Erf 1510, Langa situated at 21 Washington Drive, Langa, to Brainwave Projects 660 CC at a price of R3 840 (excluding VAT), subject to the conditions contained in the sale agreement attached to the report on the agenda
- (e) in terms of Regulation 17 of the MATR, the Director: Property Management in the exercise of her delegated authority finalize the terms and conditions to effect the transfer.

ACTION: S MUKORI, M SIMS, R SCHNACKENBERG, R GELDERBLOEM, K LE KEUR

C 64/05/20 CONDONATION AND EXTENSION OF IMPLEMENTATION PROTOCOL AGREEMENT BETWEEN THE CITY OF CAPE TOWN AND THE WESTERN CAPE GOVERNMENT FOR THE PERIOD 01 JULY 2018 UNTIL 30 JUNE 2020 (2018/2019 UNTIL 2019/2020 FINANCIAL YEARS)

RESOLVED that:

- (a) the Community Development Workers (COWs) programme that continued to be implemented effective 1 July 2018 until the date of the approval of the report in the City of Cape Town, be condoned and ratified.
- (b) the conclusion of the new implementation protocol agreement between the City of Cape Town and the Western Cape Government for the period 1 July 2018 until 30 June 2020, which must be implemented across the municipal area in the twenty-four (24) Subcouncils, be condoned and ratified

ACTION: W SOLOMONS-JOHANNES, P MASHOKO

C 65/05/20 TO CONSIDER VARIOUS ISSUES WITH RESPECT TO THE FUNCTIONING OF THE MUNICIPAL PLANNING TRIBUNAL (MPT):

- **EXTENSION OF EXTERNAL MEMBERS;**
- **DESIGNATION OF AUTHORISED OFFICIALS;**
- **COMPOSITION OF THE MPT AND APPOINTMENT OF CHAIRPERSON AND DEPUTY CHAIRPERSON;**
- **REMUNERATION OF EXTERNAL MEMBERS, CHAIRPERSON AND DEPUTY CHAIRPERSON;**
- **REVIEW OF THE RULES AND PROCEDURES OF THE MPT MEETINGS;**
- **REVIEW OF TERMS OF CONDITIONS FOR SERVING AS EXTERNAL MEMBER**
- **REVIEW OF THE CATEGORISATION OF APPLICATION TYPES;**
- **CONFIRMATION OF TECHNICAL ADVISORS TO THE MPT; AND**
- **DESIGNATION OF RESPONSIBLE LINE DEPARTMENT TO SUPPORT AND BUDGET FOR THE FUNCTIONING OF THE MPT**

RESOLVED that all previous resolutions listed in the report on the agenda, excluding the resolution to establish the MPT, on the related matters below are reviewed and amended with the following decision;

- (a) the contracts and appointments of the current external members be renewed for one year, from 1 July 2020 until 30 June 2021.

The current external members whose contracts is recommended for renewal are as follows:

Name	Position
David P Daniels	(current) Chairperson
Sydney N Holden	(current) Deputy Chairperson
Nigel Burls	Ordinary member
Derek R Chittenden	Ordinary member
Rodney Cronwright	Ordinary member
Wilfred W Johnstone	Ordinary member
Cecil V Madell (Dr)	Ordinary member
Simon C Nicks	Ordinary member
Geoffrey C Underwood	Ordinary member

- a. David Daniels be designated as the chairperson of the MPT, in terms of section 120(1) of the Municipal Planning Bylaw.
 - b. Sydney Holden be designated as the deputy chairperson of the MPT, in terms of section 120(1) of the Municipal Planning Bylaw.
- (b) the composition of the MPT be determined to consist of 25 members, 9 external members and 16 authorised officials in terms of sections 115(2)(a) and (b) of the Municipal Planning Bylaw.
- a. the MPT must constitute itself to comprise of 5 panels in terms of section 120(3) of the Municipal Planning Bylaw of which four panels will deal with applications within a geographical area as determined by the chairperson, provided that the chairperson may authorise that urgent items may serve at a different regional panel. The fifth panel will as and when determined by the chairperson consider administrative penalty applications.
 - b. the chairperson after considering Council recess periods, arrange that each regional panel meets at least once a month.
 - c. meetings of the panels consist of 5 members, as determined by the chairperson. The composition of the panels should be 2 external members and 3 authorised officials.
- (c) the officials listed in the table below be designated as authorised officials in terms of section 115(2)(c) of the Municipal Planning Bylaw to serve as members of the MPT. This resolution provides that the existing authorised officials serving on the MPT term is renewed with 5 years and the new authorised officials to be designated be appointed for a term of 5 years.

Name	Position	Existing Member	New Member
Pieter Terblanche	Manager: Land Development Areas 3&4	Y	

Emil Schnackenberg	Manager: Land Development Areas 1&2	Y	
Daan Visser	District Manager	Y	
Margot Muller-Lovember	District Manager	Y	
Ursolino (Ossie) Gonsalves	District Manager	Y	
Susanna (Susan) Matthysen	District Manager	Y	
Marx Mupariwa	District Manager	Y	
Gideon Brand	Manager: Programme Coordination and Partnerships	Y	
Timothy (Tim) Hadingham	Manager: Investment Facilitation	Y	
Nigel Titus	Manager: District Planning and Mechanisms	Y	
Dewaldt Smit	District Manager		Y
Ngwanamogano (Linah) Dube	District Manager		Y
Chad Newman	District Manager		Y
Dimitri Georgeades	Manager: Environmental and Heritage Management		Y
Lorraine Gerrans	Head: Sustainable Partnerships and Finance		Y
Peter Ahmad	Manager: Metro Spatial Planning and Growth Management		Y

- (d) all external members be remunerated at a rate equal to the SACPLAN hourly tariff charge for category B professionals with a maximum capping of 16 hours per meeting inclusive of preparation and travel time. All members may submit travel cost for attending meetings. The presiding officer (inclusive of the chairperson and deputy chairperson) at the MPT meeting may claim one and a half times the SACPLAN rate set out above only for the time of the actual meeting subject to the capping on the hours as provided for above.
- (e) the amended rules of procedures for meetings of the MPT as set out in **Annexure B** to this report be adopted in terms of section 120(17) of the Municipal Planning Bylaw.

- (f) the minimum requirements as set out in section 117(2) of the Municipal Planning Bylaw will apply as the code of conduct of all members serving on the MPT.
- (g) the amended terms and conditions for the external members of the MPT be determined as set out in **Annexure C** to the report in terms of section 117(1) of the Municipal Planning Bylaw.
- (h) Council prescribe that the category 1 applications listed in **Annexure D** to the report be decided by the Municipal Planning Tribunal and the category 2 applications list in **Annexure D** be decided by an authorised official for the purposes of section 114(1) of the Municipal Planning Bylaw.
 - a. Council designate the Executive Director: Spatial Planning and Environment or his successor in title, as an authorised official for the purposes of section 114(b) of the Municipal Planning Bylaw to decide on category 2 applications.
 - b. Council designate employees in the following positions as authorised officials for the purposes of section 114(b) of the Municipal Planning Bylaw to decide on category 2 applications subject to conditions as may be determined by the Executive Director: Spatial Planning and Environment or his successor in title, namely: Director Development Management , Manager Development Policies, Processes and Legislation, Head: Land Use Management, Head: Building Development Management, Section Head: Land Use Management, Section Head: Customer Interface, Principal Professional Officer (LUM), Senior Professional Officer (LUM) and Professional Officer (LUM).
 - c. Council authorise the Executive Director: Spatial Planning and Environment to withdraw the designation of any of the authorized officials listed above in the event of non-compliance with the Spatial Planning and Land Use Management Act, the Municipal Planning Bylaw or in terms of the authorization given to the Executive Director: Spatial Planning and Environment.
- (i) the Manager: Development Policies, Processes and Legislation, Head: Land Use Management and Head: Enforcement and Legislation be appointed as the technical advisors to the Municipal Planning Tribunal.
- (j) the technical and budgetary support to the Municipal Planning Tribunal be allocated to the Development Management Department. The budget for both the remuneration of the MPT members and the Chairperson of the MPT be consolidated within

the OPEX budget of the Development Management under supervision of the Director: Development Management and Manager: Development Policies, Processes and Legislation.

ACTION: J VAN DER WESTHUIZEN, O ASMAL

C 65A/05/20 PROPOSED CHANGES TO MEMBERSHIP OF COMMITTEES

The Chief Whip of Council, Cllr D Visagie proposed the following addition to the recommendation:

“Cllr J G Classen (ACDP) be appointed as a member of the Human Settlements Portfolio Committee.”

The proposal was duly supported.

RESOLVED that:

- (a) Cllr N Grose (DA) be removed from the Leadership and Development Portfolio Committee
- (b) Cllr M Sibunzi (DA) be appointed as a member of the Transport Portfolio Committee
- (c) Cllr A M Benadie (DA) be appointed as a member of the Energy and Climate Change Portfolio Committee, as well as a member of the Leadership and Development Portfolio Committee
- (d) Cllr N Rheeder (DA) be appointed as a member of the Municipal Public Accounts Committee (MPAC) and Cllr A Adams (DA) be removed
- (d) Cllr J G Classen (ACDP) be appointed as a member of the Human Settlements Portfolio Committee.

ACTION: EXECUTIVE COMMITTEE OFFICERS, D DANIELS, N DAMON, S ABEL , P PETER, R RAZACK, G KENHARDT, C KESSON

C 65B/05/20 TRANSFER OF FUNDS AND INCREASE IN TOTAL PROJECT COST FOR ROAD DUALLING: KOMMETJIE ROAD AND OU KAAPSE WEG IN THE 2019/20 FINANCIAL YEAR

RESOLVED that:

- (a) transfer from WBS element C13.10101-F1 (IRT Phase 2A) to CPX.0007894-F4 (Road Dualling: Kommetjie Road & Ou Kaapse Weg) in the amount of R12 246 101 funded ex CGD: PTNG in the 2019/20 financial year, be approved.

- (b) transfer from WBS element CPX.0007396-F1 (Congestion Relief Projects FY20) to CPX.0007894-F1 (Road Dualling: Kommetjie Rd & Ou Kaapse Weg) in the amount of R2 949 784 funded ex CRR; Congestion Relief in the 2019/20 financial year, be approved.
- (c) transfer from WBS element CPX.0013128-F1 (Metro Roads Reconstruction FY20) to CPX.0007894-F3 (Road Dualling: Kommetjie Rd & Ou Kaapse Weg) in the amount of R1 782 748 funded ex EFF in the 2019/20 financial year, be approved.
- (d) transfer from WBS element CPX.0016317-F1 (Rehabilitation of Halt Road) to CPX.0007894-F3 (Road Dualling: Kommetjie Rd & Ou Kaapse Weg) in the amount of R2 546 485 funded ex EFF in the 2019/20 financial year, be approved.
- (e) transfer from WBS element CPX.0013091 -F1 (CSRM General Stormwater Projects FY20) to CPX.0007894-F3 (Road Dualling: Kommetjie Rd & Ou Kaapse Weg) in the amount R1 000 000 funded ex EFF in the 2019/20 financial year, be approved.
- (f) transfer from WBS element CPX.0005392-F1 (Vehicles and Plant: Additional FY20) to CPX.0007894-F3 (Road Dualling: Kommetjie Rd & Ou Kaapse Weg) in the amount of R2 374 882 funded ex EFF in the 2019/20 financial year, be approved.
- (g) additional capital expenditure, in the amount of R12 246 101 on WBS element CPX.0007894-F4 (Road Dualling: Kommetjie Rd & Ou Kaapse Weg) to be funded ex CGD: PTNG in the 2019/20 financial year, be approved.
- (h) additional capital expenditure, in the amount of R2 949 784 on WBS element CPX.0007894-F1 (Road Dualling: Kommetjie Rd & Ou Kaapse Weg) to be funded ex CRR: Congestion Relief in the 2019/20 financial year, be approved.
- (i) additional capital expenditure, in the amount of R7 704 115 on WBS element CPX.0007894-F1 (Road Dualling: Kommetjie Rd & Ou Kaapse Weg) to be funded ex EFF in the 2019/20 financial year, be approved.
- (j) the Total Project Cost be increased from R205 401 053 to R228 301 053 in order to accommodate the additional construction cost (including escalation), as well as the professional services fees over the total life cycle of the project.
- (k) it be noted that a further report will be submitted directly to the Municipal Public Accounts Committee concerning the irregular expenditure incurred on this project as a result of the expiry of the contract in terms of section 33 of the MFMA, as soon as the contract to complete the outstanding works is regularised.

ACTION: N SLINGERS, E SASS**C 65C/05/20 CONSENT TO ACCESS AND USE CITY-OWNED IMMOVABLE PROPERTY UNDER THE NATIONAL STATE OF DISASTER REGULATIONS****RESOLVED** that:

- (a) in terms of Regulation 41 (2)(e) of the Municipal Asset Transfer Regulations, Council resolved that the properties listed in paragraph 5.3 are surplus to the requirements of the City for the duration of the national state of disaster published in Government Gazette No 43096 on 15 March 2020;
- (b) the access, use and management of City-owned immovable property for quarantine, isolation and ancillary health related purposes by the Western Cape Provincial Government with immediate effect, be approved
- (c) the Director: Property Management conclude the relevant agreements with the Western Cape Provincial Government for the access, use and management of City-owned immovable properties listed in paragraph 5.3 for quarantine, isolation and ancillary health-related purposes;
- (d) the term of the agreements be for the duration of the national state of disaster published in Government Gazette No 43096 on 15. March 2020, subject but not limited to the conditions listed in Paragraph 5.2 of this report;
- (e) the Director: Property Management submit reports to the Executive Mayoral Committee on the immovable properties allocated to the Western Cape Provincial Government for the duration of the national state of disaster published in Government Gazette No 43096 on 15 March 2020.

ACTION: R GELDERBLOEM, K LE KEUR**C 66/05/20 QUESTION RECEIVED FROM CLLR M F CASSIM**

The questions, as reflected on pages 1 to 2 of Volume 5 of the agenda, were posed by Cllr M F Cassim (COPE) and related to the continuous and wide scale education campaigns and the targeted cleansing efforts of the Solid Waste Management Department in dissuading residents from dumping food waste in the street or leaving rubbish bags on the ground, and in the second instance, improving waste removal services to keep in satisfactory check the municipality's rat and mice population.

The Executive Mayor's response as set out on pages 3 to 8 of Volume 5 of the agenda was noted.

SUPPLEMENTARY QUESTION

Cllr M F Cassim (COPE) questioned the inadequacy of the Solid Waste Department in this regard in view of the Executive Mayor's response and asked him what would be the way forward to properly address the problem.

The Executive Mayor responded that all Departments in the City are looking at the Covid-19 situation to get rid of all the waste, rodents and other pests in many areas. It should also be noted that many staff of the Solid Waste Department were exposed and infected with the coronavirus due to waste collection. The Executive Mayor stated that the Mayco Member: Waste and Water Services, Ald X Limberg is taking cognisance of his concerns.

ACTION: OFFICE OF THE EXECUTIVE MAYOR

C 67/05/20 QUESTION RECEIVED FROM CLLR M NQULWANA

The questions, as reflected on page 9 of Volume 5 of the agenda, were posed by Cllr M Nqulwana (ANC) and related to Ward 89, one of the post underdeveloped ward in the City of Cape Town with major municipal roads linking the entire Khayelitsha with N2 and a link to the oldest shopping centre that was built in the mid-90s. He stated that Japhta K Masemola Road is one major municipal road linking the businesses in the Khayelitsha CBD and its state under which the road is, it total in despair.

The Executive Mayor's response as set out on pages 3 to 6 of Volume 4 of the agenda was noted.

ACTION: OFFICE OF THE EXECUTIVE MAYOR

C 68/05/20 QUESTION RECEIVED FROM CLLR B MAJINGO

The questions, as reflected on pages 1 to 2 of Volume 5 of the agenda, were posed by Cllr B Majingo (ANC) and related to the engagement with the City in Human Settlement Programmes, relocating people, constructing low-cost and / or affordable housing.

It was noted that the relevant Department did not respond timeously to the questions for inclusion on the agenda.

RESOLVED that the questions of Cllr B Majingo (ANC) and the response be submitted to the next Council meeting.

ACTION: C KNOTT, R DE LANGE, OFFICE OF THE EXECUTIVE MAYOR, N MEISSENHEIMER**C 69/05/20 MOTION RECEIVED FROM COUNCILLOR M F CASSIM**

Cllr M F Cassim (COPE), seconded by Cllr B Truter (PA), was asked to introduce his motion as set out on pages 7 to 12 of Volume 5 of the agenda, as reflected below:

“Councillor M F Cassim proposes that:

Whereas Cape Town is part of the C40 Cities initiative and whereas many members of this group are now very active participants in the Climate-KIC Circular Cities Project and are utilising its newly developed circular economy toolkit and other resources that are being made available to the group from various quarters to progress toward becoming economically prosperous zero waste cities through their adoption and execution of policies embedding the following circular economy principles into their respective:

- a. city-level policies and strategies,*
- b. urban regeneration and transformation projects,*
- c. public procurement practices,*
- d. utilities provision and*
- e. civic waste management;*

And whereas many of the C40 cities are integrating their climate change policies with the circular economy principles listed above because of the mounting evidence of rapidly intensifying climate crisis as exemplified in the fierce fires that burnt on the periphery of Canberra and Sydney for a prolonged period and Storm Clara, Britain's storm of the century flooding Blackpool and many other places;

And also whereas the Climate-KIC Circular Cities project is providing motivation and support to mayors in every city all over the world to jump onto the bandwagon by using many or all of the "40 thorough examples of practical circular economic initiatives from cities around the world, for inspiration and replications by every other city in the C40 cities group" of which Cape Town is an integral part;

And furthermore whereas the city and its residents have everything to gain from emulating other C40 cities in the above regard;

The City of Cape Town City Council, therefore, accepts that it has to keep with the C40 cities pack and be a very active participant in the Climate-KIC

Circular Cities project to begin extensively implementing the circular economy initiatives by closely examining every opportunity within the IDP to tailor the 2020-2021 budget in such a way as to extensively and purposefully incorporate all of the circular economy principles listed to achieve very little if not zero waste and in partial fulfilment of that purpose set in motion the expeditious establishment of a biochar facility of the type existing in Helsinki and Florida amongst many other places.

Ald C Justus (DA) gave a thorough explanation on the resources and research done by the private sector on this matter. He stated that international projects are not necessary transferrable to Cape Town and might not deliver the anticipated benefits. Ald Justus further indicated that biochar facilities are very expensive to own and operate this technology and does not provide the returns for either the sale of oil or the generation of electricity. He was of the opinion that the City should find other innovative solutions which are more suited to our context.

RESOLVED that the motion submitted by Cllr M F Cassim (COPE) not be supported.

ACTION: N MEISSENHEIMER , M WEBSTER

C 70/05/20 MOTION RECEIVED FROM COUNCILLOR M NQULWANA

Cllr M Nqulwana (ANC), seconded by Cllr M Kumeke (ANC), was asked to introduce his motion as set out on pages 17 to 21 of Volume 5 of the agenda, as reflected below:

“Activities of arts and culture sector and local economic vitality are connected in many ways. Arts and culture and creativity can: improve a community 's competitive edge; create a foundation for defining a sense of place; attract new and visiting populations; integrate the visions of community and business leaders; and contribute to the development of a skilled workplace.

These activities were used during apartheid era under white nationalist rule to communicate and illustrate the brutality of the white supremacist government to the international community.

Today Arts and culture is an integral part of the battle of ideas with those who owns means of production showcasing the bourgeois content that has no contribution whatsoever to the social cohesion, suppressive towards the organic locally produced working class talent.

Xolani Mbundu Subcouncil 09 has in the last 7 years identified a need to have a Khayelitsha Memory Centre built / developed in Site C and was supported by community of Khayelitsha hence Ward 87, 18, 89, 90, and 91 put together their capital ward allocation for the year 2012/13 to start the project. An amount of R1.5M was used far project initiation

including feasibility studies with the hope that on a corporate budget there will be allocation.

To create a centre for the history of the people of Khayelitsha for generations to generations to understand battles leading to the establishment of this big beautiful township with such a rich history.

To bring back stolen time from our people to tell their own story through various tools such as cultural economy, arts, theatre and drama. To create creative economy and people driven economic opportunities through attracting tourist and local investment. To promoting our own talent and preserve our local talent.

There has been a growth in talent and passion to develop economic activities through Arts and Culture as Subcouncil 09 continues to host activities for local artists to show case their talent. If there is such talent in our communities a question must be asked and answered that says where do these artist practice and rehearse or who is responsibly to train them and where are they trained. Then that present and call and a need to have a centre within these communities to nature these talents.

I, Councillor Monde Nqulwana, seconded by Councillor Mabatho Kumeke hereby move to Council to support this motion to develop and built an Arts, Culture and Drama Theatre Centre in Erf No. 66546, Erf No. 66547, Erf No. 66503 in Site C Khayelitsha for the benefit of our working class artists and promotion of inclusive and creative economy.”

Cllr R Viljoen (DA) indicated that the DA is not supporting the motion. She proposed that the motion be dealt with by the relevant Subcouncil. Cllr Viljoen further stated that currently Councillors could make use of ward funding available to them to run arts and culture programmes.

RESOLVED that the motion submitted by Cllr M Nqulwana (ANC) be referred to the relevant Subcouncil and then to the relevant Portfolio Committee for consideration.

ACTION: J FRANCE, C MINNAAR, V BOTTO, E SASS

C 71/05/20 MOTION RECEIVED FROM COUNCILLOR F GAFFOOR

Cllr F Gaffoor (EFF), seconded by Cllr S Moloto (EFF), was asked to introduce his motion as set out on pages 22 to 24 of Volume 5 of the agenda, as reflected below:

“Noting that:

- 1. According to the Constitution of South Africa, 1996.: Everyone has an inherit dignity and the right to have their dignity respected and protected as well as the right to basic services such as water and*

electricity etc.

2. *The Bill of Rights is a cornerstone of democracy in South Africa as it enshrines the rights of all people in our country and affirms the democratic values of human dignity, equality and freedom.*
3. *Not all people are aware that they can apply or are by the means to go apply for an indigent grant due to circumstances.*
4. *Those that are on indigent grant gets a certain amount free electricity and water per month which is very low if you look at the numbers per household.*
5. *That those indigent grant recipients still need to buy water and electricity when the free usage is up.*

The EFF moves that the City of Cape Town provide FREE basic services such as water, electricity and any other basic services to the Poor and especially all indigent recipients of old aged grants without them bearing any cost to pay per month.”

Cllr P Maxiti (DA) indicated that the motion could not be supported, reason being that the City should provide services to the residents in a sustainable manner and therefore the relevant Indigent Grant Policies are in place.

RESOLVED that the motion submitted by Cllr F Gaffoor not be supported.

ACTION: N MEISSENHEIMER

C 72/05/20 REPORTING ON MINOR BREACHES OF PROCUREMENT PROCESSES APPROVED BY THE SUPPLY CHAIN MANAGEMENT BID ADJUDICATION COMMITTEE FOR THE PERIOD 01 - 31 DECEMBER 2019

RESOLVED that the list of minor breaches attached as Annexure 1 to the report on the agenda for the period 01 - 30 December 2019, as ratified by the Bid Adjudication Committee, be noted.

ACTION: B CHINASAMY, J STEYL, K JACOBY

C 73/05/20 INTERNAL AUDIT QUALITY ASSURANCE REVIEW (QAR)

RESOLVED that the five-year external assessment Quality Assurance Report outcome of "Generally Conforms", be noted.

ACTION: B VINK, D MESO, L MBANDAZAYO

C 74/05/20 NATIONAL TREASURY'S BENCHMARK ASSESSMENT OF THE CITY'S TABLED 2019/20 MTREF

RESOLVED that National Treasury's final benchmark assessment of the tabled 2019/20 MTREF, be noted.

ACTION: J STEYL, K JACOBY

C 75/05/20 CLOSE OUT REPORT: SOCIAL DEVELOPMENT AND EARLY CHILDHOOD DEVELOPMENT (SDECD) GRANTS-IN-AID ALLOCATIONS FOR 2018/19

RESOLVED that the contents of the close-out report on Social Development and Early Childhood Development (SDECD) grants-in-aid allocations for 2018/19, be noted.

ACTION: A MAXWELL, A SAULS, V BOTTO, E SASS

C 76/05/20 QUARTERLY PROGRESS REPORT FOR THE SPECIAL PURPOSE VEHICLES (SPVS) FOR THE PERIOD 1 OCTOBER - 31 DECEMBER 2019

RESOLVED that the Special Purpose Vehicles (SPVs) quarterly progress report for the period 1 October - 31 December 2019, be noted.

ACTION: N LAATOE, K LE KEUR

C 77/05/20 QUARTERLY PROGRESS REPORT FOR THE WESTERN CAPE DESTINATION MARKETING, INVESTMENT AND TRADE PROMOTION AGENCY (WESGRO) FOR THE PERIOD 1 OCTOBER TO 31 DECEMBER 2019

RESOLVED that the Western Cape Destination Marketing, Investment and Trade Promotion Agency (WESGRO) quarterly progress report for the period 1 October - 31 December 2019, be noted.

ACTION: N LAATOE, K LE KEUR

C 78/05/20 COMMUNITY SERVICES & HEALTH: 2019/20 SECOND QUARTER'S PROGRESS REPORT ON THE DIRECTORATE'S PERFORMANCE

RESOLVED that the 2019/20 Second Quarter's Progress report on the Community Services & Health Directorate's performance, be noted.

ACTION: G PHYFER, V BOTTO, E SASS

C 79/05/20 CORPORATE SERVICES: 2019/20 SECOND QUARTER'S PROGRESS REPORT ON THE DIRECTORATE AND DEPARTMENTS' PERFORMANCE

RESOLVED that the 2019/20 Second Quarter's Progress report on the Corporate Services Directorate's and Departments' performance, be noted.

ACTION: T NOMNGANGA, B MOTHIBI, C KESSON

C 80/05/20 ENERGY AND CLIMATE CHANGE: 2019/20 SECOND QUARTER'S PROGRESS REPORT ON THE DIRECTORATE AND DEPARTMENTS' PERFORMANCE

RESOLVED that the 2019/20 Second Quarter's Progress report on the Energy & Climate Change Directorate's and Departments' performance, be noted.

ACTION: D LEEUWENDAAL, L RENCONTRE, K NASSIEP

C 81/05/20 REPORT OF THE HUMAN SETTLEMENTS COMMITTEE FOR THE QUARTER ENDED 30 AUGUST 2019

RESOLVED that the Report of the Human Settlements Portfolio Committee for the quarter ended 30 August 2019, be noted.

ACTION: A DE WAAL, J HARMSE, N GQIBA

C 82/05/20 REPORT OF THE HUMAN SETTLEMENTS PORTFOLIO COMMITTEE FOR THE PERIOD 1 SEPTEMBER 2019 TO 30 NOVEMBER 2019

RESOLVED that the Human Settlements Portfolio Committee's Report for the quarter 1 September 2019 to 30 November 2019, be noted.

ACTION: J HARMSE, N GQIBA

C 83/05/20 ANNUAL REPORT OF THE HUMAN SETTLEMENTS PORTFOLIO COMMITTEE FOR THE PERIOD JANUARY 2019 TO DECEMBER 2019

RESOLVED that the Human Settlements Portfolio Committee's Annual Report for 2019 be noted.

ACTION: A DE WAAL, J HARMSE, N GQIBA

C 84/05/20 HUMAN SETTLEMENTS: 2019/20 SECOND QUARTER'S PROGRESS REPORT ON THE DIRECTORATE AND DEPARTMENTS' PERFORMANCE

RESOLVED that the 2019/20 Second Quarter's Progress report on the Human Settlements Directorate's and Departments' performance, be noted.

ACTION: A KERMIS, N GQIBA

C 85/05/20 SAFETY AND SECURITY: 2019/20 SECOND QUARTER'S PROGRESS REPORT ON THE DIRECTORATES PERFORMANCE

RESOLVED that the 2019/20 Second Quarter's Progress report on the Safety & Security Directorate's performance, be noted.

ACTION: M CLEINWERCK, A VISSER, R BOSMAN

C 86/05/20 SPATIAL PLANNING AND ENVIRONMENT: 2019/20 SECOND QUARTER'S PROGRESS REPORT ON THE DIRECTORATES PERFORMANCE

RESOLVED that the 2019/20 Second Quarter's Progress report on the Spatial Planning & Environment Directorate's and Departments' performance, be noted.

ACTION: C BASSON, O ASMAL

C 87/05/20 TRANSPORT: 2019/20 SECOND QUARTER'S PROGRESS REPORT ON THE DIRECTORATE AND DEPARTMENTS' PERFORMANCE

RESOLVED that the 2019/20 Second Quarter's Progress report on the Transport Directorate's and Departments' performance, be noted.

ACTION: J VAN WYK, R MELODY, E SASS

C 88/05/20 URBAN MANAGEMENT: 2019/20 SECOND QUARTER'S PROGRESS REPORT ON THE DIRECTORATE AND DEPARTMENTS' PERFORMANCE

RESOLVED that the 2019/20 Second Quarter's Progress report on the Urban Management Directorate's and Departments' performance, be noted.

ACTION: E DICK, A ARENDSE, P MASHOKO

C 89/05/20 WATER & WASTE: 2019/20 SECOND QUARTER'S PROGRESS REPORT ON THE DIRECTORATE AND DEPARTMENTS' PERFORMANCE

RESOLVED that the 2019/20 Second Quarter's Progress report on the Water & Waste Directorate's and Departments' performance, be noted.

ACTION: A EBRAHIM, D PAULSE, N DAMANE, M WEBSTER

C 90/05/20 ECONOMIC OPPORTUNITIES AND ASSET MANAGEMENT: 2019/20 SECOND QUARTER'S PROGRESS REPORT ON THE DIRECTORATE AND DEPARTMENTS' PERFORMANCE

RESOLVED that the 2019/20 Second Quarter's Progress report on the Economic Opportunities & Asset Management Directorate's and Departments' performance, be noted.

ACTION: P WILLIAMS, C BENJAMIN, K LE KEUR

C 91/05/20 FINANCE DIRECTORATE: 2019/20 SECOND QUARTER'S PROGRESS REPORT ON THE DIRECTORATE AND DEPARTMENTS PERFORMANCE

RESOLVED that the 2019/20 Second Quarter's Progress report on the Finance Directorate's and Departments' performance, be noted.

ACTION: M COLLOP, K JACOBY

C 92/05/20 2019/20 SECOND QUARTER'S PROGRESS REPORT ON CORPORATE PERFORMANCE AND PERFORMANCE OF THE CITY'S ENTITIES (CONVENCO AND CAPE TOWN STADIUM)

RESOLVED that the 2019/20 Second Quarter's Progress report on corporate performance and the performance of the City's Entities (Convenco and Cape Town Stadium), be noted

ACTION: M FILLIES, C JANUARY, C KESSON

C 93/05/20 REPORT IN TERMS OF SUPPLY CHAIN MANAGEMENT REGULATIONS, REGULATION 36, AND THE SUPPLY CHAIN MANAGEMENT POLICY, CLAUSE 330, FOR THE PERIOD 1 JANUARY 2020 TO 11 MARCH 2020: FOR INFORMATION PURPOSES

RESOLVED that the Supply Chain Management deviations as authorised by the City Manager in terms of regulation 36 of the Supply Chain Management Regulations and clause 330 of the Supply Chain Management Policy, for the period 1 January 2020 to 11 March 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

C 94/05/20 REPORT IN TERMS OF SUPPLY CHAIN MANAGEMENT REGULATIONS, REGULATION 36, AND THE SUPPLY CHAIN

MANAGEMENT POLICY, CLAUSE 330, FOR THE PERIOD 12 MARCH TO 6 APRIL 2020: FOR INFORMATION PURPOSES

RESOLVED that the Supply Chain Management deviations as authorised by the City Manager in terms of regulation 36 of the Supply Chain Management Regulations and clause 330 of the Supply Chain Management Policy, for the period 12 March 2020 to 6 April 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

C 95/05/20 CONCLUSION OF THE PERFORMANCE AGREEMENT FOR THE EXECUTIVE DIRECTOR WATER AND WASTE (MR. M WEBSTER) FOR THE 2019/2020 FINANCIAL CYCLE

RESOLVED that the performance agreement for Mr M Webster, Executive Director: Water and Waste, be noted.

ACTION: R DAMES, C PRINSLOO, C KESSON

C 96/05/20 QUARTERLY REPORT ON THE MAYOR'S SPECIAL FUND: MFMA SECTION 12 FUND: PERIOD ENDING 31 MARCH 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 and GO 7500020) for the period 1 January to 31 March 2020 to the value of R1 103 500.00, be noted
- (b) the grants and donations to the Mayor's Special Fund (GD7500020) for the period 1 January to 31 March 2020 to the value of R553.63. be noted.

ACTION: C FERGUSON, L MBANDAZAYO

C 97/05/20 QUARTERLY FINANCIAL REPORT: MARCH 2020

RESOLVED that the quarterly financial report for the quarter ended 31 March 2020, be noted.

ACTION: J STEYL, K JACOBY

C 98/05/20 CREDIT RATING OPINION OF THE CITY OF CAPE TOWN

RESOLVED that the report on the outcome of the credit opinion issued by Moody's Investors Service on the City of Cape Town, be noted.

ACTION: D VALENTINE, K JACOBY

C 99/05/20 MUNICIPAL SCOA CIRCULAR NO 8 - GUIDANCE ON VIREMENT POLICIES FOR MUNICIPALITIES

RESOLVED that the Municipal SCOA Circular No. 8 attached as Annexure A to the report on the agenda, be noted.

ACTION: J STEYL, K JACOBY

C 100/05/20 QUARTERLY REPORT ON THE DELEGATIONS EXERCISED BY SUBCOUNCILS: 1 JANUARY 2020 TO 31 MARCH 2020

RESOLVED that the contents of the report regarding the delegations exercised by Subcouncils during the period 1 January 2020 to 31 March 2020, be noted.

ACTION: M JANUARY, L MDUNYELWA, A BOSMAN, W SOLOMONS-JOHANNES, Z SISWANA, P MASHOKO

C 101/05/20 RESOLUTIONS TAKEN BY THE EXECUTIVE MAYOR IN TERMS OF DELEGATED POWERS AND DECISIONS TAKEN TOGETHER WITH THE MEMBERS OF THE MAYORAL COMMITTEE: JANUARY 2020 TO MAY 2020

RESOLVED that the resolutions taken by the Executive Mayor in terms of delegated powers and decisions taken together with the members of the Mayoral Committee for the period January 2020 to May 2020, be noted.

ACTION: L FRANSMAN, C KNOTT, R DE LANGE, OFFICE OF THE EXECUTIVE MAYOR

C 102/05/20 REPORT IN TERMS OF SUPPLY CHAIN MANAGEMENT REGULATIONS, REGULATION 36, AND THE SUPPLY CHAIN MANAGEMENT POLICY, CLAUSE 330, FOR THE PERIOD 7 APRIL TO 13 MAY 2020: FOR INFORMATION PURPOSES

RESOLVED that the Supply Chain Management deviations as authorised by the City Manager in terms of regulation 36 of the Supply Chain Management Regulations and clause 330 of the Supply Chain Management Policy, for the period 7 April 2020 to 13 May 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

C 103/05/20 REPORT ON DECISIONS TAKEN BY THE EXECUTIVE MAYOR IN CONSULTATION WITH THE CITY MANAGER IN TERMS OF RECESS POWERS AND DURING THE NATIONAL STATE OF DISASTER

RESOLVED that the resolutions taken by the Executive Mayor in terms of delegated powers and decisions taken together with the members of the Mayoral Committee for the period January 2020 to May 2020, be noted.

ACTION: L FRANSMAN, C KNOTT, R DE LANGE, OFFICE OF THE EXECUTIVE MAYOR

THE MEETING CONCLUDED AT 17:10.

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**ALD D SMIT
CHAIRPERSON**

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DATE