

## MINUTES

OF THE MEETING OF THE COUNCIL OF THE CITY OF CAPE TOWN HELD IN THE COUNCIL CHAMBER, 6<sup>TH</sup> FLOOR, PODIUM BLOCK, CIVIC CENTRE, 12 HERTZOG BOULEVARD, CAPE TOWN, ON THURSDAY, 28 APRIL 2016 AT 10:00.

## MEMBERS PRESENT:

Cllr A Abrahams (DA)	Cllr P A East (DA)	Cllr A L Komeni (ANC)
Cllr M M Abrahams (ANC)	Cllr D Elese (ANC)	Cllr N F Kopman (ANC)
Cllr A Adams (PAC)	Cllr A J Ehrenreich (ANC)	Cllr N J Landingwe (ANC)
Cllr Y Adams (CMC)	Cllr C J Esau (DA)	Cllr C N Leputhing (ANC)
Cllr W J Akim (DA)	Cllr A Fourie (FF+)	Cllr B Le Roux (DA)
Cllr D Amira (DA)	Cllr G D Fourie (DA)	Cllr S P Liell-Cock (DA)
Cllr E P Andrews (DA)	Cllr P Francke (DA)	Cllr X T Limberg (DA)
Cllr M T Arendse (DA)	Cllr A Gabier (ANC)	Cllr S A Little (DA)
Cllr P Arendse (ACDP)	Cllr P J Gabriel (ANC)	Cllr M Mabandla (ANC)
Cllr R Arendse (DA)	Cllr A Gabuza (ANC)	Cllr L Maci (ANC)
Cllr S W P Arendse (DA)	Cllr A Green (DA)	Cllr B Masingo (ANC)
Cllr S N August (DA)	Cllr A J Griesel (DA)	Cllr M N Makanda (ANC)
Cllr D Badela (ANC)	Cllr N E Grose (DA)	Cllr N Makasi (ANC)
Cllr J A Basson (DA)	Cllr X Gwangxu (DA)	Cllr L Makeleni (ANC)
Cllr R Bazier (ANC)	Cllr S Gympijs (DA)	Cllr B Malong (ANC)
Cllr R Beneke (DA)	Cllr B Hadebe (ANC)	Cllr K Mamba (ANC)
Cllr N L Bent (DA)	Cllr B Hansen (DA)	Cllr S Mamkeli (DA)
Cllr C B Bew (DA)	Cllr W Hassiem (AMP)	Cllr G W March (DA)
Cllr G M Bloor (DA)	Cllr M Haywood (DA)	Cllr P I Marman (DA)
Cllr W E Brady (DA)	Cllr M G Hendricks (AJ)	Cllr J Martlow (DA)
Ald J C Bredenhand (ANC)	Cllr B N Herron (DA)	Cllr M S Matha (ANC)
Cllr M T Britz (DA)	Cllr P C Heynes (ANC)	Cllr J J Maxheke (ANC)
Cllr E N Brunette (DA)	Cllr R M Hoorn (DA)	Cllr P Maxiti (DA)
Cllr D W Bryant (DA)	Cllr T T Honono (ANC)	Cllr S Mbandezi (DA)
Cllr C A Brynard (DA)	Cllr J Hoosain (DA)	Cllr L V McBride (DA)
Cllr H Carstens (DA)	Cllr L I Isaacs (DA)	Cllr J McCarthy (DA)
Ald G Cavanagh (DA)	Cllr V R Isaacs (DA)	Cllr V N Mfusi (ANC)
Cllr C S Cerfontein (DA)	Cllr I R Iversen (DA)	Cllr J H Middleton (DA)
Cllr P Chapple (DA)	Cllr B M Jacobs (DA)	Cllr M A Mkutswana (ANC)
Cllr D J Christians (DA)	Cllr J Jacobs (DA)	Cllr P M Mngxunyeni (ANC)
Cllr C P V Claasen (DA)	Cllr L Jaffer (ANC)	Cllr N M Mofoko (ANC)
Cllr C C Clayton (DA)	Cllr W D Jaftha (DA)	Cllr G Moolman (ANC)
Cllr D G Cottee (ANC)	Cllr E E Jansen (DA)	Cllr K H Morkel (COPE)
Cllr D J D'Alton (DA)	Cllr C Janse van Rensburg (DA)	Cllr A C Moses (DA)
Cllr M Davids (DA)	Cllr I K Jefferies (DA)	Cllr N A Moshani (ANC)
Executive Mayor P de Lille (DA)	Ald C Justus (DA)	Cllr D Mphila (ANC)
Cllr S P Diamond (DA)	Cllr A C K Kannenberg (DA)	Cllr M Mpondwana (ANC)
Cllr A J Dube (DA)	Cllr M Kempthorne (DA)	Cllr M E Msindwana (ANC)
Cllr D Dudley (ACDP)	Cllr D M Khatshwa (ANC)	Cllr W S Mxolose (ANC)
Cllr V D Dyantyi (ANC)	Cllr M Kleinschmidt (DA)	Cllr T Ndamase (ANC)
	Cllr M E Kleinsmith (DA)	Cllr A X Ndongeni (ANC)

Ald I Neilson (DA)  
Cllr Y A Ngqame (DA)  
Cllr N S Ngqose (ANC)  
Cllr P Ngqu (DA)  
Ald M J Nieuwoudt (DA)  
Cllr M Nikelo (DA)  
Cllr S Nonkeyizana (ANC)  
Cllr E Notana (ANC)  
Cllr M L Nqavashe (DA)  
Cllr M Nqulwana (ANC)  
Cllr A Ntsodo (DA)  
Cllr N C Nyakatya (ANC)  
Cllr M J Oliver (DA)  
Cllr X B Pakela-Mapasa (DA)  
Cllr X Peter (ANC)  
Cllr M J Petersen (DA)  
Cllr S Philander (DA)  
Cllr M P Pietersen (DA)  
Cllr I Pretorius (DA)  
Cllr S B Pringle (DA)  
Cllr T Pupa (ANC)  
Ald F Purchase (DA)  
Cllr Z L Qoba (ANC)  
Cllr B Rass (DA)  
Cllr R Rau (DA)  
Cllr F H L Raymond (DA)  
Cllr S J Rossouw (DA)  
Cllr T Sakathi (ANC)  
Cllr C J Scheepers (ANC)  
Ald A M Serritslev (DA)  
Cllr N Sikhakhane (COPE)  
Cllr G R Siljeur (ACDP)  
Cllr R S Simons (ANC)  
Cllr J D Slabbert (DA)  
Ald J D Smit (DA)  
Ald J P Smith (DA)  
Cllr E J Sonnenberg (DA)  
Cllr M M Sopaqa (ANC)  
Cllr X R Sotashe (ANC)  
Cllr K G Southgate (DA)  
Cllr M J Taylor (UDM)  
Cllr C R Thomas (DA)  
Cllr G H J Thomas (DA)  
Cllr T B Thompson (DA)  
Cllr J Thuynsma (ANC)  
Cllr G Timm (DA)  
Cllr M S Toko (DA)  
Cllr G G Twigg (DA)  
Cllr T A Uys (DA)  
Cllr B van Dalen (DA)  
Cllr B van der Merwe (DA)  
Cllr C G van der Merwe (DA)  
Cllr J F H van der Merwe (DA)  
Cllr A A van der Rheede (DA)  
Cllr P van der Ross (DA)  
Cllr L van der Walt (DA)  
Cllr B M van Minnen (DA)  
Cllr B van Reenen (DA)  
Cllr C H S van Wyk (DA)  
Cllr M Velem (ANC)  
Cllr J D Venter (DA)  
Cllr R Viljoen (DA)  
Cllr J Visser (DA)  
Cllr P Vokwana (DA)  
Ald B Walker (DA)  
Ald B Watkyns (DA)  
Cllr J D Weber (DA)  
Cllr A Williams (NPSA)  
Cllr S Yalezo (DA)  
Cllr S K Yozi (ANC)  
Cllr L G Zondani (ANC)

**APOLOGIES: COUNCILLORS:**

Cllr F L Abrahams (ANC)  
Cllr H I Brenner (DA)  
Cllr A C Crous (DA)  
Cllr C Jordaan (DA)  
Cllr L D Jordaan (DA)  
Cllr J Krynauw (COPE)  
Ald K H Lategan (DA)  
Cllr B Madikane (DA)  
Cllr T Mangali (ANC)  
Cllr V Matanzima (DA)  
Cllr N Ndzulwana (ANC)  
Cllr M Nguzo (ANC)  
Cllr F Nkuzana (ANC)  
Cllr R A O'Connell (DA)  
Cllr S Pienaar (DA)  
Ald D L Qually (DA)  
Cllr N P Sono (ANC)  
Cllr S T Vuba (DA)  
Cllr M Weavers (DA)

***The following Councillor/s submitted an apology for late arrival:***

Cllr E J Sonnenberg (DA)

***The following Councillors submitted an apology for leaving early:***

Cllr Y Adams (CMC)  
Cllr N J Landingwe (ANC)  
Cllr W S Mxolose (ANC)  
Cllr M J Oliver (DA)  
Ald J P Smith (DA)  
Cllr M J Taylor (UDM)

**ABSENT**

***The following Councillors were absent and did not submit an apology for the meeting:***

Cllr A N Abrahams (DA)  
Cllr L A Hebe (ANC)  
Cllr M E Mbonde (ANC)  
Cllr M N Mzalisi (ANC)  
Cllr C Ntotoviyane (ANC)

**PRESENT**

Mr A Ebrahim - City Manager  
G Kenhardt - Director: Executive Services  
R Razack - Manager: Executive Committee Services  
J Cooper  
J Guild  
G Josephs  
N Meissenheimer  
D Pheiffer  
R Pretorius  
R Riffel  
R Tippoo  
L von Molendorff

***Legal Services***

J Roman  
R Sayed

**ACRONYMS:**

**ACDP - African Christian Democratic Party**  
**AJ - Al Jama-ah**  
**AMP - African Muslim Party**  
**ANC - African National Congress**  
**CMC - Cape Muslim Congress**  
**COPE - Congress of the People**  
**DA - Democratic Alliance**  
**FF+ - Freedom Front Plus**  
**NPSA - National Party South Africa**  
**PAC - Pan Africanist Congress of Azania**  
**UDM - United Democratic Movement**

**SECTION 1 OPENING OF MEETING**

The Speaker welcomed all Councillors, officials, the media and members of public in the gallery to the ordinary Council meeting.

A special word of welcome was extended to the Principal and pupils of the Sentinel School of Hout Bay, as well as the executive members of the Junior City Council.

A moment of silence was observed.

Councillors were called upon to register their attendance electronically.

At this stage, the Speaker called on Cllr G Twigg to introduce the Junior Mayor, the Junior Deputy Mayor and the Junior Chief Whip. It was noted that the Junior Speaker, Xander Combrinck could not be in attendance due to exams.

The Junior Chief Whip, the Junior Deputy Mayor and Junior Mayor were afforded the opportunity to address Council as follows:

The Chief Whip of the Junior City Council – Reuben Burger:

*“Good morning Honourable Mayor, Honourable Deputy Mayor, MAYCO Members, Councillors, Honoured Guests and Members of the Media. My name is Reuben Burger and I am truly honoured to address you here today. I am also honoured to have been elected as the Junior City Council's Chief Whip for its two year term.*

*I am a proud South African and with Freedom Day being celebrated yesterday, the 27<sup>th</sup> of April, I have realised that we are fortunate South Africans because we have the power to freedom in this nation, the power to be free with our choices, opinions, beliefs and cultures. The 27<sup>th</sup> of April 1994 marks the date of our entitlement to freedom.*

*As a member of our youth, I look at Cape Town and I see beauty, I see more and more opportunities being bred every day, and I see growth and development, but I also notice that there are battles within our city to be won. These include battles such as the abuse of substances, which can lead to crime and also include battles such as poverty, which can affect one's health and our youth's education.*

*With this said, I am honoured to have been included in a motto, "Making progress possible. Together." When we tackle issues, we should stand together, as the Senior City Council and as the Junior City Council and as citizens of Cape Town. We must make sure that we are engaged, that we ourselves have a positive and a clear vision for Cape Town and that we have hope, for where there is no hope, people become demoralised and feel forgotten.*

*My vision for our city is for Cape Town to become an influential city through the works of our people; the youth and our elders. We become influential when we deliver service to our communities. I am excited to announce that the Junior City Council is an influential platform. A successful project hosted was on Everyone Matter's Day. Schools raised awareness through fun assemblies, dress up days, cake sales and posters highlighting what made them individuals. This project influenced us to realise the importance of individuality and uniqueness and that we should simply appreciate each other.*

*Let us continue to make Cape Town shine. Let us continue to build Cape Town's spine. "Making progress possible. Together ." I thank you."*

The Junior Deputy Mayor of the Junior City Council – Azola Ndongeni:

*"Honourable Mayor, honourable Deputy Mayor, Speaker of the chamber, MAYCO members, councillors, honourable guests and members of the media. Greetings to you all.*

*Before you is Azola Ndongeni, I am from CHS and I am the Deputy Mayor of the Junior City Council. Senior councillors I have nothing much to say. The Mayor has said it all. I will not be long.*

*Well to be part of this movement and to hold such a big role in developing the Youth is truly an honour. I am happy to finally have my voice heard. We live in a society where if one wants to be heard, you have to strive for the ears of others. I have worked and have strived for this position. It wasn't an easy job, it wasn't at all. But through Hope and Belief I made it.*

*As a Deputy Mayor, I am passionate about creating awareness about leadership. I want the Youth of our city to come to a point of realisation that no matter who they are, where they come from and what they do. They are the leaders, not of tomorrow, not of in ten years' time, but of today. Like seriously, over 20 years into democracy, we have no excuse. The platform had been handed to us. The platform that which our late brothers and sisters had been denied. I as a Deputy Mayor, I want to go back to our communities and bring change, not change into the way people live but change into the way the Youth thinks.*

*I am more concerned about the Youth .That's what I'm passionate about. The Youth. And my senior councillors, I will personally make sure I'll make it a point to those out there that they do not need a title to be leaders. I will go back to the communities and let the Youth know that it's not about how privileged or unprivileged they are, it's about what they do with what they have. That is my vision as a leader. Thank you."*

The Junior Mayor of the Junior City Council – Sisipho Siko:

*"Honourable Mayor, honourable Deputy, MAYCO Members, councillors and honoured guests Molweni, Dumelang, Sanibonani, Good Morning and welcome.*

*On behalf of the Junior City Council, I would like to convey my thanks to the Executive Mayor, Alderman Patricia De Lille, the Speaker of Council, Alderman Dirk Smit, Councillor Twigg, Miss Levona Africa and all Councillors for giving us young people from 111 wards across the*

*city, the opportunity to so actively engage in civic matters and also become the leaders not of tomorrow, but of today. I am honoured to be part of this organization.*

*As the JCC we are passionate about empowering young people to reach for their dreams, good governance and finding solutions to the social ills that face our enthusiastic and brave youth amongst Cape Town.*

*A fantastic example of this is when our JCC councillors got involved in an international event called EVERYONE MATTERS DAY which was held on the 12 of April. Each councillor did their part in their schools in making sure that everyone knew that they matter. Even though councillors it was short notice, we truly showed that regardless financial constraints, we will not let anything get in our way.*

*As the Junior Mayor, I have set a very specific mandate for this JCC and that is to deliver hope in the City of Cape Town and the youth out there. Because it worries me councillors that when you go to Philippi where I live, you will find so many youths engaging in drug abuse because they believe that, that is the only way to face poverty.*

*Councillors, it also worries me that when you go to Gugulethu, Khayelitsha, Manenberg, Mitchells Plain you will find so many of our young women, our rocks becoming teenage mothers because they don't even know what a contraceptive is. But councillors, let me make it clear to you that through all the hardships and issues, we have hope. We hope that our help will make them see the light and discover new things in life.*

*We must come together for change because we are a City with one vision and that is making progress possible, together. We as the JCC are coming together with the Senior Council to become united to make a difference. 22 years into democracy, we have no excuses. No racial or religious division like in many other countries. We live in the Republic of South Africa, the rainbow nation.*

*The Junior City Councillors are here to make a change for the youth of this wonderful city and to make youth development prosper in Cape Town. To deliver hope in Cape Town and I believe that we can make progress possible together, because our future is in our hands.*

*Enkosi, Kiyalebuha, Ngiyabonga, Thank you very much."*

The Executive Mayor and all party leaders congratulated the Office bearers of the Junior City Council.

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**SECTION 2 MAYORAL ADDRESS**

The Speaker called on the Executive Mayor to address Council.

The Executive Mayor, Ald P de Lille addressed the meeting as follows:

*“I would like to observe a moment’s silence for former Member of Parliament, Dene Smuts, who passed away last week, seven-year-old Tyler Jansen from Ravensmead, and former Pan Africanist Congress president, Clarence Makwetu. Thank you.*

*I also want to take a moment to say to Mayoral Committee Member, Councillor Suzette Little, and VIP driver, Nuur Perrin, who endured a traumatic experience with an attempted hijacking on Tuesday night, that you are in our thoughts and prayers and we are grateful that you escaped serious harm. I also want to make an appeal to councillors to make sure that they activate their neighbourhood watches to patrol their areas to assist the police.*

*Good morning, goeiedag, molweni, as-salaam alaikum, shalom.*

*Mr Speaker, I am sure that we have all noted the recent rains that have challenged our emergency services. While heavy weather challenges us, I cannot help but be thankful for the effect on our dam levels in this time of drought.*

*Mr Speaker, The City of Cape Town has committed itself to being the best-governed municipality in the country. We have pushed ourselves with the targets we set and have implemented programmes in line with international best practice in the public sector. As such, it is gratifying when our efforts are recognised and celebrated by independent assessments. This month, a Ratings Afrika report provided further confirmation of the City of Cape Town’s nation-leading spending on service delivery and good financial control. Ratings Afrika has analysed the 2014/2015 financial statements of the 100 biggest municipalities.*

*The agency measured each municipality’s operating performance, liabilities management, budget practices and liquidity position to compile the Municipal Financial Stability Index (MFSI), marking municipalities out of 100. Cape Town scored 75 – the highest out of all metros, with Johannesburg scoring 37, Ekurhuleni at 70, Tshwane with 24, Nelson Mandela Bay at 58, eThekweni scoring 50 and Buffalo City at 73. Indeed, this survey reveals a great disparity in that the two cities with the highest income per household scored drastically lower than Cape Town. The agency stated that decisive political leadership is needed to correct the bad state of municipal finances in the most troubled municipalities.*



*It noted that leaders need to look at the interests of their residents and businesses rather than their own, root out corruption, and appoint competent managers with the necessary skills to implement budgetary processes and exercise financial discipline. This is precisely the kind of action that has been taken in Cape Town and the results show – not only in our excellent financial management position, but in our work of service delivery.*

*Indeed, in the interests of service delivery, it has been a priority of this administration to provide for the housing needs of Cape Town's steadily growing and increasingly urbanised population. We have built 31 741 housing opportunities since we came into government in 2011. These opportunities have been provided all across the city in areas like Ocean View, Belhar, Hangberg, Pelican Park and Langa. This month, we handed over the first 30 houses for our development in Heideveld. These are the first of the 738 families who are going to have their lives transformed through this R105 million development in Heideveld. This month also saw the official start of construction of the Delft Early Childhood Development (ECD) Centre of Excellence with a sod-turning ceremony. The R12 million construction project is anticipated to be completed in February 2017 and it is envisioned to accommodate approximately 160 children in Phase 1, which can be extended to 400 in Phase 2 should the need arise.*

*The facility on the corner of Cork Tree and Sapele Road, Delft will also boast its own food garden which will supply the centre with a variety of fresh produce. The centre will have a toy library as well as an educational outdoor play area. The Delft Centre of Excellence is one three construction projects started by the City's Social Development and Early Childhood Development Directorate in the current financial year. The Nantes Centre of Excellence in Athlone is making good progress as construction is envisioned to be completed in July 2016, while construction of the Golden Gate ECD in Netreg is completed and the process to appoint an operator is under way. These interventions are just some of the ways in which we are building a more caring city. This approach also enjoins us to redress the wrongs of the past, which we do through our whole approach to public policy and through signature projects like the Mayoral Redress Programme. Council made an allocation of R20 million available for the Mayoral Redress Programme following a study to identify areas of poverty which required special intervention to address infrastructure backlogs over and above those targeted through ward allocation funding.*

*The Phola Park redress project in Philippi is one of the most significant ones we have undertaken, where R6,6 million was allocated to cover a badly degraded open stormwater channel, pave footways, and plant trees to enhance the public space. The City has responded to the cries of the community who faced ongoing health problems as a result of the*

*bad pollution of the channel. Despite ongoing maintenance and cleaning by the City, the open channel continued to be used as a dumping ground, resulting in high levels of bacteria, and was attracting mosquitos, posing a serious health risk to the community. This project aimed to upgrade the stormwater channel to improve the inland water quality and the health and safety of the community. Work started in August 2015 and is now in the final stages of completion. A few days ago I visited Phola Park and I am pleased with the improvement that the project has brought to the lives of residents in this community. What was once a badly polluted channel is now utilised by residents as a walkway where children can play safely and parents no longer have to worry about the health risks. While significantly improving the community's living conditions, this project also provided work opportunities to 20 residents who were selected from the subcouncil's jobseeker database.*

*In addition to the investment from the Mayoral Redress Programme, the City's Utility Services Directorate also provided residents with new bins, while an additional R1,3 million was allocated to provide 163 toilets. Mayoral redress projects have also been rolled out in Macassar, Bellville South, Phola Park, Scottsdene, Wallacedene, Elsies River, Belhar, Delft, Valhalla Park, and Gugulethu (in the form of the project to replace the old concrete roads). These projects are helping us build a more lasting reconciliation in Cape Town by addressing the injustices of the past. In addition to this, we have also been making the metro more inclusive in our drive to become a truly digital city. Last week, we passed the threshold of having more than 200 public W-Fi zones. The City now has 201 public Wi-Fi zones clustered in 78 locations spread across the metro area. In the past week, more than 84 000 residents have used the service. Most of the Wi-Fi zones installed so far are in suburbs and centres that have been neglected by commercial service providers, or where residents find commercial internet services too expensive.*

*These include Nyanga, Kraaifontein, Seawinds, Philippi and Khayelitsha, among others. The Wi-Fi service operates on top of the City's fibre-optic network, which both reduces the direct costs and ensures a high quality of service. The combination of a significant daily data allowance, fast access speeds, and the wide distribution of Wi-Fi zones means a truly useful service that makes a difference to the lives of many residents. We are able to do this at minimal cost to the ratepayer by using our own existing network infrastructure. We have achieved this with a capital budget of only R5 million for each of the last two years, which is much better value for money than the hundreds of millions that some other municipalities have spent by fully outsourcing the service – at the end of which they do not own any of the infrastructure they have paid for. Since its inception, over 460 000 residents have used the public Wi-Fi service.*

*These kinds of investments are making us an attractive destination for a range of international partners, as demonstrated by the official visit we received from the City of Izmir in Turkey. We committed to provide the Aegean Chamber of Industry, Izmir Chamber of Commerce, Aegean Free Zone, and Izmir Ataturk Organised Industrial Zone with proposals on how to increase tourism, trade and investment levels between the two cities. In October 2015, Turkish Airlines started direct flights between Cape Town and Istanbul. We appreciate this as a good foundation to build increased tourism between our regions, thus providing the foundation for increased flows of investment into Cape Town. It is action like this which has led to Cape Town having a lower unemployment level than the rest of the country – a proactive approach that actively promotes business and investment.*

*In conclusion, we now have an election date scheduled for 3 August 2016. Many councillors in this chamber will hope to return in the new council but some councillors won't. Whatever the next council may hold, and whoever will be a part of it, we must all remember that we were elected for a full five years. That means the duties and obligations we have to our constituents, remain until the election. We need to continue demonstrating leadership and playing our part to ensure that our democratic system is respected and given meaning. Thank you, baie dankie, enkosi."*

**NOTED.**

## **SECTION 2.1 20 MINUTES FOR QUESTIONS AND ANSWERS**

The following questions were put to the Executive Mayor Ald P de Lille:

### **Cllr P Heynes (ANC)**

Cllr P Heynes asked the Executive Mayor to explain when streetlights will be installed in Happy Valley.

### **Answer**

The Executive Mayor said that Happy Valley falls within the Eskom supply area and according to feedback received from the electricity supplier the project was in progress but the finalisation of the project was delayed.

### **Cllr D Dudley (ACDP)**

Cllr Dudley referred to the heavy rainfall during the previous week and said that the stormwater system proved to be vulnerable. He asked the Executive Mayor to give feedback regarding the implementation of the Winter Readiness Programme.

**Answer**

The Executive Mayor said that the downpour within a short space of time caused the flooding. She said the City's Winter Readiness Programme will be launched shortly and it is envisaged to drive the annual drain cleaning as a job creation project.

**Cllr Y Adams (CMC)**

Cllr Y Adams referred to the attempted high jacking incident involving the vehicle Cllr Little travelled in and asked the Executive Mayor to explain what the City is doing to address this and to prevent a reoccurrence.

**Answer**

The Executive Mayor said that the Speaker was busy investigating the incident and an announcement regarding this will be made in due course. She said that travel arrangements for councillors will also be reviewed.

**Cllr A Williams (NPSA)**

Cllr A Williams expressed his concern regarding the poor quality of the top structures for the Heideveld housing development. He said that some of the beneficiaries of the development also complained regarding poor workmanship.

**Answer**

Executive Mayor P de Lille said that regular engagement takes place with the community, as well as the beneficiaries to address issues and that councillors must work together to ensure delivery.

**Cllr M Taylor (UDM)**

Cllr M Taylor said he noted with concern the attacks on free society and asked the Executive Mayor to consider introducing a plan of action.

**Answer**

Executive Mayor P de Lille said that the safety of communities cannot be guaranteed by law enforcement agencies alone. She said that communities must assist and work with law enforcement agencies to make progress possible.

The Executive Mayor also appealed to councillors to ensure that neighbourhood watches are established in their wards.

**Cllr S Mbandezi (ANC)**

Cllr S Mbandezi asked the Executive Mayor to explain how she experienced the dialogue sessions held in various communities.

**Answer**

The Executive Mayor said she found it inspiring especially the engagement with future leaders and community members present at these sessions made it clear that they would not allow racists to speak for them.

Executive Mayor de Lille thanked all councillors for arranging dialogue sessions in their communities.

**Cllr X Sotashe (ANC)**

Cllr X Sotashe asked the Executive Mayor when she will provide the answers to the long outstanding questions submitted by councillors in terms of Rule 25.

**Answer**

Executive Mayor P de Lille said that the answers to the questions were included in the agenda for this meeting and that she will respond to supplementary questions, if any.

**Cllr M Oliver (DA)**

Cllr M Oliver enquired from the Executive Mayor if she had received any feedback from the National Minister of Public Works regarding the City's appeal for assistance in the transfer of land for a much-needed cemetery in Mfuleni.

**Answer**

The Executive Mayor said that she was still awaiting feedback and that the matter will also be escalated to the President.

**Cllr P Gabriel (ANC)**

Cllr P Gabriel asked the Executive Mayor to explain what the City is doing regarding the provision of transport to the disabled.

He also asked the Executive Mayor to report on the request submitted by the ANC for protection services for one of its councillors.

**Answer**

The Executive Mayor said that transport provision to the disabled was assessed and a new tender was awarded during 2015. The service provider is operating under pressure due to the huge demand for the service. She also reminded that the MyCiti service was also accessible for the disabled and that they should be encouraged to make use of the service, where available.

Regarding protection services for councillors, the Executive Mayor said that a case number must be submitted to the Speaker.

**At this stage of the meeting, the Speaker invited the Executive Mayor and the Whips of all parties to join the Junior City Council Executive Members for a photo session.**

**SECTION 3****C 01/04/16 APOLOGIES / LEAVE OF ABSENCE**

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

Cllr F L Abrahams (ANC)  
Cllr H I Brenner (DA)  
Cllr A C Crous (DA)  
Cllr C Jordaan (DA)  
Cllr L D Jordaan (DA)  
Cllr J Krynauw (COPE)  
Ald K H Lategan (DA)  
Cllr B Madikane (DA)  
Cllr T Mangali (ANC)  
Cllr V Matanzima (DA)  
Cllr N Ndzulwana (ANC)  
Cllr M Nguzo (ANC)  
Cllr F Nkuzana (ANC)  
Cllr R A O'Connell (DA)  
Cllr S Pienaar (DA)  
Ald D L Qually (DA)  
Cllr N P Sono (ANC)  
Cllr S T Vuba (DA)  
Cllr M Weavers (DA)

**ACTION: T ALBERTYN**

Prior to the announcements by the Speaker, Cllr X Sotashe raised a point of order requesting clarity from the Speaker in terms of how the

motion of Cllr N Nikelo would be addressed. The Speaker ruled that the matter would be addressed in line with its position on the agenda.

#### **SECTION 4 ANNOUNCEMENTS BY THE SPEAKER**

The Speaker drew the attention of Councillors to Rules of Order for Council and its Committees, Rule 31.1.3 - "A point of personal explanation" and Rule 31.4 on the ruling of the Speaker on a point of order. He stated that the aforementioned Rules would be strictly enforced during today's deliberations.

He further announced that the Councillors must note that all items held over from the Council meeting in March were included as part of this agenda.

#### **SECTION 5 OFFICIAL NOTICES / URGENT MATTERS**

There were no official notices or urgent matters raised.

#### **C 02/04/16 CONFIRMATION OF MINUTES OF ORDINARY MEETING : 31 MARCH 2016**

**RESOLVED** that the minutes of the ordinary Council meeting held on 31 March 2016, be confirmed.

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

**Volume 3 – Items 14, 15, 16, 19, 20 and 22**

**Volume 4 - Items 26 and 30 were noted.**

**193 Councillors were present in the Chamber when this announcement was made.**

#### **C 03/04/16 AUTHORISATION OF THE PAYMENT OF INTEREST TO TELKOM PTY LTD FOR CRITICAL TELECOMMUNICATION SERVICES RENDERED**

Cllr D Dudley (ACDP) mentioned that it was bad judgement and a costly error of the Director: Supply Chain Management to reject the timeous payment of the outstanding payment by the Director : IS&T. He further suggested that MPAC should also investigate the relevant Director's involvement and how it would affect the assessment of their annual bonus.

**RESOLVED** that:

- (a) the payment of interest charge raised by Telkom for the late payment of critical legacy data and voice services rendered during July 2015, be authorised
- (b) the matter be referred to MPAC for investigation.

**ACTION : R TIPPOO, A STELZNER, G RAS**

**C 04/04/16 LIFESAVING WESTERN PROVINCE: TRANSFER OF FUNDS FOR SURF LIFESAVING CLUB DEVELOPMENT**

Cllr M Abrahams (ANC) expressed his concern on the absence of a policy which directs the City to deal with all components relating to sport and recreation. He stated that other sport and recreational facilities were not funded due to policy issues and therefore did not support the recommendation.

**RESOLVED** that:

- (a) the City enters into a Memorandum of Agreement (MOA) with Lifesaving Western Province (LWP) for the transfer of funds for the development of surf lifesaving clubs
- (b) the sum of R850 000 be transferred for the 2015/2016 financial year with a 10 percent increase each year of the period of the agreement
- (c) the MOA and funding be valid for the next three years
- (d) the funds be managed in accordance with the provisions of Section 67 of the Local Government: Municipal Finance Management Act, Act 56 of 2003, and any related policy approved by Council
- (e) the signing of the MOA with Lifesaving Western Province be delegated to the Executive Director: Community Services.

**ACTION : G BAM, L MTWAZI, K JACOBY**

**C 05/04/16 MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF CAPE TOWN'S FIRE AND RESCUE SERVICE AND THE FIVE (5) DISTRICT MUNICIPALITIES WITHIN THE WESTERN CAPE FOR THE RENDERING OF MUTUAL ASSISTANCE DURING A FIRE SITUATION OR ANY OTHER EMERGENCY**

**RESOLVED** that:



- (a) the Memorandum of Agreement for rendering of mutual assistance during a fire situation or any other emergency be approved and the Executive Director: Safety and Security be authorised to enter into this agreement with the five (5) district municipalities within the Western Cape
- (b) the Executive Director: Safety and Security be authorised to review and renew the agreement every two (2) years.

**ACTION : G CILLIERS, I SCHNETLER, W LE ROUX**

**C 06/04/16 COMMENTS: 2015/16 MID-YEAR REVIEW ADJUSTMENTS TO THE 2012-2017 INTEGRATED DEVELOPMENT PLAN (IDP) AND CORPORATE SCORECARD (CSC)**

**RESOLVED** that:

- (a) the comments on the proposed mid-year adjustments to the 2012-2017 (2015/16 Review) IDP, as contained in Annexure A to the report on the agenda, be noted
- (b) the proposed mid-year adjustments to the Corporate Scorecard (CSC) of the 2012-2017 (2015/16 Review) IDP, as contained in Annexure B to the report on the agenda, be approved
- (c) the MTREF attached as Annexure C to the report on the agenda, approved as part of the mid-year adjustments budget by Council on 28 January 2016, be updated in the 2012-2017 (2015/16 Review) IDP.

**ACTION : J YSLIE, C JANUARY, M VAN DER MERWE, G RAS**

**C 07/04/16 CONSIDERATION OF A NEW INFORMAL TRADING PLAN FOR WARD 71, BEING THE AREAS OF KIRSTENHOF, TOKAI, STEENBERG, RETREAT, CAPE FARMS DISTRICT H (SOUTH-EAST OF HOUT BAY BUILD-UP, SOUTH-WEST OF CONSTANTIA BUILD-UP, WEST OF TOKIA /MUIZENBERG BUILD-UP, NORTH-WEST OF ST. JAMES BUILD-UP), LAKESIDE, HEATHFIELD, BERGVLIET**

Cllr D Dudley (ACDP) stated that the residents of the respective Subcouncil area and the public transport operators voiced their objection to the process. He further mentioned that the new informal trading plan also raised concerns relating to illegal vendors, littering, vagrants, drunkenness and sexual harassment in the area. He therefore proposed that the item be withdrawn. The proposal was not supported.

**RESOLVED** that:

- (a) the South Peninsula Municipality's proclamation published in the Provincial Gazette no. 5311 dated 27 November 1998 and in the Provincial Gazette no. 5377 dated 1 October 1999, be revoked
- (b) in term of section 6.9 of the City of Cape Town's Informal Trading By-Law, the informal trading plan for Ward 71, as shown in Annexures A and A1-A4 to the report on the agenda, be adopted as being an area in which the carrying on of the business of street vendor, peddler or hawker is restricted to persons in possession of a valid trading permit.

***[The ACDP recorded their vote against the above decision.]***

**ACTION : R HOLDSTOCK, P WILLIAMSON, T SIGANDA, J HUGO**

**C 08/04/16 GRANTS-IN-AID ALLOCATIONS FOR 2015/16 AS RECOMMENDED BY VARIOUS SUBCOUNCILS AND SUBMITTED TO THE GRANTS-IN-AID COMMITTEE FOR CONSIDERATION**

**RESOLVED** that the proposed Grants-in-Aid allocations for 2015/16, as recommended by various Subcouncils and supported by the Grants-in-Aid Committee, as set out in Annexure A to the report on the agenda, be approved, subject to:

- (i) the proposed grants-in-aid allocation to the beneficiary listed as item 5 on the attached TAP sheet for Helderberg Subcouncil being referred back for further investigation;
- (ii) the proposed grants-in-aid allocations to the beneficiaries listed as items 1, 2, 3, 4, and 5 on the attached TAP sheet for South Peninsula Subcouncil 19 being subjected to a proper compliance check of the beneficiaries.

**ACTION : A JORDAAN, K MILLER, G RAS, K JACOBY**

**C 09/04/16 APPLICATION FOR THE DETERMINATION OF A SPECIAL RATING AREA (SRA) KNOWN AS THE LITTLE MOWBRAY ROSEBANK IMPROVEMENT DISTRICT (LMRID)**

The ANC was not in support of the recommendation.

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

In favour : 127  
 Against : 57  
 Abstentions : 3

The recommendation as per the agenda was carried.

**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 Little Mowbray Rosebank Improvement District (LMRID), in terms of the Special Rating Area By-law, 2012 as amended
- (b) the City of Cape Town approve the application submitted by Rae Wolpe and Lindsay Alistair MacKenzie Kennedy, to establish a SRA in the LMRID area in terms of section 8.1(a) of the By-law
- (c) the City of Cape Town impose the levying of an additional rate on properties in the LMRID from 1 July 2016 in terms of section 22(1)(b) of the Local Government: Municipal Property Rates Act (MPRA), Act 6 of 2004. The residential component be charged an additional rate of R0,000652 and the commercial component be charged an additional rate of R0,001293
- (d) Chapter 2 of the By-law, as well as paragraphs 9.6, 11 and 15 of the Special Rating Area Policy be implemented.

**ACTION : E SCOTT, G VAN SCHALKWYK, K JACOBY**

**C 10/04/16 DELEGATION OF HERITAGE POWERS AND FUNCTIONS UNDER THE NATIONAL HERITAGE RESOURCES ACT (No 25 OF 1999) FROM HERITAGE WESTERN CAPE (HWC) TO THE CITY OF CAPE TOWN**

**RESOLVED** that the proposed delegations be accepted and that the Executive Director: Energy, Environment & Spatial Planning be authorised to finalise and enter into the agreement attached as Annexure B to the report on the agenda, to give effect to it.

**ACTION : D HART, J HUGO**

**C 11/04/16 EARLY CHILDHOOD DEVELOPMENT (ECD) RATES REBATE ACCREDITATION FOR 2015/16**

**RESOLVED** that the applications for the accreditation of rates rebate for 2015/16 as listed per Annexure A to the report on the agenda, be

approved.

**ACTION : A WOTSHELA, B FORD, E SASS**

**C 12/04/16 PROPOSED GRANTING OF IN-PRINCIPLE APPROVAL FOR THE SALE BY PUBLIC COMPETITION OF VACANT ERVEN 4091, 4438 AND 4084, NOKWAZI SQUARE, KHAYELITSHA, UNREGISTERED PORTIONS OF ERF 18376, KHAYELITSHA, FOR SINGLE RESIDENTIAL PURPOSES**

**RESOLVED that:**

- (a) in terms of sections 14(2)(a) and (b) of the Municipal Finance Management Act (MFMA), Act 56 of 2003:
  - (i) it be resolved that Erven 4091, 4438 and 4084, Nokwazi Square, Khayelitsha, unregistered portions of Erf 18376, Khayelitsha, in extent approximately 214 m<sup>2</sup> (Erf 4091), 289 m<sup>2</sup> (Erf 4438) and 474 m<sup>2</sup> (Erf 4084), zoned Single Residential Subzone 2 Incremental Housing (SR2), shown lettered ABCD on Plan LIS 1444v0 attached as Annexure A to the report on the agenda, ABCD on Plan LIS 1453v0 attached as Annexure B to the report on the agenda and ABCDEFG on Plan LIS 1448v0 attached as Annexure C to the report on the agenda, not be required for the provision of the minimum level of basic municipal services;
  - (ii) it be confirmed that the fair market-value of the assets described in (a)(i) above and the economic and community value to be received in exchange for the assets described in (a)(i) above have been considered.
- (b) in terms of Regulation 5(1)(b) of the Municipal Asset Transfer Regulations (MATR), R878 promulgated on 22 August 2008, the disposal of Erven 4091, 4438 and 4084, Nokwazi Square, Khayelitsha, unregistered portions of Erf 18376, Khayelitsha, as described in (a)(i) above, be approved in principle
- (c) Erven 4091, 4438 and 4084, Nokwazi Square, Khayelitsha, unregistered portions of Erf 18376, Khayelitsha, be disposed of by public competition, subject to conditions to be imposed by the Director: Property Management in the exercise of her delegated authority
- (d) any gain or loss incurred by the municipality in respect of the transfer of the assets be included in the adjustment budget of the municipality (sections 28 and 87 of the MFMA), if not budgeted

for in the approved annual budget.

**ACTION : A KELLAND, A HUMAN R GELDERBLOEM, K JACOBY**

**C 13/04/16 PROPOSED GRANTING OF IN-PRINCIPLE APPROVAL FOR THE SALE BY PUBLIC COMPETITION OF VACANT ERF 69246, CORNER OF MVUMVU AND MHLONTLO STREETS, KHAYELITSHA, FOR COMMUNITY PURPOSES**

**RESOLVED** that:

- (a) in terms of sections 14(2)(a) and (b) of the Local Government: Municipal Finance Management Act (MFMA), Act 56 of 2003:
  - (i) it be resolved that Erf 69246, corner of Mvumvu and Mhlontlo Streets, Khayelitsha, in extent approximately 1 475 m<sup>2</sup>, as shown lettered ABCDEFG on the plan attached as Annexure A to the report on the agenda, not be 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) above and the economic and community value to be received in exchange for the asset described in (a)(i) above 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, the disposal of Erf 69246, corner of Mvumvu and Mhlontlo Streets, Khayelitsha, as described in (a)(i) above, be approved in principle
- (c) Erf 69246, corner of Mvumvu and Mhlontlo Streets, Khayelitsha, be disposed of by public competition, subject to conditions to be imposed by the Director: Property Management in the exercise of her delegated authority
- (d) it be confirmed that when considering the disposal 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
- (e) any gain or loss incurred by the municipality in respect of the transfer of the asset be included on the adjustment budget of the municipality (sections 28 and 87 of the MFMA), if not

budgeted for in the approved annual budget.

**ACTION : A KELLAND, A HUMAN R GELDERBLOEM, K JACOBY**

**C 14/04/16 PROPOSED GRANTING OF IN PRINCIPLE APPROVAL FOR THE CLOSURE AND DISPOSAL OF A PORTION OF ERF 4745 CONSTANTIA, A PUBLIC STREET, SITUATED AT VILLAGE GREEN ROAD, KIRSTENHOF, CONSTANTIA: ROLAND HERMAN RUDD AND KAREN RUDD**

**RESOLVED** that:

- (a) in-principle approval be granted for the disposal in terms of Regulation 5(1)(b)(ii) of the Municipal Asset Transfer Regulations of a portion of Erf 4745, Constantia, a Public Street, situated at Village Green Road, Kirstenhof at Constantia, in extent approximately 48 m<sup>2</sup> and as shown lettered ABCDE on Plan no LT 1083v0 attached as Annexure B to the report on the agenda, to Roland Herman Rudd and Karen Rudd, or their successors-in-title, for the purpose of creating secure off-street parking
- (b) it be resolved that, in terms of section 14 of the Local Government: Municipal Finance Management Act, Act 56 of 2003, the property not be required to provide the minimum level of basic municipal services
- (c) approval be granted for the closure of the portion of the subject property, being a Public Street, in terms of section 4 of the City of Cape Town Immoveable Property By- law, 2015.

**ACTION : W BAARTMAN, R SCHNACKENBERG, R GELDERBLOEM, K JACOBY**

**C 15/04/16 PROPOSED GRANTING OF IN-PRINCIPLE APPROVAL FOR THE CLOSURE AND DISPOSAL OF A PORTION OF A PUBLIC STREET, BEING A PORTION OF ERF 7000, FISH HOEK, ABUTTING BERG ROAD, FISH HOEK: GAVIN PETER CHRISTOPHER**

**RESOLVED** that:

- (a) in-principle approval be granted for disposal of portion of Erf 7000, Fish Hoek, a portion of a public street abutting Berg Road, Fish Hoek, in extent approximately 100 m<sup>2</sup> shown hatched and lettered ABCD on Plan LT 1217v0 attached as Annexure B to the report on the agenda, in terms of Regulation

5(1)(b)(ii) of the Municipal Asset Transfer Regulations

- (b) in terms of Section 14 of the Local Government: Municipal Finance Management Act, Act 56 of 2003, it be resolved that portion of Erf 7000, Fish Hoek, a portion of a public street abutting Berg Road, Fish Hoek, in extent approximately 100 m<sup>2</sup> shown hatched and lettered ABCD on Plan LT 1217v0 attached as Annexure B to the report on the agenda, not be required to provide the minimum level of basic municipal services
- (c) the closure of a portion of Erf 7000, Fish Hoek, a portion of a public street abutting Berg Road, Fish Hoek, in extent approximately 100 m<sup>2</sup> shown hatched and lettered ABCD on Pan LT 1217v0 attached as Annexure B to the report on the agenda, in terms of section 4 of the City of Cape Town Immovable Property By-law, 2015, be approved.

**ACTION : S CARELSE, W BAARTMAN, R SCHNACKENBERG, R GELDERBLOEM, K JACOBY**

**C 16/04/16 PROPOSED GRANTING OF IN-PRINCIPLE APPROVAL FOR THE SALE BY PUBLIC COMPETITION OF VACANT ERF 37256 AND ERF 37257 (AN UNREGISTERED PORTION OF ERF 21180), SELENE WAY, MITCHELLS PLAIN FOR SINGLE RESIDENTIAL PURPOSES**

**RESOLVED** that:

- (a) in terms of Sections 14(2)(a) and (b) of the Municipal Finance Management Act (MFMA), Act 56 of 2003:
  - (i) it be resolved that Erf 37256 and Erf 37257 (an unregistered portion of Erf 21180), Selene Way, Mitchells Plain, in extent approximately 285 m<sup>2</sup> (Erf 37256) and 336 m<sup>2</sup> (Erf 37257), zoned Single Residential Subzone 1: Conventional Housing (SR1), shown lettered ABCD on Plan LIS 1441v0 attached as Annexure A to the report on the agenda and ABCD on Plan LIS 1449v0 attached as Annexure B 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 assets described in (a)(i) above and the economic and community value to be received in exchange for the assets described in (a)(i) above 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, the sale of Erf 37256 and Erf 37257 (an unregistered portion of Erf 21180), Selene Way, Mitchells Plain, as described in (a)(i) above, be approved in principle
- (c) Erf 37256 and Erf 37257 (an unregistered portion of Erf 21180), Selene Way, Mitchells Plain, be sold by public competition, subject to conditions to be imposed by the Director: Property Management in the exercise of her delegated authority
- (d) any gain or loss incurred by the municipality in respect of the transfer of the assets be included in the adjustment budget of the municipality (Sections 28 and 87 of the MFMA), if not budgeted for in the approved annual budget.

**ACTION : A KELLAND, A HUMAN, R GELDERBLOEM, K JACOBY**

**C 17/04/16 PROPOSED GRANTING OF IN-PRINCIPLE APPROVAL FOR THE SALE BY PUBLIC COMPETITION OF VACANT ERF 11257, KOORNHOF STREET, NYANGA, AND ERF 10456, MAHLATHINI STREET, NYANGA, FOR GENERAL BUSINESS PURPOSES**

Cllr L Zondani (ANC) stated that when land is sold, especially in the poorer communities, no development is embarked upon on such land for many years, which results into conflict in the respective communities and illegal occupation of land.

**RESOLVED** that:

- (a) in terms of Sections 14(2)(a) and (b) of the Municipal Finance Management Act (MFMA), Act 56 of 2003:
  - (i) it be resolved that Erf 11257, Koornhof Street, Nyanga, and Erf 10456, Mahlathini Street, Nyanga, in extent approximately 4 353 m<sup>2</sup> and 231 m<sup>2</sup>, zoned General Business Subzone 4 (GB4), shown lettered ABCDEFGHJKLMNPQRSTU on Plan LIS 1421v0 attached as Annexure A to the report on the agenda and ABCD on Plan LIS 1431v0 attached as Annexure B 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 assets described in (a)(i) above and the economic and community value to be received in exchange for the assets described in (a)(i) above 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, the sale of Erf 11257, Koornhof Street, Nyanga, and Erf 10456, Mahlathini Street, Nyanga, as described in (a)(i) above, be approved in principle
- (c) Erf 11257, Koornhof Street, Nyanga, and Erf 10456, Mahlathini Street, Nyanga, be sold by public competition, subject to conditions to be imposed by the Director: Property Management in the exercise of her delegated authority
- (d) any gain or loss incurred by the municipality in respect of the transfer of the assets be included in the adjustment budget of the municipality (Sections 28 and 87 of the MFMA), if not budgeted for in the approved annual budget.

**ACTION : A KELLAND, A HUMAN, R GELDERBLOEM, K JACOBY**

**C 18/04/16 PROPOSED GRANTING OF IN-PRINCIPLE APPROVAL FOR THE SALE BY PUBLIC COMPETITION OF VACANT ERF 38751, DADE STREET, KHAYELITSHA, AND ERF 35448, LUMA STREET, KHAYELITSHA (AN UNREGISTERED PORTION OF ERF 34942, KHAYELITSHA), FOR GENERAL BUSINESS PURPOSES**

During discussion of this item, certain comments were made by Cllr Sotashe in Xhosa, which in terms of the simultaneous interpretation on the matter, were deemed to be derogatory to the Mayor. The Speaker ruled that he would listen to the tapes in this regard.

**RESOLVED** that:

- (a) in terms of Section 14(2)(a) and (b) of the Local Government: Municipal Finance Management Act (MFMA), Act 56 of 2003:
  - (i) it be resolved that Erf 38751, Dade Street, Khayelitsha, and Erf 35448, Luma Street, Khayelitsha (an unregistered portion of Erf 34942, Khayelitsha), in extent approximately 339 m<sup>2</sup> and 245 m<sup>2</sup>, zoned General Business Subzone 4 (GB4), shown lettered ABCDE on Plan LIS 1437v0 attached as Annexure A to the report on the agenda and ABCDE on Plan LIS 1413v0 Annexure B 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 assets described in (a)(i) above and the economic and community value to be received in exchange for the assets described

in (a)(i) above 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, the sale of Erf 38751, Dade Street, Khayelitsha, and Erf 35448, Luma Street, Khayelitsha (an unregistered portion of Erf 34942, Khayelitsha), as described in (a)(i) above, be approved in principle
- (c) Erf 38751, Dade Street, Khayelitsha, and Erf 35448, Luma Street, Khayelitsha (an unregistered portion of Erf 34942, Khayelitsha), be sold by public competition, subject to conditions to be imposed by the Director: Property Management in the exercise of her delegated authority
- (d) any gain or loss incurred by the municipality in respect of the transfer of the assets be included in the adjustment budget of the municipality (Sections 28 and 87 of the MFMA), if not budgeted for in the approved annual budget.

**ACTION : A KELLAND, A HUMAN, R GELDERBLOEM, K JACOBY**

**C 19/04/16 PROPOSED GRANTING OF IN-PRINCIPLE APPROVAL FOR THE SALE BY PUBLIC COMPETITION OF VACANT ERF 2150, GAYLEE, 1 METERENS CRESCENT, FOR COMMUNITY PURPOSES**

**RESOLVED** that:

- (a) In terms of Section 14(2)(a) and (b) of the Local Government: Municipal Finance Management Act (MFMA), Act 56 of 2003:
  - (i) It be resolved that vacant land being Erf 2150, Gaylee, 1 Meterens Crescent, approximately 5244 m<sup>2</sup> in extent, zoned Community Zone 2: Regional (CO2), shown lettered ABCDE on Plan LIS 1359v0 attached as Annexure A to the report on the agenda, be regarded as not being required for the provision of the minimum level of basic municipal services;
  - (ii) It be confirmed that the fair market values of the assets described in (a)(i) above and the economic and community value to be received in exchange for the assets described in (a)(i) above 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,

the sale of Erf 2150, Gaylee, 1 Meterens Crescent, as described in (a)(i) above, be approved in principle

- (c) Erf 2150, Gaylee, 1 Meterens Crescent, be sold by public competition at a discounted value for community and/or social care purposes 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, subject to conditions to be imposed by the Director: Property Management in the exercise of her delegated authority
- (d) It be confirmed that when considering the sale of the properties 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
- (e) any gain or loss incurred by the municipality in respect of the transfer of the assets be included in the adjustment budget of the municipality (Sections 28 and 87 of the MFMA), if not budgeted for in the approved annual budget.

**ACTION : S MGQUBA, A HUMAN, R GELDERBLOEM, K JACOBY**

**C 20/04/16 PROPOSED RECTIFICATION TRANSFER BETWEEN THE CITY OF CAPE TOWN AND FRANCOIS HENNING AND LOUIS PETRUS DU PLESSIS: ERVEN 4506 AND 3143 SIMON'S TOWN, SITUATED OFF PALACE HILL ROAD, SIMON'S TOWN**

**RESOLVED** that:

- (a) the rectification transfer between the City of Cape Town and Messrs F Henning and L P du Plessis, be approved, on the basis that:
  - (i) Erf 3143, Simon's Town, situated off Palace Hill Road, Simon's Town, in extent 21 m<sup>2</sup> and as shown on the aerial photograph attached as Annexure A to the report on the agenda, be transferred to Francois Henning and Louis Petrus du Plessis, or their successors-in-title, by the City of Cape Town;
  - (ii) Erf 4506, Simon's Town, situated off Palace Hill Road, Simon's Town, in extent 21 m<sup>2</sup> and as shown on the aerial photograph attached as Annexure B to the report on the agenda, be transferred to the City of Cape Town by

Francois Henning and Louis Petrus du Plessis.

- (b) the rectification transfer as set out in (a) above be approved, subject *inter alia* to the following conditions, that:
  - (i) no consideration be paid by either party as the market value of both properties have been assessed to be equal in value, being R44 000 excluding VAT;
  - (ii) the purchase price of both properties is to be adjusted on the basis of 6% per annum compounded annually on a pro rata basis commencing 6 months after date of valuation. Accordingly the above recommended purchase price is to be adjusted as from 2015-09-01 (i.e.  $5\% \div 12 \text{ months} \times \text{number of months after 6 month period}$ );
  - (iii) subject to such further conditions to be imposed by the Director: Property Management in the exercise of her delegated authority;
  - (iv) subject to compliance with any other statutory requirements;
  - (v) all costs related to the transaction be borne by the applicants.

**ACTION : G DU PLESSIS, W BAARTMAN, R SCHNACKENBERG, R GELDERBLOEM, K JACOBY**

**C 21/04/16 PROPOSED CLOSURE OF CITY-OWNED IMMOVABLE PROPERTY BEING A PORTION OF ERF 1, BANTRY BAY (A PUBLIC STREET) SITUATED OFF DE WET ROAD, BANTRY BAY GRANTING OF IN PRINCIPLE -APPROVAL: ALIENATION OF CITYOWNED IMMOVABLE PROPERTY BEING A PORTION OF ERF 1, BANTRY BAY (A PUBLIC STREET) SITUATED OFF DE WET ROAD, BANTRY BAY**

**RESOLVED** that:

- (a) in terms of Section 14 of the Local Government Municipal Finance Management Act, Act 56 of 2003, the property is not required to provide the minimum level of basic municipal services
- (b) in terms of the provisions of the Immovable Property By-Law, portion of Erf 1, Bantry Bay, a public street situated off De Wet Road, Bantry Bay as indicated on Plan SZC 1307 attached as

Annexure A to the report on the agenda, in extent approximately 35 m<sup>2</sup>, be closed

- (c) in terms of Regulation 5 of the Municipal Asset Transfer Regulations grant in-principle approval that a portion of Erf 1, Bantry Bay, a public passage, situated off De Wet Road, Bantry Bay shown lettered ABCD on Plan SZC 1307 attached as Annexure A to the report on the agenda, in extent approximately 35 m<sup>2</sup>, be alienated.

**ACTION : D GEYSMAN, R SCHNACKENBERG, R GELDERBLOEM, K JACOBY**

***At this stage, the time being 13H10, the Speaker announced that the meeting would adjourn for lunch until 14H00.***

***Councillors were requested to register their attendance upon recommencement of the meeting at 14H00.***

**C 22/04/16 APPLICATION FOR REZONING, CONSENT, TEMPORARY DEPARTURE AND REGULATION DEPARTURES IN TERMS OF THE LAND USE PLANNING ORDINANCE, NO. 15 OF 1985, AND THE CAPE TOWN ZONING SCHEME REGULATIONS IN RESPECT OF REMAINDER ERF 526, 2 BLOEMHOF ROAD (BETWEEN STRANDFONTEIN ROAD, BLOEMHOF ROAD AND GREENWAY ROAD), WETTON**

**RESOLVED** that:

- (a) the deviation from the Cape Town Spatial Development Framework and the Cape Flats District Plan, in respect of the southern section (site B) of remainder Erf 526, Wetton, as set out in the report dated 19 February 2016 relating to the rezoning of the southern section (site B) of remainder Erf 526, Wetton, be approved
- (b) the application for rezoning of the northern section (site A) and the southern section (site B) of remainder Erf 526, Wetton, from rural to General Industrial 1, be approved in terms of Section 16 of the Land Use Planning Ordinance, No. 15 of 1985, subject to conditions as set out in Annexure A to the report on the agenda
- (c) the application for Council's consent, in terms of the Cape Town Zoning Scheme Regulations to permit a shop and offices on the northern section (site A) of remainder Erf 526, Wetton, be approved

- (d) the application for a temporary departure on the middle section (site C) of remainder Erf 526, Wetton, be approved in terms of Section 15 of the Land Use Planning Ordinance, No.15 of 1985
- (e) the application for regulation departures for remainder Erf 526, Wetton, as set out in Annexure A to the report on the agenda, be approved in terms of Section 15 of the Land Use Planning Ordinance, No. 15 of 1985.

**ACTION : Q SAVAHL, A McCANN, M MULLER, J HUGO**

**C 23/04/16 REVISED POLICY ON THE REGISTRATION AND MANAGEMENT OF THE JOBSEEKERS DATABASE**

Cllr S Little (DA) proposed that the report on the revised policy on the Registration and Management of the Jobseekers Database be withdrawn for further investigation.

The proposal was duly supported.

**RESOLVED** that the report on the revised policy on the Registration and Management of the Jobseekers database, be withdrawn for further investigation.

**ACTION : R MELODY, E SASS**

**C 24/04/16 INVESTIGATION INTO ALLEGATIONS OF BREACH OF THE CODE OF CONDUCT FOR COUNCILLORS: COUNCILLOR A ADAMS**

Cllr A Adams recused himself from the discussion of this item.

Ald A Serritslev elaborated on the content of the report and seconded by Cllr S Pringle, proposed the following amendment to the recommendation:

*“The Disciplinary Committee found Councillor Anwar Adams guilty of breaching the Code of Conduct for Councillors as per Schedule 1 to the Local Government: Municipal Systems Act 32 of 2000 and recommends that Council request the MEC for Local Government in the Province to suspend Cllr A Adams for a period of one month without salary.*

The AMP was against the recommendation. The ANC proposed that the item be referred back to the Disciplinary Committee since all the Disciplinary Committee members were not appraised in advance of

the amendment proposed by Ald Serritslev. The Speaker after seeking advice from the Legal Advisors present, indicated that the item was legally compliant and therefore put the amendment to the vote, with results as follows:

In favour : 124  
Against : 58  
Abstentions : 2

The amendment was carried.

The ANC recorded their objection against the above amendment.

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

In favour : 124  
Against : 60  
Abstentions : 2

The amended recommendation was carried.

**RESOLVED** that Councillor Anwar Adams be found guilty of breaching the Code of Conduct for Councillors as per Schedule 1 to the Local Government: Municipal Systems Act 32 of 2000 and that the MEC for Local Government in the Province be requested to suspend Cllr A Adams for a period of one month without salary.

**ACTION : L VON MOLENDORFF, L MBANDAZAYO, H CARSTENS, H VAN ZYL, G RAS**

#### **C 24A/04/16 PROPOSED CHANGES TO MEMBERSHIP OF COMMITTEES**

Ald A Serritslev, seconded by Cllr G Twigg, proposed the following changes to the membership of Committees:

*“Safety and Security Portfolio Committee*

*Cllr Eric Notana be added*  
*Cllr Mzwakhe Nqavashe be added*  
*Cllr Jacob Jacobs be removed*

*Environmental & Spatial Planning Portfolio Committee*

*Cllr Jacob Jacobs be added”*

The proposal was duly supported.

**RESOLVED** that:

- (a) Cllrs E Notana (ANC) and Cllr M Nqavashe (DA) be appointed as members of the Safety and Security Portfolio Committee and Cllr J Jacobs (DA) be removed
- (b) Cllr J Jacobs (DA) be appointed as a member of the Environmental and Spatial Planning Portfolio Committee.

**ACTION : EXECUTIVE COMMITTEE OFFICERS, N DAMON, D PHEIFFER, P PETER, S ABEL, R RAZACK, G KENHARDT**

**C 25/04/16 2015/16 SUBCOUNCIL WARD ALLOCATION PROJECTS: QUARTERLY PROGRESS REPORT FOR THE PERIOD ENDING 31 DECEMBER 2015**

**RESOLVED** that the quarterly report regarding progress made with the execution of 2015/16 ward allocation projects for the period ending 31 December 2015, be noted.

**ACTION : K MILLER, G METTLER, G RAS**

**C 26/04/16 NATIONAL TREASURY mSCOA IMPLEMENTATION QUARTERLY PROGRESS REPORT - DECEMBER 2015**

**RESOLVED** that the National Treasury mSCOA Implementation Quarterly Progress Report for December 2015, be noted.

**ACTION : J STEYL, K JACOBY**

**C 27/04/16 CREDIT RATING OF THE CITY OF CAPE TOWN**

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

**ACTION : H ROBBINS, K JACOBY**

**C 28/04/16 QUARTERLY REPORT OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE FOR THE QUARTER ENDED 31 DECEMBER 2015**

**RESOLVED** that the activities of the Municipal Public Accounts Committee as detailed in the quarterly report for the quarter ended 31 December 2015, be noted.

**ACTION : G POSTINGS, A MOOLMAN, L NDABA, G RAS**



**C 29/04/16      QUARTERLY REPORT OF THE AUDIT COMMITTEE  
CHAIRPERSON FOR THE QUARTER ENDED 31 DECEMBER  
2015**

**RESOLVED** that the quarterly report of the Audit Committee Chairperson for the quarter ended 31 December 2015, be noted.

**ACTION : E POSTINGS, L NDABA, G RAS**

**C 30/04/16      WITHDRAWALS FROM MUNICIPAL BANK ACCOUNTS FOR  
THE QUARTER ENDING MARCH 2016**

**RESOLVED** that the report on the withdrawals made from the City's bank accounts for the quarter ending March 2016, be noted.

**ACTION : H ROBBINS, K JACOBY**

**C 31/04/16      REPORT IN TERMS OF THE SUPPLY CHAIN MANAGEMENT  
REGULATIONS, REGULATION 36, AND THE SUPPLY CHAIN  
MANAGEMENT POLICY, PARAGRAPH 311, FOR MARCH 2016:  
FOR INFORMATION PURPOSES**

**RESOLVED** that the matters as authorised by the City Manager in terms of Regulation 36 of the Supply Chain Management Regulations and Paragraph 311 of the Supply Chain Management Policy, for March 2016, attached as Annexure A to the report on the agenda, be noted and be included as a note to the Council's annual financial statements.

*[During discussion on the above matter, certain comments were made by Cllr Sakathi of the ANC. The Speaker advised that he would call for the tapes to be heard on this matter.]*

**ACTION : A VORSTER, A EBRAHIM**

**C 32/04/16      RESOLUTIONS TAKEN BY THE EXECUTIVE MAYOR IN TERMS  
OF DELEGATED POWERS AND DECISIONS TAKEN TOGETHER  
WITH THE MEMBERS OF THE MAYORAL COMMITTEE: FROM  
NOVEMBER 2015 TO FEBRUARY 2016**

**RESOLVED** that the resolutions taken by the Executive Mayor in terms of delegated powers and confidential decisions taken together with the members of the Mayoral Committee from November 2015 to February 2016, be noted.

**ACTION : R RAZACK, S ABEL, G JOSEPHS, G KENHARDT**

**C 33/04/16 RESOLUTIONS TAKEN BY THE EXECUTIVE MAYOR IN TERMS OF DELEGATED POWERS AND DECISIONS TAKEN TOGETHER WITH THE MEMBERS OF THE MAYORAL COMMITTEE: MARCH 2016**

**RESOLVED** that the resolutions taken by the Executive Mayor in terms of delegated powers and confidential decisions taken together with the members of the Mayoral Committee for March 2016, be noted.

**ACTION : R RAZACK, S ABEL, G JOSEPHS, G KENHARDT**

**C33A/04/16 QUARTERLY FINANCIAL REPORT : MARCH 2016**

**RESOLVED** that the quarterly financial report for the quarter ended 31 March 2016, be noted.

**ACTION : J STEYL, K JACOBY**

**C 34/04/16 QUESTION RECEIVED FROM CLLR A FOURIE**

The question, as reflected on page 1 of Volume 5 of the agenda, was posed by Cllr A Fourie (FF+) and related to the City of Cape Town plans to deal with Eskom's additional tariff increase of 9,4%.

The Executive Mayor's response as set out on page 2 of Volume 5 of the agenda was noted.

**C 35/04/16 QUESTION RECEIVED FROM CLLR A FOURIE**

The questions, as reflected on page 3 of Volume 5 of the agenda, were posed by Cllr A Fourie (FF+) and related to the policy on influx control and urbanisation, as well as how the City of Cape Town deals with illegal settlement on Council or private property.

The Executive Mayor's response as set out on page 4 of Volume 5 of the agenda was noted.

Supplementary questions were posed by Cllr A Fourie with regard to the process of urbanisation and if there was any difference in procedure with regard to the allocation of housing to foreigners and existing residents. He further questioned if a directive is in place for the settlement of foreigners, who arrived unexpectedly, in informal or permanent dwellings, as well as clarity on where and when the 652 000 households would be permanently settled.

The Executive Mayor responded that plans like the Integrated Human Settlements Framework was already submitted to Council and sets out how the City aims to deal with and manage urbanisation. She further indicated that the apartheid influx control no longer exists and people could live in areas of their choice. The Executive Mayor also referred to the Transport Development Plan and indicated that development would take place adjacent to transport routes for easy access.

**C 36/04/16 QUESTION RECEIVED FROM CLLR J THUYNSMA**

The questions, as reflected on page 5 of Volume 5 of the agenda, were posed by Cllr J Thuynsma (ANC) and related to the water tariff and water billing cycle.

The Executive Mayor's response as set out on page 6 of Volume 5 of the agenda was noted.

**C 37/04/16 QUESTION RECEIVED FROM CLLR J THUYNSMA**

The questions, as reflected on page 7 of Volume 5 of the agenda, were posed by Cllr J Thuynsma (ANC) and related to the purchase of land in Paardevlei for the purpose of human settlement.

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

A supplementary question was posed by Cllr J Thuynsma with regard to the provision of a copy of the geotechnical report in respect of Paardevlei.

The Executive Mayor responded that a copy of the geotechnical report in respect of Paardevlei would be provided to Cllr J Thuynsma.

**ACTION : EXECUTIVE MAYOR**

**C 38/04/16 QUESTION RECEIVED FROM CLLR P HEYNES**

The questions, as reflected on page 9 of Volume 5 of the agenda, were posed by Cllr P Heynes (ANC) and related to the process of de-proclamation and transfer of land from Cape Nature Reserve for human settlement purposes to the residents of Los Angeles and Green Park.

The Executive Mayor's response as set out on page 10 of Volume 5 of the agenda was noted.

A supplementary question was posed by Cllr P Heynes with regard to the budget allocation for the provision of housing to the residents of Los Angeles and Green Park.

The Executive Mayor responded that she had a meeting with the respective community, where it was agreed that a site visit would be arranged. The Executive Mayor extended an invitation to Cllr Heynes to accompany her on the site visit. It was further noted that three separate community committees would be established to deal with the development of each part of those pieces of land in Los Angeles, Green Park and Sophakama.

*At this point of the meeting, the Executive Mayor responded to an earlier question from Cllr Sotashe regarding questions which were deemed to have been unanswered by the Mayor at the January Council meeting. The Mayor explained that all the answers were provided as part of the January Council meeting agenda, and that supplementary questions arising from those questions, and as a result of her absence from that meeting, would have to be resubmitted. The Speaker therefore ruled that the ANC members, who indicated that they have certain unanswered questions, should submit these to his office for a response at the next meeting. It was also agreed that the Speaker and the Executive Mayor would discuss this with Cllr Heynes to achieve an agreed way forward.*

**C 39/04/16****MOTION RECEIVED FROM COUNCILLOR M NIKELO**

Cllr M Nikelo (DA) introduced his motion relating to calling for the resignation of the President of South Africa from office, as set out on pages 11 to 13 of Volume 5 of the agenda.

Cllr X Sotashe indicated that the consideration of the motion at this level is unconstitutional and illegal in terms of the legislative framework for Local Government. The ANC Caucus therefore left the Council Chamber at 16:20 and indicated that they would re-join the meeting at the conclusion of the discussion of this motion.

Extensive debate further ensued on this matter. The smaller parties indicated that they were not in support of the motion as reflected in the agenda.

Cllr M Nikelo, seconded by Cllr A van der Rheede, proposed the following amendment to the motion:

*“The Council expresses its view in line with the Constitutional Court and supports the call for the President to resign from office.”*

The proposal was supported by the majority of the members present.

**RESOLVED** that it be noted that Council expressed its view in line with the Constitutional Court and supports the call for the President of South Africa to resign from office.

**[The ACDP, COPE, AJ and NPSA were not in support of the above decision.]**

**At this stage, the ANC re-joined the meeting.**

**THE MEETING CONCLUDED AT 16:45.**

.....  
**ALD D SMIT  
CHAIRPERSON**

.....  
**DATE**