

COUNCIL MINUTES: 25 NOVEMBER 2021

MINUTES

OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF CAPE TOWN HELD IN THE COUNCIL CHAMBER, 6th FLOOR, PODIUM, CIVIC CENTRE, CAPE TOWN ON THURSDAY, 25 NOVEMBER 2021 AT 10H00.

MEMBERS PRESENT:

Cllr M F Achmat (AJ)	Cllr R Davids (DA)	Cllr M Joseph (GOOD)
Cllr F Adams (CCC)	Cllr A C De Beer (UIM)	Cllr N Jowell (DA)
Cllr Y Adams (CMC)	Cllr D C De Vos (ACDP)	Ald C R Justus (DA)
Cllr A Adams (DA)	Cllr P W de Vos (DA)	Cllr K Kama (ANC)
Cllr R Adams (DA)	Cllr X D Diniso (ANC)	Ald M L Kempthorne (DA)
Cllr A Adams (DI)	Cllr S S Duka (ANC)	Cllr M R Kleinschmidt (DA)
Cllr M Adonis (DA)	Cllr P East (DA)	Cllr M Kleinsmith (DA)
Cllr N R Adonis (DA)	Cllr A Z M I Elyas (DA)	Cllr C Kobeni (DA)
Cllr F K Ah-Sing (DA)	Cllr C J Esau (DA)	Cllr N F Kopman (ANC)
Cllr W Akim (DA)	Cllr F Essack (DA)	Cllr A E Kuhl (DA)
Ald E Andrews (DA)	Ald G Fourie (DA)	Cllr E Langenhoven (DA)
Cllr E Anstey (DA)	Cllr P Francke (DA)	Cllr A Lansdowne (DA)
Cllr R Arendse (DA)	Cllr C V Franklin (DA)	Cllr U F Lasiti (DA)
Cllr D Badela (ANC)	Cllr S Frenchman (CCC)	Cllr T A Le Goff (DA)
Cllr Z A Badroodien (DA)	Cllr A Gabuza (ANC)	Cllr S Liell-Cock (DA)
Cllr U M Barends (DA)	Cllr M Gadeni (ANC)	Cllr A G Lightburn (DA)
Ald A J G Basson (DA)	Cllr T M Geoghegan (DA)	Ald X T Limberg (DA)
Cllr A M Benadie (DA)	Cllr G E Gordon (DA)	Cllr E Linde (DA)
Cllr R Beneke (DA)	Cllr T Gqada (DA)	Cllr S A Little (GOOD)
Cllr M Booi (DA)	Cllr A J Griesel (DA)	Cllr F P Lombard (DA)
Cllr P N Booi (EFF)	Cllr N E Grose (DA)	Cllr N Lombi (ANC)
Cllr S S Booyesen (DA)	Cllr L A Gungxe (ANC)	Cllr A C Louw (GOOD)
Cllr E Botha-Rossouw (FF+)	Cllr K W Gxasheka (ANC)	Cllr M Mabungani (ACDP)
Cllr R Bresler (DA)	Cllr B Hansen (DA)	Cllr E M Madikane (ANC)
Cllr R C Cameron (DA)	Cllr W Harris (DA)	Cllr B M Masingo (ANC)
Cllr R W Cannon (DA)	Cllr G Haskin (ACDP)	Cllr N Makasi (ANC)
Cllr K R Carls (DA)	Cllr P G Helfrich (DA)	Cllr M S Makuwa (ANC)
Cllr H Carstens (DA)	Cllr A Hendricks (AJ)	Cllr M Manuel (DA)
Cllr M A Cassiem (DA)	Cllr P Hendricks (PA)	Cllr M Manuel (CCC)
Cllr A Cassiem (EFF)	Cllr P Heynes (ANC)	Cllr B B Maqungwana (UDM)
Cllr C Cerfontein (DA)	Cllr F Higham (DA)	Cllr G P Marais (FF+)
Ald P H Chapple (DA)	Executive Mayor G G Hill-Lewis (DA)	Cllr K Maré (DA)
Cllr M N Chitha (ANC)	Cllr T Jackson (DA)	Cllr S G Markgraff (GOOD)
Cllr M Christians (ACDP)	Cllr M R Jacobs (ARA)	Cllr P I Marman (GOOD)
Cllr D Christians (DA)	Cllr B M Jacobs (DA)	Cllr M J Marr (DA)
Cllr K A Christie (DA)	Cllr H W Jacobs (DA)	Cllr L Martin (ANC)
Cllr B Clarke (DA)	Cllr P S Jacobson (FF+)	Cllr J Martlow (DA)
Cllr G J Classen (ARA)	Cllr W D Jaftha (DA)	Cllr D Z Masiu (DA)
Cllr D G Cottee (ANC)	Cllr C Janse van Rensburg (DA)	Cllr A K Matthews (CCC)
Cllr M Dambuza (EFF)	Cllr E Jansen (DA)	Cllr N Matutu (Luthango) (ANC)
Cllr A Davids (CCC)	Cllr G V Joachims (GOOD)	Cllr L H Max (FF+)
	Ald C Jordaan (DA)	Cllr P Maxiti (DA)

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Cllr L Mazwi (EFF) Ald S Rossouw (DA) Cllr B Yeko (EFF)
Cllr S Mbandezi (DA) Cllr M W Rountree (GOOD)
Cllr L N Mbiza (ANC) Cllr S Salie (AJ)
Cllr N W McFarlane (DA) Cllr M J Sampson (PA)
Cllr A P McKenzie (DA) Cllr N Satarien (CCC)
Cllr I P McMahan (DA) Cllr F A Sauls (DA)
Cllr B Mei (EFF) Cllr E Sawant (DA)
Cllr J L Miller (CIP) Cllr C C Siebritz (DA)
Cllr T M Mjuza (ANC) Cllr L Simangweni (ANC)
Cllr M A Mkutswana (ANC) Ald J P Smith (DA)
Ald S Moodley (DA) Cllr J Solomon (DA)
Cllr A Moses (DA) Cllr L Somdaka (ANC)
Cllr T Mpengezi (ANC) Cllr N P Sono (PA)
Cllr L M Mqina (ANC) Cllr L P Sonyoka (ANC)
Cllr P S Mzolisa (DA) Cllr Z W Sophazi (ANC)
Cllr S Ndamane (PAC) Ald X R Sotashe (ANC)
Ald I D Neilson (DA) Cllr K Southgate (DA)
Cllr D Nelson (DA) Cllr S L Stacey (DA)
Cllr B Ngcombolo (ANC) Cllr J N Stevens (ANC)
Cllr D Ngubelanga (AIC) Cllr N Stuurman (EFF)
Ald M Nieuwoudt (DA) Cllr N R E Sukers (ACDP)
Cllr M Nikelo (DA) Cllr Z Sulelo (DA)
Cllr S Nodliwa (ANC) Cllr P S Swart (DA)
Cllr M L Nqavashe (DA) Cllr S Taliep (DA)
Cllr U E Ntame (EFF) Cllr P P Tause (ANC)
Cllr G T Ntamo (ANC) Cllr H P Terblanche (DA)
Cllr M H Raise (DA) Cllr A Tetani (ANC)
Cllr N Rheeder (DA) Cllr S C Thompson (ANC)
Cllr A Richards (PA) Ald T Thompson (DA)
Cllr A Ntsodo (DA) Cllr G Timm (DA)
Cllr T Nyamakazi (ANC) Ald G Twigg (DA)
Cllr N A Ntshweza (ANC) Cllr N V Tyandela (EFF)
Cllr L Ntshuntshe (EFF) Ald T Uys (DA)
Cllr G D Paige (ACDP) Cllr B van der Merwe (DA)
Cllr B L Payiya (ANC) Ald J F van der Merwe (DA)
Cllr G C Peck (DA) Ald A van der Rheede (DA)
Cllr X G Peter (ANC) Cllr P E van der Ross (DA)
Cllr M Petersen (DA) Cllr B van Reenen (DA)
Cllr L Phakade (ANC) Cllr A van Zyl (DA)
Cllr S Philander (DA) Cllr R Viljoen (DA)
Cllr T I Pimpi (ANC) Cllr D Visagie (DA)
Cllr A Plaatjies (DA) Cllr C L Visser (DA)
Cllr C Pophaim (DA) Ald J Vos (DA)
Cllr A J Potts (DA) Cllr F C Walker (DA)
Ald S Pringle (DA) Cllr C M K Wannenburg (GOOD)
Cllr C B Punt (DA) Ald B R W Watkyns (DA)
Ald F Purchase (DA) Cllr N Williams (CCC)
Cllr Z L Qoba (ANC) Cllr J J Witbooi (DA)
Cllr R M Quintas (DA) Cllr J Woodman (DA)

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APOLOGIES

Ald D Basson (DA)
Cllr N Mvinjelwa (DA)
Cllr M Nikelo (DA)
Cllr U E Ntame (EFF)
Ald D Plato (DA)
Cllr F Walker (DA)

ABSENT

The following Councillors were absent without an apology:

Cllr A K Matthews (CCC)
Cllr D Newman-Valentine (DA)

The following Councillors submitted an apology for late arrival:

None

The following Councillors submitted an apology for leaving early:

Ald C Justus
Cllr A McKenzie
Cllr N V Tyandela
Cllr P van der Ross
Cllr B van Reenen
Cllr C Wannenburg

PRESENT

Executive Management Team

Mr L Mbandazayo - City Manager

Executive Committee Services

Ms G Kenhardt - Director: Executive Support and Corporate Services Operations
Mrs R Razack - Manager: Executive Committee Services
Ms J Cooper
Mr M Carolus
Ms C France
Mr E Fray
Mr G Josephs
Ms M Levendall
Ms L McGregor
Mrs C Minnaar
Mr N Meissenheimer
Mrs L von Molendorff

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Legal Services

Ms R Sayed
Mr Z Mohamed

<u>LIST OF ACRONYMS FOR INFORMATION</u>	<u>SEATS</u>
ACDP - African Christian Democratic Party	6
AIC - African Independent Congress	1
AJ - Al Jama-ah	3
ANC - African National Congress	43
ARA - Africa Restoration Alliance	2
CMC - Cape Muslim Congress	1
CCC - Cape Coloured Congress	7
CIP - Cape Independent Party	1
CMC - Cape Muslim Congress	1
DA - Democratic Alliance	136
DI - Democratic Independent	1
EFF - Economic Freedom Fighters	10
FF+ - Freedom Front Plus	4
GOOD - GOOD	9
PA - Patriotic Alliance	4
PAC - Pan Africanist Congress of Azania	1
UDM - United Democratic Movement	1
UIM - United Independent Movement	1
Total	231

SECTION 1 OPENING OF MEETING

The Speaker, Ald F Purchase welcomed all Councillors, guests, officials and the media to the onsite Council meeting.

A moment of silence was observed.

SECTION 2 MAYORAL ADDRESS

The Speaker called on the Executive Mayor, Ald G Hill-Lewis to address Council, as follows:

“Colleagues, fellow councillors, City officials, members of the public and honoured guests, good morning, and welcome to the second last Council meeting for 2021.

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During the first week of this new administration, I have dived in to a deeper understanding of the City's budget and expenditure, and have begun preparations for the January adjustments budget.

Along with the Deputy Mayor, we have also begun detailed briefings on policy issues, and have begun to set out our agenda for the first three and six months of the government. We have also begun a process discussion for the new Integrated Development Plan. In all of the engagements I have had this week, I have been deeply impressed with quality, talent and commitment of City of Cape Town officials who are among the most impressive public servants I have ever seen.

I had the privilege to attend the City's annual Staff Awards last Friday. I was inspired by the stories of the many excellent staff we have who go above and beyond the call of duty to deliver excellence, show innovation and who take obvious pride in their work. These are the individuals, and the teams that make Cape Town the most desirable City in South Africa to live in and it makes me proud to be associated with this government.

I look forward to many more, and more detailed, briefings and engagements in the days ahead. I have also appointed the Mayoral Committee, and I congratulate each one of them on their appointments. Together with our caucus team, this is now Team Cape Town. Every Mayco member has also agreed to undergo a lifestyle audit and be subject to a performance contract and measurable performance review. I have absolute faith in them to deliver on the goals we have set, and the mandate we have from the residents of Cape Town. Earlier this week we attended our first joint meeting with the provincial cabinet and top management, along with our Mayoral Committee and Executive Management Team.

I am grateful for the calls from several leaders of opposition parties in this Council, and I reiterate the commitment I made last week to an open and accessible government that respects the role of rigorous opposition. On the first day in office after being sworn in last week I visited the Zandvliet wastewater treatment plant and areas in Makhaza, Khayelitsha, and Phoenix in Milnerton, that have been affected by sewage spills. I know there are other areas of the City also affected, and in some cases worse than those I visited last week. I intend to also visit Wallacedene, Wesbank and Montrose Park in Mitchells Plain. I am grateful to Councillors Sawant, Witbooi, Plaatjes and others for being in constant contact with me about this. As you already know, there is very significant capital investment in new water and sewage infrastructure. But this is a medium term effort. After the visit to Khayelitsha, I have asked the Water and Sanitation team to produce a short-term improvement plan to reduce waiting times on sewer spills. This plan may require additional funding in the adjustments budget for machinery and manpower. I will report to the House on progress. But let me reiterate my statement last week: Our purpose is to build a City where every person feels pride, care, respect and inclusion. This is not possible when sewer spills take weeks to resolve.

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I am very grateful that every spill I have reported this week, and I have reported five or six, have been fixed within 24 or 36 hours. This should apply to everyone. I have a great degree of confidence that Dr Zahid Badroodien will apply his caring spirit and his incisive intellect to this problem in the months ahead.

I also reiterate the call to communities to help us prevent the abuse of our sewer system. Please report this abuse when you see it. We will be discussing plans in the weeks ahead to start a proper reward system for those who help us protect the infrastructure on which everyone in our city depends. When I stood here last week, I made it clear that we will continue to build on the good governance in this City that has been acknowledged by numerous independent bodies, including our residents, to ensure that quality services reach all of our residents.

Part of good governance is of course ensuring compliance with the numerous policies and legislation that we are subjected to, but making sure that we don't allow that necessary bureaucracy to prevent us from delivering services when we need to do so.

One such example is an item on today's council agenda. It is a request to approve deviation from the official procurement processes in terms of the Supply Chain Management (SCM) Policy. This approval is being sought for critical repair work to the value of R1,45 million, needed for the Bonteheuwel Main Substation. While we must always comply with the relevant legislation when it comes to Supply Chain matters, we must be very careful not to become complacent and forget that we are all here first and foremost to ensure our residents receive the services that they deserve. Basic provision of electricity is one such service, and while we will continue to fight to end load-shedding in Cape Town, we must look after our own infrastructure too and make sure that residents do not have to sit in candle light while they wait for repair work to be done.

One final matter of concern. In reading the Section 71 financial report at midnight one night this week, I became aware of worrying capital under-expenditure. Significant additional infrastructure investment is absolutely critical to the growth of the City, and budgets must be spent. On investigation, there is a chunk of this figure which is explainable because of the way National Treasury budgets for the MyCiti rollout grants. This is fine and will be corrected in the adjustments budget. But there are also some other delays which are a source of concern. I am drawing this to the explicit attention of Council now, and you have my commitment that I will seek further detailed explanation for any avoidable delays in capital programmes.

Next week is the start of the festive season. I want to thank all the City staff who will continue to work throughout the festive season, including our law enforcement staff who keep our communities safe, our solid waste staff who keep our communities clean, our traffic staff who keep our road users safe, our parks and maintenance staff who keep our parks and beaches

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clean, and every other city official who keeps this city running behind the scenes, thank you.

And to all the councillors here today, you are going to hear me say this again and again – this government, the City of Cape Town, and that means the administration and all councillors – we need to be committed to and feel a clear sense of higher purpose. That higher purpose is to restore hope in South Africa by turning Cape Town into living proof that we can roll back poverty, that we can overcome the long shadows of our past, and that every resident of this City feels proud to call themselves a Capetonian. We do not govern for its own sake, we govern on behalf of the people of this City, for the people of this City. I know that by working together we can build a City that every Capetonian and South African is proud of. Thank you.”

SECTION 2.1 20 MINUTES FOR QUESTIONS AND ANSWERS

The following questions were put to the Executive Mayor, Ald. G Hill-Lewis:

Cllr P C Heynes (ANC)

Cllr P C Heynes made reference to a motion regarding funding to upgrade the sewer system in Mfuleni and in the Greater Eerste River area. She appealed to the Executive Mayor to look at the motion, in order to be processed accordingly.

The Executive Mayor recognised that many places in the City are even worse than the areas he visited which experienced sewage spills, but is prepared to accompany Cllr Heynes to Mfuleni. The Executive Mayor also requested Cllr Heynes to forward the respective motion to him via email.

Cllr M Achmat (AJ)

Cllr M Achmat asked the Executive Mayor if he is aware of the airborne toxins at the Zandvliet Treatment Plant and what his intention is in that regard.

The Executive Mayor responded that he is not aware of airborne toxins coming from that plant and that the Councillor should provide him with such details to be investigated..

Ald X Sotashe (ANC)

Ald X Sotashe asked the Executive Mayor if he had erred with the announcement of the Chief Whip when he congratulated his Mayoral Committee Members, as nominees still need to be elected for such position.

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Ald X Sotashe also asked the Executive Mayor about the under expenditure of the capital budget, which is a worrying factor.

The Executive Mayor responded that his statement said very explicitly that Cllr D Visagie is his nominee for the position of Chief Whip of Council. He signed the nomination form and gave it to the Speaker until Cllr Visagie is elected for the position of Chief Whip.

The Executive Mayor further mentioned that the under expenditure of the capital budget is a source of serious concern and therefore requested the relevant Mayco Members for a detailed explanation of exactly what programs / projects are running behind, as there is still time for a rapid exelARATION of these projects in this financial year.

Cllr M Dambuza (EFF)

Cllr M Dambuza mentioned that the Executive Mayor recently visted sites where sewer spills are experienced for a publicity stunt and came back and still did not deliver. He asked the Executive Mayor what is his short term improvement plan to eradicate this problem.

The Executive Mayor responded that a short term intervention plan, which might require more machinery and manpower, had been implemented to make sure that the response times are better and cover more of the complaints.

The Executive Mayor further mentioned that a significant capital investment in new water and sewage infrastructure is on the budget. He acknowledged that these communities cannot live for extended periods of time with raw sewerage in their streets. It was noted that problems are also experienced with break-ups in the sewer system and the abuse thereof.

C 22/11/21 APOLOGIES / LEAVE OF ABSENCE

The Speaker announced the applications for leave of absence as listed below.

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

Ald D Basson
Cllr N Mvinjelwa
Cllr M Nikelo
Cllr U E Ntame
Ald D Plato
Cllr F Walker

ACTION: L KELLEM

SECTION 4 ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced that this would be the last Council meeting for the Director: Executive Support and Corporate Services Operations, Ms Gill Kenhardt, as she is retiring after 40 years in employment of the City. The Speaker wished her well with her retirement.

SECTION 5 OFFICIAL NOTICES / URGENT MATTERS

There were no official notices or urgent matters raised.

It also be noted that the following totals of Councillors from the respective Political Parties present at the meeting were taken into account when the decisions were taken by Council:

ACDP	- African Christian Democratic Party	6
AIC	- African Independent Congress	1
AJ	- Al Jama-ah	3
ANC	- African National Congress	43
ARA	- Africa Restoration Alliance	2
CMC	- Cape Muslim Congress	1
CCC	- Cape Coloured Congress	6
CIP	- Cape Independent Party	1
CMC	- Cape Muslim Congress	1
DA	- Democratic Alliance	129
DI	- Democratic Independent	1
EFF	- Economic Freedom Fighters	9
FF+	- Freedom Front Plus	4
GOOD	- GOOD	8
PA	- Patriotic Alliance	4
PAC	- Pan Africanist Congress of Azania	1
UDM	- United Democratic Movement	1
UIM	- United Independent Movement	1

C 23/11/21 ELECTION OF CHIEF WHIP

The Speaker asked for nominations for the the position of Chief Whip of Council from the respective political parties in Council..

The following nominations were submitted for the position of Chief Whip of Council

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Cllr N Sukers (ACDP), seconded by Cllr M Christians (ACDP) nominated Cllr D C De Vos (ACDP) for the position of Chief Whip of Council.

Cllr P C Heynes (ANC), seconded by Cllr N Makasi (ANC) nominated Cllr Xolisa Peter (ANC) for the position of Chief Whip of Council.

The Executive Mayor, Ald G Hill-Lewis (DA), seconded by Cllr A Lansdowne (DA) nominated Cllr D Visagie (DA) for the position of Chief Whip of Council.

The Speaker announced that Mmes G Kenhardt and R Razack would manage the process of voting by secret ballot and counting of votes and that the two Legal Advisors, Ms R Sayed and Mr Z Mohamed, would oversee the process.

The respective party whips were invited to observe the counting of the ballot papers.

A vote was taken by secret ballot where 221 ballot papers were distributed. Votes were recorded as follows:

Cllr D De Vos (ACDP)	8 votes
Cllr X Peter (ANC)	46 votes
Cllr D Visagie (DA)	137 votes
Spoilt papers	12
Abstentions	18

RESOLVED that Cllr D Visagie (DA) be elected as the Chief Whip of Council of the City of Cape Town.

Cllr D Visagie (DA), the newly elected Chief Wip of Council addressed Council as follows:

“Good morning Speaker, Mr Mayor, City Manager, Aldermen, Alderwomen, Councillors and guests.

Special welcome to my two children Ilse and Clayton, who is seated in the gallery.

Mayor, thank you for this opportunity, being your nominee and now the elected Chief Whip of Council. And a very heartfelt thank you to all the Councillors for your vote and support. What makes this moment so much more special is to be elected in the very same Chambers, which was opened by my father Danny de la Cruz, who was the first Speaker in the CoCT Council.

With that said, the mandate to uphold the highest standard and values and to ensure the smooth functioning of Council will be the priority of the Office of the Chief Whip and the order of the day. I thank you.”

ACTION : R RAZACK, G KENHARDT, G MORGAN

C 24/11/21 ADOPTION OF PROCESS PLAN FOR DRAFTING OF THE NEW TERM OF OFFICE INTEGRATED DEVELOPMENT PLAN

The ANC and DI objected to the adoption of the planning process for the drafting of the new term of office IDP, reason being that the public participation process would be conducted over the festive season.

Ald T Uys mentioned that the late elections did impact on the process, but all municipalities are in the same predicament. It was noted that the City has asked National Treasury to make special provision for moving the MFMA deadlines, but was not successful.

At conclusion of the debate on subject matter, Cllr M Dambuza (EFF) were outraged when a miscommunication during the voting process led to a situation in which their votes were erroneously recorded as for, instead of against the adoption of the process plan for drafting the Metro's IDP

The Speaker ruled the relevant Councillor to order on several occasions. Cllr M Dambuza refused to comply with the Speaker's direction. Chaos erupted and Law Enforcement Officers were called in to intervene, in order to remove the member from the Chamber. Disruptions continued, whereupon the Speaker requested all Political Party Whips to meet in her boardroom.

The meeting was adjourned for 15 minutes, namely at 12H15. Due to delay, the meeting resumed at 12H55.

At this stage, the Speaker advised that the Party Leaders and – Whips agreed that there was a misunderstanding in terms of the way the previous vote was done and also apologised for the extended delay.

A recount of the votes were conducted which led to the adoption of the process plan of the IDP.

RESOLVED that:

- (a) the comments and objections received as summarised in Annexure B, be noted and the objections contained therein; not be upheld

- (b) the process that will guide the planning, drafting, adoption and review of its Integrated Development Plan as depicted in Annexure A to the report on the agenda, in terms of Section 28 and 29 of the Municipal Systems Act No. 32 of 2000, be adopted.

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

ACTION: L JANSSENS, H COLE, G MORGAN

C 25/11/21 MEMBERSHIP OF THE INTERNATIONAL OMBUDSMAN INSTITUTE: OFFICE OF THE CITY OMBUDSMAN

Ald X Sotashe (ANC) appealed to the Administration to populate the Office of the City Ombudsman, in order for the citizens of Cape Town to benefit from this office and to know the importance thereof by means of the reach out programs.

RESOLVED that:

- (a) the membership of the Office of the Ombudsman to the International Ombudsman Institute for the 2021/22 financial year be approved and that membership fees be paid accordingly;
- (b) the membership of the Office of the Ombudsman to the International Ombudsman Institute for the 2022/23 financial year; be approved
- (c) the membership of the Office of the Ombudsman to the International Ombudsman Institute for the 2023/24 financial year, be approved.

ACTION: H COUTINHO

C 26/11/21 PROPOSED REVIEW AND AMENDMENT OF RESOLUTION FOR THE PROPOSED LEASE OF CITY LAND, ERF 31517 CAPE TOWN, DURBAN ROAD, MOWBRAY FOR PARKING PURPOSES: HOSTPROPS 1117 CC

Cllr B Majingo (ANC), seconded by Cllr J Stevens (ANC) proposed the following amendment to the recommendation:

“It is recommended that, for the reasons set in the report, the resolution of the Council taken on 31 March 2021, particularly paragraphs 5(a) to 5 (g) be reviewed and amended in order for it to

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read as follows:

(a) to (i) – to remain as recommended

(j) Lessee to waive his / her lien in favour of the property owner.”

On request of the Speaker, the Legal Advisor confirmed that the amendment is legally compliant after consultation with the relevant Councillor.

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

In favour	51
Against	160
Abstentions	7

The amendment to the recommendation was not carried.

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

In favour	145
Against	58
Abstentions	0

RESOLVED that, for the reasons set out in the report on the agenda, the resolution of Council taken on 31 March 2021 vide C 23B/03/21, particularly paragraphs 5(a) to 5(g) be reviewed and amended in order for it to read as follows:

- (a) a market rental R2 920 per month inclusive of rates and excluding VAT calculated per month for a period of 10 years, the rental to be reviewed after five years;
- (b) the monthly rental to be adjusted on the basis of 6% per annum compounded annually on a pro rata basis commencing from 1 January 2022. Rental to be reviewed after a period of 5 years;
- (c) the establishment cost is applicable for the first five-year lease period only;
- (d) should the number of parking increase from 8 bays, the rental would need to be re-assessed accordingly;
- (e) the lease will endure for a period of ten years;
- (f) the property to be used for parking purposes only;

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- (g) subject to such further conditions to be imposed by the Director: Property Management in terms of her delegated authority;
- (h) subject to compliance with any other statutory requirements;
- (i) no compensation will be payable for any improvement made to the property.

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

ACTION: M TAYLOR, R SCHNACKENBERG, M SIMS, R GELDERBLOEM

C 27/11/21

PROPOSED TRANSFER OF ERF 809 SITUATED AT THE CORNER OF PHAKAMANI ROAD AND VATI STREET IN KHAYELITSHA

The ANC was not in support of the recommendation. The EFF was of the view that the land should be given for free to Kwa Ace CC.

RESOLVED that:

- (a) the proposed sale of Erf 809, situated at the corner of Phakamani Road and Vati Street, Khayelitsha, approximately 5 469 m² in extent, zoned General Industrial 2 and shown on Plan LIS 936v1 attached as Annexure A to the report on the agenda, to Kwa Ace CC for R1 800 000 (One Million and Eight Hundred Thousand Rand) exclusive of VAT, be approved;
- (b) the transfer to Kwa Ace CC of Erf 809, Khayelitsha as described in (a) above for R1 800 000 (excluding VAT), be approved;
- (c) the selling price shall escalate at 5% per annum compounded annually on a pro rata basis commencing 6 months from date of valuation (i.e. from 01/11/2021) until date of registration;
- (d) the market value is to be reassessed if the transaction is not approved by the relevant decision making authority of Council within 36 months from date of valuation (i.e. by 30/04/2024).

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

ACTION: T MADIKANE, A HUMAN, M SIMS, R GELDERBLOEM

**C 28/11/21 QUARTERLY REPORT ON THE MAYOR'S SPECIAL FUND:
MFMA SECTION 12 FUND: PERIOD ENDING 30 SEPTEMBER
2021**

RESOLVED that:

- (a) the withdrawals in terms of the requirements set out in the Policy relating to the Mayors Special Fund (WBS N22.00032) for the period 1 July 2021 to 30 September 2021 to the value of R2 900 750.00, be noted
- (b) the withdrawals in terms of the requirements set out in the Policy relating to the Mayors Special Fund (822.00138 OM-CM) for the period 1 July 2021 to 30 September 2021 to the value of R3 156 966.00, be noted
- (c) the withdrawals in terms of the requirements set out in the Policy relating to the Mayors Special Fund (S22.00138 OM-FD) for the period 1 July 2021 to 30 September 2021 to the value of R 6 685 880.00, be noted
- (d) the grants and donations to the Mayor's Special Fund (G075.00020) for the period 1 July 2021 to 30 September 2021 to the value of R183.12, be noted.

ACTION : C FERGUSON, R DE LANGE

**C 29/11/21 REPORT IN TERMS OF SUPPLY CHAIN MANAGEMENT
REGULATIONS, REGULATION 36, AND THE SUPPLY CHAIN
MANAGEMENT POLICY, CLAUSE 330, FOR THE PERIOD 15
SEPTEMBER 2021 TO 10 NOVEMBER 2021: FOR
INFORMATION PURPOSES**

RESOLVED that the Supply Chain Management deviations as authorised by the City Manager in terms of the Supply Chain Management Regulations, Regulation 36, and the Supply Chain Management Policy, clause 330, for the period 15 September 2021 to 10 November 2021, 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 30/11/21 APPOINTMENT OF GARETH VAN ONSELEN TO REPRESENT
THE CITY OF CAPE TOWN ON THE COUNCIL OF THE
UNIVERSITY OF CAPE TOWN (UCT)**

COUNCIL MINUTES: 25 NOVEMBER 2021

RESOLVED that:

- (a) the appointment of Gareth van Onselen to represent the City of Cape Town Metropolitan Municipality on the Council of the University of Cape Town, be approved
- (b) authority be granted to the Executive Mayor to provide a mandate to Mr Onselen on !low to represent the City at relevant meetings of the Council of the UCT.

[The ANC, ARA, ACDP, AIC, AJ, CCC, DI, EFF, FF+, GOOD, PA and PAC recorded their votes against the above decision. The UDM abstained.]

ACTION: J LE ROUX, OFFICE OF THE EXECUTIVE MAYOR

THE MEETING CONCLUDED AT 14H35.

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**ALD F PURCHASE
CHAIRPERSON**

.....
DATE