

COUNCIL MINUTES: 8 DECEMBER 2022

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, 8 DECEMBER 2022 AT 10H00.**

MEMBERS PRESENT:

Cllr M F Achmat (AJ)	Cllr A C De Beer (UIM)	Cllr U F Lasiti (DA)
Cllr F Adams (CCC)	Cllr D C De Vos (ACDP)	Cllr T A Le Goff (DA)
Cllr Y Adams (CMC)	Cllr P W De Vos (DA)	Cllr S Liell-Cock (DA)
Cllr A Adams (DA)	Cllr S S Duka (ANC)	Cllr A G Lightburn (DA)
Cllr R Adams (DA)	Cllr P East (DA)	Ald X T Limberg (DA)
Cllr M Adonis (DA)	Cllr C J Esau (DA)	Cllr E Linde (DA)
Cllr N R Adonis (DA)	Cllr F Essack (DA)	Cllr S A Little (GOOD)
Cllr F K Ah-Sing (DA)	Ald G Fourie (DA)	Cllr F P Lombard (DA)
Cllr W Akim (DA)	Cllr P Francke (DA)	Cllr N Lombi (ANC)
Ald E Andrews (DA)	Cllr C V Franklin (DA)	Cllr A C Louw (GOOD)
Cllr E Anstey (DA)	Cllr M Gadani (ANC)	Cllr M Mabungani (ACDP)
Cllr R Arendse (DA)	Cllr G E Gordon (DA)	Cllr E M Madikane (ANC)
Cllr S F August (GOOD)	Cllr T Gqada (DA)	Cllr B M Majingo (ANC)
Cllr D Badela (ANC)	Cllr A J Griesel (DA)	Cllr N Makasi (ANC)
Cllr U M Barends (DA)	Cllr N E Grose (DA)	Cllr M S Makuwa (ANC)
Ald A J G Basson (DA)	Cllr K W Gxasheka (ANC)	Cllr M Manuel (DA)
Cllr R Beneke (DA)	Cllr B Hansen (DA)	Cllr B B Maqungwana (UDM)
Cllr M Booi (DA)	Cllr W Harris (DA)	Cllr G P Marais (FF Plus)
Cllr S S Booyesen (DA)	Cllr G Haskin (ACDP)	Cllr K Maré (DA)
Cllr N A Botya (EFF)	Cllr A Hendricks (AJ)	Cllr S G Markgraff (GOOD)
Cllr R Bresler (DA)	Cllr P Hendricks (PA)	Cllr M J Marr (DA)
Ald C A Brynard (CIP)	Cllr P C Heynes (ANC)	Cllr L Martin (ANC)
Cllr R C Cameron (DA)	Cllr F Higham (DA)	Cllr J Martlow (DA)
Cllr R W Cannon (DA)	Executive Mayor G G Hill-Lewis (DA)	Cllr D Z Masiu (DA)
Cllr K R Carls (DA)	Cllr T Jackson (DA)	Cllr N Matutu (ANC)
Cllr H Carstens (DA)	Cllr M R Jacobs (ARA)	Cllr L H Max (FF Plus)
Cllr A Cassiem (EFF)	Cllr B M Jacobs (DA)	Cllr P Maxiti (DA)
Cllr M A Cassiem (DA)	Cllr D G Jacobs (CCC)	Cllr L Mazwi (EFF)
Cllr C Cerfontein (DA)	Cllr P S Jacobson (FF Plus)	Cllr S Mbandezi (DA)
Ald P H Chapple (DA)	Ald W D Jaffha (DA)	Cllr N W McFarlane (DA)
Cllr M N Chitha (ANC)	Cllr A Jansen (DA)	Cllr A P McKenzie (DA)
Cllr M Christians (ACDP)	Cllr E Jansen (DA)	Cllr I P McMahon (DA)
Cllr D Christians (DA)	Cllr C Janse van Rensburg (DA)	Cllr T M Mjuza (ANC)
Cllr K A Christie (DA)	Ald C Jordaan (DA)	Cllr M A Mkutswana (ANC)
Cllr B Clarke (DA)	Cllr M Joseph (GOOD)	Cllr T Mokhathi (DA)
Cllr G J Classen (ARA)	Cllr N Jowell (DA)	Cllr A Moses (DA)
Cllr D G Cottee(ANC)	Cllr K Kama (ANC)	Cllr N Mvinjelwa (DA)
Cllr J Cupido (GOOD)	Cllr A Kay (CIP)	Cllr P S Mzolisa (DA)
Cllr M Dambuza (EFF)	Ald M L Kempthorne (DA)	Cllr S Ndamane (PAC)
Cllr A Davids (CCC)	Cllr M R Kleinschmidt (DA)	Ald I D Neilson (DA)
Cllr R Davids (DA)	Cllr M Kleinsmith (DA)	Cllr D Nelson (DA)
	Cllr E Langenhoven (DA)	Cllr B Ngcombolo (ANC)

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Ald M Nieuwoudt (DA)	Cllr J Solomon (DA)	Cllr N Williams (CCC)
Cllr M Nikelo (DA)	Cllr L Somdaka (ANC)	Cllr J J Witbooi (DA)
Cllr S Nodliwa (ANC)	Cllr L P Sonyoka (ANC)	Cllr J Woodman (DA)
Cllr M L Nqavashe (DA)	Cllr Z W Sophazi (ANC)	Cllr B Yeko (EFF)
Cllr L Ntshuntshe (EFF)	Ald X R Sotashe (ANC)	Cllr S Zumana (ANC)
Cllr N A Ntshweza (ANC)	Cllr K Southgate (DA)	
Cllr T Nyamakazi (ANC)	Cllr S L Stacey (DA)	
Cllr G D Paige (ACDP)	Cllr J N Stevens (ANC)	
Cllr B L Payiya (ANC)	Cllr N Stuurman (EFF)	
Cllr G C Peck (DA)	Cllr N R E Sukers (ACDP)	
Cllr X G Peter (ANC)	Cllr P S Swart (DA)	
Cllr M Petersen (DA)	Cllr S Taliep (DA)	
Cllr S Philander (DA)	Cllr P P Tause (ANC)	
Cllr A Plaatjies (DA)	Cllr H P Terblanche (DA)	
Cllr A J Potts (DA)	Cllr M Temlett (DA)	
Ald S Pringle (DA)	Cllr S C Thompson (ANC)	
Cllr C B Punt (DA)	Ald T Thompson (DA)	
Ald F Purchase (DA)	Cllr G Timm (DA)	
Cllr Z L Qoba (ANC)	Ald G Twigg (DA)	
Cllr R M Quintas (DA)	Cllr N V Tyandela (EFF)	
Cllr M H Raise (DA)	Ald T Uys (DA)	
Cllr A Richards (PA)	Cllr B van der Merwe (DA)	
Cllr S Rigby (DA)	Ald J F H van der Merwe (DA)	
Cllr N Rheeder (DA)	Ald A van der Rheede (DA)	
Ald S Rossouw (DA)	Cllr B van Reenen (DA)	
Cllr S Salie (AJ)	Cllr A van Zyl (DA)	
Cllr M J Sampson (PA)	Cllr R Viljoen (DA)	
Cllr N Satarien (CCC)	Cllr D Visagie (DA)	
Cllr F A Sauls (DA)	Cllr C L Visser (DA)	
Cllr E Sawant (DA)	Cllr J Visser (DA)	
Cllr M M Sibunzi (DA)	Ald J Vos (DA)	
Cllr C C Siebritz (DA)	Cllr F C Walker (DA)	
Cllr L Simangweni (ANC)	Cllr C M K Wannenburg (GOOD)	
Ald J P Smith (DA)	Ald B R W Watkyns (DA)	

APOLOGIES

Cllr A Adams (DI)
Cllr Z A Badroodien (DA)
Cllr P N Booi (EFF)
Cllr E Botha-Rossouw (FF Plus)
Cllr X D Diniso (ANC)
Cllr A Z M I Elyas (DA)
Cllr S Frenchman (CCC)
Cllr A Gabuza (ANC)
Cllr L A Gungxe (ANC)
Cllr P G Helfrich (DA)
Cllr G V Joachims (GOOD)
Ald C R Justus (DA)
Cllr C Kobeni (DA)

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Cllr A E Kuhl (DA)
Cllr A Lansdowne (DA).
Cllr M Manuel (CCC)
Cllr P I Marman (GOOD)
Cllr L N Mbiza (ANC)
Cllr B Mei (EFF)
Ald S Moodley (DA)
Cllr T Mpengezi (ANC)
Cllr D Ngubelanga (AIC)
Cllr A Ntsodo (DA)
Cllr L Phakade (ANC)
Cllr T I Pimpi (ANC)
Cllr C Pophaim (DA)
Cllr N P Sono (PA)
Cllr Z Sulelo (DA)
Cllr P E van der Ross (DA)

ABSENT

The following Councillors were absent without an apology:

Cllr A M Benadie (DA)
Cllr N F Kopman (ANC)
Cllr Y Mohamed (DA)
Cllr L M Mqina (ANC)
Cllr A Tetani (ANC)

The following Councillor submitted an apology for late arrival:

Cllr R Beneke (DA)
Cllr E Botha-Rossouw (FF Plus)
Cllr L Ntshuntshe (EFF)

The following Councillors submitted an apology for leaving early:

Ald E Andrews (DA)
Cllr D Christians (DA)
Cllr G E Gordon (DA)
Cllr B B Maqungwana (UDM)
Cllr L P Sonyoka (ANC)

PRESENT

Executive Management Team

Mr L Mbandazayo	-	City Manager
Mr K Jacoby	-	Chief Financial Officer
Mr E Sass	-	ED: Corporate Services
Ms D Campbell	-	ED: Urban Mobility
Ms N Gqiba	-	ED: Human Settlements
Mr R McGaffin	-	ED: Spatial Planning & Environment

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Ms Z Mandlana - ED: Community Services & Health
Dr L Mdunyelwa - ED: Urban Waste Management
Ms R Gelderbloem - ED: Economic Growth
Mr V Botto - ED Safety & Security
Mr M Webster - ED: Water & Sanitation

Executive Committee Services

Ms L Ndaba - Acting Director: Executive & Councillor Support Operations
Mrs R Razack - Manager : Executive Committee Services
Mr M Carolus
Ms J Cooper
Ms C France
Mr E Fray
Mr G Josephs
Mrs A Kline
Ms M Levendall
Ms L McGregor
Mr N Meissenheimer
Ms L von Molendorff

Legal Services

Ms R Sayed
Mr Z Mohamed

LIST OF ACRONYMS FOR INFORMATION

SEATS

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
CCC	- Cape Coloured Congress	7
CAPEXIT	- Cape Independence Party	2
CMC	- Cape Muslim Congress	1
DA	- Democratic Alliance	134 (1 vacancy)
DI	- Democratic Independence	1
EFF	- Economic Freedom Fighters	10
FF Plus	- Freedom Front Plus	4
GOOD	- GOOD	9
PA	- Patriotic Alliance	4
PAC	- Pan Africanist Congress of Azania	1
UDM	- United Democratic Movement	1

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UIM	- United Independent Movement	1
Total		230 (1 vacancy)

SECTION 1 OPENING OF MEETING

The Speaker, Ald F Purchase welcomed all Councillors, officials, guests, the media and the public connected via the YouTube Livestream.

A moment of silence was observed.

The Speaker requested Councillors to take note and keep Cllr N P Sono and her family in their prayers during this time, as she sadly lost her son last week. The Speaker extended the Council's condolences to her and her family.

The Speaker also asked Councillors to keep Cllr M Manuals in their prayers, as she was involved in a very serious car accident.

Councillors were called upon to register their attendance electronically.

SECTION 2 MAYORAL ADDRESS

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

"Molweni, goeie more, as salaamu alaikum, shalom, good morning,

Speaker, we are all familiar with the City's lovely, modern logo. For those who haven't looked closely at it, it features a Table Mountain motif running in colourful concentric rings that come together around a central circle to remind us of the protea. It conveys our city's natural beauty and diversity, and gives us a sense of focus.

Before modern logos and designer slogans, before any homo sapiens of any creed or colour ever lived here, Cape Town's beautiful and distinctive mountain has presided over this bay and has become the global symbol of our city home. It is now officially the number one tourist attraction on the African continent – towering over the ancient pyramids of Giza, the Victoria Falls (Mosi-o-Tunya), and even the Serengeti National Park. It is not only a wonderful place to visit, but it also symbolises stability and strength. Much like our mountain has seen every storm, fire and gale come and go for 10 000 years and more, the mountain calls Cape Town and Capetonians to the values of steadfastness, resolute composure and calm confidence about the future. And so important are the values of strength, stability, and steadfastness at this moment in our country's history.

It is a sad fact, Speaker, that almost wherever we look in South Africa, we see the opposite — instability, vacillation, and institutional weakness.

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Last week, our country's President was found by a committee of preliminary enquiry to have committed a prima facie breach of several legal and Constitutional obligations by hiding hundreds of thousands of US dollars, inexplicably, in his couch. Soon after, news emerged that the President would resign, leaving many worried about who would replace him. Apparently, the President then changed his mind, but not before the Rand took a nasty tumble against foreign currencies, making many basic goods even more expensive for the country's poorest residents.

Currently, no one is quite certain who will be leading our country next week or the week after. In many ways, the futures of 60 million South Africans hang in the balance. This is not the first time that our national leaders have shown themselves to be neither stable, nor steadfast.

And, this year, several local governments across the country, including in important metros, have been rocked by instability. In some of these cases, coalition members simply changed their minds about coalitions they had contractually agreed to enter and support. These coalition members believed their short-term political interests in creating political instability were more important than residents' interests in strong, forward looking and principled government.

Madam Speaker, I stand here today grateful to be able to once again say, "not in Cape Town". One year into office, this council is functioning like it should, and our government has been able to avoid the petty political drama that destabilises governments across the country every day. In Cape Town, we have lived up to the values represented by our famous mountain. We have been steady, strong, and steadfast in our pursuit of the pledges on which we were elected, and our commitment to make this a City of Hope for All. We have looked forward with optimism to a more prosperous future for Cape Town, and we have rolled up our sleeves to actively build that future together.

I'd like to take this moment to thank every official of this administration who has played a role in ensuring this year has been such a positive year for Cape Town. Thank you to all those councilors who have put people before politics by holding our government to account honestly and fairly, with facts and not with innuendo and political theatre. Substantive, honest opposition is an essential part of stable democratic government. Every resident of this city must know, and can know, that this government will administer public money honestly, and in service of the public. We will never, ever allow the epidemic of corruption that has destroyed the national state and the national governing party, to gain any foothold here. I look forward to seeing the results of the Auditor General's audit of the City, which will be released early next year. I am confident that we are running a competent, financially disciplined and clean administration and that the audit will confirm this.

It has been a remarkable year for this council, for our government and for the whole of Team Cape Town. Not only have we made strong and steady progress on our electoral mandate, but there is a real feeling of

focused determination, energy and resolve in this building. We know what our mission is, and we are delivering it day by day. Our mission is to grow this city economy faster, so we can get people out of poverty and into work, so that every person can be optimistic about the future again, and know that South Africa can work, because Cape Town is showing the way.

Last year, Speaker, our government pledged to make Cape Town safer.

Two weeks ago, we received the latest quarterly crime statistics from the SAPS. Amid a truly bleak national picture, the stats for the areas where we are doing more to make up for SAPS and the national governments' policing failure, show cause for optimism. Of course there is still far too much violent crime. But our model is starting to bring down violent crime and remove criminals and guns from our streets. Since LEAP was deployed to Philippi East earlier this year, the area has completely fallen off the list of top 30 crime zones in South Africa. Gugulethu has seen a 30,6% decrease in murder in the last year and Delft a 17,4% decrease in murder.

Last month, we launched our tech-led Highway Patrol Unit, which will help make our major routes a lot safer. Over the next three years, we'll invest hundreds of millions in new safety tech that will enable smarter enforcement, from drones and manned aircraft, to CCTV, bodycams, dashcams and gunshot sensors. And we are pushing hard for the devolution of more policing power to our excellent City law enforcement services, as SAPS lacks the resources to fight crime alone.

We continue to call on national government to devolve full criminal investigative powers to our officers. There is no doubt that if our officers have the power to prepare prosecution-ready case dockets, crime will come down in Cape Town even more. We will continue to fight the good fight in the coming year on behalf of every single resident impacted by crime in our city.

Last year, we pledged to start doing something about the economic devastation brought about by energy insecurity in South Africa, and begin to end load-shedding over time in Cape Town.

Since we made that pledge, we have gone out on tender in record time for the procurement of 300MW of privately produced power. We have enabled businesses who produce excess energy to sell all of it back to the City. We have announced the construction of our own solar plant in Atlantis, and we have commenced our wheeling pilot project with several large commercial participants. This year, we've protected City customers from more than 1 100 hours of load-shedding. I want to thank those members of Team Cape Town who diligently work to manage our grid to protect jobs and residents.

Yesterday, our country was once again plunged into Stage 6 darkness. We now face the very real prospect of even higher stages as Eskom announced that one unit at Koeberg is going out of service today for six months of essential upgrades. In response, the City yesterday activated our Disaster Management Centre, which will remain in a state of activation until the threat of a Stage 8 blackout recedes. While every effort and every preparation that can be made will be made to protect essential services in the event of an escalation beyond Stage 6, make no mistake – if this were to happen it would be a time of profound and unprecedented social and economic crisis for South Africa.

As it is, there can be no prospect of national development – and progress out of poverty – so long as this crisis of rolling blackouts persists. Every time this happens, our resolve is only strengthened further that Cape Town will show South Africa how the future can be different. We will exploit any and every opportunity to accelerate our efforts to reduce our reliance on Eskom and the national state as fast we can.

Last year, we pledged to do more to clean up Cape Town, and we have made meaningful progress in this regard.

But what has impressed me most is how eager Capetonians are to roll up their sleeves to improve their own communities in our #SpringCleanCT campaign. I have said that restoring the health of our waterways and vleis is non-negotiable. In the coming years we aim to steadily close off the multiple sources of pollution to our critically affected waterbodies – including Milnerton Lagoon, where we are building up to the dredging and removal of sediment containing decades of urban pollution.

We have increased our investment in water and sewage infrastructure to R8 billion over three years and have quadrupled our sewer pipe replacement, and we are also investing in improved responsiveness to sewer spills. We are making meaningful progress on achieving more dignified living conditions for the least well off in our city, Speaker, and I think we can all be very proud of what we have achieved this year.

Last year, we pledged to improve public transport in our city.

The N2 express MyCiTi service is back up and running, and the expansion of services linking Khayelitsha and Mitchell's Plain with the Southern Suburbs is well under way. This will go a long way towards addressing the spatial separation that persists in our city. We have begun the process of devolving control of passenger rail from national government to the City, which will allow a functional and affordable public transport system with trains as its backbone. The rail feasibility study will be an exciting aspect of our governance programme in the year ahead.

We also pledged to do the basics better.

We have made it easier for residents to access the City's services through improvements to our C3 system, by implementing online motor vehicle licensing renewals and account payments. Residents who still want to access services in person can now book an appointment and skip the queue. I believe businesses in Cape Town already have the country's most reliable access to the basics they need from the government in order to thrive and grow. I was delighted this week to see that Cape Town officially had the biggest decrease in unemployment in the country in the second quarter of this year. There is now a much smaller proportion of people either out of work or who have given up looking for work in Cape Town than anywhere else in the country. This is because investors are choosing Cape Town, and employing people in their businesses here.

But, Madam Speaker, we know that there is more to be done to aggressively grow our economy and get more Capetonians out of poverty through work. Through our ease of doing business programme, we are hearing directly from businesses about what they need to be able to operate better. We are listening to them, and we are changing where we need to. We have significantly increased our infrastructure investment because we know that good infrastructure is the foundation of every growing economy. Not only are we putting up the money, but we are ensuring that we have the engineers and project managers we need to make these projects work. And we are focusing our efforts on the most economically impactful areas of infrastructure -- water and sewerage, roads and transport, safety, and energy. Not only will this secure a more dignified way of life for many of the City's least-well-off residents, but it will lift more people out of poverty through growth and employment.

Finally, we pledged to do more for housing in Cape Town.

Today we can announce yet another well-located property for social housing, with public participation opening tomorrow on the City's plans to release the Earl Street property in Woodstock for development. This is the fifth property to reach a critical milestone for land release in just over six months, under our Land Release for Affordable Housing priority programme. Around 1 300 social housing units have been approved since May, with 800 social housing units now in the construction phase in Central Cape Town. Our newly-launched No Cost Transfer programme will make it easier for tenants of around 7 500 saleable Council rental units to become home owners, without having to pay anything towards the transfer costs of these units. And how it has warmed all of our hearts to see Ms Elizabeth Bruintjies, and Ms Francis Isaacs, and Mrs Gadija Japhta, and many other residents becoming home owners for the very first time in their lives by taking 'no cost' transfer of the homes they live in. Mrs Japhta from Lotus River joins us in the audience today, and we welcome her and congratulate her and her family warmly.

Speaker, we are also making encouraging progress on plans to expand dignified transitional shelter to help more people off the streets in Cape Town. Over the last year, we have shifted the City's policy to care

interventions designed to help the homeless off the streets, with the clear understanding that even if this offer of help is rebuffed, we must act to keep public spaces open, clean and safe for all Capetonians. There are some in our city who think that we should allow people to claim a piece of public land as theirs and never do anything about it. There are some who think the city should never evict anyone from property that is not theirs. There are some who believe it is a good idea to encourage the further loss of public space to those who would like to claim it, even if it meant that every verge, road reserve, sports facility and public building in Cape Town was lost for broader public use.

We do not agree. That is not and will never be our policy. Living on the street is not safe and dignified for those living there, nor safe and dignified for the people living around them. Our city's public spaces serve important economic and community needs, and no person has the right to reserve these spaces as exclusively theirs, while indefinitely refusing all offers of shelter and social assistance. To expand dignified transitional shelter in Cape Town over the next three years, we're looking to spend at least R142 million to increase the number of City-run Safe Spaces where these are most needed. This is on top of the City's ongoing support to NGOs assisting the homeless, including grant-in-aid funding and support to expand shelters operating on municipal land. A large proportion of Capetonians living in the public spaces suffer from mental afflictions, addiction, depression, psychosis, trauma, or familial abuse. This situation severely worsened due to the economic impact of Covid-19 lockdowns.

That's why, much like NGO-run shelters, the City's Safe Spaces offer dignified transitional shelter, two meals per day and access to a range of care interventions, like social services, mental health care, addiction treatment, job placement, family reunification, help getting ID books – all of these care interventions are designed to reintegrate people into society and help them off streets on a sustainable basis. Earlier this week, I visited Green Point CBD to check out a site for a potential new Safe Space, which will add around 300 more beds to help more people off the streets. We already have two expanded Safe Spaces in the CBD area totalling around 500 beds, and one in Bellville with around 200 beds.

We are now filing the applications required for planning approvals for this new Safe Space in Green Point, which will also include an opportunity for any affected parties to comment. The property is on Ebenezer Road, and is well-positioned to help more people off the streets along the Seaboard. We are also making progress on re-purposing other municipal-owned sites elsewhere in the City, working together with NGO partners, CIDS and residents. Simultaneously, the City's social development officials are continuing with a city-wide process of conducting individual social assessments of those living on the streets. This includes the reasons for homelessness, physical and mental health, living conditions, and sources of income. This will result in a referral for social assistance, which can include accommodation at a shelter or City-run safe space. Many people accept these offers of support.

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But, Speaker, sadly there are also many cases where those unlawfully occupying public spaces have consistently refused all offers of social assistance. In these instances, the City will seek the necessary court order, and ensure alternative accommodation at shelters or safe spaces has been offered, where this is just and equitable. An example is the public open space on Baxter Street in Durbanville, where the High Court recently ordered the serving of eviction notices for those who have consistently refused offers of social support. The City will be approaching the courts for similar orders for hotspots around the City, including the CBD. These processes do take time, as the City needs to establish the social circumstances and identities of those unlawfully occupying public spaces, and ensure there is a record of social assistance having been offered as a first resort. This is the only principled way forward on this issue, Speaker, which allows us to protect the public spaces needed for social and economic development, while also showing care for people sleeping rough.

Madam Speaker, inspired by our mountain, our government strives to be a strong and steadfast custodian of our great city. And it is in that strength, stability, and steadfastness that Capetonians experience the possibility of hope for the future.

This year ahead, Speaker, I ask that every councilor here present joins me in recommitting ourselves to Capetonians, their interests, and their futures. We must, Speaker, be the agents of hope. But in order to do that, we must put our own interests last. That is what is required to act in a principled way, in a way that remains consistent with the ideals to which we are called by our Constitution and which forms the only sure foundation on which we will save our country. Our first year is behind us. Now we look with great excitement and anticipation to the year ahead, because we know it brings still more opportunity for Cape Town to do more. While storms, gales and blazes batter our national politics and our fragile economy, Cape Town stands tall and proud as a living symbol of how we will build the future.

I wish everyone a blessed festive season, which includes the Jewish holiday of Hannukah, the Christian holiday of Christmas and Hindu holiday of Makar Sankranti. I wish every Capetonian a blessed New Year. And in the words of the hymn I'm sure we all remember, "God be with you till we meet again. Merry Christmas."

SECTION 2.1 20 MINUTES FOR QUESTIONS AND ANSWERS

Cllr G Marais (FF Plus)

Cllr G Marais asked the Executive Mayor if he would agree that apartheid spatial designs are still in existence in the City of Cape Town in the form of the Cape Flats structures in Atlantis, Bonteheuwel, Lavender Hill, Manenberg and Bishop Lavis. He further asked the Executive Mayor if he would consider to demolish that apartheid structures and give the people dignified living conditions, rebuild the areas with adequate and

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dignified designed homes for these families, if he would have the finance. And if not, what his plans would be with those structures that are still in existence on the Cape Flats.

The Executive Mayor responded that the way to deliver more dignity for the poorest people in Cape Town is to start unstitching the legacy of apartheid spatial planning in our City, which persists in every single major urban area in South Africa. He stated that investments should be made in the things that connect the poorest residents with work opportunities and focusing on social housing in well located parts of the City, because that literally takes people out of distanced dislocated parts of the City and gives them the opportunity to live affordably in places in parts of the City where there are much more job opportunities. He indicated that there are lots of properties coming through the system that the City is releasing for social housing, not only in the CBD, but also in Maitland, Epping and Bellville, Claremont and Montague Gardens - all of those places where jobs are concentrated.

The Executive Mayor further responded that many of these properties have been stuck in the system for far too long, but every month they meet as a team to go through that list of properties and push them through relentlessly to get them out on the market. The second way is to unstitch the legacy of spatial apartheid by improving public transport. The Executive Mayor indicated that R6 billion rand investment was made to expand the City's trunk infrastructure bus system to Mitchell's Plain Philippi, Crossroads, Khayelitsha Site C, which would make a massive difference in connecting those dislocated parts of the City to work opportunities in a safe, reliable, affordable world class public transport system. The third way is to deliver dignity to people who still suffer the legacy of apartheid spatial planning is by improving infrastructure and services where people lives, especially the townships and poorer parts of the City, where tremendous problems with the sewer infrastructure all over the City are experienced. The City has focused on improving the infrastructure investment, precisely in the area of sewage and water infrastructure, because that is the beginning of dignity for the poor. He stated that safety is an important part of dignity as well.

The Executive Mayor stated that in order to be sustainable and successful to meaningfully unstitch the legacy of apartheid spatial planning in our City, an important part of restoring dignity is also to give people, who lives in a detached or semi detached Council rental home in Cape Town, the chance to earn their rental homes that they have lived in for decades.

Cllr N Makasi (ANC)

Cllr N Makasi asked the Executive Mayor if he mentioned that Philippi is a crime free area and to be removed from the list of focus. Cllr Makasi stated that the officials of the City of Cape Town are not able to go and do services in that area and have to be escorted by City Police. Even the Acting Mayco member could not go and execute his work in that area, as

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he needs to be accompanied by an entourage of bodyguards and City Police. Cllr Makasi invited the Executive Mayor to go to that area without bodyguards and see what would happen.

The Executive Mayor responded that there is still far too much violent crimes in the area. He stated that the City's model is starting to show the decrease in violent crime, removal of criminals, guns and drugs from the streets. He mentioned that since LEAP was deployed to Philippi East earlier this year, the area has completely fallen off the list of top 50 crime zones in South Africa and has seen a 30.6% decrease in murder during the previous year and 12 to 17.4% decrease in murder in the area. The Executive Mayor stated that he did not say that Philippi East is now crime free. It should be noted that the crime statistics were released by the National Police Minister.

SECTION 3

C 02/12/22 APOLOGIES / LEAVE OF ABSENCE

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

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

Cllr A Adams (DI)
Cllr Z A Badroodien (DA)
Cllr P N Booi (EFF)
Cllr E Botha-Rossouw (FF Plus)
Cllr X D Diniso (ANC)
Cllr A Z M I Elyas (DA)
Cllr S Frenchman (CCC)
Cllr A Gabuza (ANC)
Cllr L A Gungxe (ANC)
Cllr P G Helfrich (DA)
Cllr G V Joachims (GOOD)
Ald C R Justus (DA)
Cllr C Kobeni (DA)
Cllr A E Kuhl (DA)
Cllr A Lansdowne (DA).
Cllr M Manuel (CCC)
Cllr P I Marman (GOOD)
Cllr L N Mbiza (ANC)
Cllr B Mei (EFF)
Ald S Moodley (DA)
Cllr T Mpengezi (ANC)
Cllr D Ngubelanga (AIC)
Cllr A Ntsodo (DA)
Cllr L Phakade (ANC)
Cllr T I Pimpi (ANC)
Cllr C Pophaim (DA)

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Cllr N P Sono (PA)
Cllr Z Sulelo (DA)
Cllr P E van der Ross (DA)

ACTION: L KELLEEM

SECTION 4 ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced that in terms of the calendar of meetings adopted by Council, it was agreed that Council would adjourn for summer recess on Friday, 9 December 2022 at 17H00 and would resume on Monday, 16 January 2023 at 08H00. The Speaker mentioned that during this period, the Executive Mayor, in consultation with the City Manager, would exercise his recess powers as set out in the System of Delegations Part 1.10(5) on urgent matters for decisionmaking.

The Speaker thanked all officials, who were responsible for arranging all aspects of Council meetings throughout the year, whereupon she acknowledged that it took a lot of work and often long and late hours. She thanked all for their efforts, which did not go by unnoticed.

The Speaker advised Councillors on the procedure and the use of the voting system in the Council Chamber and requested their co-operation during voting.

At this stage, the Speaker stated that at the end of the year at the last meeting of Council, it is customary to nominate a Councillor to be the recipient of the Councillor of the Year Award. The Speaker announced the Councillor of the Year, which was awarded to Ald J P Smith (DA) for his exemplary performance throughout the year. The Speaker presented him with the Shield for Outstanding Councillors.

The Speaker shared some statistics with regard to Council-, Committee- and Mayco meetings being held. She mentioned that 12 Full Council meetings, 24 Mayco meetings, 206 statutory Portfolio Committee meetings were held, as well as 243 Subcouncil meetings took place, which did not include Ward Committee meetings. She thanked the Councillors for their commitment, contribution and participation in those meetings and expressed her appreciation for the work that has been achieved.

It was also noted that approximately 100 MPAC Task Team meetings were also held as indicated by Cllr Y Adams.

The Speaker also thanked all members of MPAC and the officials involved in these Task Team meetings.

SECTION 5 OFFICIAL NOTICES / URGENT MATTERS

There were no official notices or urgent matters raised.

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C 03/12/22 CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL MEETING: 27 OCTOBER 2022

RESOLVED that the minutes of the ordinary Council meeting held on 27 October 2022, be confirmed, subject to the following correction:

Pg 8 MEMBERS ABSENT

The name of Cllr N Ntshweza (ANC) be listed under the heading: "MEMBERS PRESENT."

ACTION: N MEISSENHEIMER

At this stage, the Speaker, Ald F Purchase (DA) announced that the following items were agreed on by the respective political parties at the Whips' meeting:

Volume 2A - Items 6, 8, 10, 13, 17, 20 and 21

Volume 2B - Items 25 and 26

Volume 3 - Items 30, 31, 33, 34, 35, 38, 40 and 41

Volume 4 - Items 64, 66, 67, 68, 69, 70, 71, 73, 74, 76, 77, 78, 79 and 80 [Reports for information and noting.]

Volume 5 - Item 81

The ANC indicated that all items for information are noted with serious concern. GOOD indicated that in-principle they agreed on Items C08, C11, C22, C29, C33, C36, C38, C39, C64 - C80, but with concerns. The EFF indicated that they would submit the item numbers on which they were not in agreement, but would have debated, to the Office of the Chief Whip.

195 Councillors participated when this announcement was made.

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	2
ANC	- African National Congress	33
ARA	- Africa Restoration Alliance	2
CCC	- Cape Coloured Congress	5
CAPEXIT	- Cape Independence Party	2
CMC	- Cape Muslim Congress	1
DA	- Democratic Alliance	119
DI	- Democratic Independence	0
EFF	- Economic Freedom Fighters	7

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FF Plus	- Freedom Front Plus	3
GOOD	- GOOD	8
PA	- Patriotic Alliance	4
PAC	- Pan Africanist Congress of Azania	3
UDM	- United Democratic Movement	1
UIM	- United Independent Movement	1

C 04/12/22 AWARDING OF CONTRACT WHICH WILL INCUR FINANCIAL OBLIGATIONS BEYOND THE BUDGET CYCLE: 238G/2021/22 SUPPLY AND DELIVERY OF SIP, ANALOGUE AND OTHER TELECOMMUNICATION DEVICES

RESOLVED that:

- (a) Council determined that the City of Cape Town will derive a financial benefit from the contract;
- (b) the entire contract exactly as it is to be executed incurring a financial obligation for 5 financial years and in the estimated amount of R5 358 572 (excl. VAT), be approved;
- (c) the City Manager, or his nominee, be authorised to sign the above contract(s).

ACTION: O NAIDOO, E SASS, S ABEL

C 05/12/22 PROPOSED CLOSURE OF VACANT ERF 37282 (PORTION OF REMAINDER ERF 21180 MITCHELLS PLAIN) MITCHELLS PLAIN, SITUATED AT 7 SWALLOW ROAD, WOODLANDS

RESOLVED that, in terms of Section 4 of Council's Immovable Property By-Law 2015, approval be granted for the closure of public place Erf 37282 (portion of remainder Erf 21180, Mitchells Plain) Mitchells Plain, in extent approximately 348 m², as shown lettered ABCDE on disposal plan LIS 2035 attached as Annexure A to the report on the agenda.

[GOOD recorded their vote against the above decision.]

ACTION: B MENTOR, T LEWIS, M SIMS, R GELDERBLOEM

C 06/12/22 PROPOSED CLOSURE OF PUBLIC PLACES, ERVEN 3484 AND 3485 MATROOSFONTEIN (VALHALLA PARK HOUSING PROJECT)

RESOLVED that, in terms of section 4(2)(f) of the City of Cape Town: Immovable Property By-law, 2015, approval be granted that the City may, by Notice in the Provincial Gazette, close Public Places Erven 3484 and 3485, Matroosfontein, in extent 31 920 m² and as depicted by the figure

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ABCDEFGH on the plan attached as Annexure A to the report on the agenda.

ACTION: P STRUMPHER, B MALI-SWELINDAWO, M SIMS, R GELDERBLOEM

C 07/12/22 REQUEST FOR APPROVAL FOR EXECUTIVE DIRECTOR: FUTURE PLANNING AND RESILIENCE - MR GARETH MORGAN TO CONTINUE VARIOUS PROFESSIONAL NON-REMUNERATIVE ACTIVITIES OUTSIDE OF HIS EMPLOYMENT WITH THE CITY

RESOLVED that:

- (a) Mr Gareth Morgan be granted approval to continue as:
 - (i) City Ambassador for the Climate Finance Leadership Alliance; and
 - (ii) Member of the Advisory Board for the Faculty of Engineering and Built Environment at the University of Cape Town
- (b) Any obligations for disclosure as provided in terms of Section 5A (3) of the Code of Conduct for Municipal Staff Members be met.

[GOOD recorded their vote against the above decision.]

ACTION: A VAN NEEL, G MORGAN

C 08/12/22 CITY OF CAPE TOWN RISK ACCEPTANCE LEVELS AND RISK ACCEPTANCE STATEMENTS

RESOLVED that the revised Risk Acceptance Levels (RALs) and Risk Acceptance Statements attached as Annexure A to the report on the agenda, be approved, which includes setting RALs as follows:

- (a) Operations / Service Delivery; Financial; Assets / Infrastructure; Human Capital; Safety and Security (including Occupational Health and Safety); Information and Knowledge Management; Environment; Community / Social / Cultural Heritage; Reputation (incl. Media) and Legal / Compliance Risk Acceptance Level at thirty-six (36); and
- (b) Corporate crime (e.g. fraud, corruption and theft) and unethical behaviour at zero (0).

[GOOD supported the decision with concern.]

ACTION: M NOONAN, L GELDENHUYS, L MBANDAZAYO

C 09/12/22 NATIONAL TREASURY MUNICIPAL FINANCE MANAGEMENT ACT (MFMA) CIRCULAR 110

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RESOLVED that the National Treasury MFMA Circular 110, be adopted as a guideline.

ACTION: C STROUD, K JACOBY

C 10/12/22 MAINTENANCE OF TRAFFIC SIGNALS BELONGING TO THE SOUTH AFRICAN NATIONAL ROADS AGENCY SOC LIMITED

RESOLVED that:

- (a) authority be granted to enter into a further Memorandum of Agreement with the South African National Roads Agency SOC Limited (SANRAL), for the Urban Mobility Directorate to perform maintenance on traffic signals belonging to SANRAL within the City of Cape Town municipal area
- (b) authority be granted to the Executive Director: Urban Mobility to sign the Memorandum of Agreement with SANRAL
- (c) the full cost of maintenance of these traffic signals be borne by SANRAL in accordance with the Memorandum of Agreement.

ACTION: N BOSCH, N SLINGERS, D CAMPBELL

The Speaker announced that Items C11 and C12 would be clustered for debate and that the decisions would be recorded separately.

C 11/12/22 APPROVAL OF A 3-YEAR AGREEMENT FOR HOSTING THE CAPE MALAY CHOIR BOARD ROAD MARCH ON 31 DECEMBER 2022, DECEMBER 2023 AND DECEMBER 2024

RESOLVED that:

- (a) a three-year sponsorship agreement with Cape Malay Choir Board for the Cape Malay Choir Board Road March for the 2022/23, 2023/24 and 2024/25 financial years, be approved. The agreement shall commence on 31 December 2022;
- (b) Council approved that an amount of R1 100 000 (15% VAT where applicable) be disbursed for the 2022/23 financial year from the Events budget, cost centre 19060505 (Events), GL 457300 (Sponsorship: Events) and the split between financial and services support be confirmed;
- (c) Council approved that an amount of R1 155 000 (15% VAT where applicable) be disbursed for the 2023/24 financial year from the Events budget, cost centre 19060505 (Events), GL 457300 (Sponsorship: Events) and the split between financial and services support be confirmed;

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- (d) Council approved that an amount of R1 212 750 (15% VAT where applicable) be disbursed for the 2024/25 financial year from the Events budget, cost centre 19060505 (Events), GL 457300 (Sponsorship: Events) and the split between financial and services support be confirmed;
- (e) the waiver of venue costs for City-owned venues for the event for each of the above financial years, be approved;
- (f) the waiver of poster and flag permission fees for each of the above financial years, be approved.

[The ANC abstained against the above decision and GOOD supported the decision with concern.]

ACTION: L DESOUZA-ZILWA, M PETER, V BOTTO

C 12/12/22 APPROVAL OF A 3-YEAR AGREEMENT FOR HOSTING 2DE NUWE JAAR MINSTRELS PARADE ON 2 JANUARY 2023, JANUARY 2024 AND JANUARY 2025

RESOLVED that:

- (a) a three-year sponsorship agreement with Kaapse Klopse Karnival Association for the 2de Nuwe Jaar Minstrels Parade for the 2022/23, 2023/24 and 2024/25 financial years, be approved. The agreement shall commence on 2 January 2023.
- (b) Council approved that an amount of R4 000 000 (15% VAT where applicable) be disbursed for the 2022/23 financial year from the Events budget, cost centre 19060505 (Events), GL 457300 (Sponsorship: Events) and the split between financial and services support be confirmed;
- (c) Council approved that an amount of R4 200 000 (15% VAT where applicable) be disbursed for the 2023/24 financial year from the Events budget, cost centre 19060505 (Events), GL 457300 (Sponsorship: Events) and the split between financial and services support be confirmed;
- (d) Council approved that an amount of R4 410 000 (15% VAT where applicable) be disbursed for the 2024/25 financial year from the Events budget, cost centre 19060505 (Events), GL 457300 (Sponsorship: Events) and the split between financial and services support be confirmed;
- (e) the waiver of venue cost for City-owned venues for the event for each of the above financial years, be approved;

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- (f) the waiver of poster and flag permission fees for each of the above financial years, be approved.

ACTION: L DESOUZA-ZILWA, V BOTTO

C 13/12/22 REQUEST FOR APPROVAL OF AN INFORMAL TRADING PLAN IN TERMS OF THE CITY OF CAPE TOWN'S INFORMAL TRADING BY-LAW FOR OTTERY IN WARD 66

RESOLVED that:

- (a) the review of the Ottery Informal Trading Plan in Ward 66, be approved
- (b) based on the process prescribed in the Informal Trading By-law, the Ottery Informal Trading Plan for Ward 66 be adopted, and that the following proposed areas be declared new trading spaces as indicated in Annexure A to J, in the Subcouncil report attached as Appendix A to the report on the agenda.
- (c) the comments in Annexure L, in the Subcouncil report attached as Appendix A to the report on the agenda, emanating from the external public participation process be noted and the responses provided by Area Economic Development, be supported
- (d) the objections contained in Annexure L in the Subcouncil report attached as Appendix A to the report on the agenda, not be upheld for the reasons stated in the report
- (e) the trading conditions summarised under Section 7.2 in the Subcouncil report attached as Appendix A to the report on the agenda, be approved
- (f) the areas indicated in Annexures A to J in the Subcouncil report attached as Appendix A to the report on the agenda, be declared areas in which the commencement of business of street vendors, peddlers or hawkers is prohibited, with the exception of the informal trading bays reflected in Annexure A to J in the Subcouncil report attached as Appendix A to the report on the agenda.
- (g) the areas indicated in Annexures A to J in the Subcouncil report attached as Appendix A to the report on the agenda, Ottery, Ward 66 be declared areas that are restricted to persons with a valid informal trading permit issued by the City of Cape Town
- (h) the trading bays mentioned in Annexures A to J in the Subcouncil report attached as Appendix A to the report on the agenda, be let out by means of a permit system and that no street vending, peddling or hawking be permitted in these demarcated informal

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trading bays without a valid permit for the proposed informal trading bays

- (i) the trading hours for all approved informal trading sites be from 06:00 to 19:00 from Mondays to Sundays or as dictated by the facility it is within
- (j) in terms of the provisions of the Businesses Act, Act 71 of 1991, the proclamation published in the Province of the Western Cape Provincial Gazette Notice 5634 of 24 November 2000, be repealed
- (k) the amended, approved informal trading plan be published in the Provincial Gazette in terms of the Informal Trading By-law.

ACTION: T APPLES, M MILLER, L GREYLING, R GELDERBLOEM

C 14/12/22 REQUEST FOR APPROVAL OF AN INFORMAL TRADING PLAN IN TERMS OF THE CITY OF CAPE TOWN'S INFORMAL TRADING BY-LAW FOR STEENBERG IN WARD 68

RESOLVED that:

- (a) the review of the Steenberg Informal Trading Plan in Ward 68, be approved
- (b) based on the process prescribed in the Informal Trading By-law, the Steenberg Informal Trading Plan for Ward 68 be adopted, and that the following proposed areas be declared new trading spaces as indicated in Annexure B to Q, in the Subcouncil report attached as Appendix A to the report on the agenda
- (c) the comments in Annexure S, in the Subcouncil report attached as Appendix A to the report on the agenda, emanating from the external public participation process be noted and the responses provided by Area Economic Development, be supported
- (d) the objections contained in Annexure S in the Subcouncil report attached as Appendix A to the report on the agenda, not be upheld for the reasons stated in the report
- (e) the trading conditions summarised under Section 7.3 in the Subcouncil report attached as Appendix A to the report on the agenda, be approved
- (f) the areas indicated in Annexures B to Q in the Subcouncil report attached as Appendix A to the report on the agenda, be declared areas in which the commencement of business of street vendors, peddlers or hawkers is prohibited, with the exception of the informal trading bays

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- (g) the areas indicated in Annexures B to Q in the Subcouncil report attached as Appendix A to the report on the agenda, Steenberg, Ward 68 be declared areas that are restricted to persons with a valid informal trading permit issued by the City of Cape Town; reflected in Annexure B to Q in the Subcouncil report attached as Appendix A to the report on the agenda.
- (h) the trading bays mentioned in Annexures B to Q in the Subcouncil report attached as Appendix A to the report on the agenda, be let out by means of a permit system and that no street vending, peddling or hawking be permitted in these demarcated informal trading bays without a valid permit for the proposed informal trading bays
- (i) the trading hours for all approved informal trading sites be from 06:00 to 19:00 from Mondays to Sundays
- (j) in terms of the provisions of the Businesses Act, Act 71 of 1991, the proclamation published in the Province of the Western Cape Provincial Gazette Notice 6451 of 24 July 2007, be repealed
- (k) the amended, approved informal trading plan be published in the Provincial Gazette in terms of the Informal Trading By-law.

[AJ recorded their vote against the above decision.]

ACTION: T APPLES, S NANABHAY, M MILLER, L GREYLING, T HADINGHAM, R GELDERBLOEM

C 15/12/22 PROPOSED ROAD CLOSURE OF PUBLIC ROAD, PORTIONS OF NELSON MANDELA BOULEVARD ADJOINING ERVEN 237 AND 270 ROGGEBAAI

RESOLVED that in terms of Section 4 of the Immovable Property By-law, 2015, approval be granted for the closure of portions of Nelson Mandela Boulevard adjoining Erven 237 and 270 Roggebaai, measuring approximately 2 150 m² in extent, being a Public Road.

ACTION: S NHIWATIWA, T LEWIS, M SIMS, R GELDERBLOEM

C 16/12/22 PROPOSED GRANTING OF IN-PRINCIPLE APPROVAL FOR THE TRANSFER OF VACANT REMAINDER ERF 9716 DELFT, LOCATED AT 514 DELFT MAIN ROAD, DELFT SOUTH

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 remainder Erf 9716 Delft, situated at 514 Delft Main Road, Delft South, approximately 1 991 m² in extent,

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zoned General Business 1, as shown on Plan LIS 2494 attached as Annexure A to the report on the agenda, is not required for the provision of the minimum level of basic municipal services;

(ii) It be confirmed that the fair market value of the asset described in (a)(i) and the economic and community value to be received in exchange for the asset described in (a)(i) have been considered.

(b) in terms of Regulation 5(1)(b) of the Municipal Asset Transfer Regulations (MATR), R.878 promulgated on 22 August 2008, in-principle approval be granted for the disposal of remainder Erf 9716, Delft as described in (a)(i) above.

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

ACTION: S NHIWATIWA, T LEWIS, M SIMS, R GELDERBLOEM

C 17/12/22 PROPOSED CLOSURE OF PUBLIC ROADS: PORTIONS OF ERVEN 12792, 12776, 12779 AND 15824 GOODWOOD (ELSIES RIVER)

RESOLVED that, in terms of section 4(2)(f) of the City of Cape Town: Immovable Property By-law, 2015, approval be granted that the City may, by Notice in the Provincial Gazette, close Public Roads being portions of Erven 12792, 12776, 12779 and 15824 Goodwood as depicted by the figures A, B, C, D, E, F, G and H on the copy of the Surveyor General Noting Sheet attached as Annexure A to the report on the agenda.

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

ACTION: P STRUMPHER, R SCHNACKENBERG, M SIMS, R GELDERBLOEM

C 18/12/22 REVIEW AND APPROVAL OF THE MANAGEMENT OF FOREIGN CURRENCY EXCHANGE RISK POLICY

RESOLVED that:

- (a) the non-requirement for this policy review to undergo a public participation process, be noted.
- (b) the review of the Management of Foreign Currency Exchange Risk Policy, be noted
- (c) the revised Management of Foreign Currency Exchange Risk Policy attached as Annexure A to the report on the agenda, be approved.

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

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ACTION: H ROBBINS, D VALENTINE, K JACOBY

C 19/12/22 SUBMISSION OF THE DRAFT FILM POLICY FOLLOWING PUBLIC PARTICIPATION PROCESS

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

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

ACTION: L DESOUZA-ZILWA, V BOTTO

C 20/12/22 PROPOSED AMENDMENT TO THE CITY OF CAPE TOWN SPECIAL RATING AREA BY-LAW (2012) AND THE CITY OF CAPE TOWN SPECIAL RATING AREA AMENDMENT BY-LAW (2016) TO BE CONSOLIDATED AND RENAMED TO THE CITY IMPROVEMENT DISTRICT BY-LAW

UNANIMOUSLY RESOLVED that:

- (a) the City of Cape Town Special Rating Area By-law (2012) and Special Rating Area Amendment By-law (2016) be consolidated and renamed to the City Improvement District By-law
- (b) the City Improvement District By-law, be adopted.

ACTION: E SCOTT, E NAUDE, H COLE, T ZEEMAN, R MCGAFFIN

C 21/12/22 PROPOSED AMENDMENT TO THE CITY OF CAPE TOWN SPECIAL RATING AREA POLICY (2017) TO BE RENAMED TO THE CITY IMPROVEMENT DISTRICT POLICY

RESOLVED that:

- (a) the City of Cape Town Special Rating Area Policy (2017) be renamed to the City Improvement District Policy
- (b) the City Improvement District Policy, be adopted.

ACTION: E SCOTT, E NAUDE, H COLE, T ZEEMAN, R MCGAFFIN

C 22/12/22 SUBMISSION OF THE DIEP RIVER ESTUARY MANAGEMENT PLAN TO THE WESTERN CAPE GOVERNMENT MINISTER OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING FOR APPROVAL IN TERMS OF SECTION 9.1(1)(a) OF THE NATIONAL ESTUARINE MANAGEMENT PROTOCOL

RESOLVED that:

- (a) the Diep River Estuary Management Plan, be approved.

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- (b) the submission of the Diep River Estuary Management Plan to the Western Cape Government Minister of Environmental Affairs and Development Planning for approval in terms of section 9.1(1)(a) the National Estuarine Management Protocol, be approved
- (c) the report on the Diep River Estuary Management Plan be submitted to the Section 80 Water Quality in Wetlands and Waterways Advisory Committee for noting.

[GOOD supported the decision with concern.]

ACTION: D COLENBRANDER, L GERRANS, R MCGAFFIN, M CAROLUS

At this stage, namely 12H30, the Speaker announced that the meeting would adjourn for lunch. The meeting recommenced at 13H25.

C 23/12/22 REQUEST FOR APPROVAL FOR ADDITIONAL FUNDING FOR THE CONGESTION MANAGEMENT PROGRAMME FOR THE 3 YEARS BEYOND MTREF PERIOD: YEARS 2025/26 TO 2027/28

Cllr R Quintas, seconded by Cllr S Mbandezi, proposed the following amendment to the recommendation:

“ Council to approve:

- (c) *the reduction of the previously approved R953.5m for the Traffic Congestion Programme by R10m to fund the increase in payments to the Vehicle Operating Companies due to the increase in diesel prices. The budget for the payment to Vehicle Operating Companies will be adjusted in the January 2023 Adjustment Budget*
- (d) *that the R10m be transferred from the CRR: Traffic Congestion to Accumulated Surplus in the 2022/23 financial year*
- (e) *the Traffic Congestion Programme budget will be reduced accordingly.”*

The amendment to the recommendation was duly supported

RESOLVED that:

- (a) the request for an additional R530 m for the Congestion Relief Programme on the Urban Mobility Directorate's Capital Expenditure Programme to be funded, ex CRR: Congestion Relief, as indicated in the table below, be approved:

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Financial Year	2025/26	2026/27	2027/28	Total
Provision of additional funding (ex CRR)	R178.50 m	R 235.80 m	R115.70 m	R530 m

- (b) the Urban Mobility Directorate submit reports on the Congestion Relief Programme Projects every 6 months to the Urban Mobility Portfolio Committee
- (c) the reduction of the previously approved R953.5m for the Traffic Congestion Programme by R10m to fund the increase in payments to the Vehicle Operating Companies due to the increase in diesel prices. The budget for the payment to Vehicle Operating Companies will be adjusted in the January 2023 Adjustment Budget
- (d) the R10m be transferred from the CRR: Traffic Congestion to Accumulated Surplus in the 2022/23 financial year
- (e) the Traffic Congestion Programme budget be reduced accordingly.

ACTION: T VIEIRA, N SLINGERS, D CAMPBELL

C 24/12/22 AWARDING OF CONTRACT WHICH WILL INCUR FINANCIAL OBLIGATIONS BEYOND THE BUDGET CYCLE: TENDER 253S/2019/20 - CLEANING OF WINDOWS, LEDGES AND DIFFICULT TO REACH AREAS (INTERNAL AND EXTERNAL) AT COUNCIL FACILITIES FOR THE CITY OF CAPE TOWN

RESOLVED that:

- (a) Council determined that the City of Cape Town will secure a significant financial economic benefit from the contract through keeping the window-cleaning contract for a period exceeding three financial years
- (b) the entire contract exactly as it is to be executed incurring a financial obligation in the estimated amount R15 032 128.61 (incl. VAT apportionment rate adjustment) as confirmed in financial footnotes attached to the report on the agenda, be approved
- (c) the City Manager, or his nominee, be authorised to sign the above contract.

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

ACTION: K SMITH, E SASS, S ABEL

C 25/12/22 AWARDING OF CONTRACT WHICH WILL INCUR FINANCIAL OBLIGATIONS BEYOND THE BUDGET CYCLE: TENDER 213C/2021/22 PROVISION OF PROFESSIONAL SERVICES IN

RESPECT OF THE DESIGN & CONSTRUCTION MONITORING OF IRT DEPOT FACILITY, WYNBERG

RESOLVED that:

- (a) Council determined that the City of Cape Town will secure a significant financial economic benefit from the contract
- (b) the entire contract, exactly as it is to be executed, incurring a financial obligation for six financial years and in the estimated amount of R27 403 415.00 (including VAT), be approved
- (c) the City Manager, or his nominee, be authorised to sign the above contract.

ACTION: N BILLINGS, R MELODY, D CAMPBELL, S ABEL

C 26/12/22 AWARDING OF CONTRACT WHICH WILL INCUR FINANCIAL OBLIGATIONS BEYOND THE BUDGET CYCLE: TENDER: 349C/2020/21 FRAMEWORK TENDER FOR THE PROVISION OF PROFESSIONAL SERVICES: INTEGRATED TRANSPORT PLANNING

RESOLVED that:

- (a) Council determined that the City of Cape Town will derive a significant financial economic benefit from the contract: Framework Tender for the Provision of Professional Services: Integrated Transport Planning for a period not exceeding five (5) years
- (b) the entire contracts exactly as it is to be executed incurring a financial obligation for a period not exceeding five (5) years and in the estimated amount of R 15 000 000.00 (excluding VAT and contingency) or R 15 618 000.00 (including contingency and excluding VAT) and R17 960 700.00 (including contingency and VAT) as confirmed in the financial footnote attached to the report on the agenda, initially funded from item number: G15.00021-F, be approved
- (c) the City Manager, or his nominee, be authorised to sign the above contract(s).

ACTION: M SWART, N SLINGERS, D CAMPBELL, S ABEL

C 27/12/22 AWARDING OF CONTRACT WHICH WILL INCUR FINANCIAL OBLIGATIONS BEYOND THE BUDGET CYCLE: TENDER NO 97Q/2021/22: CONSTRUCTION OF WITZANDS AQUIFER RECHARGE INFRASTRUCTURE AND ASSOCIATED BULK SERVICES FOR THE CITY OF CAPE TOWN: PHASE 1: BASINS 6 & 9.

RESOLVED that:

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- (a) Council determined that the City of Cape Town will derive a significant financial economic benefit from this contract
- (b) the entire contract exactly as it is to be executed, incurring a financial obligation over a period for the financial years 2022/23, 2023/24, 2024/25, 2025/26, 2026/27 and 2027/28 estimated duration of 60 months including 12 month defects liability period and 48 months excluding Defects Liability Period in the estimated amount of R102 843 478.27 (including contingencies and excluding VAT), plus an allowance for Contract Price Adjustment estimated in the amount of R7 256 364 (excluding VAT), funded from Capital Approval objects as confirmed in the financial footnote attached to the report on the agenda, be approved
- (c) the City Manager, or his nominee, be authorised to sign the above contract.

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

ACTION: M KILLICK, M WEBSTER, S ABEL

C 28/12/22 AWARDING OF CONTRACTS WHICH WILL INCUR FINANCIAL OBLIGATIONS BEYOND THE BUDGET CYCLE: TENDER 149S/2021/22: CLEANING OF SEWER INFRASTRUCTURE BY MECHANICAL MEANS

RESOLVED that:

- (a) Council determined that the City of Cape Town will secure a significant financial economic benefit from the contracts.
- (b) the entire contracts exactly as it is to be executed incurring a financial obligation for Five (5) Financial Years and in the estimated amount of R360 000 000.00 (excluding VAT); with a contracts provision for rates price adjustment as per the SCMBAC resolution, be approved
- (c) the City Manager, or his nominee, be authorised to sign the above contract(s).

ACTION: Z BASHOLO, M WEBSTER, S ABEL

C 29/12/22 AWARDING OF CONTRACT WHICH WILL INCUR FINANCIAL OBLIGATIONS BEYOND THE BUDGET CYCLE: TENDER NO. 100C/2021/22 – ADVANCED METERING INFRASTRUCTURE (AMI) AND READING SYSTEM FOR WATER - PLANNING, DESIGN AND IMPLEMENTATION MANAGEMENT

RESOLVED that:

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- (a) Council determined that the City of Cape Town will secure a significant financial economic benefit from the contract.
- (b) Council approves the entire contract exactly as it is to be executed incurring a financial obligation for 10 Financial Years until 30 June 2032 and in the estimated amount of R240 000 000 (excluding VAT and including a contract provision for contract price adjustment (CPA) as per the SCMBAC resolution), be approved
- (c) the City Manager, or his nominee, be authorised to sign the above contract(s).

[GOOD supported the decision with concern.]

ACTION: S BASHE, M KILLICK, M WEBSTER. S ABEL

C 30/12/22 REFUSAL REPORT: PROPOSED CLOSURE AND DISPOSAL OF A PORTION OF REMAINDER ERF 41960 CAPE TOWN TO THE OWNER OF THE ADJACENT ERF 169108 CAPE TOWN (RONDEBOSCH EAST): FALDIE JACKSON AND SOUCHAN GASANT JACKSON

RESOLVED that:

- (a) for the reasons set out in the report on the agenda, the application by Faldie and Souchan Gasant Jackson, the owners of Erf 169108, Cape Town situated on the corner of First Avenue and Staff Street, Rondebosch East, to purchase from the City a portion of Erf 41960, Cape Town (Public Street), measuring in extent approximately 20 m² and shown hatched and lettered ABCD on Plan STC 3213 attached as Annexure A to the report on the agenda, be refused
- (b) the objection from the Transport Impact Assessment and Development Control Branch be upheld for the reasons set out in the report on the agenda.

ACTION: M L CARELSE, C DAVIS, R SCHNACKENBERG, M SIMS, R GELDERBLOEM

C 31/12/22 PROPOSED TRANSFER OF A PORTION OF ERF 48689 CAPE TOWN SITUATED OFF PATERSON STREET, NEWLANDS, ABUTTING ERF 49250 CAPE TOWN: ANDREW DOUGLAS BAILEY

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 the subject property being a portion of Erf 48689, Cape Town situated off Paterson Street, Newlands, in extent approximately 9 m², as shown by the hatched figure

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lettered ABCD on Plan 130006660 attached as Annexure A to the report on the agenda, is not required for the provision of the minimum level of basic municipal services;

- (ii) It be confirmed that the fair market value of the asset described in (a)(i) and the economic and community value to be received in exchange for the asset described in (a)(i) have been considered.
- (b) in terms of Regulation 5(1)(b)(ii) of the Municipal Asset Transfer Regulations (MATR), R.878 promulgated on 22 August 2008, in-principle approval be granted for the transfer of a portion of Erf 48689, Cape Town situated off Paterson Street, Newlands, in extent approximately 9 m², as shown by the hatched figure lettered ABCD on Plan 130006660 attached as Annexure A to the report on the agenda.
- (c) the transfer of a portion of Erf 48689, Cape Town situated off Paterson Street, Newlands, in extent approximately 9 m², as shown by the hatched figure lettered ABCD on Plan 130006660 attached as Annexure A to the report on the agenda, to Andrew Douglas Bailey, or his successor(s)-in-title, be approved, subject to the following conditions, that:
 - (i) A purchase price of R72 000 excluding VAT be payable;
 - (ii) The purchase price is to escalate at 5% per annum compounded annually on a pro-rata basis commencing 6 months from date of valuation, i.e. from 1 June 2022 until date of registration;
 - (iii) The market value be re-assessed if the transaction is not approved within 36 months from date of valuation, i.e. 30 November 2024.
 - (iv) Subject to such further conditions to be imposed by the Director: Property Management in terms of her delegated authority, *inter alia*, the following:
 - (aa) that all further statutory and land use requirements be complied with;
 - (bb) the subject property being a portion Erf 48689, Cape Town be consolidated with the applicant's Erf 49250, Cape Town;
 - (cc) the current lease to run until date of registration;
 - (dd) all costs related and incidental to the transaction be borne by the purchaser.

ACTION: M L CARELSE, C DAVIS, R SCHNACKENBERG, M SIMS, R GELDERBLOEM

C 32/12/22 PROPOSED TRANSFER OF PRIMARY HEALTH CARE FACILITIES TO THE WESTERN CAPE GOVERNMENT: PORTION OF REMAINDER ERF 4431 AND ERVEN 4783 & 8241 DURBANVILLE: DURBANVILLE COMMUNITY DAY CARE (CDC), DE VILLIERS STREET, DURBANVILLE

RESOLVED that:

- (a) in terms of Regulation 20(1)(f)(i) of the Municipal Asset Transfer Regulations (MATR), R.878 promulgated on 22 August 2008, that a portion of Remainder Erf 4431 and Erven 4783 and 8241 Durbanville, shown lettered ABCDEFGH on Plan 130007155v1, attached as Annexure A to the report on the agenda, and in extent approximately 6 205 m², is not required for the provision of any minimum level of basic municipal services and is surplus to the requirements of the Municipality.
- (b) the transfer of a portion of Remainder Erf 4431 and Erven 4783 and 8241 Durbanville, shown lettered ABCDEFGH on Plan 130007155v1, attached as Annexure A to the report on the agenda, and in extent approximately 6 205 m², to the Western Cape Department of Transport and Public Works, or its successor(s) in title, be approved, subject inter alia to the following conditions, that:
 - (i) A discounted purchase price of **R1 856 500**, excluding VAT, be payable, which amount is **10%** of the full market value of R18 565 000;
 - (ii) The purchase price is to be adjusted by 5% per annum compounded annually on a pro rata basis, commencing 6 months after the date of valuation, i.e. from 1 January 2023, until the date of registration;
 - (iii) The valuation is to be reassessed if not approved by the delegated decision making authority of Council within 36 months from date of valuation, i.e. by 30 June 2025;
 - (iv) Rates and municipal charges, if applicable, be levied;
 - (v) Subject to such further conditions imposed by the Director: Property Management in terms of her delegated authority, including inter alia the following:
 - (aa) that the land only be utilized for health care and ancillary use purposes under jurisdiction of the Western Cape Health Department, and the transfer of the land be

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subject to a suitable reversionary clause in order to enforce compliance;

- (bb) that all further statutory and land use requirements be complied with;
 - (cc) that the subject properties be consolidated to form a single holding;
 - (dd) that 3 m wide service servitudes be registered over the underground municipal services traversing the properties, and as indicated on Plan 130007155v1 attached as Annexure A to the report on the agenda;
 - (ee) that the Western Cape Department of Transport and Public Works apply to the City's Development Management Department to relax the properties' building lines in order to maximise the available extent required for expansions and upgrades to the health care facility; and
 - (ff) that all costs related and incidental to the transaction be borne by the purchaser.
- (c) prior occupation be granted to the Western Cape Department of Health, without payment of occupational rent, and subject to a prior occupation agreement being concluded with the City; and
- (d) it be confirmed that, when considering the alienation of the land at less than market value, the contents of Regulation 20(1)(f)(ii) of the MATR has been duly taken into consideration.

ACTION: P STRUMPHER, B MALI-SWELINDAWO, R SCHNACKENBERG, M SIMS, R GELDERBLOEM

C 33/12/22 REVIEW AND AMENDMENT OF PREVIOUS COUNCIL RESOLUTION C20/08/19 TAKEN IN RESPECT OF THE TRANSFER OF ERF 15273 KRAAIFONTEIN (EMITHINI PRIMARY SCHOOL) TO THE DEPARTMENT TRANSPORT AND PUBLIC WORKS, WESTERN CAPE GOVERNMENT

RESOLVED that:

- (a) Paragraph (b) of Council resolution number C 20/08/19, taken on 23 August 2019, be reviewed and amended as follows:

That the transfer of Erf 15372, Kraaifontein, shown lettered ABCDEFGHJ on Plan TA 905V1 marked Annexure A to the report on the agenda, in extent 19 967 m², to the Western Cape Department of

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Transport and Public Works, or their successor(s) in title, be approved, subject *inter alia* to the following conditions, that:

- (i) A reduced purchase price of **R9/m²**, excluding VAT, be payable, which amount is **10%** of the full market value of R90/m² **and that the transaction proceed on the rand per square metre rate;**
 - (ii) The final sales price is to be determined upon survey of the subject property and the portion to be transferred to the purchaser as Phase 1, and that the remainder of the property, currently being invaded, be transferred as Phase 2 as and when the City (the seller) is able to provide the purchaser with vacant occupation;
 - (iii) The purchase price is to be adjusted by 5% per annum compounded annually on a pro-rata basis, commencing from 6 months after date of valuation, i.e. from 1 March 2023, until date of registration;
 - (iv) The valuation is to be reviewed if not approved by the City's delegated authority within 36 months from date of valuation, i.e. by 31 August 2025;
 - (v) Rates and municipal charges, if applicable, be levied; and
 - (vi) Subject to such further conditions to be imposed by the Acting Director: Property Management in terms of his delegated authority, including *inter alia*, the following:
 - (aa) that any statutory and land use requirements be complied with;
 - (bb) a suitable reversionary clause is to be inserted on the title deed that limits the use of the subject property to Community use; and
 - (cc) that all costs related and incidental to the transaction be borne by the purchaser.
- (b) it be confirmed that, when considering the alienation of the land at less than market value, the contents of Regulation 20(1)(f)(ii) of the MATR has been duly taken into consideration.

[GOOD supported the decision with concern.]

ACTION: P STRUMPHER, B MALI-SWELINDAWO, R SCHNACKENBERG, M SIMS, R GELDERBLOEM

C 34/12/22 GRANTING OF IN-PRINCIPLE APPROVAL: PROPOSED TRANSFER OF A PORTION OF REMAINDER ERF 64 LOUMAR

PROPOSED CLOSURE OF A PORTION OF PUBLIC ROAD: REMAINDER ERF 64 LOUMAR

PROPOSED TRANSFER OF A PORTION OF REMAINDER ERF 64 LOUMAR TO OWNER OF ADJACENT ERF 72 LOUMAR: MAHENKA PROPERTIES (PTY) LTD

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 the subject property, being a portion of Remainder Erf 64 Loumar, situated off Keast Street in extent approximately 25 m² as shown hatched and lettered ABC on Plan 130009042v1 attached as Annexure A to the report on the agenda, is not required for the provision of the minimum level of basic municipal services;
 - (ii) It be confirmed that the fair market value of the asset described in (a)(i) and the economic and community value to be received in exchange for the asset described in (a)(i) have been considered.
- (b) in terms of Regulation 5(1)(b)(ii) of the Municipal Asset Transfer Regulations (MATR), R.878 promulgated on 22 August 2008, in-principle approval be granted for the transfer of a portion of Remainder Erf 64 Loumar situated off Keast Street, in extent approximately 25 m² as shown hatched and lettered ABC on Plan 130009042v1 attached as Annexure A to the report on the agenda.
- (c) in terms of section 4 of the City of Cape Town Immovable Property By-law, 2015, approval be granted for the closure of the subject property being a portion of a public road, being a portion of Remainder Erf 64 Loumar, in extent approximately 25 m² as shown hatched and lettered ABC on Plan 130009042v1, attached as Annexure A to the report on the agenda.
- (d) the transfer of a portion of Remainder Erf 64 Loumar, in extent approximately 25 m² as shown hatched and lettered ABC on Plan 130009042v1, attached as Annexure A to the report on the agenda, to Mahenka Properties (Pty) Ltd, or their successor(s)- in-title, be approved, subject to the following conditions, that:
 - (i) A purchase price of R55 000 excluding VAT be payable;

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- (ii) The purchase price is to be escalated by 5% per annum compounded annually on a pro-rata basis, commencing 6 months after date of valuation, i.e. from 1 August 2022, until date of registration;
- (iii) The valuation is to be reviewed if not implemented within 36 months from date of valuation, i.e. by 31 January 2025;
- (iv) Rates and municipal charges, if applicable, be levied;
- (v) Subject to such further conditions to be imposed by the Director: Property Management in terms of her delegated authority, including *inter alia*, the following:
 - (aa) that all further statutory and land use requirements be complied with;
 - (bb) that the subject portion of Remainder Erf 64 Loumar be consolidated with the purchaser's Erf 72 Loumar; and
 - (cc) that all costs related or incidental to the transaction be borne by the purchaser.

ACTION: P STRUMPHER, B MALI-SWELINDAWO, R SCHNACKENBERG, M SIMS, R GELDERBLOEM

C 35/12/22 PROPOSED TRANSFER OF ERF 39574 BELLVILLE: MYOLISI NONGQAYI

PROPOSED CLOSURE OF PUBLIC PLACE, ERF 39574 BELLVILLE

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 the subject property, being Erf 39574, Bellville situated off Kappertjie Street, Sarepta, in extent 257 m² as shown cross-hatched and lettered ABCDE on Plan ET 799 attached as Annexure A to the report on the agenda, is not required for the provision of the minimum level of basic municipal services;
 - (ii) It be confirmed that the fair market value of the asset described in (a)(i) and the economic and community value to be received in exchange for the asset described in (a)(i) have been considered.
- (b) in terms of Regulation 5(1)(b)(ii) of the Municipal Asset Transfer Regulations (MATR), R.878, promulgated on 22 August 2008, in-

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principle approval be granted for the transfer of Erf 39574, Bellville situated off Kappertjie Street, Sarepta, in extent 257 m² as shown cross-hatched and lettered ABCDE on Plan ET 799 attached as Annexure A to the report on the agenda

- (c) in terms of section 4 of the City of Cape Town Immovable Property By-law, 2015, approval be granted for the closure of the subject property being a portion of a public place, being Erf 39574, in extent 257 m² as shown cross-hatched and lettered ABCDE on Plan ET 799 attached as Annexure A to the report on the agenda.
- (d) the transfer of Erf 39574, Bellville in extent 257 m² as shown cross-hatched and lettered ABCDE on Plan ET 799 attached as Annexure A to the report on the agenda, to Myolisi Nongqayi or his/her/its successor(s) in title, be approved, subject to the following conditions, that:
 - (i) A purchase price of R180 000.00 excluding VAT be payable;
 - (ii) The purchase price is to be escalated by 5% per annum compounded annually on a pro-rata basis, commencing 6 months from date of valuation, i.e. from 2023-01-01, until date of registration;
 - (iii) 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 2025-06-30);
 - (iv) Rates and municipal charges, if applicable, be levied;
 - (v) Subject to such further conditions to be imposed by the Director: Property Management in terms of her delegated authority, including *inter alia*, the following:
 - (aa) that all further statutory and land use requirements be complied with;
 - (bb) that the subject property, Erf 39574 Bellville be consolidated with the purchaser's Erf 39573 Bellville;
 - (cc) that a service servitude be registered over the underground municipal services traversing the subject property;
 - (dd) that all costs related and incidental to the transaction be borne by the purchaser.

ACTION: A KLUE, D GEYSMAN, M SIMS, R GELDERBLOEM

C 36/12/22 PROPOSED TRANSFER OF ERF 4140 GUGULETHU (PROPOSED BARCELONA COMMUNITY HEALTH CARE FACILITY): DEPARTMENT TRANSPORT AND PUBLIC WORKS, WESTERN CAPE GOVERNMENT

RESOLVED that:

- (a) in terms of Regulation 20(1)(f)(i) of the Municipal Asset Transfer Regulations (MATR), R.878, promulgated on 22 August 2008, Erf 4140 Gugulethu, shown lettered ABCDEFG on Plan STC 3097, attached as Annexure A to the report on the agenda, and in extent 10 488 m², is not required for the provision of any minimum level of basic municipal services and is surplus to the requirements of the Municipality
- (b) it be confirmed that, when considering the alienation of the land at less than market value, the contents of Regulation 20(1)(f)(ii) of the MATR has been duly taken into consideration.
- (c) the transfer of Erf 4140 Gugulethu, located at the corner of Luzuko Drive and Buyelwa Tshandu Street, Gugulethu, and shown lettered ABCDEFG on Plan STC 3097, attached as Annexure A to the report on the agenda, and in extent 10 488 m², to the Western Cape Department of Transport and Public Works, or its successor(s) in title, be approved, subject *inter alia*, to the following conditions, that:
 - (i) A discounted purchase price of **R183 500**, excluding VAT, which amount is **10%** of the full market value of R1 835 000, be payable;
 - (ii) The purchase price is to be adjusted by 5% per annum compounded annually on a pro rata basis, commencing 6 months after the date of valuation, i.e. from 1 April 2022, until the date of registration of transfer;
 - (iii) The valuation is to be reassessed if not approved by the delegated decision making authority of Council within 36 months from date of valuation, i.e. by 30 September 2024;
 - (iv) Rates and municipal charges, if applicable, be levied.
 - (v) Subject to such further conditions imposed by the Director: Property Management in terms of her delegated authority, including *inter alia*, the following:
 - (aa) that the land only be utilized for health care and ancillary use purposes under the jurisdiction of the Western Cape Health Department, and the transfer of the land will be subject to a suitable reversionary clause to be registered against the title deed of the property in order to enforce compliance;

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- (bb) that all further statutory and land use requirements be complied with;
 - (cc) that service servitudes be registered over the underground municipal services traversing the subject property; and
 - (dd) that all costs related and incidental to the transaction be borne by the purchaser.
- (d) any gain or loss incurred by the City in respect of the transfer of the asset be included in the adjustment budget, if not budgeted for in the approved annual budget.

[GOOD supported the decision with concern.]

ACTION: M L CARELSE, C DAVIS, R SCHNACKENBERG, R SCHNACKENBERG, M SIMS, R GELDERBLOEM

C 37/12/22 PROPOSED DISPOSAL BY WAY OF DEMOLITION OF A BUILDING STRUCTURE LOCATED ON ERF 18588 KHAYELITSHA

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 18588 Khayelitsha as indicated as ABCDEFGHJ on Plan ET 598 attached as Annexure A to the report on the agenda, is not required for the provision of the minimum level of basic municipal services;
 - (ii) It be confirmed that the fair market value of the asset described in (a)(i) and the economic and community value to be received in exchange for the asset described in (a)(i) have been considered.
- (b) in terms of Regulation 5(1)(b)(ii) of the Municipal Asset Transfer Regulations (MATR), R.878 promulgated on 22 August 2008, in-principle approval be granted for the disposal by way of demolition of Erf 18588 Khayelitsha as indicated as ABCDEFGHJ on Plan ET 598, attached as Annexure A to the report on the agenda
- (c) the disposal by way of demolition of the structures on City-owned land, being Erf 18588 Khayelitsha as indicated as ABCDEFGHJ on Plan ET 598 attached as Annexure A to the report on the agenda, be approved
- (d) the community be engaged on the future of the vacant property.

ACTION: A KLUE, D GEYSMAN, R SCHNACKENBERG, M SIMS, R GELDERBLOEM

C 38/12/22 PROPOSED TRANSFER OF PORTIONS OF ERVEN 1 AND 2229, GORDON'S BAY: MANANA TRUST

PROPOSED CLOSURE OF A PORTION OF PUBLIC PLACE, A PORTION OF ERF 2229, GORDON'S BAY

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 the subject property, being portions of Erven 1 and 2229 Gordon's Bay situated off Protea Drive, Gordon's Bay, in extent approximately 130 m² as shown by the figure ABCD curve EFGA shown hatched on Plan 130008180 attached as Annexure A to the report on the agenda, is not required for the provision of the minimum level of basic municipal services;
 - (ii) It be confirmed that the fair market value of the asset described in (a)(i) and the economic and community value to be received in exchange for the asset described in (a)(i) have been considered.
- (b) in terms of Regulation 5(1)(b)(ii) of the Municipal Asset Transfer Regulations (MATR), R.878 promulgated on 22 August 2008, in-principle approval be granted for the transfer of portions of Erven 1 and 2229 Gordon's Bay situated off Protea Drive, Gordon's Bay, in extent approximately 130 m² as shown by the figure ABCD curve EFGA shown hatched on Plan 130008180 attached as Annexure A to the report on the agenda
- (c) in terms of section 4 of the City of Cape Town Immovable Property By-law, 2015, approval be granted for the closure of a portion of a public place, being a portion of Erf 2229 Gordon's Bay, as shown by the figure ABCD curve EFGA shown hatched on Plan 130008180 attached as Annexure A to the report on the agenda
- (d) the transfer of portion of Erven 1 and 2229 Gordon's Bay as shown by the figure ABCD curve EFGA shown hatched on Plan 130008180 attached as Annexure A to the report on the agenda, to Manana Trust or its successor(s) in title, be approved, subject to the following conditions, that:
 - (i) A purchase price of R235 000 excluding VAT be payable;

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- (ii) The purchase price is to be escalated by 5% per annum compounded annually on a pro rata basis commencing 6 months from date of valuation (i.e. as from 2022-03-01) until date of registration;
- (iii) Occupational rental: An amount of R1 175 per month (excluding VAT) be charged with effect from 2022-03-01, which figure shall escalate at 6% per annum until date of registration of transfer of the subject property;
- (iv) 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 2023-08-31);
- (v) Rates and municipal charges, if applicable, be levied;
- (vi) Subject to such further conditions to be imposed by the Director: Property Management in terms of her delegated authority, including inter alia the following:
 - (aa) that all further statutory and land use requirements be complied with;
 - (bb) that the subject portions of Erven 1 and 2229 Gordon's Bay be consolidated with the purchaser's Erf 2140 Gordon's Bay;
 - (cc) that all costs related and incidental to the transaction be borne by the purchaser.

[GOOD supported the decision with concern.]

ACTION: A KLUE, D GEYSMAN, R SCHNACKENBERG, M SIMS, R GELDERBLOEM

C 39/12/22 PROPOSED GRANTING OF IN-PRINCIPLE APPROVAL FOR THE TRANSFER BY PUBLIC COMPETITION, OF THE CITY-OWNED ENCUMBERED PORTION OF STELLENBOSCH FARM 222 PORTION 62, SITUATED AT SAXDOWN ROAD, KUILS RIVER AND ZONED AGRICULTURAL (AG)

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 a portion of Stellenbosch Farm 222 Portion 62 situated at Saxdown Road, approximately 11.64 ha in extent, zoned Agriculture and shown lettered ABCD on Plan LIS2488 attached as Annexure A to the report on the agenda,

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is not required for the provision of the minimum level of basic municipal services;

- (ii) It be confirmed that the fair market value of the asset described in (a)(i) and the economic and community value to be received in exchange for the asset described in (a)(i) have been considered.
- (b) in terms of Regulation 5(1)(b) of the Municipal Asset Transfer Regulations (MATR), R.878 promulgated on 22 August 2008, in-principle approval be granted for the transfer of a portion of Stellenbosch Farm 222 Portion 62 situated at Saxdown Road as described in (a)(i).
- (c) Portion of Stellenbosch Farm 222 Portion 62 situated at Saxdown Road be transferred by way of public competition, subject to conditions to be imposed by the Director: Property Management in the exercise of her/his delegated authority
- (d) the comments and recommendations provided by Provincial Treasury, be noted
- (e) the objections submitted, not be upheld.

[The CCC, EFF and PAC recorded their votes against the above decision and GOOD supported the decision with concern.]

ACTION: R VAN WIJK, G VAN WYK, T LEWIS, M SIMS, R GELDERBLOEM

C 40/12/22 PROPOSED CLOSURE AND TRANSFER OF CITY-OWNED IMMOVABLE PROPERTY, BEING A PORTION OF ERF 14853 CAPE TOWN, SITUATED AT BRICKFIELD ROAD, SALT RIVER: SHAPERON PROPERTIES SHARE BLOCK (PTY) LTD

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 the subject property, being a portion of Erf 14853 Cape Town situated at Brickfield Road, Salt River, in extent approximately 4 m² as shown hatched and lettered ABC on Plan STC 3645 attached Annexure A to the report on the agenda, is not required for the provision of the minimum level of basic municipal services;
 - (ii) It be confirmed that the fair market value of the asset described in (a)(i) and the economic and community value to be received

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in exchange for the asset described in (a)(i) have been considered.

- (b) in terms of Regulation 5(1)(b)(ii) of the Municipal Asset Transfer Regulations (MATR), R.878, promulgated on 22 August 2008, in-principle approval be granted for the transfer of a portion of Erf 14853 Cape Town situated at Brickfield Road, Salt River, in extent approximately 4 m² as shown hatched and lettered ABC on Plan STC 3645 attached as Annexure A to the report on the agenda.
- (c) in terms of section 4 of the City of Cape Town Immovable Property By-law, 2015, approval be granted for the closure of the subject property being a portion of Erf 14853 Cape Town situated at Brickfield Road, Salt River, in extent approximately 4 m² as shown hatched and lettered ABC on Plan STC 3645 attached as Annexure A to the report on the agenda.
- (d) the transfer of a portion of Erf 14853 Cape Town situated at Brickfield Road, Salt River, in extent approximately 4 m² as shown hatched and lettered ABC on Plan STC 3645 attached as Annexure A to the report on the agenda, to Shaperon Properties Share Block (Pty) Ltd or their successor(s) in title, be approved, subject to the following conditions, that:
 - (i) A purchase price of R70 000, excluding VAT, be payable;
 - (ii) The purchase price is to be escalated by 5% per annum compounded annually on a pro rata basis commencing from 1 February 2021 until date of registration;
 - (iii) The valuation is to be reviewed if not approved by the relevant decision making authority of Council within 36 months from current date of valuation, i.e. by 30 June 2025;
 - (iv) An occupational rental of R550 per month shall be payable from 1 February 2021 escalating at 6% per annum, until date of registration of transfer;
 - (v) Rates and municipal charges, if applicable, be levied;
 - (vi) Subject to such further conditions to be imposed by the Director: Property Management in terms of her delegated authority, including inter alia the following:
 - (aa) that all further statutory and land use requirements be complied with;
 - (bb) that the subject portion of Erf 14853 Cape Town be consolidated with the purchaser's Erf 13756 Cape Town;

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- (cc) that all costs related and incidental to the transaction be borne by the purchaser.

ACTION: M L CARELSE, C DAVIS, R SCHNACKENBERG, M SIMS, R GELDERBLOEM

C 41/12/22 PROPOSED GRANTING OF RIGHT TO USE, CONTROL OR MANAGE MUNICIPAL CAPITAL ASSETS: TRANSFER OF BUILDING RIGHTS SERVITUDE (AIR RIGHTS SERVITUDE) OVER CITY-OWNED IMMOVABLE PROPERTY BEING A PORTION OF UNREGISTERED STATE LAND ABUTTING ERF 3413 CAPE TOWN (PUBLIC STREET), SITUATED ON LONG STREET, CAPE TOWN, IN FAVOUR OF ERF 3413 CAPE TOWN: MAVERICK PROPERTY GROUP (PTY) LIMITED

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 the subject property being a portion of Unregistered State Land abutting Erf 3413 Cape Town (Public Street), situated at Long Street, Cape Town, in extent approximately 25 m² (2 floors in total extent 50 m²), as shown by the hatched figure lettered ABCD, on Plan 130008301 attached as Annexure A to the report on the agenda, is not required for the provision of the minimum level of basic municipal services;
 - (ii) It be confirmed that the fair market value of the asset described in (a)(i) and the economic and community value to be received in exchange for the asset described in (a)(i) have been considered.
- (b) in terms of Regulation 5(1)(b)(ii) of the Municipal Asset Transfer Regulations (MATR), R.878, promulgated on 22 August 2008, in-principle approval be granted for the rights to use and control or manage municipal capital assets by way of granting a building rights servitude over a portion of Unregistered State Land abutting Erf 3413 Cape Town (Public Street), situated at Long Street, Cape Town, in extent approximately 25 m² (2 floors, in total extent 50 m²), as shown by the hatched figure lettered ABCD, on Plan 130008301 attached as Annexure A to the report on the agenda, which represents 2 balcony levels
- (c) the granting of rights to use and control or manage municipal capital assets by way of granting a building rights servitude over a portion of Unregistered State Land abutting Erf 3413 Cape Town (Public Street), situated at Long Street, Cape Town, in extent approximately 25 m² (2 floors, in total extent 50 m²), as shown by the hatched figure

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lettered ABCD, on Plan 130008301 attached as Annexure A to the report on the agenda, in favour of Erf 3413 Cape Town to: Maverick Property Group (Pty) Ltd, or their successor(s) in title, be approved, subject to the following conditions, that:

- (i) A compensation amount of R350 000, excluding VAT be payable;
- (ii) The compensation amount is to escalate at 5% per annum compounded annually on a pro-rata basis commencing 6 months from date of valuation (i.e. as from 1 April 2022) until date of registration;
- (iii) Occupational rental of R2 650 per month (excluding VAT) is to be adjusted by 6% per annum as from 1 April 2022, subject to the rental being payable from date of occupation, until date of registration;
- (iv) The market value be reassessed if the transaction is not approved within 36 months from date of valuation, i.e. 30 September 2024;
- (v) The building rights servitude is to be restricted to a maximum building envelope of 50 m²;
- (vi) Rates and municipal charges, if applicable, be levied;
- (vii) Subject to such further conditions to be imposed by the Director: Property Management in terms of her delegated authority, including inter alia the following:
 - (aa) that all further statutory and land use requirements be complied with;
 - (bb) that all costs related and incidental to the transaction be borne by the purchaser.

ACTION: M L CARELSE, C DAVIS, R SCHNACKENBERG, M SIMS, R GELDERBLOEM

The Speaker announced that Items C42 to C44 would be clustered for debate and that the decisions would be recorded separately.

C 42/12/22 PROPOSED TRANSFER OF PRIMARY HEALTH CARE FACILITIES TO THE WESTERN CAPE GOVERNMENT: PORTION OF ERF 7025 GOODWOOD: DIRKIE UYS COMMUNITY DAY CARE (CDC), DINGLE STREET, GOODWOOD

RESOLVED that:

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- (a) in terms of Regulation 20(1)(f)(i) of the Municipal Asset Transfer Regulations (MATR), R.878, promulgated on 22 August 2008, that a portion of Erf 7025 Goodwood, shown lettered ABCD on Plan 130007156v1, attached as Annexure A to the report on the agenda, and in extent approximately 1 770 m², is not required for the provision of any minimum level of basic municipal services and is surplus to the requirements of the Municipality
- (b) the transfer of a portion of Erf 7025 Goodwood, shown lettered ABCD on Plan 130007156v1, attached as Annexure A to the report on the agenda, and in extent approximately 1 770 m², to the Western Cape Department of Transport and Public Works, or its successor(s) in title, be approved, subject inter alia to the following conditions, that:
 - (i) A discounted purchase price of **R654 000**, excluding VAT, be payable, which amount is **10%** of the full market value of R6 540 000;
 - (ii) The purchase price is to be adjusted by 5% per annum compounded annually on a pro rata basis, commencing 6 months after the date of valuation, i.e. from 1 January 2023, until the date of registration;
 - (iii) The valuation is to be reassessed if not approved by the delegated decision making authority of Council within 36 months from date of valuation, i.e. by 30 June 2025;
 - (iv) Rates and municipal charges, if applicable, be levied;
 - (v) Subject to such further conditions imposed by the Director: Property Management in terms of her delegated authority, including inter alia the following:
 - (aa) that the land only be utilized for health care and ancillary use purposes under jurisdiction of the Western Cape Health Department, and the transfer of the land be subject to a suitable reversionary clause in order to enforce compliance;
 - (bb) that all further statutory and land use requirements be complied with; and
 - (cc) that all costs related and incidental to the transaction be borne by the purchaser.
- (c) prior occupation be granted to the Western Cape Department of Health, without payment of occupational rent, and subject to a prior occupation agreement being concluded with the City; and

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- (d) it be confirmed that, when considering the alienation of the land at less than market value, the contents of Regulation 20(1)(f)(ii) of the MATR has been duly taken into consideration.

ACTION: P STRUMPHER, B MALI-SWELINDAWO, R SCHNACKENBERG, M SIMS, R GELDERBLOEM

C 43/12/22 PROPOSED TRANSFER OF PRIMARY HEALTH CARE FACILITIES TO THE WESTERN CAPE GOVERNMENT: PORTION OF ERF 2845 SCOTTSDENE: SCOTTSDENE COMMUNITY HEALTH CENTRE (CHC), EOAN STREET, SCOTTSDENE

RESOLVED that:

- (a) in terms of Regulation 20(1)(f)(i) of the Municipal Asset Transfer Regulations (MATR), R.878, promulgated on 22 August 2008, that a portion of Erf 2845 Scottsdene, shown lettered ABCDEFGHJK on Plan 130007894v1, attached as Annexure A to the report on the agenda, and in extent approximately 3 522 m², is not required for the provision of any minimum level of basic municipal services and is surplus to the requirements of the Municipality
- (b) the transfer of a portion of Erf 2845 Scottsdene, shown lettered ABCDEFGHJK on Plan 130007894v1, attached as Annexure A to the report on the agenda, and in extent approximately 3 522 m², to the Western Cape Department of Transport and Public Works, or its successor(s) in title, be approved, subject inter alia to the following conditions, that:
- (i) A discounted purchase price of **R440 000**, excluding VAT, be payable, which amount is **10%** of the full market value of R4 400 000;
 - (ii) The purchase price is to be adjusted by 5% per annum compounded annually on a pro rata basis, commencing 6 months after the date of valuation, i.e. from 1 January 2023, until the date of registration;
 - (iii) The valuation is to be reassessed if not approved by the delegated decision making authority of Council within 36 months from date of valuation, i.e. by 30 June 2025;
 - (iv) Rates and municipal charges, if applicable, be levied;
 - (v) Subject to such further conditions imposed by the Director: Property Management in terms of her delegated authority, including inter alia the following:
 - (aa) that the land only be utilized for health care and ancillary use purposes under jurisdiction of the Western Cape

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Health Department, and the transfer of the land be subject to a suitable reversionary clause in order to enforce compliance;

- (bb) that all further statutory and land use requirements be complied with;
 - (cc) that a service servitudes be registered over the underground municipal services traversing the property, and as indicated on Plan 130007894v1 attached as Annexure A to the report on the agenda;
 - (dd) that the Western Cape Department of Transport and Public Works apply to the City's Development Management Department to relax the property's building lines in order to maximise the available extent required for expansions and upgrades to the health care facility; and
 - (ee) that all costs related and incidental to the transaction be borne by the purchaser.
- (c) prior occupation be granted to the Western Cape Department of Health, without payment of occupational rent, and subject to a prior occupation agreement being concluded with the City; and
 - (d) it be confirmed that, when considering the alienation of the land at less than market value, the contents of Regulation 20(1)(f)(ii) of the MATR has been duly taken into consideration.

ACTION: P STRUMPHER, B MALI-SWELINDAWO, R SCHNACKENBERG, M SIMS, R GELDERBLOEM

C 44/12/22

PROPOSED TRANSFER OF PRIMARY HEALTH CARE FACILITIES TO THE WESTERN CAPE GOVERNMENT: PORTION OF REMAINDER ERVEN 14134 AND 14643 BELLVILLE: BELLVILLE-SOUTH/ KASSELSVLEI COMMUNITY DAY CARE (CDC), KASSELSVLEI STREET, BELLVILLE

RESOLVED that:

- (a) in terms of Regulation 20(1)(f)(i) of the Municipal Asset Transfer Regulations (MATR), R.878, promulgated on 22 August 2008, that portions of Remainder Erven 14134 and 14643 Bellville, as shown lettered ABCDEFGHJKLM on Plan 130009205v1, attached as Annexure A to the report on the agenda, and in extent approximately 3 945 m², is not required for the provision of any minimum level of basic municipal services and is surplus to the requirements of the Municipality.

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- (b) the transfer of a portion of Remainder Erven 14134 and 14643 Bellville, as shown lettered ABCDEFGHJKLM on Plan 130009205v1, attached as Annexure A to the report on the agenda, and in extent approximately 3 945 m², to the Western Cape Department of Transport and Public Works, or its successor(s) in title, be approved, subject inter alia to the following conditions, that:
- (i) A discounted purchase price of **R590 500**, excluding VAT, be payable, which amount is **10%** of the full market value of R5 905 000;
 - (ii) The purchase price is to be adjusted by 5% per annum compounded annually on a pro rata basis, commencing 6 months after the date of valuation, i.e. from 1 January 2023, until the date of registration;
 - (iii) The valuation is to be reassessed if not approved by the delegated decision making authority of Council within 36 months from date of valuation, i.e. by 30 June 2025;
 - (iv) Rates and municipal charges, if applicable, be levied;
 - (v) Subject to such further conditions imposed by the Director: Property Management in terms of her delegated authority, including inter alia the following:
 - (aa) that the land only be utilized for health care and ancillary use purposes under jurisdiction of the Western Cape Health Department, and the transfer of the land be subject to a suitable reversionary clause in order to enforce compliance;
 - (bb) that all further statutory and land use requirements be complied with;
 - (cc) that the subject properties be consolidated to form a single holding;
 - (dd) that a 3 m wide service servitude be registered over the underground municipal services traversing the properties, and as indicated on Plan 130009205v1 attached as Annexure A to the report on the agenda;
 - (ee) that the Western Cape Department of Transport and Public Works apply to the City's Development Management Department to relax the properties' building lines in order to maximise the available extent required for expansions and upgrades to the health care facility; and

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- (ff) that all costs related and incidental to the transaction be borne by the purchaser.
- (c) prior occupation be granted to the Western Cape Department of Health, without payment of occupational rent, and subject to a prior occupation agreement being concluded with the City; and
- (d) it be confirmed that, when considering the alienation of the land at less than market value, the contents of Regulation 20(1)(f)(ii) of the MATR has been duly taken into consideration.

ACTION: P STRUMPHER, B MALI-SWELINDAWO, R SCHNACKENBERG, M SIMS, R GELDERBLOEM

C 45/12/22 GRANTING OF IN-PRINCIPLE APPROVAL FOR THE PROPOSED GRANTING OF LONG-TERM RIGHTS TO USE, CONTROL AND/OR MANAGE, BY WAY OF PUBLIC COMPETITION THE CITY-OWNED LAND BEING PORTIONS OF ERF 1056-RE GREEN POINT, SITUATED AT BILL PETERS DRIVE, GREEN POINT

RESOLVED that:

- (a) in terms of Chapter 4 of the Municipal Asset Transfer Regulations (MATR), R.878 promulgated on 22 August 2008:
 - (i) It be resolved that a portion of Erf 1056-Re, Green Point situated at Bill Peters Drive, Green Point, measuring approximately 11 620 m², as shown lettered ABCDEFGH bordered grey (Portion A), and a portion of Erf 1056-Re approximately in extent 6 264 m², as shown lettered JKLMBNPQRSTU AHGFVWXYZa1b1c1 shown hatched (Portion B), on Plan LIS 2633V2 attached as Annexure A to the report on the agenda, is not required for the provision of the minimum level of basic municipal services.
 - (ii) It be confirmed that the extent to which any compensation to be received for the right together with the estimated value of any improvements or enhancements to the capital asset that the private sector party or organ of state to whom the right is granted will be required to make, will result in a significant economic or financial benefit to the Municipality.
- (b) in terms of Regulation 36 of the MATR, in-principle approval be granted for the rights to use, control and/or manage a portion of Erf 1056-Re, Green Point situated at Bill Peters drive, Green Point as described in (a)(i).
- (c) a portion of Erf 1056-Re, Green Point situated at Bill Peters Drive, Green Point, measuring approximately 11 620 m², as shown lettered ABCDEFGH bordered grey (Portion A), and a portion in

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approximately in extent 6 264 m², as shown lettered JKLMBNPQRSTU AHGFVWXYZa1b1c1 shown hatched (Portion B), on Plan LIS 2633V2 attached as Annexure A to the report on the agenda, be leased by way of public competition, subject to conditions to be imposed by the Director: Property Management in the exercise of her delegated authority.

[GOOD, CCC and the EFF recorded their votes against the above decision.]

ACTION: C EASTLAND, S MUKORI, M SIMS, R GELDERBLOEM

C 46/12/22 PROPOSED REVIEW AND AMENDMENT OF COUNCIL RESOLUTION C33/01/21: SALE OF ERF 20503 DURBANVILLE

RESOLVED that the resolution of the Council C 33/01/21 taken on 28 January 2021 recommendations (a), (b), (e), (f) and (g) remain unchanged as set out below and for the reasons set out in the report on the agenda, the resolution of the Council C 33/01/21 (c) and (d) taken on 28 January 2021 be reviewed and amended as set out below:

- (a) Approval be granted for the transfer to The Durbanville Islamic Society of Erf 20503 (Unregistered Portion of Erf 4481, Durbanville), Durbanville in extent approximately 2 000 m², zoned Community Zone 1 (CO1), situated on De Villiers Avenue, as shown on Plan LIS 1372v0 attached as Annexure B to the report on the agenda, for the sum of R1 500 000.00 (one million five hundred thousand rand), excluding VAT.
- (b) Erf 20503 (Unregistered Portion of Erf 4481, Durbanville), situated on De Villiers Avenue, Durbanville in extent approximately 2 000 m², zoned Community Zone 1 (CO1), be transferred to the Durbanville Islamic Society, for community purposes in the amount of R1 500 000.00 (excluding VAT), subject to the conditions to be imposed by the Director: Property Management in the exercise of her delegated authority.
- (c) The sale's price shall escalate at 5% per annum compounded annually on a pro rata basis commencing six (6) months from the date of revised market valuation dated 2021-09-30 (i.e. as from 2022-04-01).
- (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 revised market valuation (i.e. by 2024-04-01).
- (e) The sale is subject to a suitable reversionary clause limiting the use of the subject property to community / social use, which restriction is to be registered against the title deed of the subject property.

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- (f) The relevant services servitude is to be registered as per the branch comments and clause 6.2.2 of the tender document.
- (g) In light of the intensification of land use activities, at building plan stage the tenderer be required to submit a Site Development Plan which is to be approved by the Director of Development Management and Building Control.
- (h) it be noted that MAYCO at its meeting held on 15 November 2022 resolved that the Director: Property Management be tasked to ensure that the Durbanville Islamic Society exercise maintenance and responsibility of the site in the meanwhile to start securing the site to prevent dumping and any illegal invasion of the site.

ACTION: G NEVIN, M SIMS, R GELDERBLOEM

C 47/12/22 TENDER NUMBER: 2061/2021 / 2022 TENDER FOR THE LEASE OF PORTION OF ERF 1061 GREEN POINT, BEACH ROAD, THREE ANCHOR BAY: SERENDIPITY MAZE

RESOLVED that:

- (a) the granting of rights to use, manage and/or control of the Serendipity Maze, approximately 1 257 m² in extent as shown on the Site Plan attached as Annexure C to the report on the agenda, zoned Open Space with Consent use approval; to Tea in the Park (Pty) Ltd and Mckie and Co (Pty) Ltd Joint Venture Agreement in the amount of R20 000 per month exclusive of VAT, be approved. The lease is for a period of 3 years from date of commencement.
- (b) the rental amount be subject to a fixed escalation rate of 8% per annum
- (c) the granting of rights to use, manage and/or control of the Serendipity Maze be subject to further conditions to be imposed by the Director: Property Management in terms of her delegated authority
- (d) Tea in the Park (Pty) Ltd and Mckie and Co (Pty) Ltd Joint - Venture Agreement will be required to pay a deposit equal to one (1) month's rental (excluding VAT) on signature of the Lease Agreement.
- (e) it be noted that MAYCO at its meeting held on 15 November 2022 resolved that the Property Management Department and the Recreation and Parks Department be tasked to come up with a renewal clause in order for the transaction to be financially viable and beneficial to the success and longevity of the business.

ACTION: S SLAMANG, C ENGELBRECHT, S STEYN, K MOGATUSI, D GALANT, T SIGANDA, M SIMS, R GELDERBLOEM

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C 48/12/22 ANNUAL REPORT OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE FOR THE YEAR ENDED 30 JUNE 2022

RESOLVED that the activities detailed in MPAC's Annual Report for the year ended 30 June 2022 be noted and the Annual Report for inclusion in the City's Integrated Annual Report, be approved.

ACTION: A MOOLMAN, L MBANDAZAYO

C 49/12/22 NOMINATION OF POLITICAL REPRESENTATIVE TO THE PROVINCIAL SALGA WOMEN'S COMMISSION

The Chief Whip of Council, Cllr D Visagie proposed that Cllr Judy-Anne Stevens (ANC) be nominated as the alternative member on the SALGA Women's Commission.

The proposal was duly supported.

RESOLVED that:

- (a) the removal of Councillor Arlene Adams from the SALGA Provincial Women's Commission, be approved
- (b) the nomination of Councillor Geraldine Gordon as primary member to represent the City of Cape Town on the SALGA Women's Commission, be approved.
- (c) Cllr Judy-Anne Stevens (ANC) be nominated as the alternative member on the SALGA Women's Commission.

[AJ recorded their vote against the above decision and the EFF abstained.]

ACTION: I SCHLAPHOFF, J VAN AS, M L NDABA, E SASS

C 50/12/22 CONSTITUTION AND MEMBERSHIP OF THE NAMING COMMITTEE

RESOLVED that:

- (a) the number of members of the Naming Committee shall be limited to eleven (11) members;
- (b) the allocation of members to the Naming Committee shall be as follows:

Ald Eddie Andrews (DA) (Chairperson)
Cllr Hendri Terblanche (DA)
Cllr Carl Joshua Pophaim (DA)
Cllr Phindile Maxiti (DA)
Cllr Mikhail Manuel (DA)

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Ald Marian Nieuwoudt (DA)
Cllr Aslam Cassiem (DA)
Ald Clive Justus (DA)
Cllr Frederika Botha-Rossouw (FF PLUS)
Cllr Marvin Christians (ACDP)
Cllr Judy Ann Stevens (ANC)

- (c) the Committee determines its own terms of reference; and
- (d) the Committee be subject to the Rules of Order governing Committees of Council.

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

ACTION: I ROBSON, E SASS

C 51/12/22 PROPOSED CHANGES TO MEMBERSHIP OF COMMITTEES

The Chief Whip of Council, Cllr D Visagie proposed the following additional changes to the membership of Committees:

*“Councillor Brendan Van der Merwe (DA) to be removed from **Urban Mobility PC** and be appointed to **Spatial Planning and Environment PC**
Councillor Unathi Lasiti (DA) to be removed from **Human Settlements PC** and be appointed to **Urban Mobility and Energy PC’s**
Councillor Topollo Mokhathi (DA) to be appointed to **Innovation and Ease of Doing Business and Human Settlements PC’s**
Councillor Emile Langenhoven (DA) to be removed from **Innovation and Ease of Doing Business PC** and be appointed to the **Energy PC**
Councillor Suzanne Zumana (ANC) to be appointed to **Human Settlements Portfolio Committee**
Councillor Philiswa Marman (GOOD) to be removed from **Rules and Ethics Committee** and be appointed to the **Energy Portfolio Committee**.
Councillor Jonathan Cupido (GOOD) to be removed from **Corporate Services Portfolio Committee** and be appointed to the **Safety and Security Portfolio Committee**.
Councillor Morne Joseph (GOOD) to be removed from the **Energy Portfolio Committee** and be appointed to the **Disciplinary Committee**.
Councillor Celeste Wannenburg (GOOD) to be removed from **Disciplinary Committee** and be appointed to the **Corporate Services Portfolio Committee**.
Councillor Suzette Little (GOOD) to be removed from the **Safety and Security PC** and be appointed to the **Human Settlements Portfolio Committee**.
Councillor Shireen August (GOOD) to be removed from the **Human Settlements Portfolio Committee** and be appointed to the **Rules and Ethics Committee.**”*

The proposals were duly supported.

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RESOLVED that:

- (a) Cllr A J Jansen (DA) be appointed as a member of the Economic Growth Portfolio Committee and the Finance Portfolio Committee
- (b) Cllr B Van der Merwe (DA) be appointed as a member of the Spatial Planning and Environment Portfolio Committee and be removed from the Urban Mobility Portfolio Committee
- (c) Cllr U Lasiti (DA) be appointed as a member of the Urban Mobility Portfolio Committee and the Energy Portfolio Committee and be removed from the Human Settlements Portfolio Committee
- (d) Cllr T Mokhathi (DA) be appointed as a member of the Innovation and Ease of Doing Business Portfolio Committee and the Human Settlements Portfolio Committee
- (e) Cllr E Langenhoven (DA) be appointed as a member of the Energy Portfolio Committee and be removed from the Innovation and Ease of Doing Business Portfolio Committee
- (f) Cllr S Zumana (ANC) be appointed as a member of the Human Settlements Portfolio Committee
- (g) Cllr P Marman (GOOD) be appointed as a member of the Energy Portfolio Committee and be removed from the Rules and Ethics Committee
- (h) Cllr J Cupido (GOOD) be appointed as a member of the Safety and Security Portfolio Committee and be removed from the Corporate Services Portfolio Committee
- (i) Cllr M Joseph (GOOD) be appointed as a member of the Disciplinary Committee and be removed from the Energy Portfolio Committee
- (j) Cllr C Wannenburg (GOOD) be appointed as a member of the Corporate Services Portfolio Committee and be removed from the Disciplinary Committee
- (k) Cllr S Little (GOOD) be appointed as a member of the Human Settlements Portfolio Committee and be removed from the Safety and Security Portfolio Committee
- (l) Cllr S August (GOOD) be appointed as a member of the Rules and Ethics Committee and be removed from the Human Settlements Portfolio Committee.

ACTION: EXECUTIVE COMMITTEE OFFICERS, N DAMON, S ABEL, D DANIELS, M MOSES, R RAZACK, L NDABA, E SASS

C 52/12/22 QUESTION RECEIVED FROM CLLR B MAJINGO

The questions, as reflected on page 1 of Volume 4 of the agenda, were posed by Cllr B Majingo (ANC) and related to traffic congestion in the City.

The Executive Mayor's response as set out on pages 4 to 7 of Volume 4 of the agenda was noted.

Supplementary question

Cllr B Majingo made reference to the unoccupied housing units in Forest Village, Eerste River which is under security watch for almost 2 years and asked what the plan is around those houses.

The Executive Mayor responded that he would be sad to learn that there were City projects with units standing empty. He stated that when a unit is constructed, it should be handed over as soon as possible to get that person into their new home and deliver to them the greatly improved quality of life and dignity. The Executive Mayor made reference to the Pentech Development where structures have been illegally occupied before they've been handed over to their rightful beneficiaries, literally overnight before the beneficiary is due to move in. If a structure is illegally occupied, a long and difficult process through the courts have to be commenced.

With specific reference to Forest Village Housing Project, the Executive Mayor mentioned that he is fairly certain that this is a Provincial Government project, but would follow-up with the relevant Provincial Authority.

ACTION: OFFICE OF THE EXECUTIVE MAYOR

C 53/12/22 QUESTION RECEIVED FROM CLLR P C HEYNES

The questions, as reflected on page 15 of Volume 4 of the agenda, were posed by Cllr P C Heynes (ANC) and related to the sewer spillage in Stratford Avenue, Eerste River as result of a main sewer pipeline which collapsed and therefore inconvenienced residents and other road users.

The Executive Mayor's response as set out on page 18 of Volume 4 of the agenda was noted.

Supplementary question

Cllr P Heynes mentioned that the sewer pipeline project in Eerste River has collapsed, as result of poor workmanship and project management and therefore asked what the timeframe would be to fix this problem, as residents in the area have been inconvenienced for a long period with the overflow of sewer. She also expressed her concern with regard to the open drains which could injure children, as well as the unsecured generators stored in the vicinity.

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The Executive Mayor responded that the course of this problem is not acceptable and also not the standard of service which the City of Cape Town should render and must be improved. He indicated that he and the relevant Mayco Member would give immediate attention to the detail of this problem and speak to the affected residents. He also understand that there are many parts of the City where experiences like this one, which are all too frequent and equally unacceptable. The Executive Mayor apologised for the inconvenienced caused for not delivering the desired outcome in this particular instance, as investments had been made in the sewerage infrastructure, standby teams and extra vehicles to render an effective and efficient service.

ACTION: OFFICE OF THE EXECUTIVE MAYOR

C 54/12/22 QUESTION RECEIVED FROM CLLR J STEVENS

The questions, as reflected on page 20 of Volume 4 of the agenda, were posed by Cllr J Stevens (ANC) and related to legal fees paid by the City for Cllr N Grose's charges of misappropriation of City Funds.

The Executive Mayor's response as set out on page 22 of Volume 4 of the agenda was noted.

The Executive Mayor supplemented his response on further inquiry about these costs and about this particular line item. He stated that the line item is in fact incorrectly named in the City's paperwork and asked the City Manager that in future this line item should be corrected to properly reflect the expense on legal support to Councillor Grose, which should also include the expenses for legal assistance to a former Director of the City of Cape Town in Urban Management called Mr Wifred Johannes-Solomons, who in 2021 was asked to provide information to the National Prosecuting Authority pertaining to a certain contract and its management. The Executive Mayor mentioned that legal assistance was granted to him to help prepare his affidavit and all of his interactions with the National Prosecuting Authority. He indicated that he became aware that Mr Jonanes-Solomons is now a prominent member of the Western Cape Branch of the ANC.

ACTION: OFFICE OF THE EXECUTIVE MAYOR

C 55/12/22 QUESTION RECEIVED FROM CLLR P TAUSE

The questions, as reflected on page 23 of Volume 4 of the agenda, were posed by Cllr P Tause (ANC) and related to new emerging Informal Settlements on ACSA and SANRAL land in Ward 24 in Delft as a result of Covid-19.

The Executive Mayor's response, as circulated in a separate document, was noted.

ACTION: OFFICE OF THE EXECUTIVE MAYOR

C 56/12/22 QUESTION RECEIVED FROM CLLR L SOMDAKA

The questions, as reflected on page 26 of Volume 4 of the agenda, were posed by Cllr L Somdaka (ANC) and related to the increase or emerging of Informal Human Settlement across the City during the COVID-19 period.

The Executive Mayor's verbal response, a copy of which is attached to the official minutes, was noted.

ACTION: OFFICE OF THE EXECUTIVE MAYOR

C 57/12/22 MOTION RECEIVED FROM COUNCILLOR B MAJINGO

Cllr B Majingo (ANC), seconded by Cllr L Gungxe (ANC), was asked to introduce his motion as set out on pages 28 to 33 of Volume 4 of the agenda, as reflected below:

“South Africa’s energy infrastructure is facing a challenge of being vandalism and when that happens, Cape Town cannot be spared as it is the fast growing Metro in the Country.

It is therefore important, that the City of Cape Town protects the little it has, such as transformers and kiosks. The residents of New Crossroads, have raised concerns about fencing of high voltage electrical transformer, which has become home and a dumping place. There is a guy who sleeps behind the transformer, which poses a serious danger to him and neighbourhood. There are blankets and whole lot of flammable material behind the transformer. The door of the transformer, cannot be opened due to rubble dumped in front of the transformer.

I, Councillor Banele Majingo, seconded by Councillor Lazola Gungxe, move this motion that Council agree to the following:

- a) *That the transformer next to House 590 J Nontulo Street, New Crossroads be fenced to prevent access from vagrants and local illegal dumping in front of the energy asset.”*

RESOLVED that the motion received from Cllr B Majingo (ANC) be referred to the Energy Portfolio Committee for consideration.

[The ANC and GOOD abstained from this motion.]

ACTION: OFFICE OF THE EXECUTIVE MAYOR

C 58/12/22 MOTION RECEIVED FROM COUNCILLOR A CASSIEM

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Cllr A Cassim (EFF), seconded by Cllr M Dambuza (EFF), was asked to introduce his motion as set out on pages 34 to 39 of Volume 4 of the agenda, as reflected below:

"I, Aishah Cassiem, hereby table a motion in terms of Rule 18 of the Rules of Order of Council as amended by Council on 05 December 2019 (C19/12/19) for the removal of all colonial and imperialist street names and statues within the City of Cape Town Municipality.

Noting that:

- *These offensive streets names and statues still represents and idealises colonialism within this City and go against the constitution which instead speaks to honouring those who suffered injustices of the past.*

Believing that:

- *These offensive streets names honouring Jan Van Riebeeck, Queen Victoria, D F Malan and F W de Klerk, among others, reflect a painful past of how these individuals started pathed the way to apartheid and more so the programme of disposition of our people, of their land, their minerals, and ultimately their dignity.*
- *It cannot be that 28 years into democracy that this government still praises these racists and murderers, on street poles, building and statues, knowing very well the pain, death and hardship it brought to many – which is a continuous insult to our black people of South Africa.*
- *We call for the Municipality to remove and replace these street names and statues with that of several forgotten and deserving black (African, coloured and Indian) apartheid activist who fought the struggle and for the dignity of its people, within its different communities, many of them who include woman on the Cape Flats, but who were never acknowledged by this government*

We herewith call for the renaming of the following streets within the City of Cape Town Municipality.

- *Jan Van Riebeeck Street*
- *Jan Van Riebeeck Avenue*
- *Jan Van Riebeeck Drive*
- *F W de Klerk Blvd*
- *F W de Klerk Street*
- *Queen Victoria Street*
- *Queen Victoria Road*
- *D F Malan Street*
- *Among other offensive street names within the City of Cape Town Municipality, which are named after thugs, racist and murders who laid and led the foundation of apartheid*

The EFF also call for the following statues to be removed:

- *Louis Botha in front of the Parliament premises*
- *Queen Victoria inside the Parliament premises*
- *Among other offensive status within City of Cape Town municipality*

Recommend that:

- *Council resolves to have the offensive names and statues removed from municipal streets in Cape Town and replaced with that of many deserving individuals from Cape Town, which should be done via public participation.*
- *That the relevant department undertakes to remove the statues and to rename the streets ‘immediately’.*
- *That the relevant department reports to Council by March 2022.”*

RESOLVED that the motion received from Cllr A Cassim (EFF) be referred to the Naming Committee for consideration.

[The ANC and GOOD abstained from this motion.]

ACTION: F VENTER, I ROBSON, OFFICE OF THE EXECUTIVE MAYOR

C 59/12/22 MOTION RECEIVED FROM COUNCILLOR B MEI

Cllr B Mei (EFF), seconded by Cllr B Dambuza (EFF), was asked to introduce his motion as set out on pages 40 to 46 of Volume 4 of the agenda, as reflected below:

“I, Bulelani Mei, hereby table a motion in terms of Rule 18 of the Rules of Order of Council as amended by Council on 05 December 2019 (C19/12/19) for the establishment of Provincial and Municipal owned construction, roads, and housing company.

Noting that:

As per the Housing Amendment Act 4 of 2001:

- *Housing is an adequate shelter and fulfil basic human needs*
- *is a key Sector of national Economic wellbeing of the Nation*
- *is a product of human endeavour and enterprise*

Believing that:

Housing brings back the dignity of any humankind. Shelter gives hope to the hopeless, because it becomes a home which many do not have:

Access to roads services and infrastructure also plays a major part in our society, to avoid discomfort in our community and issues like potholes,

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collapsing of streets, and transport services among others, - and with proper roads, this will also lead to the reducing of crime and hijacking.

The system of labour brokering entrenches exploitation of workers, through institution long working hours, through chronic underpaying of the workers, and through non-provision of essential benefits that workers ought to enjoy, benefits such as pension funds and medical insurance.

It will reduce corruption, fruitless and wasteful expenditure in the municipality, and will save this City money from inflated tender cost.

The City is much capacitated and by establishing its own construction department it will reduce corruption and the building of poor quality housing and road infrastructure in the City.

It will also promote Accountability within the City of Cape Town

Recommend that:

Council resolves that The City of Cape Town Municipality:

- *Should build government capacity which will lead to the abolishment of the tender system.*
- *That the City must conduct a feasibility assessment, indicating how much in monetary terms would the City save by cutting the middleman and establishing this department and employing these employees directly.*
- *That the relevant departments report to Council by March 2023."*

RESOLVED that the motion received from Cllr B Mei (EFF) not be considered in terms of Rule 18.1.3 of the Rules of Order, as Cllr B Mei was not present at the meeting when this motion was scheduled for debate.

ACTION: OFFICE OF THE EXECUTIVE MAYOR

C 60/12/22 MOTION RECEIVED FROM COUNCILLOR L MAZWI

Cllr L Mazwi (EFF), seconded by Cllr N Tyandela (EFF), was asked to introduce his motion as set out on pages 47 to 52 of Volume 4 of the agenda, as reflected below:

"I, Linda Mazwi, hereby table a motion in terms of Rule 18 of the Rules of Order of Council as amended by Council on 05 December 2019 C19/12/19 table the following motion:

Noting that:

- *Section 27 of the Constitution, clearly states that, "Everyone has the right to have access to health care services, including reproductive health care."*

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- *Clinics are the most accessible health centres for the majority of the people in townships and in areas inhabited by the poor.*
- *Many of the ailments and many of the accidents that require urgent medical care take place after normal working hours*

Believing that:

- *The right to have access to health care services is a basic human right guaranteed by the Constitution.*
- *The City has the capacity and the resources to extend the operational hours of all clinics within its jurisdiction*
- *There is a desperate need for health services to be accessible 24 hours a day, 7 days a week across the City.*
- *The rights to health care includes pregnant women who are legible for termination of pregnancy service in accordance with the choice of Termination Act 92 of 1996*
- *These facilities must not just open but operate and service the poorest of the poor communities that are over populated to carb the gap of the Provincial Health Care centres that are unable to accommodate more people*
- *The few remaining City of Cape Town Health care centres can be of use and help these communities and making sure that people if Cape Town are being served and attended every time of the day.*

Recommend that:

- *Council resolves to have all health facilities under the City of Cape Town to open twenty four hours a day, seven days a week.*
- *That the relevant department working with the department of social development undertakes to conduct a feasibility assessment and operational requirements for putting this resolution into effect*
- *That the relevant department reports to Council by March 2023.”*

RESOLVED that the motion received from Cllr L Mazwi (EFF) not be supported.

[The ANC and GOOD abstained from this motion.]

ACTION: OFFICE OF THE EXECUTIVE MAYOR

C 61/12/22 MOTION RECEIVED FROM COUNCILLOR L MAZWI

Cllr L Mazwi (EFF), seconded by Cllr N Tyandela (EFF), was asked to introduce his motion as set out on pages 53 to 57 of Volume 4 of the agenda, as reflected below:

“I, Linda Mazwi, hereby table a motion in terms of Rule 18 of the Rules of Order of Council as amended by Council on 05 December 2019 C19/12/19 table the following motion:

Noting that:

- *Access to sanitary towels is a fundamental need for all females, and lack of access to these towels makes life very difficult for many females who struggle to afford sanitary towels.*
- *This difficulty is even more compounded for young schoolgirls, because not having access to sanitary pads during their periods means missing out on school.*
- *The City is obligated to see to the needs of the most marginalised, particularly poor schoolgirls who cannot afford to miss classes, because they don't have access to sanitary towels*

Believing that:

- *The right to access to free sanitary towels is no different from the right to safe sexual practices, and that while the former is not catered for by any of our public institutions, the latter is fully catered for because condoms are freely available in most public institutions, particularly health institutions including in Municipal Buildings of the City of Cape Town.*
- *While this disparity has material effects on poor communities in the main, the State has not moved an inch to accommodate for the needs of the most vulnerable in our society.*
- *If the City of Cape Town approves this motion, it would be providing leadership worthy to be followed by the rest of the country and placing the interests of the girl child ahead of considerations for costs.*

Recommend that:

- *Council resolves to provide free sanitary towels at all City controlled health facilities, in all hospitals within the City, and at all City offices and Facilities.*
- *That the relevant department reports to Council by March 2023 as to the progress with the implementation of this resolution."*

RESOLVED that the motion received from Cllr L Mazwi (EFF) not be supported.

[The ANC and GOOD abstained from this motion.]

ACTION: OFFICE OF THE EXECUTIVE MAYOR

C 62/12/22 MOTION RECEIVED FROM COUNCILLOR L MAZWI

Cllr L Mazwi (EFF), seconded by Cllr N Tyandela (EFF), was asked to introduce his motion as set out on pages 58 to 63 of Volume 4 of the agenda, as reflected below:

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“I, Linda Mazwi, hereby table a motion in terms of Rule 18 of the Rules of Order of Council as amended by Council on 05 December 2019 C19/12/19 table the following motion:

Noting that:

- *Security guards and cleaners are essential, non-dispensable services to the City, required for the smooth functioning of the municipality and enabling for the provision of services to the people.*
- *Further that the City is spending hundreds of Millions of Rands paying for these services to labour brokers at inflated rates.*
- *While the cleaners and security guards provide key services to the City, the City has no way of ensuring that they are treated and remunerated fairly by those who employ them.*

Believing that:

- *The right to fair and humane labour practices is a non-derogable right that all workers in South Africa should enjoy, and that public employers such as the City of Cape Town must guard these rights and protect those who provide services to the City from exploitation.*
- *The system of labour brokering entrenches exploitation of workers, through institution long working hours, through chronic underpaying of the workers, and through non-provision of essential benefits that workers ought to enjoy, benefits such as pension funds and medical insurance.*
- *The City can actually make substantial savings by cutting the middleman and employing workers directly, providing them with pension funds and medical insurance, and better pay from what they are currently getting from the labour brokers.*

Recommend that:

- *Council resolves to have all security guards and cleaners to be appointed directly by the City on a permanent basis, with all the required benefits that City employees are entitled to.*
- *That the relevant department must conduct a feasibility assessment, indicating how much in monetary terms would the City save by cutting the middleman and employing these employees directly*
- *That the relevant department reports to Council by March 2023.”*

RESOLVED that the motion received from Cllr L Mazwi (EFF) not be supported.

[The ANC and GOOD abstained from this motion.]

ACTION: OFFICE OF THE EXECUTIVE MAYOR

C 63/12/22 MOTION RECEIVED FROM COUNCILLOR L NTSHTSHE

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Cllr L Ntshuntshe (EFF), seconded by Cllr A Cassiem (EFF), was asked to introduce his motion as set out on pages 64 to 71 of Volume 4 of the agenda, as reflected below:

"I Lungiswa Ntshuntshe hereby table a motion for the formalisation of all informal settlements.

Noting that:

The journey of normalising the indignity of temporary shelter has been a series of debate from the Land Act 19 of 1998 (the PIE Act), section 26(3) of the Constitution's requirement that a court consider all circumstances before making an eviction order, to the STREETS, PUBLIC PLACES AND THE PREVENTION OF NOISE NUISANCES AMENDMENT BY-LAW, 2021 in noting housing act 107 of 1997, making reference to Section 26 of the constitution.

COVID destroyed South Africa economically and had a catastrophic effect on the thousands of borderline poverty stricken families of those earning minimum wage. It further affected those who had some viably stable income from the back yard dwellers renting informal structures in the back of people's houses, as well as those who built flats at the back of their houses for a stable income due to the influx of those from different provinces looking for better job prospects. Loss of income has forced people to erect informal structures to alleviate the burden of rent so that money could be channelled to food, and other basic immediate needs.

Formal settlements are given basic services such as Water, sanitation and electricity addressing the need of a very basic human right.

The burden of living in an informal settlement already puts those living in them at very high health risk.

There are no longer emergency kits afforded to Informal settlements in place of disaster.

Believing that:

Many South Africans can no longer afford rent due to loss of income and yet the housing allocation project continue to decline in delivery due to less funds being allocated yearly for housing opportunities.

Informal settlements in South Africa are a direct result of urbanisation and the inability of past legislation to adequately accommodate informal settlements.

It is the unwillingness of past governments to accept and formally plan for informal settlements in scrutinising the policies and grants in place to assist the poor.

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Formalising a settlement will be a gate way to access more services such as schools, police stations and clinics to be built given the distance between the accesses to facility in kilometres.

This will reduce crime as people will not have to wake up early to walk long kilometres to access basic services in the dark just to get what is rightfully supposed to be freely afforded to them.

Over 200 informal settlements were erected from the year 2020 to date where desperate South Africans are creating a sense of security and dignity in erecting such a structure they can call home.

Formalisation of informal settlements allows for re-blocking and fire kits to be accessed through this process.

Recommend that:

- *Council resolves to formalise all informal settlements without discriminating on when they are erected so all sites of informal settlements can be afforded basic services equally in restoring dignity through proper equal service delivery*
- *Furthermore we table this motion with understanding that the this will change people's lives in informal settlements*
- *That the relevant department reports to Council by March 2023."*

RESOLVED that the motion received from Cllr L Ntshuntshe (EFF) not be supported.

[The ANC and GOOD abstained from this motion.]

ACTION: OFFICE OF THE EXECUTIVE MAYOR

C 63A/12/22 MOTION RECEIVED FROM COUNCILLOR B YEKO

Cllr B Yeko (EFF), seconded by Cllr N Stuurman (EFF), was asked to introduce his motion as set out on pages 1 to 4 of a separate circulation of Volume 4 of the agenda, as reflected below:

"I Bulelani Yeko hereby table the motion of amendment of indigent policy to allow indigents households to automatically qualify for All Free Basic Services when they are recipients of social grants or earning less than R3500 per month.

NOTING THAT:

Our people are still required to pay huge amounts of money for Electricity and Water rates while the inflation rates continue to suffocate their cost of living as the maximum grant amounts are way below minimum wage

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Many of our Private Pensioners, those earning up to R7000 do not qualify. Due to the responsibilities they have of their next of kin from their children and grandchildren due to various socio- economic challenges. They too must qualify for all basic Human rights

BELIEVING THAT:

Access to free basic services is a basic human right

By City of Cape Town having this policy will improve the lives of the poorest

This will allow the monies granted by government to the beneficiaries to be what they are stipulated for, which is to buy food for the families

This will eliminate the chronic dependency of loans made by Grant beneficiaries to loan sharks for the purposes of food due to monies being depleted by municipal debts

This will reduce the selling of RDP houses due to rate payment which by virtue of bills to pay becomes a liability than asset. This then becomes a dilemma of money for food issue verses shelter with people who are starving

RESOLVING THAT:

- *Table the motion of amendment of indigent policy to allow indigents households to automatically qualify for All Free Basic Services when they are recipients of social grants or earning less than R3500 per month.*
- *Furthermore we table this motion with understanding that the caring City as stipulated in the IDP should adopt the Motion as this will change people's lives.*
- *That the relevant department reports to Council by 8 December 2022."*

RESOLVED that the motion received from Cllr B Yeko (EFF) not be supported.

[The ANC and GOOD abstained from this motion.]

ACTION: OFFICE OF THE EXECUTIVE MAYOR

C 64/12/22 REPORTING ON MINOR BREACHES OF PROCUREMENT PROCESSES APPROVED BY THE SUPPLY CHAIN MANAGEMENT BID ADJUDICATION COMMITTEE FOR THE PERIOD 01 -30 SEPTEMBER 2022

RESOLVED that the report and annexed list of minor breaches for 1 - 30 September 2022 as ratified by the Bid Adjudication Committee, be noted.

[GOOD noted the report with concern.]

ACTION: B CHINASAMY, K JACOBY

C 65/12/22 AN OVERVIEW OF THE FAURE NEW WATER SCHEME AND KEY SUPPORTING PROGRAMMES INCLUDING FUTURE OPERATION OF THE SCHEME

RESOLVED that:

- (a) the stakeholder engagement process and progress with the formation of the Independent Advisory Panel, be noted.
- (b) it be noted that MAYCO at its meeting held on 15 November 2022 resolved that, in terms of the Section 78(1) process of the Municipal Systems Act, Act 32 of 2000, authorisation be granted for an assessment to determine the best way forward to operate the Faure New Water Scheme.

[GOOD noted the report with concern.]

ACTION: M KILLICK, M WEBSTER

C 66/12/22 COMMUNITY SERVICE AND HEALTH: 2022/23 FIRST QUARTER'S PROGRESS REPORT ON THE DIRECTORATE PERFORMANCE

RESOLVED that the 2022/23 first quarter progress report on the Community Services and Health Directorate's performance, be noted.

ACTION: G PHYFER, Z MANDLANA

C 67/12/22 CORPORATE SERVICES: 2022/23 FIRST QUARTER PROGRESS REPORT ON DIRECTORATE AND DEPARTMENTS' PERFORMANCE

RESOLVED that the 2022/23 first quarter progress report on the Corporate Services Directorate and Departments' performance, be noted.

[GOOD noted the report with concern.]

ACTION: W TALIEP, E SASS

C 68/12/22 ECONOMIC GROWTH: 2022/23 FIRST QUARTER'S PROGRESS REPORT ON THE DIRECTORATE AND DEPARTMENTS' PERFORMANCE

RESOLVED that the 2022/23 first quarter progress report on the Economic Growth Directorate and Departments' performance, be noted.

[GOOD noted the report with concern.]

ACTION: P WILLIAMS, C BENJAMIN, R GELDERBLOEM

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C 69/12/22 2022/2023 QUARTERLY PROGRESS REPORT ON CORPORATE PERFORMANCE AND PERFORMANCE OF THE CITY'S ENTITIES (CONVENCO AND CAPE TOWN STADIUM)

RESOLVED that the 2022/23 quarterly progress report on the corporate performance and performance of the City's entities (Convenco and Cape Town Stadium), be noted.

[GOOD noted the report with concern.]

ACTION: M ABASS, W CLAASSENS, A NEUMANN, D DU TOIT, G MORGAN

C 70/12/22 FINANCE DIRECTORATE: 2022/23 FIRST QUARTER'S PROGRESS REPORT ON THE DIRECTORATE AND DEPARTMENTS' PERFORMANCE

RESOLVED that the 2022/23 first quarter progress report on the Finance Directorate and Departments' performance, be noted.

[GOOD noted the report with concern.]

ACTION: M COLLOP, K JACOBY

C 71/12/22 HUMAN SETTLEMENTS: 2022/23 FIRST QUARTER'S PROGRESS REPORT ON THE DIRECTORATE AND DEPARTMENTS' PERFORMANCE

RESOLVED that the 2022/23 first quarter progress report on the Human Settlements Directorate and Departments' performance, be noted.

[GOOD noted the report with concern.]

ACTION: L VALETA, N GQIBA

C 72/12/22 SAFETY AND SECURITY: 2022/23 FIRST QUARTER'S PROGRESS REPORT ON THE DIRECTORATES' PERFORMANCE

RESOLVED that the 2022/23 first quarter progress report on the Safety and Security Directorate's performance, be noted.

[GOOD noted the report with concern.]

ACTION: M CLEINWERCK, V BOTTO

C 73/12/22 SPATIAL PLANNING AND ENVIRONMENT: 2022/23 FIRST QUARTERS PROGRESS REPORT ON THE DIRECTORATE AND DEPARTMENTS

RESOLVED that:

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- (a) the 2022/23 first quarter progress report on the Spatial Planning and Environment Directorate and Departments' performance, be noted
- (b) the Spatial Planning and Environment Portfolio Committee's concern with regard to the low expenditure on skills development within the Spatial Planning and Environment Directorate, be noted.

[GOOD noted the report with concern.]

ACTION: C BASSON, A MAXWELL, R MCGAFFIN

C 74/12/22 URBAN MOBILITY: 2022/23 FIRST QUARTER'S PROGRESS REPORT ON THE DIRECTORATE AND DEPARTMENTS' PERFORMANCE

RESOLVED that the 2022/23 first quarter progress report on the Urban Mobility Directorate and Departments' performance, be noted.

[GOOD noted the report with concern.]

ACTION: A DE UJFALUSSY, H PETERS, D CAMPBELL

C 75/12/22 WATER AND SANITATION: 2022/23 FIRST QUARTER'S PROGRESS REPORT ON THE DIRECTORATE AND DEPARTMENTS' PERFORMANCE

RESOLVED that the 2022/23 first quarter progress report on the Water and Sanitation Directorate and Departments' performance, be noted.

[GOOD noted the report with concern.]

ACTION: A EBRAHIM, N DAMANE, M WEBSTER

C 76/12/22 FUTURE PLANNING AND RESILIENCE: 2022/23 FIRST QUARTERS PROGRESS REPORT ON THE DIRECTORATE AND DEPARTMENT PERFORMANCE

RESOLVED that the 2022/23 First Quarter's Progress Report on the Future Planning and Resilience Directorate's and Departments' Performance, be noted.

[GOOD noted the report with concern.]

ACTION: E DICK, A ARENDSE, G MORGAN

C 77/12/22 URBAN WASTE MANAGEMENT: 2022/23 FIRST QUARTER'S PERFORMANCE PROGRESS REPORT ON THE DIRECTORATE AND DEPARTMENTS' PERFORMANCE

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RESOLVED that the 2022/23 First Quarter's Progress Report on the Urban Waste Management Directorate's and Departments' Performance, be noted.

[GOOD noted the report with concern.]

ACTION: O MILLER, R KERAAN, L MDUNYELWA

C 78/12/22 2022/2023 QUARTERLY PROGRESS REPORT ON CORPORATE PERFORMANCE

RESOLVED that the 2022/23 first quarter progress report on corporate performance, be noted.

[GOOD noted the report with concern.]

ACTION: M ABASS, W CLAASSENS, A NEUMANN, D DU TOIT, G MORGAN

C 79/12/22 REPORT IN TERMS OF SUPPLY CHAIN MANAGEMENT REGULATIONS, REGULATION 36, AND THE SUPPLY CHAIN MANAGEMENT POLICY, CLAUSE 330, FOR THE PERIOD 13 OCTOBER 2022 TO 23 NOVEMBER 2022: 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 13 October 2022 to 23 November 2022, 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.

[GOOD noted the report with concern.]

ACTION: G POSTINGS, L MBANDAZAYO

C 80/12/22 RESOLUTIONS TAKEN BY THE EXECUTIVE MAYOR IN TERMS OF DELEGATED POWERS AND DECISIONS TAKEN TOGETHER WITH THE MEMBERS OF THE MAYORAL COMMITTEE: FROM OCTOBER TO NOVEMBER 2022

RESOLVED that the resolutions taken by the Executive Mayor in terms of delegated powers and decisions taken together with the members of the Mayoral Committee for the period October to November 2022, be noted.

[GOOD noted the report with concern.]

ACTION: C KNOTT, OFFICE OF THE EXECUTIVE MAYOR

C 81/12/22 REPORT TO COMMUNICATE THE OUTCOME OF THE PERFORMANCE ASSESSMENT CONDUCTED FOR THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE FOR THE 2021/2022 FINANCIAL YEAR

RESOLVED that the results of the Municipal Public Accounts Committee's self- and stakeholders' assessment for the year ended 30 June 2022, be noted and that the actions identified to address the areas of improvement, be approved.

ACTION: A MOOLMAN, L MBANDAZAYO

ADDITIONAL ITEMS:

The following resolutions of items CIC 05/12/22 and CIC 06/12/22 related to the Municipal Public Accounts Committee matters were moved to the open agenda, at conclusion of the discussion of these items in the confidential meeting.

The resolutions are however recorded as Items C 82/12/22 to C 83/12/22.

C 82/12/22 FLEET MANAGEMENT: VEHICLE SERVICE PLANS (FRUITLESS AND WASTEFUL EXPENDITURE: R224 616)

RESOLVED that:

- (a) the expenditure for R224 616,01 (two hundred and twenty four thousand six hundred and sixteen rand and one cent) (including VAT) be noted as fruitless and wasteful expenditure as the expenditure was made in vain and could have been avoided had reasonable care been exercised. The original amount declared was R227 959,92 (two hundred and twenty-seven thousand nine hundred and fifty-nine rand and ninety-two cents) and the difference was as a result of a legitimate transaction

NO ACTION OWNER

- (b) the Legal Services Department:
 - (i) Recover the amount from the officials, even those who have left the City, jointly and severally through debt recovery and civil action, whichever is applicable.
 - (ii) Recover the funds from all staff members involved with the process and senior officials responsible for the business processes, financial control and departmental management, as per section 78 of the MFMA.

ACTION OWNER: R SAYED

- (c) the Corporate Services: Fleet Management:
 - (i) Exercise due care in future.
 - (ii) Improve the business processes within the department as the fundamentals of contract, project and financial management are lacking.

ACTION OWNER: E SASS

- (d) It be **NOTED** that the following remedial and corrective actions were taken by the Corporate Services: Fleet Management Department:
- (i) The fields in the SAP system are updated by the Fleet Master Data team.
 - (ii) Staff training was completed.
 - (iii) Tax invoices, where a service, warranty or maintenance plan exists, are activated in SAP to ensure that the City makes use of such offering.
 - (iv) Mechanical workshops monitor the fleet plans to ensure that th is incident does not recur.
 - (v) Administrative processes have been strengthened to ensure due process and the necessary records are maintained for the purposes of future servicing.
 - (vi) The Standard Operating Procedure (SOP) will be updated.
 - (vii) SAP workflows and automated controls (Fleet Equipment Information forms and SAP agreements) were customised.
 - (viii) An SOP for the Fleet Master Data section is being drafted.
 - (ix) User departments were reminded that City fleet are procured with service plans and to manage the service notifications accordingly.
 - (x) Disciplinary processes are underway and charges served on the staff identified.
- (e) It be further **NOTED** that other service providers serviced the fleet, while the fleet were under a service plan with the Original Equipment Manufacturers. The City engaged the Original Equipment Manufacturers and the vehicles are sti ll covered by the service plan, as procured at the time of procuring the asset. The risk of the service plans being cancelled has been mitigated.

ACTION: A MOOLMAN, E SASS

C 83/12/22 STRATEGIC ASSET: CITY HALL BROKEN WINDOW (IRREGULAR EXPENDITURE: R2 128)

RESOLVED that:

- (a) the irregular expenditure of R2 127,50 (two thousand one hundred and twenty seven rand and fifty cents) (including VAT), related to expenditure incurred without following SCM procedures as prescribed in the City's SCM Policy, be certified as irrecoverable and the claim be written off as the City received the goods and services in the form of the window replacement.

NO ACTION OWNER

- (b) due care must be exercised in future, no matter the size or value of the project.

ACTION OWNER: R GELDERBLOEM

- (c) It be **NOTED** that the following remedial and corrective actions were taken by the Economic Growth Directorate:
 - (i) An SCM condonation was sought and approved and the window was repaired and the quality of the work was affirmed.
 - (ii) Training interventions, such as Bid Committee and MFMA training, was identified for implementation.
 - (iii) Counselling sessions were held with the recently appointed staff members in the form of a meeting where the errors in the processes were highlighted and the future requirements explained.
 - (iv) The processes in the Strategic Asset department were enhanced, including systems, procedures and the appointment of reporting lines, e.g. Support Manager and Senior Professional Officer: Finance.
 - (v) The Executive Director: Economic Growth and Director: Strategic Assets confirmed that all staff members were trained, including SCM processes. However, intrinsic risk will be recognised and reported accordingly.

ACTION: A MOOLMAN, R GELDERBLOEM

THE MEETING ENDED AT 16H40.

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**ALD F PURCHASE
SPEAKER**

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DATE