

C 03/04/21

MINUTES

**OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF CAPE TOWN
HELD VIA THE CITY'S DIGITAL PLATFORM ON WEDNESDAY, 31 MARCH 2021
AT 10H00.**

MEMBERS PRESENT:

Ald A Abrahams (DA)	Ald C C Clayton (DA)	Cllr X Joja (DA)
Cllr F L Abrahams (ANC)	Cllr D J Christians (DA)	Ald C Jordaan (DA)
Cllr M R Abrahams (DA)	Cllr D G Cottee (ANC)	Cllr N Jowell (DA)
Cllr M F Achmat (AJ)	Cllr S A Cottle (DA)	Ald C Justus (DA)
Cllr A Adams (DA)	Cllr A C Crous (DA)	Ald M L Kempthorne (DA)
Cllr A Adams (DI)	Cllr M Dambuza (EFF)	Cllr D Khatshwa (ANC)
Cllr R Adams (DA)	Cllr T Dasa (DA)	Cllr M E Kleinsmith (DA)
Cllr Y Adams (CMC)	Cllr M M Davids (DA)	Cllr M R H Kleinschmidt (DA)
Cllr M Adonis (DA)	Cllr W P Doman (DA)	Cllr C Kobeni (DA)
Cllr Z C Adonis (DA)	Cllr D Dudley (ACDP)	Cllr A L Komeni (ANC)
Cllr F K Ah-Sing (DA)	Cllr S S Duka (ANC)	Cllr N Kopman (ANC)
Cllr W J Akim (DA)	Cllr M R Dwane (EFF)	Cllr G P G Kriel (DA)
Ald E P Andrews (DA)	Cllr P A East (DA)	Cllr A E Kuhl (DA)
Cllr E Anstey (DA)	Cllr C J Esau (DA)	Cllr M D Kumeke (ANC)
Ald R Arendse (DA)	Cllr J P Fitz (DA)	Ald N J Landingwe (ANC)
Cllr Z A Badroodien (DA)	Cllr E Fortune (DA)	Cllr S P Liell-Cock (DA)
Cllr M K Bafo (PAC)	Cllr P Francke (DA)	Cllr A Lightburn (DA)
Cllr U M Barends (DA)	Cllr C Fry (DA)	Ald X T Limberg (DA)
Ald A J G Basson (DA)	Cllr A Gabuza (ANC)	Cllr B C Madikane (DA)
Cllr S Batala (DA)	Cllr B C Golding (DA)	Cllr N Mahangu (DA)
Cllr T M Batembu (ANC)	Cllr G E Gordon (DA)	Cllr N Mahlali (DA)
Ald R Bazier (ANC)	Cllr A J Griesel (DA)	Cllr B Majingo (ANC)
Cllr M Bele (EFF)	Cllr C De Wet Groenewoud (DA)	Cllr S Manata (ANC)
Cllr A M Benadie (DA)	Cllr N E Grose (DA)	Ald G W March (DA)
Cllr R Beneke (DA)	Cllr L A Gungxe (ANC)	Cllr J Martlow (DA)
Cllr C B Bew (DA)	Cllr B Hansen (DA)	Cllr V Matanzima (DA)
Cllr N Bolitye (ANC)	Cllr W Harris (DA)	Cllr J J Maxheke (ANC)
Cllr M Booi (DA)	Cllr G C R Haskin (ACDP)	Cllr P Maxiti (DA)
Cllr F Botha-Rossouw (FF+)	Cllr A Hendricks (AJ)	Cllr L Mazwi (EFF)
Cllr R Bresler (DA)	Cllr P C Heynes (ANC)	Cllr S Mbandezi (DA)
Cllr E N Brunette (DA)	Cllr N D Hlangisa (UDM)	Cllr J S Mbolompo (DA)
Cllr K R Carls (DA)	Cllr M W Hlazo (ANC)	Cllr N V Mbombo (ANC)
Cllr H Carstens (DA)	Cllr T T Honono (ANC)	Cllr J McCarthy (DA)
Cllr M A Cassiem (DA)	Cllr V R Isaacs (DA)	Cllr A P McKenzie (DA)
Cllr M F Cassim (COPE)	Cllr I R Iversen (DA)	Cllr I P McMahan (DA)
Ald G V Cavanagh (DA)	Ald B M Jacobs (DA)	Cllr S S Mfecane (ANC)
Cllr C S Cerfontein (DA)	Cllr H W Jacobs (DA)	Cllr V N Mfusi (ANC)
Ald P H Chapple (DA)	Ald W D Jaftha (DA)	Cllr N Mgolombane (ANC)
Cllr M N Chitha (ANC)	Cllr L Jali (ANC)	Cllr J H Middleton (DA)
Cllr J G Classen (ACDP)	Cllr E E Jansen (DA)	Cllr S N Moloto (EFF)
Cllr B Clarke (DA)	Cllr C Janse van Rensburg (DA)	Ald S Moodley (DA)
	Cllr S John (ANC)	Cllr A C Moses (DA)

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Cllr N A Moshani (ANC)	Cllr S Philander (DA)	Cllr Z Sulelo (DA)
Cllr T Mpengezi (ANC)	Cllr M P Pietersen (DA)	Cllr P S Swart (DA)
Cllr V Mqadi (ANC)	Cllr T I Pimpi ((ANC)	Cllr H P Terblanche (DA)
Cllr S Mzobe(ANC)	Cllr Y Plaatjie (DA)	Cllr E A J Theron (ANC)
Cllr P S Mzolisa (DA)	Executive Mayor D Plato (DA)	Ald T Thompson (DA)
Cllr N Ndahleni (DA)	Cllr C Pophaim (DA)	Cllr G Timm (DA)
Cllr A X Ndongeni (ANC)	Ald S B Pringle (DA)	Ald G G Twigg (DA)
Ald I D Neilson (DA)	Cllr C B Punt (DA)	Ald T A Uys (DA)
Cllr K Nethi (DA)	Ald F A Purchase (DA)	Cllr B van der Merwe (DA)
Cllr B P Ngcani (ANC)	Cllr Z Qoba (ANC)	Ald J F H van der Merwe (DA)
Cllr B Ngcombolo (ANC)	Cllr R M Quintas (DA)	Ald A A van der Rhee (DA)
Cllr M W N Ngeyi (DA)	Cllr X Qwasha (DA)	Cllr P E van der Ross (DA)
Cllr P M Ngqu (DA)	Cllr M H Raise (DA)	Cllr M L van der Walt (DA)
Cllr D Ngubelanga (AIC)	Cllr B Rass (DA)	Cllr B van Reenen (DA)
Cllr X W Ngwekazi (ANC)	Ald R Rau (DA)	Cllr A van Zyl (DA)
Cllr S Ngxumza (ANC)	Cllr F H L Raymond (DA)	Cllr M Velem (ANC)
Ald M J Nieuwoudt (DA)	Cllr N Rheeder (DA)	Cllr R Viljoen (DA)
Cllr M Nikelo (DA)	Ald S J Rossouw (DA)	Cllr C L Visser (DA)
Cllr F M Nkuzana (ANC)	Cllr T Sakathi (ANC)	Cllr J Visser (DA)
Cllr X Nofemele (DA)	Cllr E Sawant (DA)	Cllr P P Vokwana (DA)
Cllr S Nonkeyizana (ANC)	Cllr M Sibunzi (DA)	Ald J Vos (DA)
Cllr M L Nqavashe (DA)	Cllr R Z Simbeku (ANC)	Cllr S Vuba (DA)
Cllr A Ntsodo (DA)	Cllr R S Simons (ANC)	Cllr F C Walker (DA)
Cllr P Nyakaza-Sandla (DA)	Cllr A J Skippers (DA)	Ald B R W Watkyns (DA)
Cllr L Nyingwa (ANC)	Ald J D Smit (DA)	Cllr J J Witbooi (DA)
Cllr S F Oerson (DA)	Ald J P Smith (DA)	Cllr J Woodman (DA)
Ald M J Oliver (DA)	Cllr O Solomons (DA)	Cllr N Xamle (DA)
Cllr G C Peck (DA)	Ald X R Sotashe (ANC)	Cllr S Yalezo (DA)
Cllr X G Peter (ANC)	Cllr K G Southgate (DA)	Cllr S K Yozi (ANC)
Cllr M J Petersen (DA)	Cllr C Stevens (PA)	Cllr L G Zondani (ANC)
Cllr M Nqulwana (ANC)		

APOLOGIES

Cllr D E Badela (ANC)
 Cllr W B Dlulane (ANC)
 Ald G D Fourie (DA)
 Cllr P Helfrich (DA)
 Cllr Z Nkangana (ANC)
 Cllr N Makasi (ANC)
 Cllr L C Makeleni (ANC)
 Cllr K Maré (DA)
 Cllr C N Mdleleni (EFF)
 Cllr P M Mngxunyeni (ANC)
 Cllr N P Sono (ANC)
 Cllr S Taliép (DA)
 Cllr D A Visagie (DA)

ABSENT

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The following Councillors were absent without an apology:

None

The following Councillors submitted an apology for late arrival:

None

The following Councillors submitted an apology for leaving early:

Cllr G C R Haskin (ACDP)

Cllr M L Nqavashe (DA)

PRESENT

Executive Management Team

Mr L Mbandazayo	-	City Manager
Mr K Nassiep	-	ED: Energy and Climate Change
Ms D Campbell	-	ED: Transport
Mr E Sass	-	ED: Community Services and Health
Mr M Webster	-	ED: Water and Waste
Mrs G Kenhardt	-	Acting ED: Corporate Services
Mr B Gerber	-	Acting ED: Urban Management
Mr V Botto	-	Acting ED: Safety and Security

Executive Committee Services

Ms G Jeffries	-	Acting Director: Executive Support and CS Operations
Mrs R Razack	-	Manager: Executive Committee Services
Ms C Franz		
Mr E Fray		
Mr G Josephs		
Mrs A Kline		
Ms M Levendall		
Ms L McGregor		
Mr N Meissenheimer		
Mrs L von Molendorff		
Mrs K Smit		

Legal Services

Ms R Sayed
Ms J Holt
Mr J Liebenberg

ACRONYMS:

LIST OF ACRONYMS FOR INFORMATION

ACDP - African Christian Democratic Party

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- AIC** - African Independent Congress
- AJ** - Al Jama-ah
- ANC** - African National Congress
- CMC** - Cape Muslim Congress
- COPE** - Congress of the People
- DA** - Democratic Alliance
- DI** - Democratic Independent
- EFF** - Economic Freedom Fighters
- FF+** - Freedom Front Plus
- PA** - Patriotic Alliance
- PAC** - Pan Africanist Congress of Azania
- UDM** - United Democratic Movement

SECTION 1 OPENING OF MEETING

The Speaker welcomed all Councillors, officials and the media to the virtual Council meeting.

A moment of silence was observed.

Councillors were called upon to register and 214 Councillors participated via the City's digital platform.

SECTION 2 MAYORAL ADDRESS

The Speaker called on the Executive Mayor, Ald D Plato to address Council, as follows:

“Speaker, fellow Councillors, City officials, residents, members of the media, and all guests, good morning.

Today I table the City of Cape Town's proposed annual budget, which will be issued for public comment so that our residents can give their input before we approve the final budget.

Before we discuss the budget in more detail, I want to say a big thank you to every Councillor who continues to do everything for our residents, to every city official, and let me repeat that - to every city official, I want to say a big thank you for all that you do for our residents. I know these have been tough times, but your hard work and dedication to this beautiful City is appreciated by our residents. I know this for a fact because the results of the latest City of Cape Town Residents Satisfaction Survey were presented to me last week and what those results show is an improvement in every category on which we are rated. Our residents' trust in our ability to deliver services has increased, satisfaction levels with the overall performance of the City has increased, residents believe we our fulfilling

our role as a public service provider and when compared to other public service providers, we received the highest rating. This overall improvement in our ratings is proof that our residents believe we are raising the bar, because we are! I want to thank our residents for placing their trust in us to deliver the best quality services in the country, and assure them that we will continue doing all we can to meet, and where possible, exceed their expectations.

Speaker, this brings me to the proposed 2021/22 budget, which was prepared during a time of global uncertainty as the Coronavirus pandemic continues to have an impact on all of us. I want to thank our residents for their continued commitment to pay their rates on time. Because of this, we are in a much better financial position to deliver the necessary services to our residents. The proposed annual budget for 2021/22 is R56,48 billion, of which R48 billion is allocated to the operational budget, and R8,4 billion is allocated to the capital budget. The budget outlines our funded commitments as the City, which will see us deliver on our Integrated Development Plan (IDP) and associated strategies in order to effectively support the lives and livelihoods of all our residents.

Speaker, the current Covid-19 global pandemic has placed huge strain on our residents and on the City's capacity to deliver financially sustainable services. Until such time as we reach herd-immunity, through the roll-out of an effective global vaccination programme, we anticipate that we will continue to operate within the constraints of some form of lockdown imposed through the National Government's Disaster Regulations, which results in additional costs to deliver services within the public health response. However, we will not allow these constraints to prevent us from delivering services, which sustain both lives and livelihoods. We are determined to continue charting a recovery path for the City, and ensuring that the appropriate levels of services are delivered as efficiently as possible. The investments made through this budget will not only help to ensure services are delivered and communities are protected, but they will also support the critical recovery of our local economy. Having experienced the economic fallout from this crisis, and how it has impacted on the income levels of businesses and residents, we have placed significant emphasis on ensuring that this budget does not impose further economic hardship on residents and businesses.

*We have therefore ensured that through extensive expenditure cuts, **the rates and tariff increases have been kept to an absolute minimum with a 4.5% increase for rates, 5% increase for water and sanitation, and 3,5% for refuse removal.***

The electricity tariff will be increased by 13%, with residents being spared the full increase of 15.6% imposed by Eskom.

It is important to note that 65% of the City's electricity tariff goes toward buying bulk power from Eskom at great expense. The pressure on municipalities and customers due to these extreme Eskom increases are profound. But the City will continue to do all it can to protect its customers:

- *By cushioning them from the highest Eskom increases as far as possible and to ensure that we are able to provide a secure and well maintained electricity service;*
- *By protecting them from a stage of load-shedding where we can, through our well-maintained Steenbras Hydro Pump Station*
- *and by continuing the fight to procure cheaper, cleaner and more secure power from independent power producers.*

*Included in the proposed expenditure cuts in the 2021/22 financial year is a R460 million cut in staffing and contracting services. We have also committed that there will be a **zero percent cost of living increase in the salaries and wages provision in the 2021/2022 financial year.** To achieve this, the City will petition the Local Government Bargaining Council to not award any salary increases for staff and Councillors. We understand that this has been a hard year for everyone, including our staff and Councillors, who I am very grateful towards for continuing to deliver services and support our communities under very trying circumstances, but we all need to make sacrifices to achieve longer term sustainability.*

While the private sector continues to take strain, there is simply no way that the public sector, by virtue of being subject to collective agreements should impose further strain on the residents we serve. Should the bargaining council not agree to our request, and bind us to making ill-advised increases, the City's staff numbers will have to be decreased as there simply are not enough funds for both. Our Cost Containment Policy continues to reduce our dependency on consultants and other contracted services, as we continue to re-assess our utilisation of office accommodation in response to the relative success that we have had in shifting some city functions onto electronic platforms. Unfortunately, as a result of Eskom's 15.6% increase in electricity prices, which applies to the whole country, we have not been able to fully mitigate this increase on the electricity tariff. We have however made additional expenditure cuts to ensure that residents and businesses don't bear the full brunt of this tariff increase. In light of the pressure on the National Budget, and the national government budget cuts, we will also have less funding available to fund our activities.

Despite these constraints, we have ensured the prioritisation of our Capital Expenditure programme, repairs and maintenance provision and expenditure that is required to ensure ongoing delivery of basic services to all residents. We need to ensure that we can deliver these services as cost effectively as possible and will continue to pursue actions, which mitigate service delivery cost increases – including a concerted effort to minimise the incidence of unlawful land occupation and vandalism, which places an inordinate burden on service delivery. While these phenomena call for an effective application of the rule of law, they also require that we ensure sufficient and proactive protection of land and infrastructure as well as double-down on our efforts to create opportunities for well-located and serviced settlements.

Our budget has been a careful balancing act between meeting the service delivery needs of all businesses and residents in these trying times, and stemming further economic decline in this constrained context. As the Mayor, and on behalf of my colleagues, we acknowledge and thank all residents and businesses for their continued high-level of payments which is key to ensuring that the municipality can continue to provide services to all who seek a livelihood in our City.

Speaker, I would like to take this opportunity to address what is going to be a tough few months. Not just because of the coronavirus and the pressure on budgets across the board, but because of the upcoming local government elections and the political shenanigans we are already starting to witness. Some call this silly season, and I want to call on the media to be extra vigilant when reporting on political matters over the coming months. We have already seen some political opportunists get away with the media blindly carrying their propaganda as if it was legitimate. Instead of prioritising clicks and ad revenue, is it too much to ask that the basic principles of journalism be observed? Fact checking? Investigation?

We know about the ANC's dirty politics and 'Bell Pottinger'-like tactics. I want to call on the media to be extra vigilant and do not fall for their games. In relation to this, I want to reiterate what we communicated last week as a result of more violence and destruction of City infrastructure by land invaders demanding free services. Last year, Cape Town experienced an unprecedented increase in especially large-scale, orchestrated unlawful land occupations during the Covid-19 national lockdown periods. Various City Line Departments are still making assessments, however the information strongly supports the following conclusion: That although many claim evictions of backyarders as the cause, the evidence on the ground shows that they are a far minority of the cases. Economic profit for certain self-proclaimed landlords, 'shack-farming' and illegal electricity connection syndicates have been the main drivers of the spike in unlawful occupations experienced in 2020.

In addition, many of the areas that have been unlawfully occupied have been politically driven. It is a fallacy to think that all the invasions are primarily because of a need for land. They are not. They are criminal and these criminals prey on the poor, who are charged for living on wetlands and other inhabitable spaces where no services can be provided, yet some NGOs and others want to defend these invasions. While assessments of all new settlements are under way, it is completely unreasonable to demand immediate services, especially in areas where human settlements were never meant to be formed, such as in nature reserves.

I want to make it clear to those burning and destroying city infrastructure while calling for free services on the land they have illegally invaded – there simply is not enough budget to provide more services to those who invade land where no services exist. Thank you to the police for making arrests during the Kraaifontein and Delft protests last week. Those carrying out the violence and destruction must know that there will be consequences.

Almost all of the longer established informal settlements in City-supplied areas are electrified, where it is possible to do so and approximately 50 000 toilets are provided to service residents in 181 000 households in informal settlements across the City, which includes the servicing of toilets and janitorial services, which has continued throughout lockdown. We have a limited budget that is already fully committed, so no amount of arson and destruction can change this. If the National Government want to make more funding available to provide limited services to newly invaded land, then President Cyril Ramaphosa and the National Parliament is where you want to make your voices heard, because there simply isn't enough budget to keep providing services to those on newly invaded land. Perhaps if the national government stopped spending billions on bailouts they would have more funding to allocate to local governments.

Speaker, I want to conclude today by acknowledging that this week one year ago we were all housebound during the first week of the national lockdown. We have come a long way since then, and I want to acknowledge some of the successes that we have achieved in spite of the global coronavirus pandemic.

Firstly, we rapidly adapted our systems to ensure continued service delivery to our residents and we implemented a range of interventions including PPE provision for our front line staff, innovative remote-working solutions, and we were the first city in the country to take Council meetings online, which we continue to do today.

Secondly, we implemented and continue to run a major humanitarian relief project, largely due to the national government's shortcomings in this regard. We allocated R35 million towards critical food aid relief and supported 250+ soup kitchens with equipment and food to feed over 200 000 residents in need every single day during lockdown.

Thirdly, we provided thousands of Covid-19 safety-kits, masks, hand-sanitisers, and safety-signage for local business and lobbied national government to scrap their race-based financial aid for businesses, but unfortunately they refused.

Fourthly, our staff worked overtime and on weekends to clear service-delivery backlogs created by National Government's Disaster Regulations, which prevented many staff from working. We processed a year's worth of vehicles licenses in six months – no other City in South Africa achieved this. We hired additional contractors and rolled out an extensive pothole repair campaign.

Fifth, between March and July 2020, which became known as the hard lockdown, we approved R5,2 billion worth of building plans to ensure the construction industry, a major employer in Cape Town, could return to work without any delays once the National Government lowered lockdown levels.

Sixth, by working with our strategic business partners, we facilitated investments worth a phenomenal R11,27 billion into Cape Town, created 7 631 jobs and trained approximately 3 000 people during 2020 – all of this in the year of the global coronavirus lockdowns.

Speaker, thank you.”

SECTION 2.1 20 MINUTES FOR QUESTIONS AND ANSWERS

The following questions were put to the Executive Mayor, Ald. D Plato:

Cllr D Dudley (ACDP)

Cllr D Dudley asked the Executive Mayor if he had reports on breakdowns of service delivery in the City, as many service delivery complaints were not attended to, due to the Covid-pandemic, which are being used as an excuse for non-delivery of services.

The Executive Mayor responded that there were sometimes lapses in service delivery, and advised Cllr Dudley that he should escalate such issues of non-delivery of services to the Mayor’s Office after 3 days.

Cllr L Zondani (ANC)

Cllr L Zondani wanted clarity on the process followed with reference to the tabling of the Draft Budget, as it should be done by the Executive Mayor and not the Executive Deputy Mayor.

The Executive Mayor responded that he tabled the Draft Budget for public comment during the month of April 2021, whereupon all inputs from the community would be debated, as well as the final approval of the budget at a Special Council meeting scheduled for 26 May 2021.

Cllr K Yozi (ANC)

With reference to the public outburst in Nyanga and altercation in Ocean View, Cllr K Yozi asked the Executive Mayor if he had information on the challenges such communities in the City of Cape Town were facing, and if the Mayco Members of the various Portfolios are briefing him on such challenges.

The Executive Mayor responded that the incident in Ocean View was staged. Ald D Plato also indicated that he would also not tolerate anger against woman and that his actions were completely justified at that incident.

Cllr M Dambuza (EFF)

Cllr M Dambuza asked the Executive Mayor if services are delivered in areas such as Khayelitsha, Philippi, Samora, Mfuleni, Dunoon, Delft and Kraaifontein with reference to the constant sewage spills in these areas.

He further questioned if the Executive Mayor would allow the illegal grabbing of land, as some political parties are campaigning for their candidate in such illegal informal settlements. He also asked why the provision of housing is not expedited.

The Executive Mayor responded that factually service delivery problems are experienced in these areas and therefore the City needs to attend to the upgrading of infrastructure, which could also take some time. The Executive Mayor indicated that the unlawful occupation of land put extra strain on the City's ability to deliver proper services to these people. He further indicated that a lot of the City's housing land had been invaded, which deprive many of a housing opportunity.

Cllr M F Cassim (COPE)

Cllr M F Cassim asked the Executive Mayor why the City is not installing solar panels such as Cities in China, to ensure continuity and the affordability of electricity. Cllr Cassim further suggested that the Executive Mayor should allocate the invaded properties to the beneficiaries, who in turn could approach the relevant Minister to ensure that their claims are honoured.

The Executive Mayor responded that the City is looking at many ways to generate its own electricity, to get green energy in place, as well as looking at private energy producers.

Cllr E Botha-Rossouw (FF+)

Cllr E Botha-Rossouw mentioned about the problems which are experienced by the Klipdam Action Group and Kuils River residents in view of the non-cooperation of certain City officials and therefore asked the Executive Mayor to address this matter. Cllr Botha-Rossouw further mentioned about Mr van der Westhuizen, who is renting a house in Avondale and being harassed by officials and therefore asked the Executive Mayor to intervene.

The Executive Mayor responded that he would address the issues of the Kuils River residents with Cllr Botha-Rossouw and also investigate the issue of harassment, in order to deal with the relevant officials.

Ald X Sotashe (ANC)

Ald X Sotashe asked the Executive Mayor what is the City's plan with the people who invaded land.

The Executive Mayor responded that it's not an easy plan, especially during the lockdown period, as the regulations currently stipulates that no structures should be removed during this period, but assured Ald Sotashe that the situation is under control by the City officials.

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In the absence of Cllr D Visagie, the Chief Whip of Council, Cllr E Anstey (DA) announced the applications for leave of absence as listed below.

Ald X Sotashe (ANC) stated that the correct procedure should be followed to nominate an Acting Chief Whip in consultation with other Party Whips.

After consultation by the Speaker, it was agreed that Cllr E Anstey be nominated to act as Chief Whip for the remainder of the meeting.

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

Cllr D E Badela (ANC)
 Cllr W B Dlulane (ANC)
 Ald G D Fourie (DA)
 Cllr P Helfrich (DA)
 Cllr Z Nkangana (ANC)
 Cllr N Makasi (ANC)
 Cllr L C Makeleni (ANC)
 Cllr K Maré (DA)
 Cllr C N Mdleleni (EFF)
 Cllr P M Mngxunyeni (ANC)
 Cllr N P Sono (ANC)
 Cllr S Taliep (DA)
 Cllr D A Visagie (DA)

ACTION: L KELLEM

SECTION 4 ANNOUNCEMENTS BY THE SPEAKER

The Speaker ruled, in terms of Rule 9.2 of the Rules of Order, that Item C23U be brought forward for consideration, in order to accommodate the representatives of the Auditor-General's Office present at this meeting, whereupon he extended a special word of welcome.

SECTION 5 OFFICIAL NOTICES / URGENT MATTERS

There were no official notices or urgent matters raised.

SECTION 6 MINUTES OF PREVIOUS MEETING**C 03/03/20 CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL MEETING: 28 JANUARY 2021**

RESOLVED that the minutes of the ordinary Council meeting held on 28 January 2021, be confirmed.

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

Volume 2A - Items 11, 12 and 13

Volume 2B – Item 13E

Volume 3A – Items 16 and 21

Volume 3B – Items 23A, 23B, 23C, 23D, 23E, 23F, 23G, 23J, 23L, 23M, 23Q and 23S

Volume 4A - Items 26, 27, 28, 29, 30, 31 and 32 [Reports for information and noting.]

Volume 4B - Items 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44 and 45 [Reports for information and noting.]

Volume 4C – Items 46, 47, 48 and 49. [Reports for information and noting.]

214 Councillors participated when this announcement was made.

C 04/03/21 APPROVAL: PROPOSED AMENDMENTS (RELATED TO THE COUNCIL APPROVED MID-YEAR ADJUSTMENT BUDGET) TO THE 2017-2022 INTEGRATED DEVELOPMENT PLAN (IDP) 2020/21

RESOLVED that:

- (a) the comments on the proposed amendments to the 2017-2022 (2020/21) IDP as per Annexure B to the report on the agenda, be noted
- (b) the proposed amendments to the 2017-2022 IDP resulting from the 2020/21 mid-year adjustments as per Annexures A1-A4 to the report on the agenda, be approved.

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

ACTION: J YSLIE, H COLE, G KENHARDT

C 05/03/21 PROPOSED AMENDMENTS TO THE 2017-2022 INTEGRATED DEVELOPMENT PLAN (IDP) 2021/22 AMENDMENTS

RESOLVED that:

- (a) the proposed amendments to the 2017-2022 IDP (2021/22 amendments), including changes to the Corporate Scorecard and Municipal Entities (Cape Town International Convention

Centre and Cape Town Stadium), as contained in Annexure A to the report on the agenda, be noted

- (b) the public comment period of a minimum of 21 days for the proposed amendments to the 2017-2022 IDP (2021/22 amendments), be approved.

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

ACTION: E DU TOIT, H COLE, G KENHARDT

C 06/03/21

TABLING OF BUDGET 2021/22- 2023/24

The Executive Mayor, Ald D Plato tabled the draft budget for public comment.

UNANIMOUSLY RESOLVED that it be noted that the draft budget for the 2021/22 to 2023/24 financial years was tabled by the Executive Mayor and that the tabled draft budget would be subjected to a public participation process, as legislatively prescribed, during April 2021.

ACTION : J STEYL, K JACOBY

At this stage, the Speaker ruled that Items C13G and C23U be brought forward and clustered for debate. The decisions are however recorded in numerical sequence. Ald X Sotashe expressed his dissatisfaction on the late distribution of the Annexures to Item C23U.

C 07/03/21

PROPOSED CLOSURE OF A PORTION OF MOHAN AVENUE BEING PORTION OF ERF 36809 CAPE TOWN AT RYLANDS

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 a portion of Mohan Avenue, being Erf 36809, Cape Town at Rylands, in extent 2085m² as depicted by the figure ABCDEFG on the unregistered SG Diagram attached as Annexure B to the report on the agenda.

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

ACTION: C DAVIS, R SCHNACKENBERG, R GELDERBLOEM

C 08/03/21

AWARDING OF CONTRACT WHICH WILL INCUR FINANCIAL OBLIGATIONS BEYOND THE BUDGET CYCLE: TENDER NO. 140S/2019/20 – SUPPLY, INSTALLATION AND MAINTENANCE OF SECURITY ALARM SYSTEMS

RESOLVED that:

- (a) Council determined that the CCT will secure a significant capital investment 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 R30 000 000 (excl. VAT) as confirmed in financial footnote attached to the report on the agenda, initially funded from City-wide Cost Centres and GL Number 673000 for the MTREF, be approved
- (c) the City Manager, or his nominee, be authorised to sign the above contract.

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

ACTION: S ABEL, O NAIDOO, K SMITH, G KENHARDT

C 09/03/21

CLEARING OF INVASIVE ALIEN PLANTS IN THE CATCHMENTS OF THE WESTERN CAPE WATER SUPPLY SYSTEM: MEMORANDUM OF AGREEMENT WITH THE NATURE CONSERVANCY

RESOLVED that:

- (a) the Agreement with The Nature Conservancy attached as Annexure B to the report on the agenda, be approved and the Executive Director: Water and Waste be authorised to sign the contract, as well as any amendments to the associated Business Plan that may be required as the project progresses
- (b) the funding requirement relating to the Grants / Sponsorships (Cost Element - 457200), be approved and that the amount of R62 million be transferred to The Nature Conservancy over a three-year period
- (c) the City undertakes sustainable catchment management within an ecologically responsible way.

ACTION: M KILLICK, M WEBSTER

C 10/03/21

AMENDMENT TO THE RELOCATION ASSISTANCE POLICY FOR NEW EMPLOYEES

Cllr M Nqulwana (ANC), seconded by Cllr L Zondani (ANC), proposed the following amendment to clause 5.1.4.1 on Annexure A in respect of the payment of sundry expenses, in order to enable inclusivity of persons with special needs or disabilities:

“The employee may be paid a flat rate of R55 116 with 10% more added for persons with disabilities within two weeks from the date that he/she takes up his/her relocation to Cape Town. Where it is considered reasonable to pay a lesser amount in order to attract the candidate, the delegated authority may choose to do so.”

Cllr F Ah-Sing (DA) proposed that the proposed amendments as outlined in the report on the agenda, be supported.

The amendment as proposed by Cllr M Nqulwana was put to the vote, with a majority vote against Cllr Nqulwana’s proposal.

The amendment was therefore not carried.

RESOLVED that the amended Relocation Assistance Policy for New Employees as set out in Annexure A to the report on the agenda, be approved.

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

ACTION: Y SCHOLTZ, P REDDY, G KENHARDT

C 11/03/21

PROPOSED CLOSURE OF PORTIONS OF ROADS ADJOINING ERVEN 18063 18096, 18104 18152 AND 18174 18201 BEING PORTIONS OF ERF 15571 A REGISTERED PORTION OF ERF 1901-RE BLUE DOWNS

RESOLVED that, in terms of section 4(2)(f) of the City of Cape Town: Immovable Property By-Law, 2015, approval be granted that, by Notice in the Provincial Gazette, portions of public roads adjoining Erven 18063 18096, 18104 - 18512 and 18174 - 18201, Blue Downs, approximately 7657 m² in extent, as depicted on Annexure A to the report on the agenda, be closed.

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

C 12/03/21

CLOSURE OF PUBLIC PLACE AND PUBLIC STREETS: A PORTION OF REMAINDER ERF 192 ROGGEBAAI, PORTION OF RUA VASCO DA GAMA (REMAINDER ERF 192, ROGGEBAAI) AND PORTION OF RUA BARTHOLOMEU DIAS (ERF 234, ROGGEBAAI), COMMONLY KNOWN AS SALAZAR SQUARE

RESOLVED that, in terms of section 4 of the Immovable Property By-law, 2015, the closure of portion remainder Erf 192, Roggebaai as Public Open Space, and closure of portions of remainder Erf 192, Roggebaai (portion of Rua Vasco da Gama) and remainder Erf 234, Roggebaai (portion of Rua Bartholomeu Dias) as Public

Streets, shown bordered Green, Blue and Pink on Annexure A attached to the report on the agenda, be approved.

ACTION: S NHIWATIWA, A HUMAN, R SCHNACKENBERG, R GELDERBLOEM

C 13/03/21

ACQUISITIVE PRESCRIPTIVE CLAIM OVER A PORTION OF PUBLIC PLACE, BEING PORTION OF ERF 367 CAPE TOWN: SERENA CROSBY

RESOLVED that:

- (a) based on the evidence submitted by the Claimant, Council in terms of the provisions of Clause 5 of the City of Cape Town: Immovable Property By-law, 2015, read with section 1 of the Prescription (Local Authorities) Ordinance No 16 of 1964, admit and concede to the Acquisitive Prescriptive Claim over a portion of Public Place, being portion of Erf 367, Cape Town, situated between Loader and High Level Road, measuring in extent approximately 1,6m² as depicted by the figure ADxy on the unregistered SG Diagram attached as Annexure A to the report on the agenda, in favour of Serena Crosby, or her successors-in-title
- (b) all costs in connection with the transaction are to be borne by the applicant
- (c) approval be subject to compliance with any other statutory requirement.

ACTION: C DAVIS, R SCHNACKENBERG, R GELDERBLOEM

C 13A/03/21

CONSIDERATION OF THE REVIEW OF THE INFORMAL TRADING PLAN FOR GATESVILLE CENTRAL BUSINESS DISTRICT (CBD), WARD 46

RESOLVED that:

- (a) the resolutions of the meeting of Subcouncil 11 held on 19 January 2021 attached as Annexure B to the report on the agenda, be noted
- (b) in terms of Section 6.9 of the City of Cape Town's Informal Trading By-law, the Informal Trading Plan for a portion of Ward 46 along Klipfontein Road between Yusuf Gool Boulevard and Johnston Road and trading along Johnston Road between Klipfontein Road and College Road as shown in Annexure C to the report on the agenda, Maps 1-6, be adopted as being an area in which the carrying on of the business of Informal trading is permitted

- (c) the areas of the Gatesville CBD along Klipfontein Road between Yusuf Gool Boulevard and Johnston Road and trading along Johnston Road between Klipfontein Road and College Road, as indicated on Annexure C to the report on the agenda, Maps 1-6, be declared as demarcated areas in which the carrying on of the business of Informal Traders is allowed to persons in possession of a valid permit from the City of Cape Town
- (d) the previous proclamation of the informal trading plan for the Gatesville area as published in Provincial Gazette no. 5413 dated 21 January 2000, be revoked
- (e) the informal trading bays as stated in Annexure C to the report on the agenda, Maps 2-6, be let out by means of a permit system and that no informal trading be permitted in these demarcated informal trading bays if a person is not in possession of a valid permit issued by a specifically authorised employee, agent representative and/or service provider of the City of Cape Town
- (f) the area stated in Annexure C to the report on the agenda, Map 2, along Klipfontein Road be converted to a weekend market where trading is permitted from 07h00-18h00 on Saturdays and Sundays
- (g) a portion of the area in Annexure C to the report on the agenda, Map 2B (bays 1-40) trading will be permitted for 7 days a week for traders who are trading every day between the hours 07h00-18h00
- (h) trading areas in Annexure C to the report on the agenda, Maps 3-6, along Klipfontein Road between Hazel Road and Johnston Road and trading bays along Johnston Road between Klipfontein and College Road will be permitted 7 days a week between the hours of 07h00-18h00
- (i) the comments received from the 30-day public participation process as per Section 6 of the Informal Trading By-law and the responses from Area Economic Development, be noted
- (j) the objections not be upheld
- (k) the approved Informal Trading Plan for Ward 46 be published in the Provincial Gazette in terms of the Informal Trading By-law of 2009, as amended in 2013.

ACTION: Y GOGELA, B GERBER

C 13B/03/21 REQUEST FOR APPROVAL IN TERMS OF SECTION 33 OF THE MUNICIPAL FINANCE MANAGEMENT ACT, (ACT 56 OF 2003) FOR TENDER NUMBER: 43G/2020/21: SUPPLY, MAINTENANCE AND SUPPORT SERVICE OF EARTHING DESIGN AND ANALYSIS SOFTWARE

RESOLVED that:

- (a) Council determined that the municipality will derive a significant financial benefit from the contract
- (b) the entire contract exactly as it is to be executed, incurring a financial obligation for 60 months (as per resolution SCMB 77/11/20 from 1 July 2021 to 30 June 2026) and in the estimated amount of R2 173 500,00 (including VAT), funded from Cost Centres 80020050, 80020043 and WBS CPX.0009446-F1 as detailed in the report on the agenda, which includes a provision for a price adjustment subject to rate of exchange as per BAC resolutions 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 and AJ recorded their votes against the above decision.]

ACTION: S ABEL, J VAN DER MERWE, L RENCONTRE, K NASSIEP

C 13C/03/21 AWARD OF CONTRACT WHICH WILL INCUR FINANCIAL OBLIGATIONS BEYOND THE BUDGET CYCLE: 74S/2019/20 SUPPLY, MIGRATION AND IMPLEMENTATION OF A NEW INTEGRATED LIBRARY MANAGEMENT SYSTEM (ILMS)

RESOLVED that:

- (a) having considered the requirements of section 33 of the Municipal Finance Management Act, Council determined that the municipality will derive a significant financial benefit from the provision of an Integrated Library Management System (74S/2019/20)
- (b) the entire contract as contained in Annexure E2 to the report on the agenda, to be executed incurring a financial obligation for ten financial years and in the estimated total of R24 000 000 (excluding VAT) which amount, may be adjusted as required in relation to the activation of Radio Frequency Identification (RFID) as a new service, subject to available funding in a given financial year as confirmed in the

capital financial footnote attached to the report on the agenda, initially funded from Cost Centre(s): 18050147 GL 414850 for the Medium-term Revenue and Expenditure Framework (MTREF), be approved

- (c) the City Manager, or his nominee, be authorised to sign the above contract.

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

ACTION: S ABEL, E BEZUIDENHOUT, E SASS

C 13D/03/21

PROPOSED APPROVAL FOR THE TRANSFER OF VACANT ERF 28063, ZONED COMMUNITY ZONE 1 (CO1), BOUNDED BY XUMA, GONIWE AND NOKWE STREET, WALLACEDENE, KRAAI-FONTEIN FOR COMMUNITY PURPOSES

RESOLVED that:

- (a) in terms of section 14(2)(a) and (b) of the Municipal Finance Management Act (MFMA), Act 56 of 2003:
- (i) it be resolved that Erf 28063, bounded by Xuma, Goniwe and Nokwe Street, Kraaifontein in extent approximately 1218 m², shown lettered ABCDEF on Plan LIS 1479v0 attached as Annexure A to the report on the agenda, zoned Community Zone 1: Local (CO 1), be regarded as not being required for the provision of the minimum level of basic municipal services;
- (ii) it be confirmed that the fair market value of the asset described in (a)(i) and the economic and community value to be received in exchange for the asset described in (a)(i) have been considered.
- (b) in terms of Regulation 5(1) of the Municipal Assets Transfer Regulations (MATR), R.878 promulgated on 22 August 2008, approval be granted for the transfer of Erf 28063, bounded by Xuma, Goniwe & Nokwe Street, Kraaifontein in extent approximately 1 218m², zoned Community Zone 1: Local (CO 1) to The Grace Abounds NPC, in the amount of One Hundred and Nine Thousand One Hundred and Twenty Rand, (R109 120), excluding VAT;
- (c) the sales price shall escalate at 5% per annum compounded annually on a pro rata basis commencing six (6) months after the date of valuation (i.e. as from 01-05-2021) until date of registration;

- (d) the market value is to be reassessed if the transaction is not approved by the relevant decision making authority of Council within 24 months from date of valuation (i.e. by 31-10-2022);
- (e) in terms of Regulation 17 of the MATR, the Director: Property Management in the exercise of her delegated authority finalise the terms and conditions, as set out in the sale agreement and to effect the transfer;
- (f) Council reaffirmed that the objections forwarded by Councillor Luyando Mbele on behalf of the community were taken into account on 31 January 2018, and consequently that the objections not be upheld.

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

ACTION: C DELCARME, A HUMAN, R SCHNACKENBERG, R GELDERBLOEM

C 13E/03/21

PROPOSED CLOSURE OF A PORTION OF ERF 17 CAMPS BAY, CORNER OF THE DRIVE AND CROWN CRESCENT, CAMPS BAY: WESTERN CAPE EDUCATION DEPARTMENT (CAMPS BAY PREPARATORY SCHOOL

RESOLVED that in terms of section 4(2)(f) of the City of Cape Town: Immovable Property By-law, 2015, approval be granted that, by Notice in the Provincial Gazette, a portion of Erf 17, Camps Bay, in extent 1114 m² as depicted by the figure ABCDEFGJKLM on unregistered SG Diagram attached as Annexure B to the report on the agenda, be closed.

ACTION: C DAVIS, R SCHNACKENBERG, R GELDERBLOEM

C 13F/03/21

PROPOSED CLOSURE OF A PORTION OF A PUBLIC OPEN SPACE, BEING PORTION OF ERF 7477 FISH HOEK, SITUATED AT SIMON'S TOWN ROAD, FISH HOEK

RESOLVED that, 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 Open Space, being a portion of Erf 7477, Fish Hoek, situated at Simon's Town Road, Fish Hoek, in extent approximately 121 m² as shown hatched and lettered ABCDEF on Plan LT 354v2 attached as Annexure A to the report on the agenda.

ACTION: Y EBRAHIM MOHAMED, R SCHNACKENBERG, R GELDERBLOEM

C 13G/03/21

PERFORMANCE REPORTS (2019/20) OF THE CITY'S TWO MUNICIPAL ENTITIES: CAPE TOWN INTERNATIONAL

**CONVENTION CENTRE COMPANY SOC LTD (RF) (CTICC)
AND CAPE TOWN STADIUM (RF) SOC LTD**

RESOLVED that:

- (a) the tabled Annual Financial Statements and the Audit Report from the Office of the Auditors-General as contained in the Annual Report of the Cape Town International Convention Centre (CTICC) and the Cape Town Stadium for the financial year 2019/20, be noted
- (b) the tabled Annual Reports of the CTICC and Cape Town Stadium for the financial year 2019/20 be forwarded to the Municipal Public Accounts Committee (MPAC) for the preparation of the oversight reports
- (c) the performance reviews of the CTICC and the Cape Town Stadium, for the 2019/20 financial year, be noted.

ACTION: L FORTUNE, D VALENTINE, K JACOBY

C 14/03/21

PROPOSED GRANTING OF IN-PRINCIPLE APPROVAL FOR THE TRANSFER BY PUBLIC COMPETITION OF VACANT REMAINDER ERF 94311, SITUATED AT 45 DARTMOUTH ROAD, MUIZENBERG, ZONED SINGLE RESIDENTIAL 1 (SR1): CONVENTIONAL HOUSING, FOR RESIDENTIAL PURPOSES

RESOLVED that:

- (a) in terms of Sections 14(2)(a) and (b) of the Municipal Finance Management Act, Act 56 of 2003 (MFMA):
 - (i) it be resolved that Remainder Erf 94311, situated at 45 Dartmouth Road, Muizenberg, in extent approximately 497m² (see Annexure A to the report on the agenda for Plan LIS 2171), be regarded as not being required for the provision of the minimum level of basic municipal services;
 - (ii) it be confirmed that the fair market 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 of 2008 (MATR), in-principle approval be granted for the transfer of Remainder Erf 94311 situated at 45 Dartmouth Road, Muizenberg, as described in (a)(i) above

- (c) Remainder Erf 94311, situated at 45 Dartmouth Road, Muizenberg, be transferred by public competition, subject to conditions to be imposed by the Director: Property Management in the exercise of her delegated authority.

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

ACTION: M HELDSINGER, A HUMAN, R SCHNACKENBERG, R GELDERBLOEM

C 15/03/21

PROPOSED GRANTING OF IN-PRINCIPLE APPROVAL FOR THE TRANSFER, BY WAY OF A PUBLIC COMPETITIVE PROCESS, OF VACANT ERF 4440, SITUATED AT 27 NOKWAZI SQUARE, KHAYELITSHA, FOR RESIDENTIAL PURPOSES

RESOLVED that:

- (a) in terms of section 14(2)(a) and (b) of the Municipal Finance Management Act (MFMA), Act 56 of 2003:
- (i) it be resolved that Erf 4440, situated at 27 Nokwazi Square, Khayelitsha in extent approximately 321m², zoned Single Residential 2, shown lettered ABCD on Plan LIS 2163 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 transfer of Erf 4440 situated at 27 Nokwazi Square, Khayelitsha as described in (a)(i) above
- (c) Erf 4440, Khayelitsha be transferred by way of public competition, subject to conditions to be imposed by the Director: Property Management in the exercise of her delegated authority
- (d) comments and recommendations provided by the Western Cape Provincial Treasury, be noted.

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

ACTION: E TYMAN, A HUMAN, R SCHNACKENBERG, R GELDERBLOEM

C 16/03/21

LEASE OF PORTION OF PUBLIC PASSAGE, ERF 493 SEA POINT WEST, OFF BEACH ROAD, SITUATED AT 243 BEACH ROAD, SEA POINT: BELLE FRANCE SHAREBLOCK.

RESOLVED that the lease of City land, public passage, Erf 493, Sea Point West situated off Beach Road, shown lettered ABCD on plan STC 8279/5 attached as Annexure A to the report on the agenda, in extent approximately 205 m², to Belle France Share Block, or successors-in-title, be approved, subject *inter alia* to the following conditions, that:

- (a) a market related rental of R3 750.00 per month inclusive of rates and excluding VAT be payable; the monthly rental is to be adjusted on the basis of 6% per annum compounded annually on a pro rata basis commencing 2 months from the date of this valuation. Accordingly, the above recommended rental is to be adjusted as from 01 June 2020;
- (b) the rental will escalate at 6% per annum compounded annually commencing from 01 June 2020. The escalation rate was reduced to 6% per annum from 1 April 2020
- (c) the lease will endure for a period of 10 years, subject to a review after five years;
- (d) the property be used for parking, access and security purposes only;
- (e) subject to such further conditions to be imposed by the Director: Property Management in terms of her delegated authority;
- (f) subject to compliance with any other statutory requirements;
- (g) no compensation will be payable for any improvement made to the property;
- (h) the objection will not be upheld.

ACTION: M TAYLOR, R SCHNACKENBERG, R GELDERBLOEM

C 17/03/21

PROPOSED TRANSFER OF A PORTION OF ERF 7726 MFULENI TO THE MZAMOMHLE EDUCARE CENTRE

RESOLVED that the transfer of a portion of Erf 7726, in extent approximately 560m² as lettered ABCD on Plan ET 617/1 attached

as Annexure A to the report on the agenda, to Mzamomhle Educare Centre, or its successor(s)-in-title, be approved, subject to the following conditions, that:

- (a) a purchase price of R62 500.00 excluding VAT be payable;
- (b) the sale price is to be escalated by 8% per annum compounded annually on a pro rata basis commencing from date of valuation (1 June 2019) until 31 March 2020 and then by 5% until date of registration. Note: The escalation rate of 8% was reduced to 5% p.a. from 1 April 2020 on account of the coronavirus and the resultant economic fallout, which has dampened growth prospects for the property market;
- (c) the valuation is to be reviewed if not implemented within 18 months from date of valuation, i.e. by 2020-12-01;
- (d) rates and municipal charges, if applicable, be levied;
- (e) subject to such further conditions to be imposed by the Director: Property Management in terms of her delegated authority, including *inter alia* the following:
 - (i) that all further statutory and land use requirements be complied with;
 - (ii) that a reversionary clause in favour of the City of Cape Town be registered against the title of the property;
 - (iii) that all costs related and incidental to the transaction be borne by the purchaser;
 - (iv) that the erf will be used for educational purposes (ECD) as per applicant's application. All building and planning by-laws must be adhered to regarding the infrastructure and occupational certificate needs to be obtained before the facility starts to operate. Needs to comply with all the ECD Norms and Standards;
 - (v) that a 3-metre-wide servitude be registered over the services that are on the portion of Erf 7726, Mfuleni in favour of the City of Cape Town at the cost of the applicant.

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

ACTION: A KLUE, R SCHNACKENBERG, R GELDERBLOEM

C 18/03/21

**PROPOSED TRANSFER OF REMAINDER ERF 34924
SITUATED IN MAKABENI ROAD, KHAYELITSHA**

RESOLVED that:

- (a) the proposed sale of Remainder Erf 34924, situated at Makabeni Road in Khayelitsha, approximately 2693 m² in extent, zoned Community 2 and shown on Plan LIS 2159 attached as Annexure A to the report on the agenda, to CPT Randz (Pty) Ltd for R1 600 000.00 (One Million Six Hundred Thousand Rand) exclusive of VAT, be approved
- (b) the transfer to CPT Randz of Remainder Erf 34924, Khayelitsha as described in (a) above for R1 600 000.00 (excluding VAT), be approved
- (c) the purchase price be subject to escalation at the rate of 5% per annum compounded annually on a pro rata basis from the date of valuation (i.e. from 2020-03-31) until date of registration
- (d) the purchase price be subject to review in the event that the transfer has not been effected within 24 months from date of Council approval. The transfer be subject to such further conditions to be imposed by the Director: Property Management
- (e) a servitude be registered over the sewer line running along the east boundary of Remainder Erf 34924, Khayelitsha.

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

ACTION: T MADIKANE, A HUMAN, R SCHNACKENBERG, R GELDERBLOEM

C 19/03/21

CONFERMENT OF THE TITLE OF ALDERMAN ON COUNCILLORS OF THE CITY OF CAPE TOWN: CLLR P CHAPPLE

RESOLVED that, in terms of the Policy, the honorary title of Alderman be bestowed on Cllr P Chapple (DA), councillor of the City of Cape Town, at an event to be hosted by the Speaker of the City of Cape Town.

ACTION: J VAN AS, B GERBER

C 20/03/21

CONFERMENT OF THE TITLE OF ALDERMAN ON COUNCILLORS OF THE CITY OF CAPE TOWN: CLLR W JAFTHA AND CLLR X SOTASHE

RESOLVED that, in terms of the Policy, the honorary title of Alderman be bestowed on Cllr W Jaftha (DA) and Cllr X Sotashe

(ANC), councillors of the City of Cape Town, at an event to be hosted by the Speaker of the City of Cape Town.

ACTION: J VAN AS, B GERBER

At this stage, namely at 14H17, the Speaker ruled that Cllr M Nikelo (DA) act as Chairperson for the remainder of the meeting.

C 21/03/21 CONSENT OF COUNCIL TO ENABLE A FULL-TIME COUNCILLOR TO UNDERTAKE OTHER PAID WORK

RESOLVED that the request received from Cllr P Swart be approved, subject to the inclusion of the following conditions:

- (i) City equipment should not be used for private work;
- (ii) City time should not be used for private work;
- (iii) The Councillor must resign as Chairperson of the Disciplinary Committee with immediate effect.

ACTION: J VAN AS, B GERBER

C 22/03/21 FURTHER DEBATE ON RULE 9.1.13 “MATTERS FOR NOTING” AS DISCUSSED AT THE RULES & ETHICS WORKSHOP ON 22 JANUARY 2021

Cllr P Swart proposed that the subject report be referred back.

The proposal was duly supported.

RESOLVED that the report on further debate on Rule 9.1.13 related to “Matters for Noting”, be referred back.

ACTION: M LEVENDALL, R RAZACK, G JEFFRIES, G KENHARDT

C 23/03/21 PROPOSED CHANGES TO MEMBERSHIP OF COMMITTEES

RESOLVED that:

- (a) Cllr M Dambuza (EFF) be removed as member from the Future Planning Infrastructure Planning Committee
- (b) Cllr S P Liell-Cock (DA) be appointed as Chairperson of the Transport Portfolio Committee and that Cllr A P McKenzie (DA) remains as member of the Transport Portfolio Committee

- (c) Cllr C Fry (DA) and Cllr J Mbolombo (DA) be appointed as members of the Municipal Public Accounts Committee (MPAC) and Cllr N Rheeder (DA) and Cllr R Beneke (DA) be removed
- (d) Cllr R Beneke (DA) be appointed as member of the Economic Opportunities and Asset Management Portfolio Committee.

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

C 23A/03/21

PROPOSED CLOSURE, APPROVAL IN-PRINCIPLE AND APPROVAL FOR TRANSFER OF A PORTION OF ERF 1304 HOUT BAY, BEING PUBLIC STREET, SITUATED AT SUNSET AVENUE, LLANDUDNO, HOUT BAY: WORTHCOR PROPERTY INVESTMENTS CC

RESOLVED that:

- (a) in terms of section 14(2)(a) and (b) of the Municipal Finance Management Act (MFMA), Act 56 of 2003:
 - (i) it be resolved that a portion of Erf 1304, Hout Bay being a portion of public street, situated at Sunset Avenue, Llandudno, Hout Bay in extent approximately 245 m² as shown lettered ABCD on Plan LT 1509v1 attached as Annexure A to the report on the agenda, be regarded as not being required for the provision of the minimum level of basic municipal services;
 - (ii) it be confirmed that the fair market 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), in-principle approval be granted for the transfer of a portion of Erf 1304, Hout Bay being a portion of a public street, situated at Sunset Avenue, Llandudno, Hout Bay, in extent approximately 245 m², as shown lettered ABCD on Plan LT 1509v1 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 Erf 1304, Hout Bay, being a portion of a public street, situated at Sunset Avenue, Llandudno, Hout Bay, in extent approximately 245 m² as shown hatched and lettered ABCD on plan LT 1509v1 attached as Annexure A to the report on the agenda;

- (d) the transfer of a portion of Erf 1304, Hout Bay being a portion of a public street, situated at Sunset Avenue, Llandudno, Hout Bay, in extent approximately 245 m², as shown lettered ABCD on Plan LT 1509v1 attached as Annexure A to the report on the agenda, to Worthcor Property Investments CC, or their successor(s)-in-title, be approved, subject *inter alia* to the following conditions, that:
- (i) the property be sold for the sum of R2 050 000, exclusive of VAT at 15% being R307 500 (in total R2 357 500) plus costs;
 - (ii) the sales price shall escalate at a reduced rate of 5% per annum compounded annually on a pro rata basis commencing 6 months from date of valuation (i.e. as from 01-04-2020) 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 18 months from date of valuation (i.e. by 01-04-2021);
 - (iv) land is to be transferred/sold with no limiting conditions;
 - (v) subject to such further conditions to be imposed by the Director: Property Management in the exercise of her delegated authority; including *inter alia* the following:
 - (aa) subject to compliance with any other statutory requirements;
 - (bb) all costs related to the transaction be borne by the applicants;
 - (cc) the City of Cape Town By-law be adhered to;
 - (dd) any alterations or deviations to electricity services necessary as a consequence of the proposal, or requested by the applicant, will be carried out at the applicant's cost;
 - (ee) electrical infrastructure may exist on the property and in the vicinity. A way-leave shall be obtained from the Electricity Generation and Distribution Department before any excavation work may commence;

- (ff) it is the responsibility of the applicant to notify Telkom immediately should the applicant locate any Telkom plant which might not be indicated on the plan;
- (gg) it must be made known to the applicant that Telkom requires access to carry out maintenance or upgrade existing plants at all times;
- (hh) Telkom's way-leave with reference number WWIP_WSST1002_18 to be complied with.

ACTION: Y EBRAHIM MOHAMED, R SCHNACKENBERG, R GELDERBLOEM

C 23B/03/21

PROPOSED LEASE OF CITY LAND, ERF 31517 CAPE TOWN, DURBAN ROAD, MOWBRAY FOR PARKING PURPOSES: HOSTPROPS 1117 CC

RESOLVED that the lease of City Land, being Erf 31517, Cape Town situated on Durban Road, Mowbray, shown hatched and lettered ABCDE on sketch STC 3567 attached as Annexure A to the report on the agenda, in extent approximately 488 m², to Hostprops 1117CC, owners of Erf 31516, or it's successors-in-title, be approved, subject to *inter alia* the following conditions, that:

- (a) a market rental of R3 750 per month inclusive of rates and excluding VAT calculated per month for a period of 10 years, the rental to be reviewed after 5 years;
- (b) the monthly rental to be adjusted on the basis of 6% per annum compounded annually on a pro-rata basis commencing from 1 April 2020. Rental to be reviewed after a period of 5 years;
- (c) the lease will endure for a period of 10 years;
- (d) the property to be used for parking purposes only;
- (e) subject to such further conditions to be imposed by the Director: Property Management in terms of her delegated authority;
- (f) subject to compliance with any other statutory requirements;
- (g) no compensation will be payable for any improvement made to the property.

ACTION: M TAYLOR, B MALI-SWELINDAWO, R SCHNACKENBERG, R GELDERBLOEM

C 23C/03/21

PROPOSED CLOSURE AND TRANSFER OF A PORTION OF REMAINDER ERF 50 BANTRY BAY, SITUATED OFF KLOOF ROAD, BANTRY BAY TO THE OWNER OF THE ADJACENT REMAINDER ERF 94, BANTRY BAY: MARAIS RICHARD KIKILLUS

RESOLVED that:

- (a) in terms of section 14(2)(a) and (b) of the Municipal Finance Management Act (MFMA), Act 56 of 2003:
 - (i) it be resolved that the subject property, being a portion of Remainder Erf 50, Bantry Bay, situated between Avenue Marina and Kloof Road, Bantry Bay, in extent 66 m² and as shown hatched and lettered ABCD on Plan STC 2938v1 attached as Annexure A to the report on the agenda, be regarded as not being required for the provision of the minimum level of basic municipal services;
 - (ii) it be confirmed that the fair market 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), in-principle approval be granted for the transfer of a portion of Remainder Erf 50, Bantry Bay, situated between Avenue Marina and Kloof Road, Bantry Bay, in extent 66 m² and as shown hatched and lettered ABCD on Plan STC 2938v1 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 Remainder Erf 50, Bantry Bay, situated between Avenue Marina and Kloof Road, Bantry Bay, in extent 66 m² and as shown hatched and lettered ABCD on Plan STC 2938v1 attached as Annexure A to the report on the agenda;
- (d) the transfer of a portion of Remainder Erf 50, Bantry Bay, situated between Avenue Marina and Kloof Road, Bantry Bay, in extent 66 m² and as shown hatched and lettered ABCD on Plan STC 2938v1 attached as Annexure A to the report on the agenda, to Marais Richard Kikillus, or his successor(s)-in-title, be approved, subject to the following conditions, that:

- (i) a purchase price of R425 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 6 months from date of valuation being 1 April 2020 until date of registration;
- (iii) the valuation is to be reviewed if not approved by the delegated authority within 18 months from date of valuation, i.e. by 1 April 2021;
- (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 50, Bantry Bay, be consolidated with the purchaser's Erf 94, Bantry Bay;
 - (cc) that all costs related and incidental to the transaction be borne by the purchaser.

ACTION: J NIEUWOUDT, R SCHNACKENBERG, R GELDERBLOEM

C 23D/03/21

PROPOSED TRANSFER OF CITY-OWNED IMMOVABLE PROPERTY: PORTION OF ERF 2341 ORANJEZICHT, SITUATED AT INVERMARK CRESCENT, ORANJEZICHT TO THE OWNER OF THE ADJACENT ERF 2325 ORANJEZICHT: MONICA SUZANNE VAN ZYL

RESOLVED that:

- (a) in terms of section 14(2)(a) and (b) of the Municipal Finance Management Act (MFMA), Act 56 of 2003:
 - (i) it be resolved that the subject property, being a portion of Erf 2341, situated at Invermark Crescent, Oranjezicht, in extent approximately 136 m² as shown cross-hatched and lettered ABCD on Plan STC 3103 attached as Annexure A to the report on the agenda, be regarded as not being required for the provision of the minimum level of basic municipal services;

- (ii) it be confirmed that the fair market 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), in-principle approval be granted for the transfer of a portion of Erf 2341, situated at Invermark Crescent, Oranjezicht, in extent approximately 136 m² as shown cross-hatched and lettered ABCD on Plan STC 3103 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 Erf 2341, situated at Invermark Crescent, Oranjezicht, in extent approximately 136 m² as shown cross-hatched and lettered ABCD on Plan STC 3103 attached as Annexure A to the report on the agenda;
- (d) the transfer of a portion of Erf 2341, situated at Invermark Crescent, Oranjezicht, in extent approximately 136 m² as shown cross-hatched and lettered ABCD on Plan STC 3103, attached as Annexure A to the report on the agenda, to Monica Suzanne Van Zyl, or her successor(s)-in-title, be approved, subject to the following conditions, that:
 - (i) a purchase price of R940 000, excluding VAT, be payable;
 - (ii) the purchase price is to be escalated by 8% per annum compounded annually on a pro-rata basis commencing from 1 June 2019 until 31 March 2020. Thereafter, the escalated purchase shall escalate at 5% per annum until date of registration;
 - (iii) occupational rental of R3 900 per month, escalating at 8% per annum, shall be payable from 1 June 2019 until 31 March 2020. Thereafter the escalated occupational rental shall escalate at 6% per annum, until date of registration;
 - (iv) a servitude to be registered in order to protect underground services;
 - (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) all further statutory and land use requirements be complied with;
- (bb) after closure the subject portion of Erf 2341, Oranjezicht must be consolidated with Erf 2325;
- (cc) all costs related and incidental to the transaction be borne by the purchaser;
- (dd) the applicant will be liable for all costs in connection with this transaction i.e. survey, rezoning, transfer and impact assessment.

ACTION: J NIEUWOUDT, R SCHNACKENBERG, R GELDERBLOEM

C 23E/03/21

PROPOSED TRANSFER OF A PORTION OF REMAINDER ERF 2273 ORANJEZICHT TO OWNER OF ADJACENT ERF 2275 ORANJEZICHT: STEPHEN PETER DENTON

RESOLVED that the transfer of a portion of Remainder Erf 2273, Oranjezicht, in extent approximately 20 m² as shown cross-hatched and lettered ABC on Plan STC 2595v0 attached as Annexure A to the report on the agenda, to Stephen Peter Denton, or his successor(s)-in-title, be approved, subject to the following conditions, that:

- (a) a purchase price of R112 000 excluding VAT be payable;
- (b) the purchase price is to be escalated by 6% per annum for the period 1 February 2018 until 31 March 2020; Thereafter it will further escalate at 5% per annum until date of registration;
- (c) the market value is to be re-assessed if the transaction is not approved by the relevant decision making authority of Council within 24 months from the current date of valuation, i.e. it must be approved by 31 July 2022;
- (d) rates and municipal charges, if applicable, be levied;
- (e) subject to such further conditions to be imposed by the Director: Property Management in terms of her delegated authority, including *inter alia* the following:
 - (i) all further statutory and land use requirements be complied with;

- (ii) the subject portion of Remainder Erf 2273, Oranjezicht be consolidated with the purchaser's Erf 2275, Oranjezicht;
- (iii) all costs related and incidental to the transaction be borne by the purchaser.

ACTION: J NIEUWOUDT, R SCHNACKENBERG, R GELDERBLOEM

C 23F/03/21

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 PORTIONS OF PUBLIC STREET BEING UNREGISTERED STATE LAND, ERVEN 2014, 2078, 2077 AND 2079 VREDEHOEK, SITUATED ON CORNER OF BUITENKANT AND MILL STREET, GARDENS IN FAVOUR OF ERF 2765 VREDEHOEK

RESOLVED that the granting of rights to use and control or manage a municipal capital asset by way of transferring a building rights servitude over a portion of a public street being unregistered state land, Erven 2014, 2078, 2077 and 2079, Vredehoek, shown hatched and lettered ABCDEFG on Plan STC2805 attached as Annexure A to the report on the agenda, in favour of Ceston Investments (Pty) Ltd, owners of Erf 2765, Cape Town, or their successor(s)-in-title, be approved, subject to the following conditions, that:

- (a) a purchase price of R500 000 excluding VAT, be payable;
- (b) the purchase price is to be escalated by 8% per annum from 1 March 2018 to 31 March 2020; Thereafter it will further escalate at 5% per annum until date of registration;
- (c) occupational rental of R3 750 per month excluding VAT be charged with effect from 1 March 2018, escalating at 8% per annum until 31 March 2020. The escalated rental will thereafter escalate at 6% per annum until date of registration;
- (d) the valuation is to be reviewed if the transaction is not implemented within 24 months from date of valuation, i.e. by 30 November 2022;
- (e) development permitted must be limited to the current overhangs by way of an appropriate title deed restriction/condition of sale;

- (f) subject to such further conditions to be imposed by the Director: Property Management in terms of her delegated authority.

ACTION: J NIEUWOUDT, R SCHNACKENBERG, R GELDERBLOEM

C 23G/03/21

PROPOSED LEASE OF PUBLIC STREET ERVEN 16361 AND 149247 CAPE TOWN, BLACK RIVER PARKWAY, MAITLAND: MAITLAND EDGE PTY LTD

RESOLVED that the lease of a public street, being Erven 16361 and 149247, Cape Town situated at Black River Parkway, shown hatched and lettered ABCDE on Plan STC 3593 attached as Annexure A to the report on the agenda, in extent approximately 2467 m², to Maitland Edge Pty Ltd, owner of remainder Erf 23851, Cape Town, or his successors-in-title, be approved, subject to *inter alia* the following conditions, that:

- (a) a market rental of R9 400 per month inclusive of rates and excluding VAT calculated at the rate applicable at the time of transaction be payable. The monthly rental is to escalate at 6% per annum compounded annually commencing 1 April 2020. Rental to be reviewed after a period of five years;
- (b) the rental will escalate at 6% per annum;
- (c) the lease will endure for a period of 10 years;
- (d) the property be used for parking purposes only;
- (e) subject to such further conditions to be imposed by the Director: Property Management in terms of her delegated authority;
- (f) subject to compliance with any other statutory requirements;
- (g) no compensation will be payable for any improvement made to the property;
- (h) the leased area is to be restricted to 26 parking bays as per the proposal. The rental is to be re-assessed should the number of parking bays increase;
- (i) all outstanding accounts with the City of Cape Town must be settled.

ACTION: N VANQA, R SCHNACKENBERG, R GELDERBLOEM

C 23H/03/21 PROPOSED CLOSURE, IN-PRINCIPLE APPROVAL AND APPROVAL FOR TRANSFER OF A PORTION OF ERF 86420 CAPE TOWN (PUBLIC STREET), SITUATED AT GILL ROAD, MUIZENBERG: GLEN ROBIN WARE BABB

RESOLVED that:

- (a) in terms of section 14(2)(a) and (b) of the Municipal Finance Management Act (MFMA), Act 56 of 2003:
 - (i) it be resolved that the subject property, being portion of Erf 86420, Cape Town, situated at Gill Road, Muizenberg, in extent approximately 199 m² as shown hatched and lettered ABCDEF on Plan LT 1268v1 attached as Annexure A to the report on the agenda, be regarded as not being required for the provision of the minimum level of basic municipal services;
 - (ii) it be confirmed that the fair market 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), in-principle approval be granted for the transfer of a portion of Erf 86420, Cape Town, situated at Gill Road Muizenberg, in extent approximately 199 m² as shown hatched and lettered ABCDEF on Plan LT 1268v1 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 the subject public street, being a portion of Erf 86420, Cape Town, situated at Gill Road, Muizenberg, in extent approximately 199 m² as shown hatched and lettered ABCDEF on Plan LT 1268v1 attached as Annexure A to the report on the agenda;
- (d) the transfer of a portion of Erf 86420, Cape Town, in extent approximately 199 m² as shown hatched and lettered ABCDEF on Plan LT 1268v1 attached as Annexure A to the report on the agenda, to Glen Robin Ware Babb, or his successor(s)-in-title, be approved, subject to the following conditions, that:
 - (i) a purchase price of R220 000, excluding VAT, be payable;

- (ii) the transfer price shall escalate by 8% per annum compounded annually on a pro-rata basis, commencing 6 months from date of valuation, i.e. from 1 April 2019 until 31 March 2020, thereafter it will escalate at 5 % per annum 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 24 months from current date of valuation, i.e. by 30 September 2022;
- (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) all further statutory and land use requirements be complied with;
 - (bb) the subject portion of Erf 86420, Cape Town be consolidated with the purchaser's Erf 86383, Cape Town;
 - (cc) a sewer, water main and electrical services cross the area in question and the subject area will have to be made subject to a services servitude in favour of the City to protect the underground and overhead municipal services traversing the length of the subject property and with no structures being allowed to be erected on this servitude area;
 - (dd) any alterations or deviations to the electricity services necessary as a consequence of the proposal, or requested by the applicant, will be carried out at the applicant's cost and minimum clearance of 3 m to any overhead mains conductors shall be maintained at all times;
 - (ee) Telkom services are known to exist on the subject property and it is the responsibility of the applicant to notify Telkom should any other Telkom plant be located which might not be indicated on the plan;
 - (ff) the pedestrian thoroughfare between PMR106 and Penrose Road is to remain open to the general public;

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

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

ACTION: Y EBRAHIM, MOHAMED, R SCHNACKENBERG, R GELDERBLOEM

C 231/03/21

GRANTING OF IN-PRINCIPLE APPROVAL: PROPOSED TRANSFER OF A PORTION OF ERF 3858 EVERSDALE TO OWNER OF ADJACENT ERF 4019 EVERSDALE

PROPOSED TRANSFER OF A PORTION OF ERF 3858 EVERSDALE TO OWNER OF ADJACENT ERF 4019 EVERSDALE: GÜNT HAR JACOBS

RESOLVED that:

- (a) in terms of section 14(2)(a) and (b) of the Municipal Finance Management Act (MFMA), Act 56 of 2003:
 - (i) it be resolved that the subject property, being a portion of Erf 3858, Eversdale, situated at Richelieu Street, Eversdale, in extent approximately 889 m² and as shown hatched and lettered ABCD on Plan TA1067v1 attached as Annexure A to the report on the agenda, be regarded as not being required for the provision of the minimum level of basic municipal services;
 - (ii) it be confirmed that the fair market 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), in-principle approval be granted for the transfer of a portion of Erf 3858, Eversdale, in extent approximately 889 m² as shown hatched and lettered ABCD on Plan TA1067v1 attached as Annexure A to the report on the agenda;
- (c) the transfer of a portion of Erf 3858, Eversdale, situated at Richelieu Street, Eversdale, in extent approximately 889 m² as shown hatched and lettered ABCD on Plan TA1067v1 attached as Annexure A to the report on the agenda, to Günthar Jacobs, or his successor(s)-in-title, be approved, subject to the following conditions, that:

- (i) a purchase price of R600 000 excluding VAT, be payable;
- (ii) the purchase price is to be escalated by 8% per annum compounded annually on a pro-rata basis, commencing from date of valuation, i.e. from 1 February 2020, until 30 March 2020, and at 5% per annum from 1 April 2020 until date of registration;
- (iii) the valuation is to be reviewed if not approved by the relevant delegated authority within 24 months from date of valuation, i.e. by 31 January 2022;
- (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) all further statutory and land use requirements be complied with, including the consolidation of the subject portion with the applicant's existing property;
 - (bb) service servitudes in favour of the City be registered over the underground services located within the subject property;
 - (cc) that all costs related and incidental to the transaction be borne by the purchaser.

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

ACTION: P STRUMPHER, R SCHNACKENBERG, R GELDERBLOEM

C 23J/03/21

PROPOSED LEASE OF CITY LAND, REMAINDER ERF 7386 AND A PORTION OF ERF 7371 PAROW, BETWEEN BEDFORD ROAD AND SMITH STREET, GLENLILY, PAROW: THE TASK TB TRUST

RESOLVED that the lease of City Land, being Remainder Erf 7386 and a portion of Erf 7371, Parow situated between Bedford Road and Smith Street, Glenlily, Parow, shown hatched and lettered ABCD and EFGH on Plan TA 983v1 attached as Annexure A to the report on the agenda, in extent approximately 993 m² and 248 m², to The Task TB Trust, owner of Erf 7389, Parow, or its successors-in-title, be approved subject to *inter alia* the following conditions:

- (a) a market rental of R12 000 per month inclusive of rates and excluding VAT calculated at the rate applicable at the time of transaction be payable. The monthly rental is to escalate at 8% per annum compounded annually commencing 1 December 2019 until 2020-03-31 and thereafter 6% per annum. Rental to be reviewed after a period of 5 years;
- (b) the rental will escalate at 6% per annum;
- (c) the lease will endure for a period of ten years;
- (d) the property be used for parking and security purposes only;
- (e) subject to such further conditions to be imposed by the Director: Property Management in terms of her delegated authority;
- (f) subject to compliance with any other statutory requirements;
- (g) no compensation will be payable for any improvement made to the property;
- (h) the objection not be upheld.

ACTION: P DAVIS, R SCHNACKENBERG, R GELDERBLOEM

C 23K/03/21

GRANTING OF IN-PRINCIPLE APPROVAL: PROPOSED CLOSURE AND TRANSFER OF FOUR PORTIONS OF ERF 31967 GOODWOOD TO OWNERS OF ADJACENT ERVEN 31468, 31467, 31483 AND 31484 GOODWOOD

PROPOSED TRANSFER OF FOUR PORTIONS OF ERF 31967 GOODWOOD TO OWNERS OF ADJACENT ERVEN 31468, 31467, 31483 AND 31484 GOODWOOD

RESOLVED that:

- (a) in terms of section 14 of the Local Government Municipal Finance Management Act 56 of 2003, that the subject property, being Erf 31967, Goodwood situated between Barnard and Visagie Street, in extent 188 m² in total (47 m² per applicant) and as shown hatched and lettered ABCD on respective Plans TA 819v0, TA 822v0, TA 820v0 and TA 821v0 attached as Annexures A1-A4 to the report on the agenda, is not needed to provide the minimum level of basic municipal services and the fair market value of the asset and the economic and community value to be received in exchange for the asset have been considered;

- (b) in-principle approval be granted in terms of regulation 5(1)(b)(ii) of the Municipal Asset Transfer Regulations for the transfer of Erf 31967, Goodwood, situated between Barnard and Visagie Street, in extent 188 m² in total (47 m² per applicant) and as shown hatched and lettered ABCD on respective Plans TA 819v0, TA 822v0, TA 820v0 and TA 821v0 attached as Annexures A1-A4 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 31967, Goodwood, situated between Barnard and Visagie Street, in extent 188 m² in total and as shown hatched and lettered ABCD on respective Plans TA 819v0, TA 822v0, TA 820v0 and TA 821v0 attached as Annexures A1-A4 to the report on the agenda;
- (d) the transfer of Erf 31967, Goodwood, in extent 188 m² in total (47 m² per applicant) and as shown hatched and lettered ABCD on respective Plans TA 819v0, TA 822v0, TA 820v0 and TA 821v0 attached as Annexures A1-A4 to the report on the agenda, to L and R Beukes, J and S Eygelaar, A Eksteen and AF Hasses/J Wepener, or their successor(s)-in-title, be approved, subject to the following conditions, that:
 - (i) a purchase price of R140 000 in total which will result in a sales price of R35 000 for each of the four portions, excluding VAT, be payable;
 - (ii) the purchase price is to be escalated by 8% per annum compounded annually on a pro-rata basis, commencing 6 months after date of valuation, i.e. from 1 August 2019, until 31 March 2020, and at 5% per annum from 1 April 2020 until date of registration;
 - (iii) the valuation is to be reviewed if not approved by the delegated authority within 24 months from date of valuation, i.e. by 31 October 2022;
 - (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) all further statutory and land use requirements be complied with;

- (bb) the subject portions of Erf 31967, Goodwood needs to be consolidated with each applicant's erf, which consolidation will be registered simultaneous with the registration of transfer;
- (cc) all costs related and incidental to the transaction be borne by the purchaser.

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

ACTION: P STRUMPHER, R SCHNACKENBERG, R GELDERBLOEM

C 23L/03/21

PROPOSED DISPOSAL BY WAY OF DEMOLITION OF A STRUCTURE LOCATED ON A PORTION OF REMAINDER ERF 100010 CAPE TOWN AT BONTEHEUWEL

RESOLVED that:

- (a) in terms of section 14(a) and (b) of the Local Government Municipal Finance Management Act 56 of 2003, the subject property is not needed to provide the minimum level of basic municipal services and that the fair market value of the asset and the economic and community value to be received in exchange for the asset have been considered
- (b) in-principle approval be granted in terms of regulation 5(1)(b)(ii) of the Municipal Asset Transfer Regulations for the disposal by way of demolition of the subject property;
- (c) approval be granted for the disposal by way of demolition of the structure on City-owned land, being a portion of Remainder Erf 100010, Cape Town at Bonteheuwel, as indicated on Plan TA 1152v0 attached as Annexure A to the report on the agenda.

ACTION: P STRUMPHER, R SCHNACKENBERG, R GELDERBLOEM

C 23M/03/21

PROPOSED TRANSFER OF A PORTION OF REMAINDER ERF 167424 CAPE TOWN SITUATED AT TRINIDAD CRESCENT, MANENBERG: Z AND MA ANTHONY

RESOLVED that the transfer of a portion of Remainder Erf 167424, Cape Town, in extent approximately 97 m² as shown cross-hatched and lettered ABC curve DE on Plan STC 2764 attached as Annexure A to the report on the agenda, to Mogamat Adiel Anthony and Zhida Anthony, or their successor(s)-in-title, be approved, subject to the following conditions, that:

- (a) a purchase price of R55 000.00 excluding VAT, be payable;
- (b) the purchase price is to be escalated by 8% per annum compounded annually on a pro-rata basis from 1 August 2019 until 31 March 2020; Thereafter the sales price will escalate at 5% p.a. until date of registration;
- (c) the valuation is to be reviewed if the transaction is not implemented within 24 months from date of valuation, i.e. by 31 August 2022;
- (d) rates and municipal charges, if applicable, be levied;
- (e) subject to such further conditions to be imposed by the Director: Property Management in terms of her delegated authority, including *inter alia* the following:
 - (i) all further statutory and land use requirements be complied with;
 - (ii) the subject portion of Remainder Erf 167424, Cape Town be consolidated with the purchaser's Erf 164385, Cape Town;
 - (iii) all costs related and incidental to the transaction be borne by the purchasers.

ACTION: P DAVIS, R SCHNACKENBERG, R GELDERBLOEM

C 23N/03/21

PROPOSED TRANSFER OF ERF 14455 KRAAIFONTEIN AT WALLACEDENE: METHODIST CHURCH OF SOUTHERN AFRICA

RESOLVED that:

- (a) the disposal of Erf 14455 Kraaifontein, situated in Boesak Road, Wallacedene, in extent 1 359 m² as shown crosshatched and lettered ABCDE on Plan TA 685v0 attached as Annexure A to the report on the agenda, to the Methodist Church of Southern Africa, or their successor(s)-in-title, be approved, subject to the following conditions, that:
 - (i) a purchase price of R65 000, excluding VAT, be payable;
 - (ii) the purchase price is to be escalated by 8% per annum compounded annually on a pro-rata basis, commencing from date of valuation, i.e. from 1 May

2019, until 30 March 2020, and at 5% per annum from 1 April 2020 until date of registration;

- (iii) the valuation is to be reviewed if not approved by the delegated authority within 24 months from date of valuation, i.e. by 1 May 2021;
- (iv) rates and municipal charges, if applicable, be levied;
- (v) subject to such further conditions to be imposed by the Director: Property Management in terms of her delegated authority, including inter alia the following, that:
 - (aa) all further statutory and land use requirements be complied with;
 - (bb) the property be utilized for Place of Worship (Community 1) purposes only;
 - (cc) a suitable reversionary clause, in favour of the City of Cape Town, be registered against the title of the property; and
 - (dd) all costs related and incidental to the transaction be borne by the purchaser.

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

ACTION: P STRUMPHER, R SCHNACKENBERG, R GELDERBLOEM

C 230/03/21

GRANTING OF IN-PRINCIPLE APPROVAL: PROPOSED TRANSFER OF PORTIONS OF REMAINDER ERF 2908 AND ERF 4463 TO OWNER OF ADJACENT ERF 11436 KRAAIFONTEIN

PROPOSED CLOSURE OF PORTIONS OF PUBLIC ROAD, BEING PORTIONS OF REMAINDER ERVEN 2908 AND 4463 KRAAIFONTEIN

PROPOSED TRANSFER OF PORTIONS OF REMAINDER ERF 2908 AND ERF 4463 TO OWNER OF ADJACENT ERF 11436 KRAAIFONTEIN: THE GM TRUST

RESOLVED that:

- (a) in terms of section 14 of the Local Government Municipal Finance Management Act 56 of 2003, the subject properties,

being Portions of Remainder Erf 2908 and Erf 4463, Kraaifontein, situated between Voortrekker Road and Second Avenue, in extent approximately 725 m² as shown hatched and lettered ABCDE on Plan TA 859v0 attached as Annexure A to the report on the agenda, is not needed to provide the minimum level of basic municipal services and that the fair market value of the asset and the economic and community value to be received in exchange for the asset have been considered;

- (b) in-principle approval be granted in terms of regulation 5(1)(b)(ii) of the Municipal Asset Transfer Regulations, for the transfer of Portions of Remainder Erf 2908 and Erf 4463, Kraaifontein, situated between Voortrekker Road and Second Avenue, in extent approximately 725 m² as shown hatched and lettered ABCDE on Plan TA 859v0 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 Portions of Remainder Erf 2908 and Erf 4463, Kraaifontein, in extent approximately 725 m² as shown hatched and lettered ABCDE on Plan TA 859v0 attached as Annexure A to the report on the agenda;
- (d) the transfer of Portions of Remainder Erf 2908 and Erf 4463, Kraaifontein situated between Voortrekker Road and Second Avenue, in extent approximately 725 m² as shown hatched and lettered ABCDE on Plan TA 859v0 attached as Annexure A to the report on the agenda, to The GM Trust, or their successor(s)-in- title, be approved, subject to the following conditions, that:
 - (i) a purchase price of R690 000 excluding VAT be payable;
 - (ii) the purchase price is to be escalated by 8% per annum compounded annually on a pro-rata basis, commencing from date of valuation, i.e. from 1 February 2019 until 30 March 2020, and at 5% per annum from 1 April 2020 until date of registration;
 - (iii) the valuation is to be reviewed if not implemented within 24 months from date of valuation, i.e. by 30 November 2022;
 - (iv) an occupational rental of R5 200 per month (exclusive of VAT), escalating at 8% per annum as from 2019-02-

01 until 30 March 2020, and at 6% per annum from 1 April 2020 until date of registration, shall be payable;

- (v) rates and municipal charges, if applicable, be levied.

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

ACTION: P STRUMPHER, R SCHNACKENBERG, R GELDERBLOEM

C 23P/03/21

GRANTING OF IN-PRINCIPLE APPROVAL: PROPOSED TRANSFER OF A PORTION OF ERF 17870 DURBANVILLE

PROPOSED CLOSURE OF A PORTION OF ERF 17870 DURBANVILLE

PROPOSED TRANSFER OF A PORTION OF ERF 17870 DURBANVILLE: ZINDPRO PROPERTIES (PTY) LTD

Cllr P Uys (DA) proposed that the item be referred back, due to new information.

The proposal was duly supported.

RESOLVED that the report on the proposed transfer and proposed closure of a portion of Erf 17870, Durbanville, be referred back, due to new information.

ACTION: P STRUMPHER, R SCHNACKENBERG, R GELDERBLOEM

C 23Q/03/21

GRANTING OF IN PRINCIPLE APPROVAL: TRANSFER OF CITY-OWNED IMMOVABLE PROPERTY: PORTION OF ERF 9156 KUILSRIVER

PROPOSED CLOSURE OF CITY-OWNED IMMOVABLE PROPERTY: PORTION OF ERF 9156 KUILSRIVER

PROPOSED TRANSFER OF PORTION OF ERF 9156 KUILSRIVER TO OWNER OF ADJACENT ERF 24435 KUILSRIVER: THE OLD APOSTOLIC CHURCH OF AFRICA

RESOLVED that:

- (a) in terms of section 14 of the Local Government Municipal Finance Management Act 56 of 2003, the subject property, being a portion of Erf 9156 at Amethyst Street, Kuils River, in extent approximately 391 m² shown lettered ABCD on Plan EZ 94/1 attached as Annexure A to the report on the agenda, is not needed to provide the minimum level of basic municipal

services and that the fair market value of the asset and the economic and community value to be received in exchange for the asset have been considered;

- (b) in-principle approval be granted for the transfer of portion of Erf 9156 at Amethyst Street, Kuils River in extent approximately 391 m² shown lettered ABCD on Plan EZ 94/1 attached as Annexure A to the report on the agenda, in terms of regulation 5(1)(b)(ii) of the Municipal Asset Transfer Regulations at a market related sale price, exclusive of VAT;
- (c) approval be granted for the closure of a portion of Erf 9156, Kuils River situated at Amethyst Street, Kuils River in extent approximately 391 m² and shown lettered ABCD on Plan EZ 94/1 attached as Annexure A to the report on the agenda, in terms of section 4 of the City of Cape Town Immovable Property By-law, 2015;
- (d) the transfer of a portion of Erf 9156, Kuils River, in extent approximately 391 m² lettered ABCD on Plan EZ 94/1 attached as Annexure A to the report on the agenda, to the Old Apostolic Church of Africa, or its successor(s)-in-title, be approved, subject to the following conditions, that:
 - (i) a purchase price of R135 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 April 2021 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 24 months from the current date of valuation, i.e. it must be approved by 30 September 2022;
 - (iv) rates and municipal charges, if applicable, be levied; and
 - (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 all costs related and incidental to the transaction be borne by the purchaser;

- (cc) that the subject portion of land be subdivided and consolidated with the applicant's property to form one holding.

ACTION: J CORNELIUS, R SCHNACKENBERG, R GELDERBLOEM

C 23R/03/21

GRANTING OF IN-PRINCIPLE APPROVAL: PROPOSED TRANSFER OF A PORTION OF ERF 8936 BLUE DOWNS TO OWNER OF ADJACENT ERF 42211 BLUE DOWNS

PROPOSED CLOSURE OF A PORTION OF PUBLIC PLACE, BEING A PORTION OF ERF 8936 BLUE DOWNS

PROPOSED TRANSFER OF A PORTION OF ERF 8936 BLUE DOWNS TO OWNER OF ADJACENT ERF 42211 BLUE DOWNS: JEFF OKONKWO CHUKU

RESOLVED that:

- (a) in terms of section 14 of the Local Government Municipal Finance Management Act 56 of 2003, the subject property, being a portion of Erf 8936, Blue Downs situated at Pearl Street, Fairdale, Blue Downs, in extent approximately 75 m² as shown lettered ABCD on Plan ET 747 attached as Annexure A to the report on the agenda, is not needed to provide the minimum level of basic municipal services and that the fair market value of the asset and the economic and community value to be received in exchange for the asset have been considered;
- (b) in terms of regulation 5(1)(b)(ii) of the Municipal Asset Transfer Regulations, in-principle approval be granted for the transfer of a portion of Erf 8936, Blue Downs situated at Pearl Street, Fairdale, Blue Downs, in extent approximately 75 m² as lettered ABCD on Plan ET 747 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 a Portion of Erf 8936, Blue Downs, in extent approximately 75 m² lettered ABCD on Plan ET 747 attached as Annexure A to the report on the agenda;
- (d) the transfer of a portion of Erf 8936, Blue Downs, in extent approximately 75m² and lettered ABCD on Plan ET 747 attached as Annexure A to the report on the agenda, to Chukwe Jeff Okonkwo as owner of abutting Erf 42211, Blue

Downs, or his successor-in-title, be approved, subject to the following conditions, that:

- (i) a purchase price of R70 000,00 excluding VAT, be payable;
- (ii) the purchase price is to be escalated by 8% per annum compounded annually on a pro-rata basis, commencing 6 months after date of valuation, i.e. from 1 November 2019, until 31 March 2020 and then by 5% until date of registration;
- (iii) the valuation is to be reviewed if not approved by the delegated authority within 24 months from date of valuation, i.e. by 31 October 2022;
- (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 erf 8936 Blue Downs be consolidated with the purchaser's erf 42211 Blue Downs;
 - (cc) that services servitudes be registered over the underground municipal services traversing the subjected property;
 - (dd) that all costs related and incidental to the transaction be borne by the purchaser.

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

ACTION: J STAMPU, R SCHNACKENBERG, R GELDERBLOEM

C 23S/03/21

PROPOSED LEASE OF A PORTION OF CITY OWNED LAND, BEING A PORTION OF THE REMAINDER OF ERF 1694 MELKBOSCH STRAND, SITUATED AT THE CORNER OF BIRKENHEAD DRIVE AND BREAKERS AVENUE, MELKBOSCH STRAND FOR PARKING PURPOSES: EDGE CHURCH (MELKBOS)

RESOLVED that the lease of a portion of City-owned land, being a portion of the Remainder of Erf 1694, Melkbosch Strand, situated

at the corner of Birkenhead Drive and Breakers Avenue, Melkbosch Strand, shown hatched and lettered ABCDE on Plan No TA 965v1 attached as Annexure A to the report on the agenda, in extent approximately 1 367 m², to Edge Church (Melkbos), owner of adjacent Erf 4581, Melkbosch Strand, or its successors-in-title, be approved, subject to *inter alia* the following conditions:

- (a) a market rental of R5 000,00 per month, inclusive of rates and excluding VAT, calculated at the rate applicable as the time of the transaction, be payable;
- (b) the monthly rental is to be adjusted on the basis of 8% per annum compounded annually on a pro rata basis commencing 6 months from date of this valuation. Accordingly, the above recommended rental is effective and payable as from 2019-10-01;
- (c) the escalation rate of 8% per annum was reduced to 6% per annum as from 01-04-2020 on account of the Coronavirus and the resultant economic fallout which has dampened growth prospects for the property market;
- (d) the lease will endure for a period of 10 years, rental to be reviewed after 5 years;
- (e) the property be used for parking purposes only;
- (f) subject to such further conditions to be imposed by the Director: Property Management in terms of her delegated authority;
- (g) subject to compliance with any other statutory requirements;
- (h) no compensation will be payable for any improvement made to the property.
- (i) the applicant may not erect any permanent structures or plant any trees over, or closer than 3 m from the municipal sewer and water mains;
- (j) the applicant must submit civil service drawings of the proposed parking area, compiled by a professional engineer / technologist to the City for comment and approval;
- (k) the surface of the parking area must be permeable, e.g. gravel or laterite;
- (l) the applicant must appoint a qualified Environmental Control Officer (ECO) to oversee the construction period of the parking area. Proof of such appointment must be submitted

to the City of Cape Town's Environmental and Heritage Management Branch prior to the commencement of construction;

- (m) the lease area must be adequately fenced (e.g. post-and-rail fence);
- (n) the City of Cape Town has the right to construct and/or erect and lay such poles, stays, cables, wires or appurtenances aforesaid. This includes the right to bring machinery onto the property and to carry out excavations;
- (o) the City of Cape Town has the right for any employee or servant or contractor of the City of Cape Town to enter and be upon the property at any time in the exercise of the aforesaid rights, i.e. access for maintenance and inspection must be granted at all times;
- (p) no building, containers or structure shall be erected within 3m of the electrical services;
- (q) no excavation or filling shall be carried out within the leased area without the prior written consent of the Director: Electricity Services via the wayleave approval process. All excavations within 3m of the electrical services must be carried out under the direction of a representative of this Department. In this regard, please contact this Department's Drawing Office Manager, Mr D. Smith on 021 444 2146 or davidb.smith@capetown.gov.za;
- (r) no stakes, pegs or pins shall be driven into the ground within 1m of any part of the electricity services;
- (s) no plant or material shall be stored within 1m of any part of the electricity services;
- (t) no mechanical plant may be used within 3m of medium voltage cable or 5m of high voltage cable;
- (u) the lessee shall be responsible at all times for the maintenance and good order of the land;
- (v) the lease may be suspended at any time should the applicant not comply with the conditions;
- (w) on termination of the lease, the entire leased area must be reinstated at the Lessee's expense to a condition acceptable to this Department.

ACTION: G DU PLESSIS, R SCHNACKENBERG, R GELDERBLOEM

C 23T/03/21

SUPPLEMENTARY REPORT TO THE REPORT ATTACHED AT ANNEXURE A1 AND REFERRED BACK BY MAYCO ON 29 OCTOBER 2020: LEASE OF PORTIONS OF PORTION 0 AND 2 OF CAPE FARM 235 (PUBLIC OPEN SPACE AND SPECIAL OPEN SPACE RESPECTIVELY), SITUATED AT CORNER OF BLAAUWBERG AND POTSDAM ROADS, MILNERTON: CONSIDERATION OF APPLICATION FOR NEW LEASE TO CURRENT OCCUPANT, BEING MILNERTON RIDING CLUB VERSUS AN ALTERNATIVE PROPOSAL RECEIVED FROM MILNERTON RIDING SCHOOL

Cllr N Rheeder (DA) proposed that the item on the lease of portion 0 and 2 of Cape Farm 235 (public open space and special open space respectively), situated at corner of Blaauwberg and Potsdam Roads, Milnerton be referred back for further information.

The proposal was duly supported.

RESOLVED that the report on the lease of portion 0 and 2 of Cape Farm 235 (public open space and special open space respectively), situated at corner of Blaauwberg and Potsdam Roads, Milnerton be referred back for further information.

ACTION: G DU PLESSIS, R SCHNACKENBERG, R GELDERBLOEM

C 23U/03/21

TABLING OF THE CITY'S INTEGRATED ANNUAL REPORT AND INFOGRAPHICS SUMMARY FOR 2019/20

RESOLVED that:

- (a) it be noted that the City's 2019/20 Integrated Annual Report and Infographics Summary (Annexures A and B attached to the report) was considered and that the steps below be followed as required by section 127 of the MFMA:
 - (i) the Integrated Annual Report for 2019/20 and Infographics Summary now be made public;
 - (ii) representations be invited from the local community: and
 - (iii) copies of the Annual Report and Infographics Summary be distributed to the institutions referred to in section 127(5) of the MFMA;

- (b) Council deal with the Annual Report in accordance with the steps contained in sections 129 and 130 of the MFMA and adopt an oversight report during May 2021
- (c) the Municipal Public Accounts Committee (MPAC) be authorised to undertake investigations into the recoverability of fruitless, wasteful and irregular expenditure as revealed in the Annual Report.

ACTION: W CLAASSENS, M FILLIES, D DU TOIT, G KENHARDT

C 24/03/21

QUESTION RECEIVED FROM CLLR M CASSIM

The questions, as reflected on page 1 of Volume 4A of the agenda were posed by Cllr M F Cassim (COPE) and related to the global climate change emergency and action plan.

The Executive Mayor's response as set out on pages 3 to 5 of Volume 4A of the agenda was noted.

SUPPLEMENTARY QUESTION

Cllr M F Cassim further posed a supplementary question related to climate emergency.

In the absence of the Executive Mayor at this stage, the Acting Chairperson, Cllr M Nikelo suggested that Cllr Cassim should submit his supplementary question to the Executive Mayor for the necessary response.

ACTION: C KNOTT, R DELANGE, OFFICE OF THE EXECUTIVE MAYOR, L MBANDAZAYO

C 25/03/21

MOTION RECEIVED FROM COUNCILLOR M F CASSIM

Cllr M F Cassim (COPE), seconded by Cllr M Achmat (AJ), was asked to introduce his motion as set out on pages 7 to 12 of Volume 4 of the agenda, as reflected below:

“Councillor MF Cassim proposes that:

Whereas the National Housing Code of 2009 states that the human settlement process should be participatory and decentralized to allow for an effective response to priorities and opportunities at the local level;

And whereas the National Development Plan recommended that the state should gradually shift its role from a direct housing

provider of last resort to a housing facilitator ensuring adequate shelter and greater access to a wider choice of housing options;

And furthermore whereas the Co-operative Act No.14 of 2005 exists to regulate the co-operative as a legal entity based on the values of "self-help self-reliance, self-responsibility, democracy equality and responsibility";

And finally, recognizing as common cause that unrelenting gang violence in many townships continue to terrify and petrify communities on the one hand, and placing intense pressure on all government authorities to come up with innovative and creative solutions to enable all dwellers in every part of our city to live in a safe neighbourhood;

I move, therefore, taking all of the above into consideration, that Council should seek to facilitate the establishment of safe Community Co-operatives, wherever this is practicable, desirable and possible to enable a 100 or more members who are renting or owning adjoining property to adopt with requisite assistance from the City a constitution and thereafter register with the Registrar of Co-operatives so that they can begin to exercise collective management, as in a co-living development such as Co-housing in the USA and elsewhere, and make whatever improvements they can with or without grant support to attain an enclosed safe neighbourhood through on the one hand their own active involvement contribution and vigilance and on the other hand in a mutually constructive engagement with government structures and with policing agencies."

Cllr M Booi mentioned that prior to implementing a new policy approach in the City of Cape Town, adequate policy and legislative research is required to ensure that this is appropriate for the legal, regulatory, financial, and institutional context in Cape Town and is appropriately aligned to National level. This is also in line with the approved policy development process in the City. As such it would not be appropriate to commit to this as a policy response prior to conducting due diligence. It is also important to note that MMC's and Portfolio Committees have the delegated responsibility for policy-making.

It is thus suggested that this policy approach be explored by officials, and after doing the necessary research as highlighted above, the relevant MMC and Portfolio Committee can provide guidance as to whether this formally enters the City's official policy-making process.

It was therefore proposed that the motion be submitted to the Human Settlements Portfolio Committee for discussion. The majority was in support of the proposal.

RESOLVED that the motion submitted by Cllr M F Cassim (COPE) be referred to the Human Settlements Portfolio Committee for discussion.

[The ACDP did not support the proposal.]

ACTION: C MINNAAR, N GQIBA

C 26/03/21 **CLOSE OUT REPORT: SOCIAL DEVELOPMENT AND EARLY CHILDHOOD DEVELOPMENT (SDECD) GRANTS-IN-AID ALLOCATIONS FOR FOOD AID IN 2019/20**

RESOLVED that the contents of the close-out report on Social Development and Early Childhood Development (SDECD) grants-in-aid allocations for food aid in 2019/20, be noted.

ACTION: G STEPHENS, A SAULS, E SASS

C 27/03/21 **QUARTERLY PROGRESS REPORT FOR THE SPECIAL PURPOSE VEHICLES (SPVS) FOR THE PERIOD 1 OCTOBER – 31 DECEMBER 2020**

RESOLVED that the quarterly progress report for the Special Purpose Vehicles (SPVs) for the period 1 October to 31 December 2020, be noted.

ACTION: N LAATOE, L GREYLING, R GELDERBLOEM

C 28/03/21 **QUARTERLY PROGRESS REPORT FOR THE WESTERN CAPE DESTINATION MARKETING, INVESTMENT AND TRADE PROMOTION AGENCY (WESGRO) FOR THE PERIOD 1 OCTOBER TO 31 DECEMBER 2020**

RESOLVED that the Quarterly Progress Report for the Western Cape Destination Marketing, Investment and Trade Promotion Agency (Wesgro) for the period 1 October to 31 December 2020, be noted.

ACTION: N LAATOE, L GREYLING, R GELDERBLOEM

C 29/03/21 **ENERGY AND CLIMATE CHANGE: 2020/21 FIRST QUARTER'S PROGRESS REPORT ON THE DIRECTORATE AND DEPARTMENTS' PERFORMANCE**

RESOLVED that the 2020/21 First Quarter's Progress Report on the Energy and Climate Change Directorate's and Departments' Performance, be noted.

ACTION: D LEEUWENDAAL, K NASSIEP

C 30/03/21 2020/21 SECOND QUARTER'S PROGRESS REPORT ON CORPORATE PERFORMANCE AND PERFORMANCE OF THE CITY'S ENTITIES (CONVENCO AND CAPE TOWN STADIUM)

RESOLVED that the 2020/21 second quarter's progress report on corporate performance and performance of the City's entities, be noted.

ACTION: M ABASS, M FILLIES, C JANUARY, G KENHARDT

C 31/03/21 SUB-NATIONAL DOING BUSINESS PROGRESS REPORT (1 JULY 2020 – 31 DECEMBER 2020)

RESOLVED that the Sub-National Doing Business progress report from July to December 2020, be noted.

ACTION: T VILAKAZI, L GREYLING, R GELDERBLOEM

C 32/03/21 REPORT IN TERMS OF SUPPLY CHAIN MANAGEMENT REGULATIONS, REGULATION 36, AND THE SUPPLY CHAIN MANAGEMENT POLICY, CLAUSE 330, FOR THE PERIOD 14 JANUARY 2021 TO 9 MARCH 2021: FOR INFORMATION PURPOSES

RESOLVED that the Supply Chain Management deviations as authorised by the City Manager in terms of the Supply Chain Management Regulations, regulation 36, and the Supply Chain Management Policy, clause 330, for the period 14 January 2021 to 9 March 2021, attached as annexure A to the report on the agenda, be noted and be disclosed as a note to the Council's annual financial statements.

ACTION: G POSTINGS, L MBANDAZAYO

C 33/03/21 THE DRAFT SDBIP ONE YEAR CORPORATE AND ENTITIES SCORECARDS FOR 2021/2022

RESOLVED that it be noted that the Executive Mayor tabled the draft 2021/2022 SDBIP One-year Corporate and Entities scorecards in terms of section 16(2) of the MFMA.

ACTION: M RHODE, D DU TOIT, C JANUARY, G KENHARDT

C 34/03/21 COMMUNITY SERVICES AND HEALTH: 2020/21 SECOND QUARTER'S PROGRESS REPORT ON THE DIRECTORATE PERFORMANCE

RESOLVED that the 2020/21 Second Quarter's progress report on the Community Services and Health Directorate's performance, be noted.

ACTION: G PHYFER, E SASS

C 35/03/21 **CLOSE OUT REPORT: SOCIAL DEVELOPMENT AND EARLY CHILDHOOD DEVELOPMENT (SDECD) GRANTS-IN-AID ALLOCATIONS TO GENDER BASED VIOLENCE (GBV) SHELTERS IN 2019/20**

RESOLVED that the close out report on the Social Development and Early Childhood Development (SDECD) Grants-In-Aid Allocations to Gender Based Violence (GBV) Shelters in 2019/20, be noted.

ACTION: G STEPHENS, A SAULS, E SASS

C 36/03/21 **CLOSE OUT REPORT: SOCIAL DEVELOPMENT AND EARLY CHILDHOOD DEVELOPMENT (SDECD) GRANTS-IN-AID ALLOCATIONS FOR 2019/20**

RESOLVED that the close out report on the Social Development and Early Childhood Development (SDECD) Grants-In-Aid Allocations for 2019/20, be noted.

ACTION: A MAXWELL, A SAULS, E SASS

C 37/03/21 **CORPORATE SERVICES: 2020/21 SECOND QUARTER'S PROGRESS REPORT ON THE DIRECTORATE AND DEPARTMENTS' PERFORMANCE**

RESOLVED that the 2020/21 Second Quarter's progress report on the Corporate Services Directorate and Departments' performance, be noted.

ACTION: T MANGENA, C JANUARY, G KENHARDT

C 38/03/21 **ECONOMIC OPPORTUNITIES AND ASSET MANAGEMENT: 2020/21 SECOND QUARTER'S PROGRESS REPORT ON THE DIRECTORATE AND DEPARTMENTS' PERFORMANCE**

RESOLVED that the 2020/21 Second Quarter's progress report on the Economic Opportunities and Asset Management Directorate and Departments' performance, be noted.

ACTION: P WILLIAMS, R GELDERBLOEM

C 39/03/21 **HUMAN SETTLEMENTS: 2020/21 SECOND QUARTER'S PROGRESS REPORT ON THE DIRECTORATE AND DEPARTMENTS' PERFORMANCE**

RESOLVED that the 2020/21 Second Quarter's progress report on the Human Settlements Directorate and Departments' performance, be noted.

ACTION: L VALETA, N GQIBA

C 40/03/21 SAFETY AND SECURITY: 2020/21 SECOND QUARTER'S PROGRESS REPORT ON THE DIRECTORATES PERFORMANCE

RESOLVED that the 2020/21 Second Quarter's progress report on the Safety & Security Directorate's performance, be noted.

ACTION: M CLEINWERCK, V BOTTO

C 41/03/21 SPATIAL PLANNING AND ENVIRONMENT: 2020/21 SECOND QUARTER'S PROGRESS REPORT ON THE DIRECTORATE AND DEPARTMENTS' PERFORMANCE

RESOLVED that the 2020/21 Second Quarter's progress report on the Spatial Planning and Environment Directorate and Departments' performance, be noted.

ACTION: C BASSON, M SCHARFFENORTH, E NAUDE

C 42/03/21 TRANSPORT: 2020/21 SECOND QUARTER'S PROGRESS REPORT ON THE DIRECTORATE AND DEPARTMENTS' PERFORMANCE

RESOLVED that the 2020/21 Second Quarter's progress report on the Transport Directorate and Departments' performance, be noted.

ACTION: A DE UJFALUSSY, N PIETERSE, D CAMPBELL

C 43/03/21 URBAN MANAGEMENT: 2020/21 SECOND QUARTER'S PROGRESS REPORT ON THE DIRECTORATE AND DEPARTMENTS' PERFORMANCE

RESOLVED that the 2020/21 Second Quarter's progress report on the Urban Management Directorate and Departments' performance, be noted.

ACTION: E DICK, A ARENDSE, B GERBER

C 44/03/21 WATER AND WASTE: 2020/21 SECOND QUARTER'S PROGRESS REPORT ON THE DIRECTORATE AND DEPARTMENTS' PERFORMANCE

RESOLVED that the 2020/21 Second Quarter's progress report on the Water and Waste Directorate and Departments' performance, be noted.

ACTION: A EBRAHIM, N DAMANE, M WEBSTER

C 45/03/21

RESOLUTIONS TAKEN BY THE EXECUTIVE MAYOR IN TERMS OF DELEGATED POWERS AND DECISIONS TAKEN TOGETHER WITH THE MEMBERS OF THE MAYORAL COMMITTEE: JANUARY 2021 TO MARCH 2021

RESOLVED that the resolutions taken by the Executive Mayor in terms of delegated powers and decisions taken together with the members of the Mayoral Committee for the period January 2021 to March 2021, be noted.

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

C 46/03/21

QUARTERLY REPORT OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE AS AT 30 SEPTEMBER 2020

RESOLVED that the activities and minutes of the Municipal Public Accounts Committee for the period up to 30 September 2020, be noted.

ACTION: A MOOLMAN, L MBANDAZAYO

C 47/03/21

QUARTERLY REPORT OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE AS AT 31 DECEMBER 2020

RESOLVED that the activities and minutes of the Municipal Public Accounts Committee for the period up to 31 December 2020, be noted.

ACTION: A MOOLMAN, L MBANDAZAYO

C 48/03/21

REPORT TO COMMUNICATE THE OUTCOME OF THE PERFORMANCE ASSESSMENT CONDUCTED FOR THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE FOR THE 2019/2020 FINANCIAL YEAR

RESOLVED that the results of the Municipal Public Accounts Committee's self- and stakeholders' assessment for the year ended 30 June 2020 and the actions identified to address the areas of improvement, as well as the identified additional actions, be noted.

ACTION: A MOOLMAN, L MBANDAZAYO

**C 49/03/21 REPORT ON DECISIONS TAKEN BY THE EXECUTIVE MAYOR
IN CONSULTATION WITH THE CITY MANAGER IN TERMS OF
RECESS POWERS AND DURING THE NATIONAL STATE OF
DISASTER**

RESOLVED that the report on the decisions taken by the Executive Mayor in consultation with the City Manager in terms of recess powers and during the National State of Disaster, be noted.

ACTION: G JOSEPHS, G JEFFRIES, G KENHARDT

ADDITIONAL ITEM:

The following resolution of item CIC 11/03/21 was moved to the open agenda, at conclusion of the discussion in the confidential meeting.

**C 50/03/21 PROBATION: CONFIRMATION OF APPOINTMENT:
EXECUTIVE DIRECTOR: TRANSPORT – MS DALENE
CAMPBELL**

RESOLVED that:

- (a) it be noted that the Executive Director: Transport, Ms Dalene Campbell, successfully completed her probationary period
- (b) the appointment of Ms Dalene Campbell as Executive Director: Transport be confirmed.

ACTION: Y SCHOLTZ, G KENHARDT, L MBANDAZAYO

THE MEETING CONCLUDED AT 15H20.

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**ALD D SMIT
CHAIRPERSON**

.....
DATE

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**CLLR M NIKELO
ACTING CHAIRPERSON**

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DATE