

C 03/08/22

MINUTES

**OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF CAPE TOWN
HELD IN THE COUNCIL CHAMBER, 6th FLOOR, PODIUM, CIVIC CENTRE, CAPE
TOWN ON THURSDAY, 28 JULY 2022 AT 10H00.**

MEMBERS PRESENT:

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

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

APOLOGIES

Cllr N R Adonis (DA)
 Cllr E Anstey (DA)
 Cllr D Badela (ANC)
 Cllr Z A Badroodien (DA)
 Cllr A C De Beer (UIM)
 Cllr L A Gungxe (ANC)
 Cllr G Haskin (ACDP)
 Cllr F Higham (DA)
 Cllr K Kama (ANC)

Cllr B M Majingo (ANC)
Cllr N Makasi (ANC)
Cllr L N Mbiza (ANC)
Cllr B Ngcombolo (ANC)
Cllr G T Ntamo (ANC)
Cllr S Taliep (DA)
Cllr H P Terblanche (DA)
Cllr G Timm (DA)
Cllr Z Sulelo (DA)
Ald B R W Watkyns (DA)

ABSENT

The following Councillors were absent without an apology:

Cllr A Adams (DI)
Cllr A Z M I Elyas (DA)
Cllr A Gabuza (ANC)
Cllr M Gadeni (ANC)
Cllr T Mpengezi (ANC)

The following Councillor submitted an apology for late arrival:

Ald J P Smith (DA)

The following Councillors submitted an apology for leaving early:

Cllr G J Classen (ARA)
Cllr A Kay (CIP)

PRESENT

Executive Management Team

Mr L Mbandazayo	-	City Manager
Mr K Jacoby	-	Chief Financial Officer
Mr E Sass	-	ED: Corporate Services
Ms D Campbell	-	ED: Urban Mobility
Ms N Gqiba	-	ED: Human Settlements
Mr K Nassiep	-	ED: Energy
Ms Z Mandlana	-	Acting ED: Corporate Services
Mr R Keraan	-	Acting ED: Urban Waste Management
Ms E Naude	-	Acting ED: Spatial Planning and Environment

Executive Committee Services

Mrs R Razack - Acting Director: Executive & Councillor Support Operations
Ms J Cooper
Ms C France
Mr E Fray

Mr G Josephs
 Mrs A Kline
 Ms M Levendall
 Ms L McGregor
 Mr N Meissenheimer
 Mr M Moses
 Ms L von Molendorff

Legal Services

Ms R Sayed
 Z Mohamed

<u>LIST OF ACRONYMS FOR INFORMATION</u>	<u>SEATS</u>
ACDP - African Christian Democratic Party	6
AIC - African Independent Congress	1
AJ - Al Jama-ah	3
ANC - African National Congress	43
ARA - Africa Restoration Alliance	2
CCC - Cape Coloured Congress	7
CIP - Cape Independent Party	2
CMC - Cape Muslim Congress	1
DA - Democratic Alliance	134 (1 vacancy)
DI - Democratic Independence	1
EFF - Economic Freedom Fighters	10
FF Plus - Freedom Front Plus	4
GOOD - GOOD	9
PA - Patriotic Alliance	4
PAC - Pan Africanist Congress of Azania	1
UDM - United Democratic Movement	1
UIM - United Independent Movement	1
Total	230 (1 vacancy)

SECTION 1 OPENING OF MEETING

The Speaker, Ald F Purchase welcomed all Councillors, officials, guests, public and the media onsite and those connected to the virtual platform.

A moment of silence was observed.

Councillors were called upon to register their attendance at the respective venues.

SECTION 2 MAYORAL ADDRESS

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

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

“Speaker, City colleagues, Members of the public and guests, Members of the media,

Good Morning, Molweni, More, Assalamu alaikum, shalom,

I know I speak for us all in congratulating our national team and now African Champions, Banyana Banyana, on their spectacular victory in the Womens' Afcon. I have been in touch with coach Desiree Ellis, a Capetonian from Hanover Park, to convey our congratulations and applause to her and the team for waiving South Africa's flag high across the continent.

Yesterday we also marked the 365-day countdown to the Netball World Cup 2023, hosted by us right here in the Mother City. We started the countdown with the unveiling of a beautiful mural in Langa by Langa-born international graffiti artist Skumbuzo Salman, known as "Sku".

A warm welcome to the new leader of the opposition in Council, Cllr Banele Majingo, and the new ANC Chief Whip, Cllr Heyns. I want to thank Ald Sotashe and Cllr Makhasi for the role that they played here in the past. As I've said before, I came from the National Assembly where the role of the Official Opposition is not properly respected, so here in Cape Town we understand how important the opposition is in holding us rigorously accountable. I welcome you to the office and wish you well.

*Speaker, When this government was elected we made a firm commitment: **We will release more well-located city-owned land, and faster, to deliver more affordable housing for Capetonians.***

Since December, we have set about doing so. I will say something about 'how' we are doing this in a minute. But first it is important to remember 'why' we are doing this. We want every person in Cape Town, and those who move here from elsewhere, to know and feel that this is a place where they have a decent chance of building a better life for themselves. That this City offers them a better hope of finding work, a better hope of a future of opportunity for their children, and the optimism that the present painful reality of poverty can be overcome in time.

Ultimately, this is the kind of country we want for everyone, everywhere in South Africa. But we can start by trying to build that here, where we are, with what we have. Start somewhere. And yet, we know this is not easy.

Poverty in South Africa is growing, not shrinking, as families fall under the crushing pressure of load-shedding, rising prices, and of poor economic policy at a national level. Instead of going forward, families have spent a decade or more in constant financial retreat. We see the signs of this everywhere in our society. In homelessness, in soaring unemployment, and in growing informality. At the heart of addressing the dignity of each family, and of giving people a sense that their life can get better, that the future can be better, is decent affordable housing. So our commitment to more affordable housing in Cape Town is about giving people a pathway out of poverty. It is about showing them a dignified way ahead, and about getting them a sense of security that comes with having a warm, dry, safe place to stay.

We want that for many more people. We also want more people to live closer to where they work. In a world of steeply rising fuel prices, rising interest rates, and dysfunctional rail systems, we know that some Capetonians are spending 30% or more of their monthly income on public transport just getting to work. And this isn't unique here. National newspapers last weekend carried the story of a school teacher on the West Rand of Gauteng who has resigned because it makes no financial sense to work when transport costs eat your entire income. So people need to be able to stay closer to work opportunities. But there is something else too. So many people in urban areas across South Africa experienced a profound loss and severing of sense of belonging because of the way that apartheid twisted, mangled and distorted our urban form. That trauma continues to reverberate today.

So our commitment to more affordable housing is also about building a more inclusive city that can make progress in unstitching the legacy of apartheid. If that is the powerful 'why' that motivates our action, then 'how' will we do it? We know that fully government subsidised housing programmes in South Africa are undergoing a permanent tapering of budgets and delivery. The future of affordable housing delivery is not going to be in the free housing space, and is not going to be delivered by the state. If we intend to make any meaningful dent on the demand for housing in our cities that we need to, then it will be through unlocking micro-developers, social housing companies, and private sector delivery.

In January, I formed a Priority Programme on Affordable Housing. Since then we have been meeting monthly to drive progress in four main areas:

- 1) We are cutting the red tape that makes it difficult for the private sector to deliver thousands more affordable homes. Council has already considered the first step in the process for a meaningful amendment to the Municipal Planning By-law to achieve this end.*
- 2) We are making it easier for micro-developers to deliver more rental units. We will soon offer planning support officers in townships, with off-the-shelf pre-approved building plans for rental units.*
- 3) We are giving people title deeds, and using innovative partnerships with banks and cell phone companies to track down beneficiaries who still need to receive their title deeds. This way we are putting people on the first rung of the asset ownership ladder and breaking*

the cycle of inter-generational poverty. We are putting life-changing assets in their hands – that they can leave a legacy to their children, or develop micro-rental units to generate income, or just to own and live in a home that is truly theirs, rather than as a permanent tenant of the state.

- 4) *We are speeding up the release of city-owned land for social housing delivery, Already, in the last three months, two parcels of land, which had inched their way through the system have been shaken loose and brought to Council.*

But there is much more to come. And so it gives me a great pleasure to announce today that we are tabling two more major projects for social housing. First, we are tabling the final handing over of the important Salt River Market property to the social housing institution for construction. Second, the Pickwick Road site is on our agenda today for final in-principle approval for release for social housing. We are making history today by enabling the nine-storey Salt River Market development right in the heart of the city, at Salt River circle, close to social and economic amenities. The Pickwick Road project also in Salt River is back on Council's agenda today after we first considered it two months ago. This is a bricks and mortar example of how we are shortening land release timeframes, having already completed public participation in just two months.

Together these projects unlock over 800 social housing units in Salt River. And with Newmarket Street, we've now brought three properties in three months to Council with over 1 000 social housing units. Our Land Release programme is gaining momentum. Our goal is a more rapid pipeline for social housing and mixed-use private sector development. Officials have pushed to get Salt River Market onto this Council agenda, including running additional public participation to correct the erroneous exclusion of a key erf from earlier stages of the advertisement process in early 2018. Over time, City officials and the relevant SHI have also worked to up the social housing component of this project and land a feasible mixed-use development. Overall, the Salt River Market development comprises 723 affordable units, and 216 social housing units. This will be cross-subsidised by offices, community facilities, and markets set around a vibrant public square.

The property is also in close proximity to key public transport interchanges. It is across the road from Salt River Station (where Northern, Central and Southern Lines converge), as well as MyCiti Route 261, which connects Century City to the City Bowl via Voortrekker Road, and Route 102, which connects Salt River Station to the CBD via Woodstock, Walmer Estate and District 6. Pickwick Road in Salt River is set to deliver 600 social housing units as part of an eight-storey mixed-use development. With the latest release of Salt River Market, the City now has over 800 inner city social housing units in the construction phase via social housing partners. The other projects are Maitland (+200 SH units), and two more in Woodstock, Pine Road (+240 SH units) and Dillon Lane (+150 SH units). Projects in the land-use management

phase include Newmarket Street (+- 200 units), and Woodstock Hospital precinct, where around 700 social housing units have been delayed by the orchestrated building hi-jackings of March 2017. We will do everything possible to fast-track this social housing through the correct legal channels.

Besides doing everything in our power to release the pockets of land that we control, we are pushing forward with our calls for national government to release the huge pieces of unused state land in the city, which are at least 77 times the size of the land the City owns. I have met with the national Minister of Public Works, Minister Patricia de Lille, to get an update on these mega-properties, and I am counting on her to keep up the interest she had in these sites as Mayor, now that she controls them.

Speaker, The Eskom load-shedding we have experienced since the last Council meeting has been unprecedented. Stage 6 meant that most South Africans were forced to go without electricity for six hours of the day – compounding the economic hardship that so many already face. Here in Cape Town, thanks to the efficient use of the Steenbras hydroelectric pumped storage plant, City customers were spared up to two levels of load- shedding for most of those dreadful three weeks. I am very proud that we are able to protect our residents in this way. On Monday this week, we announced our pioneering plan to allow commercial (and eventually residential) consumers of electricity to become net producers by selling any surplus electricity they generate back to the City. And instead of simply providing a credit, we will be paying these customers in cash. Of course, the ultimate goal is to eventually stop load-shedding in the city, and these policy shifts were important positive steps on that journey too.

Speaker, as economic hardship bites, criminality tends to increase. Since Council last met, we have seen shocking levels of violence across South Africa with dozens killed in mass shootings. We still have much to do in our fight against crime. This is why we are working hard to compensate for SAPS under-resourcing with the LEAP programme, which continues to yield impressive results. I am happy to report that our LEAP Officers made 1 491 arrests in just three months, from April to the end of June this year. These arrests took place in Delft, Mitchells Plain, Gugulethu, Nyanga, Harare, Khayelitsha, Bishop Lavis, Atlantis, Lavender Hill, Grassy Park and Hanover Park, among others. Our officers confiscated dozens of illegal firearms and hundreds of thousands of rands worth of drugs. I'm also proud and grateful for those residents joining and volunteering in neighbourhood watches, refusing to accept the gangsters and criminal behaviour in their communities. I joined several neighbourhood watches last week to patrol in Pelican Park, and this year we've budgeted R5,6 million for training and new equipment for neighbourhood watches across Cape Town.

Speaker, a few weeks back we completed the restoration of the murals featuring Madiba and Archbishop Tutu on the façade of the Civic Centre.

This small project does not just speak to a sense of renewal in our city, but also is a reminder of the founding values of our democracy. Sadly, there are those who threaten those values daily and who seek deliberately to turn back the progress we have made as a country. I am talking here of those that exploit differences in race, ethnicity and nationality for political purposes. Looking all around the world, one cannot help feel alarmed at the increasingly tribal, polarised and bitter tenor of political engagement. Throughout the ages, the easiest thing to do in politics has always been the tactic of the scoundrel: manufacture an enemy, whip up fear and anger against the perceived threat posed by that enemy, position yourself as the great defender to leverage those fears for support. That may be the easy road, but at the end of it lies only destruction.

In Cape Town, we must choose a different path – one of inclusivity, tolerance and community, in a plural society united in our care for our city home. I know that when times are hardest, we are most susceptible to rhetoric that seeks to divide. I am particularly concerned at reports of rising xenophobia in our country and our city. No less than the United Nations recently issued a warning that anti-foreigner sentiment is cause for serious concern in South Africa. All of us – no matter the colour of our skin, the language we speak, the God we worship, or the country we are from – deserve to be treated with dignity, inclusivity and respect. I hope that all parties in this Council will join me in taking a stand today and publicly saying "no" to xenophobia in Cape Town.

Speaker, Because of the actions we are taking today, and the many more actions still to come in our Priority Land Release Programme, we are changing Cape Town for the better. In the years ahead, more Capetonians will live close to where they work, more of them will have affordable homes, they will feel safer where they live, they will have better opportunities in a growing economy, and we will have a more integrated city. That is progress to be proud of. Thank you."

SECTION 2.1 20 MINUTES FOR QUESTIONS AND ANSWERS

CLLR G PECK (DA)

Cllr G Peck mentioned that the City of Cape Town saved its residents from loadshedding for 2 consecutive weekends, whereupon he asked the Executive Mayor how it impacted on the residents and businesses in the City.

The Executive Mayor responded that it was calculated that loadshedding costs the City of Cape Town's economy R75 million per stage per day and that 2 stages of loadshedding would double the cost per day. Just by protecting the City's residents from 2 stages of loadshedding, the City's actions are able to protect and save R150 million per day in the Cape Town economy, which means that business are staying open and jobs are secured. The Executive Mayor further emphasised that loadshedding has also a detrimental impact on people's safety.

CLLR F ADAMS (CCC)

Cllr F Adams asked the Executive Mayor why a company, who received a tender to build a school in Manenberg and paid a gang boss R2 million from taxpayer's money, was not blacklisted as per the requirement of the Public Finance Management Act.

The Executive Mayor responded that Local Government has no mandate to build schools and that Cllr Adams should direct his question to the Western Cape Education Department.

CLLR L MAX (FREEDOM FRONT PLUS)

Cllr L Max asked the Executive Mayor on the implementation of the City's solar energy plan, which might be problematic. He questioned whether the Executive Mayor is in support of Eskom, who intend to impose an availability levy of R938.00 on solar energy users. He further questioned if the Executive Mayor would protect solar energy users from Eskom's intention to charge additional levies and also to stop the surge levy on water and electricity, which residents are paying.

The Executive Mayor responded that the Eskom proposal does seem very high and expensive amount which will absolutely discourage investment in solar energy generation on people's roofs. The Executive Mayor indicated that Eskom's levy does not apply to City customers and cannot impose the fixed charge on the City's grid, but would only apply to Eskom direct customers. It was noted that at least 15% of residents in the City are still serviced directly from Eskom and around 85% serviced by the City. The Executive Mayor indicated that they are involved in the early stages of the discussions with Eskom about handing over those areas, which they service, to the City. It was further noted that Eskom wants the City to pay for their infrastructure. A tedious process and assessment need to be done in this regard.

CLLR M DAMBUZA (EFF)

Cllr M Dambuza asked the Executive Mayor when the housing projects on Erf 2849 and Erf 8448, Gugulethu would be completed.

The Executive Mayor afforded Cllr M Booi to respond to the question. Cllr M Booi indicated that recently two contractors from the Provincial panel were appointed to complete these units on the respective erven by December 2022 and advised that some of these units would handed over before end of August 2022.

CLLR M CHRISTIANS (ACDP)

Cllr M Christians made reference to the R5.6 million for training and new equipment for neighbourhood watches across Cape Town, whereupon he asked the Executive Mayor if he got a system in place where funds would be allocated on the need of a respective area and based on the

feedback via EPIC and LEAP, instead of a blanket approach and giving them all the same funding.

The Executive Mayor responded that the discussion he had with Ald J P Smith is exactly what Cllr Christians suggested to spend the budget where the greatest need is for the deployment of additional resources, which would be heavily concentrated in the LEAP deployment areas (10 worst precincts in the City) and once those are properly equipped, funds will be allocated to neighbourhood watches based on the statistics generated from EPIC.

SECTION 3

C 02/07/22 APOLOGIES / LEAVE OF ABSENCE

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

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

Cllr N R Adonis (DA)
Cllr E Anstey (DA)
Cllr D Badela (ANC)
Cllr Z A Badroodien (DA)
Cllr A C De Beer (UIM)
Cllr L A Gungxe (ANC)
Cllr G Haskin (ACDP)
Cllr F Higham (DA)
Cllr B M Majingo (ANC)
Cllr N Makasi (ANC)
Cllr L N Mbiza (ANC)
Cllr B Ngcombolo (ANC)
Cllr G T Ntamo (ANC)
Cllr S Taliep (DA)
Cllr H P Terblanche (DA)
Cllr G Timm (DA)
Cllr Z Sulelo (DA)
Ald B R W Watkyns (DA)

ACTION: L KELLEM

SECTION 4 ANNOUNCEMENTS BY THE SPEAKER

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

SECTION 5 OFFICIAL NOTICES / URGENT MATTERS

There were no official notices or urgent matters raised.

C 03/07/22 CONFIRMATION OF MINUTES OF THE ADJOURNED COUNCIL MEETING: 26 MAY 2022

RESOLVED that the minutes of the adjourned Council meeting held on 26 May 2022, be confirmed, subject to the following correction:

It be noted that the PAC voted against Items C05, C20 and C29 and therefore be recorded as such in the minutes.

ACTION: N MEISSENHEIMER

C 04/07/22 CONFIRMATION OF MINUTES OF THE SPECIAL COUNCIL MEETING: 31 MAY 2022

RESOLVED that the minutes of the Special Council meeting held on 31 May 2022, be confirmed.

ACTION: N MEISSENHEIMER

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

Volume 2 - Items 12, 18, 19, 20 and 22,

Volume 3 - Items 26, 27, 28, 30, 31, 33, 34, 35, 37, 39, 40 and 42,

Volume 4 - Items 44, 45, 46, 47, 48, 49, 50, 51, 53, 54, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74 and 75. [Reports for information and noting.]

Volume 6 - Item 80

205 Councillors participated when this announcement was made.

The EFF and PAC indicated that they did not agree on the property items.

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

ACDP	- African Christian Democratic Party	5
AIC	- African Independent Congress	1
AJ	- Al Jama-ah	3
ANC	- African National Congress	31
ARA	- Africa Restoration Alliance	2
CCC	- Cape Coloured Congress	7
CIP	- Cape Independent Party	2
CMC	- Cape Muslim Congress	1
DA	- Democratic Alliance	124

DI	- Democratic Independence	0
EFF	- Economic Freedom Fighters	10
FF Plus	- Freedom Front Plus	4
GOOD	- GOOD	9
PA	- Patriotic Alliance	4
PAC	- Pan Africanist Congress of Azania	1
UDM	- United Democratic Movement	1
UIM	- United Independent Movement	0

C 05/07/22 AWARDING OF CONTRACT WHICH WILL INCUR FINANCIAL OBLIGATIONS BEYOND THE BUDGET CYCLE: TENDER 281C/2020/21: PROVISION OF PROFESSIONAL PROJECT MANAGEMENT SERVICES: INTEGRATED RAPID TRANSIT, FOR A PERIOD NOT EXCEEDING 84 MONTHS

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

In favour : 152
 Against : 20
 Abstentions : 15

The recommendation as per the agenda was carried.

RESOLVED that:

- (a) Council determined that the City of Cape Town will derive a significant financial economic benefit from the contract Provision of professional project management services: Integrated Rapid Transit, for a period not exceeding 84 months.
- (b) the entire contract exactly as it is to be executed incurring a financial obligation for a period not exceeding 84 months and in the estimated amount of R38 848 918.00 including Contract Price Adjustment (CPA), Contingency and VAT as confirmed in financial footnote attached to the report on the agenda, initially funded from WBS number: CPX.0019812-F2 for the Long Term Financial Plan, be approved;
- (c) the City Manager, or his nominee, be authorised to sign the above contract.

ACTION: R MELODY, D CAMPBELL

C 06/07/22 NOMINATION OF CITY OF CAPE TOWN COUNCILLORS AND OFFICIALS TO SERVE ON THE TABLE MOUNTAIN NATIONAL PARK: PARK FORUM

RESOLVED that:

- (a) Cllr Simon Liell-Cock (DA) be nominated as the City's political representative to the Table Mountain National Park: Park Forum, with Cllr Alex Lansdowne (DA) serving as his alternate;
- (b) the City Manager be mandated to appoint two (2) officials to serve as the City's administrative representative and alternate to the Table Mountain National Park: Park Forum.

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

ACTION: B MNISI, L GERRANS, E NAUDE

C 07/07/22 PROPOSED TRANSFER OF ERF 22950, MITCHELLS PLAIN, SITUATED AT 4 KATJIEPIERING ROAD,LENTEGEUR, ZONED GENERAL RESIDENTIAL 4 (GR4) TO PREMIER DEVELOPERS (PTY) LTD

RESOLVED that:

- (a) in terms of section 14(2)(a) and (b) of the Local Government: Municipal Finance Management Act (MFMA), Act 56 of 2003:
 - (i) it be resolved and reaffirmed that Erf 22950, situated at 4 Katjeepering Road, Lentegeur, in extent approximately 3 064 m², shown on Plan LIS 2498 attached as Annexure A to the report on the agenda, zoned General Residential 4 (GR4), 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) of the Municipal Assets Transfer Regulations (MATR), R.878 promulgated on 22 August 2008, approval be granted for the transfer of Erf 22950 Mitchells Plain, situated at 4 Katjeepering Road, Lentegeur, in extent approximately 3 064 m², zoned General Residential 4 (GR4) to Premier Developers (Pty) Ltd, in the amount of R1 250 000.00 (One Million Two Hundred and Fifty Thousand), excluding VAT, subject to the conditions contained in the sale agreement attached as Annexure F to the report on the agenda.
- (c) the purchase price be subject to review in the event that the transfer has not been effected within 36 months from date of auction (effective date being 2024-06-30).
- (d) in terms of Regulation 17 of the MATR, the Director: Property Management in the exercise of his/her delegated authority finalize the terms and conditions, as set out in the sale agreement and to effect the transfer.

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

ACTION: E TYMAN, T LEWIS, A HUMAN, D BORAIN, L GREYLING, R GELDERBLOEM

C 08/07/22 PROPOSED CLOSURE OF VACANT ERF 37301 MITCHELLS PLAIN, SITUATED AT 18 KITE ROAD, WOODLANDS

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

In favour : 143
Against : 33
Abstentions : 15

The recommendation as per the agenda was carried.

RESOLVED that, in terms of section 4 of Council's Immovable Property By-Law 2015, approval be granted for the closure of public place Erf 37301, Mitchells Plain situated at 18 Kite Road, Woodlands, in extent approximately 584 m², shown lettered ABCDE on disposal Plan LIS 1933 attached as Annexure A to the report on the agenda.

ACTION: M WITBOOI, T LEWIS, A HUMAN, D BORAIN, L GREYLING, R GELDERBLOEM

C 09/07/22 PROPOSED CLOSURE OF A PUBLIC PLACE: PROPOSED CLOSURE OF ERF 62859 CAPE TOWN, LOCATED OFF INDULAND AVENUE, PINATI ESTATE

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 Erf 62859, Cape Town as depicted on the aerial plan attached as Annexure A to the report on the agenda.

ACTION: P STRUMPHER, C DAVIS, M SIMS, R GELDERBLOEM

C 10/07/22 REQUEST FOR APPROVAL OF AN INFORMAL TRADING PLAN IN TERMS OF THE CITY OF CAPE TOWN'S INFORMAL TRADING BY-LAW FOR MASIPHUMELELE AND SUN VALLEY IN WARD 69

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

In favour : 146
Against : 29
Abstentions : 0

The recommendation as per the agenda was carried.

RESOLVED that:

- (a) the review of the Informal Trading Plan for Masiphumelele and Sun Valley in Ward 69, be supported
- (b) based on the process prescribed in the Informal Trading By-law, Council adopt the Informal Trading Plan for Masiphumelele and Sun Valley in Ward 69, as indicated in Annexures A and B to the report on the agenda
- (c) the following proposed areas be declared areas in which the carrying on of the business of street vendor, peddler or hawker is prohibited, with the exception of the informal trading bays reflected in Annexures A and B, in the report submitted to the Subcouncil (Appendix A to the report on the agenda).

Annexure	No of days	Proposed trading plan locations	Operational days	Bay size	Operational hours	Annually adjusted tariffs/based on 2021/22
A	66	<u>Masiphumelele:</u> Cnr. Kommetjie Main & Pokela Roads	7 days per week	61 bays – 3m x 3m 5 bays – 7m x 5m	06:00-19:00	R107
B	11	<u>Sun Valley:</u> Ou Kaapse Weg	7 days per week	3m x3m	06:00-19:00	R107

- (d) the areas indicated on Annexures A and B, as indicated in the Subcouncil report attached as Appendix A to the report on the agenda to be declared areas in which the commencement of business of street vendors, peddlers or hawkers is prohibited, with the exception of trading bays reflected in Annexures A to B as indicated in the Subcouncil report attached as Appendix A to the report on the agenda.
- (e) the areas indicated on Annexures A to B, as indicated in the Subcouncil report attached as Appendix A to the report on the agenda, to be declared areas that are restricted to persons with a valid informal trading permit issued by the City of Cape Town.
- (f) the informal trading bays in Annexures A to B, as indicated in the Subcouncil report attached as Appendix A to the report on the agenda, to be let out by means of a permit system and that no street vending, peddling or hawking be permitted in these demarcated informal trading bays without a valid permit for the proposed informal trading bays.

- (g) the trading hours for all approved informal trading sites be from 06:00 to 19:00 from Mondays to Sundays.
- (h) based on the provisions of the Businesses Act, Act 71 of 1991, Council revoke the proclamation published in the Province of the Western Cape: Provincial Gazette Notice 5609 dated 20 October 2000.
- (i) the approved Informal Trading Plan be published in the Provincial Gazette in terms of the Informal Trading By-law.
- (j) the public participation comments in Annexure E, as indicated in the attached Subcouncil report (Appendix A to the report on the agenda), from the external public participation process held on 4 November 2021 and 7 April 2022 be noted and the responses provided by Area Economic Development, be supported.
- (k) the objections contained in Annexure E, as indicated in the attached Subcouncil report (Appendix A to the report on the agenda), not be upheld for the reasons stated in the report on the agenda.

ACTION: D LOUW, S NANABHAY, M MILLER, L GREYLING, R GELDERBLOEM

C 11/07/22 OPTIMAL UTILISATION OF CARBON CREDITS PRODUCED BY LANDFILL GAS BENEFICIATION PROGRAMME OF ACTIVITIES

RESOLVED that:

- (a) the Chief Financial Officer (CFO) be authorised to sell the carbon credits emanating from the City's Landfill Gas Programme of Activities by way of an online auction.
- (b) the Director: Solid Waste Management be mandated to, in consultation with the Finance Directorate, formulate conditions of sale for the proposed auction and to undertake all such administrative processes as may be necessary to manage and successfully conclude a sale of the carbon credits on the most favourable terms possible.
- (c) the Director: Solid Waste Management be mandated to, in consultation with the CFO, hold an on-line auction of carbon credits from the Programme of Activities annually in May or June, provided credits are available.
- (d) the proceeds of the sale of the carbon credits be ring fenced to fund projects of the Urban Waste Management Directorate to reduce the health and pollution impacts of waste that will generate additional co-benefit for communities.

- (e) the CFO be mandated to perform the necessary financial transactions in the City's financial accounts to ensure that the proceeds of the auction are deployed advantageously.
- (f) the Director: Solid Waste Management, in consultation with the CFO, be mandated to initiate a process via the Corporate Services Directorate for the creation of a delegation in favour of the CFO to empower him/her to make decisions regarding the utilisation or disposal of carbon credits from future emission reduction projects.
- (g) the Director: Communications be mandated to work with the Director: Solid Waste Management to produce public communications to explain carbon credits, the City's investment in technology that generates carbon credits, the revenue benefits of carbon credit sales, and related matters.

ACTION: B COETZEE, A VAN VUUREN, R KERAAN, L MDUNYELWA

C 12/07/22 REQUEST FOR APPROVAL OF AN INFORMAL TRADING PLAN IN TERMS OF THE CITY OF CAPE TOWN'S INFORMAL TRADING BY-LAW FOR PROTEA ROAD (WARD 35), PHILLIPPI EAST

RESOLVED that:

- (a) the review of the informal trading plan for Protea Road, Ward 35 Philippi East as indicated in Annexures A - C to the report on the agenda, be supported
- (b) based on the process prescribed in the Informal Trading By-law, Council adopt the revised informal trading plan for Ward 35, as indicated in Annexures A - C in the report on the agenda.
- (c) the areas indicated on Annexures A - C to the report on the agenda, be declared areas in which the carrying on of the business of street vendor, peddler or hawker is prohibited, with the exception of the informal trading bays reflected in Annexures A - C to the report on the agenda.
- (d) the areas indicated on Annexures A - C to the report on the agenda, be restricted to persons in possession of a valid informal trading permit issued by the City of Cape Town for the particular trading spaces.
- (e) the trading bays mentioned in Annexures A - C to the report on the agenda, be let out by means of a permit system and that no street vending, peddling or hawking be permitted in these informal trading bays if a person is not in possession of a valid permit for the particular trading spaces.
- (f) the trading hours for all approved informal trading sites be from 06:00 to 19:00 from Mondays to Sundays.

- (g) in terms of the provisions of the Businesses Act, Act 71 of 1991, Council revoke the proclamation as published in the Province of Western Cape: Provincial Gazette Notice dated 16 October 2009.
- (h) the amended, approved informal trading plan be published in the Provincial Gazette in terms of the Informal Trading By-law.
- (i) the comments (Annexure E to the report on the agenda) from the external public participation process held on 3 June 2021 be noted and support the responses provided by Area Economic Development, be supported.

ACTION: P NTSELE, S NGONDO, M MILLER, L GREYLING, R GELDERBLOEM

C 13/07/22 GENERAL VALUATION 2022

RESOLVED that:

- (a) the City of Cape Town causes a general valuation to be made of all properties in the municipality, to be known as the City of Cape Town General Valuation 2022 (GV 2022).
- (b) the date of valuation of 1 July 2022, be approved.
- (c) the General Valuation Roll prepared for General Valuation 2022 be implemented on 1 July 2023.
- (d) the General Valuation 2022 be implemented with the property categories as outlined in the Local Government: Municipal Property Rates Act (MPRA), Act 6 of 2004, as amended by section 6 of Act 29 of 2014.
- (e) Supplementary Valuation Rolls be prepared by the Municipal Valuer at least once a year for the period of validity of the general valuation roll.
- (f) the date of valuation for the Supplementary Valuations and Supplementary Valuation Rolls is the same as the date applicable to GV 2022, i.e. 1 July 2022.
- (g) the appointment and designation of Mr Llewellyn James Louw, staff number 10101408, being the Manager: Valuation Operations, as the Municipal Valuer for the City of Cape Town as required in terms of section 33 of the MPRA, be noted.
- (h) the appointment and designation of Mr Dean Ward, staff number 10509439, being the Head for the Northern Area, as Special Valuer for the City of Cape Town as required in terms of section 43(5) of the MPRA, be noted.

- (i) the Chief Financial Officer, or his delegatee, be authorised in terms of section 54(1)(c) of the MPRA, to lodge an appeal on behalf of Council against a decision of the municipal valuer, if the interests of the City or the property owner is affected.
- (j) the municipal valuer be authorised to condone the late submission of an objection if legally still permissible, where property owners or the City are prejudiced.
- (k) the municipal valuer regularly causes the valuation roll to be amended to reflect any changes to particulars on the roll in terms of section 79 of the MPRA.

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

ACTION: L MULLER, K JACOBY

C 14/07/22 PROPOSED APPROVAL FOR THE TRANSFER OF ERF 11211 DURBANVILLE, SITUATED AT 25 IRIS STREET, DURBANVILLE, ZONED SINGLE RESIDENTIAL 1 (SR1).

RESOLVED that:

- (a) in terms of section 14(2)(a) and (b) of the Local Government: Municipal Finance Management Act (MFMA), Act 56 of 2003:
 - (i) it be resolved and reaffirmed that Erf 11211 Durbanville, situated at 25 Iris Street, Durbanville, in extent approximately 853 m², shown on Plan LIS 1877 attached as Annexure A to the report on the agenda, zoned Single Residential 1 (SR1), 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) of the Municipal Assets Transfer Regulations (MATR), R.878 promulgated on 22 August 2008, approval be granted for the transfer of Erf 11211 Durbanville, situated at 25 Iris Street, Durbanville, in extent approximately 853 m², zoned Single Residential 1 (SR1), to the Sasman Developments (Pty) Ltd, in the amount of One Million Three Hundred and Fifty Thousand Rand, (R1 350 000.00), excluding VAT.
- (c) the purchase price shall escalate at 5% per annum compounded annually on a pro rata basis commencing 6 months after date of auction (i.e. that is from 2022-08-11) until date of registration.

- (d) the purchase price shall be subject to review in the event that the property has not been transferred within 36 months from the date of valuation (i.e. from 2024-10-01).
- (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.

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

ACTION: C DELCARME, T LEWIS, M SIMS, R GELDERBLOEM

C 15/07/22 CITY OF CAPE TOWN RISK ACCEPTANCE LEVELS AND RISK ACCEPTANCE STATEMENTS

Cllr S Mbandezi proposed that the subject report be referred to the respective Portfolio Committees to provide input and exercise oversight on the newly developed risk acceptance levels and – acceptance statements.

The proposal was duly supported.

RESOLVED that the report on the City of Cape Town Risk Acceptance Levels and Risk Acceptance Statements, be referred to the respective Portfolio Committees for consideration.

ACTION: M NOONAN, L GELDENHUYS, L MBANDAZAYO

C 16/07/22 SERVICE LEVEL AGREEMENT WITH THE WESTERN CAPE GOVERNMENT: DEPARTMENT OF HEALTH AND WELLNESS IN RESPECT OF PERSONAL PRIMARY HEALTH CARE SERVICES FOR THE 2022/23 FINANCIAL YEAR

RESOLVED that:

- (a) approval be granted to enter into the Service Level Agreement retrospectively in respect of Personal Primary Health Care with the Western Cape Government: Health and Wellness from 1 April 2022.
- (b) the Executive Director: Community Services and Health be authorised to sign the agreement on behalf of the City of Cape Town.

ACTION: P NKURUNZIZA, Z MANDLANA

C 17/07/22 REQUEST FOR APPROVAL OF AN INFORMAL TRADING PLAN IN TERMS OF THE CITY OF CAPE TOWN'S INFORMAL TRADING BY-LAW FOR THE AREA OF WARD 70

RESOLVED that:

- (a) based on the process prescribed in the Informal Trading By-law, the informal trading plan for Ward 70, as indicated in the Subcouncil report, attached as Addendum A to the report on the agenda, be adopted.
- (b) the area indicated in Annexure A to the Subcouncil report, attached as Addendum A to the report on the agenda, be declared an area in which the carrying on of the business of street vendor, peddler or hawker is prohibited, with the exception of the informal trading bays reflected in Annexure A to the Subcouncil report, attached as Addendum A to the report on the agenda
- (c) the area indicated in Annexure A to the Subcouncil report, attached as Addendum A to the report on the agenda, be declared an area that is restricted to persons in possession of a valid informal trading permit issued by the City of Cape Town for the particular trading spaces
- (d) the trading bays indicated in Annexure A to the Subcouncil report, attached as Addendum A to the report on the agenda, be let out by means of a permit system and that no street vending, peddling or hawking be permitted in these informal trading bays if a person is not in possession of a valid permit for the particular trading spaces.
- (e) the trading hours for all approved informal trading sites be from 06:00 to 19:00 from Mondays to Sundays.
- (f) the comments stipulated in Annexure D to the Subcouncil report, attached as Addendum A to the report on the agenda, from the external public participation process held from 10 May 2021 to 11 June 2021 and the responses provided by Area Economic Development, be noted.
- (g) the objections contained in the report to the agenda not be upheld for the reasons stated in the report to the agenda.

[The AJ, ARA, CCC, FF Plus and PAC recorded their votes against the above decision.]

ACTION: V JANUARY, L GREYLING, R GELDERBLOEM

C 18/07/22

PROPOSED TRANSFER OF IMPROVED CITY OWNED PROPERTY ERF 2895 STRAND, SITUATED AT 47 HERSCHELL STREET, LOCHNERHOF, ZONED SINGLE RESIDENTIAL 1 (SR1) TO KHANYISA TYALI-NCITHI

RESOLVED that:

- (a) in terms of section 14(2)(a) and (b) of the Local Government: Municipal Finance Management Act (MFMA), Act 56 of 2003:
 - (i) it be resolved and reaffirmed that Erf 2895 Strand, situated at 47 Herschell Street, Lochnerhof, in extent approximately 496 m², as

shown on Plan LIS 2323, attached as Annexure A to the report on the agenda, zoned Single Residential 1 (SR1), 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) of the Municipal Asset Transfer Regulations (MATR), R.878 promulgated on 22 August 2008, approval be granted for the transfer of Erf 2895 Strand, situated at 47 Herschell Street, Lochnerhof, in extent approximately 496 m², zoned Single Residential 1 (SR1) to Khanyisa Tyali-Ncithi, in the amount of R1 425 000.00 (One Million Four Hundred and Twenty Five Thousand), excluding VAT, subject to the conditions contained in the sale agreement, attached as Annexure G to the report on the agenda.
- (c) the purchase price shall escalate at 5% per annum compounded annually on a pro rata basis commencing 6 months after date of auction (i.e. from 11-08-2022) until date of registration.
- (d) the purchase price be subject to review in the event that the transfer has not been effected within 36 months from date of auction (effective date being 2024-09-30).
- (e) in terms of Regulation 17 of the MATR, the Director: Property Management in the exercise of his delegated authority finalize the terms and conditions, as set out in the sale agreement, attached as Annexure G to the report on the agenda, and to effect the transfer.

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

ACTION: E TYMAN, T LEWIS, M SIMS, F SHARIFF, R GELDERBLOEM

C 19/07/22 PROPOSED APPROVAL FOR THE TRANSFER OF CITY-OWNED IMPROVED PROPERTY ERF 5975 STRAND, SITUATED AT 25 HOPE STREET AND ZONED SINGLE RESIDENTIAL 1 (SR1): CONVENTIONAL HOUSING FOR RESIDENTIAL PURPOSES

RESOLVED that:

- (a) in terms of section 14(2)(a) and (b) of the Local Government: Municipal Finance Management Act (MFMA), Act 56 of 2003:
 - (i) it be resolved and reaffirmed that Erf 5975 Strand situated at 25 Hope Street in extent approximately 534 m², shown lettered ABCDE on Plan LIS 2249, attached as Annexure A to the report on the agenda, zoned Single Residential 1 (SR1): Conventional Housing, 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) of the Municipal Asset Transfer Regulations (MATR), R.878 promulgated on 22 August 2008, approval be granted for the transfer of Erf 5975 Strand situated at 25 Hope Street in extent approximately 534 m² and zoned Single Residential 1 (SR1): Conventional Housing to Macdonald Forman (Pty) LTD, Company Registration Number 2016/303256/07, for the amount of One Million Four Hundred and Seventy Five Thousand Rand, (R1 475 000.00), excluding VAT.
- (c) the purchase price shall escalate at 5% per annum compounded annually on a pro rata basis commencing 6 months after date of auction (i.e. from 2022-08-11) until date of registration.
- (d) the purchase price shall be subject to review in the event that the property has not been transferred within 36 months from the date of Valuation (i.e. from 2024-09-30).
- (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.

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

ACTION: M WITBOOI, T LEWIS, M SIMS, F SHARIFF, R GELDERBLOEM

C 20/07/22 PROPOSED APPROVAL FOR THE TRANSFER OF VACANT ERF 3839 BLUE DOWNS, SITUATED AT 5 MARIGOLD STREET IN HILLCREST HEIGHTS AND ZONED COMMUNITY 1: LOCAL (CO1)

RESOLVED that:

- (a) in terms of section 14(2)(a) and (b) of the Local Government: Municipal Finance Management Act (MFMA), Act 56 of 2003:
 - (i) it be resolved and reaffirmed that Erf 3839 Blue Downs, situated at 5 Marigold Street in Hillcrest Heights, in extent approximately 1 561 m², as shown lettered ABCDE on Plan LIS 2019, attached as Annexure A to the report on the agenda, zoned Community 1: Local (CO1), 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) of the Municipal Asset Transfer Regulations (MATR), R.878 promulgated on 22 August 2008, approval be granted for the transfer of Erf 3839 Blue Downs, situated at 5 Marigold Street in Hillcrest Heights, in extent approximately 1 561 m², zoned Community 1: Local (CO1) to Blackbird Trading 352 CC, in the amount of Three Hundred and Eighty Thousand Rand, (R380 000.00), excluding VAT.
- (c) the purchase price shall escalate at 5% per annum compounded annually on a pro rata basis commencing 6 months after date of auction (i.e. from 2022-08-11) until date of registration.
- (d) the purchase price shall be subject to review in the event that the property has not been transferred within 36 months from the date of Valuation (i.e. from 2024-10-01).
- (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.

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

ACTION: M WITBOOI, T LEWIS, M SIMS, F SHARIFF, R GELDERBLOEM

C 21/07/22

PROPOSED GRANTING OF IN-PRINCIPLE APPROVAL FOR THE TRANSFER BY PUBLIC COMPETITION OF VACANT ERF 16269, PORTION REMAINDER ERF 16157 KUILS RIVER, SITUATED AT 23 CARRICK STREET, KUILS RIVER, ZONED LIMITED USE ZONE (LU) FOR RESIDENTIAL PURPOSES.

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

In favour : 106
 Against : 23
 Abstentions : 5

The recommendation as per the agenda was carried.

RESOLVED that:

- (a) in terms of section 14(2)(a) and (b) of the Local Government: Municipal Finance Management Act (MFMA), Act 56 of 2003:
 - (i) it be resolved that Erf 16269, portion Remainder Erf 16157 Kuils River, situated at 23 Carrick Street, Kuils River, in extent approximately 2 346 m², as shown on Plan LIS 2152, 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 16269, 23 Carrick Street, Kuils River, as described in (a)(i); and
- (c) Erf 16269, portion Remainder Erf 16157 Kuils River, situated at 23 Carrick Street, Kuils River, be transferred by public competition, subject to conditions to be imposed by the Director: Property Management in the exercise of her delegated authority.

ACTION: M WITBOOI, T LEWIS, M SIMS, R GELDERBLOEM

C 22/07/22 PROPOSED APPROVAL FOR THE TRANSFER OF ERF 37294 MITCHELLS PLAIN, SITUATED AT 16 KITE ROAD, WOODLANDS AND ZONED SINGLE RESIDENTIAL 1 (SR1): CONVENTIONAL HOUSING

RESOLVED that:

- (a) in terms of section 14(2)(a) and (b) of the Local Government: Municipal Finance Management Act (MFMA), Act 56 of 2003:
 - (i) it be resolved and reaffirmed that Erf 37294 Mitchells Plain, situated at 16 Kite Road, Woodlands, in extent approximately 264 m², as shown lettered ABCDE on Plan LIS 1932, attached as Annexure A to the report on the agenda, and zoned Single Residential 1 (SR1): Conventional Housing, 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) of the Municipal Asset Transfer Regulations (MATR), R.878 promulgated on 22 August 2008, approval be granted for the transfer of Erf 37294 Mitchells Plain situated at 16 Kite Road, Woodlands, in extent approximately 264 m² and zoned Single Residential 1 (SR1): Conventional Housing, to Warren John Fritz and Belinda Fritz for the amount of Three Hundred Thousand Rand, (R300 000.00), excluding VAT.
- (c) the purchase price shall escalate at 5% per annum compounded annually on a pro rata basis commencing 6 months after date of auction (i.e. from 2022-08-11) until date of registration.

- (d) the purchase price shall be subject to review in the event that the property has not been transferred within 36 months from the date of Valuation (i.e. from 2024-10-01).
- (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.

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

ACTION: M WITBOOI, T LEWIS, M SIMS, F SHARIFF, R GELDERBLOEM

C 23/07/22

GRANTING OF IN-PRINCIPLE APPROVAL: PROPOSED TRANSFER BY PUBLIC COMPETITION OF VACANT REMAINDER ERF 100326, 30 KATBERG STREET, HEIDEVELD, FOR A COMMUNITY FACILITY

RESOLVED that:

- (a) in terms of section 14(2)(a) and (b) of the Local Government: Municipal Finance Management Act (MFMA), Act 56 of 2003:
 - (i) it be resolved that the subject property, being remainder Erf 100326, situated at 30 Katberg Street, Heideveld, in extent approximately 1 286 m² as shown lettered ABCDEF on Plan LIS 1525v0, attached as Annexure A to the report on the agenda, is not required for the provision of the minimum level of basic municipal services;
 - (ii) it be confirmed that the fair market value of the asset described in (a)(i) and the economic and community value to be received in exchange for the asset described in (a)(i) have been considered.
- (b) in terms of Regulation 5(1)(b)(ii) of the Municipal Asset Transfer Regulations (MATR), R.878, promulgated on 22 August 2008, in-principle approval be granted for the transfer, by public competition, of Remainder Erf 100326, situated at 30 Katberg Street, Heideveld, in extent approximately 1 286 m² as shown lettered ABCDEF on Plan LIS 1525v0, attached as Annexure A to the report on the agenda.
- (c) it be confirmed that, when considering the alienation of the land at less than market value, as provided for in terms of Clause 15.3 of Council's Policy on the Management of Certain of the City of Cape Town's Immovable Property, the contents of Regulation 13(2) of the MATR has been duly taken into consideration.
- (d) as part of the envisaged purpose, activities that will promote healthy and sustainable communities with specific focus on social cohesion programs for example ECD, care for the elderly, etc., be included as a condition of approval.

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

ACTION: A ABRAHAMS, M SIMS, D BORAIN, R GELDERBLOEM

C 24/07/22 NOMINATION FOR APPOINTMENT AS MUNICIPAL ELECTORAL OFFICER

RESOLVED that:

- (a) the Executive Director: Future Planning and Resilience, Mr Gareth Morgan, be submitted as the nomination to the Electoral Commission as the City's Municipal Electoral Officer, in terms of Section 12 of the Municipal Electoral Act, Act 27 of 2000
- (b) any further request for assistance and/or resources by the Electoral Commission shall form the subject of negotiations between the City and the Electoral Commission.

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

ACTION: G POSTINGS, L MBANDAZAYO

C 25/07/22 COUNCILLORS' REMUNERATION AND ALLOWANCES

RESOLVED that:

- (a) the amendments in Government Notice 46470 dated 2 June 2022 be noted;
- (b) the maximum determinations in respect of salaries, allowances and benefits of the different members of Municipal Councils as set out in Annexure A to the report on the agenda be implemented with effect from 1 July 2021 for all its members after consultation with the Local MEC responsible for Local Government;
- (c) all Councillors to furnish Finance with information required via e-mail to implement the remuneration adjustment and to arrange a meeting with Finance: Payroll Section via Councillor Support to structure their salary package if they so desire.

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

ACTION: G LUBBE, N LEPHEANA, K JACOBY

C 26/07/22 AUDIT AND PERFORMANCE AUDIT COMMITTEE (APAC) REMUNERATION: UPDATE PER AUDITOR-GENERAL OF SOUTH AFRICA FEE GUIDELINE

RESOLVED that the payment rates for the Audit and Performance Audit Committee (APAC) members be confirmed as follows (hourly rates exclude value add tax (VAT) and VAT shall apply if the APAC member is registered for VAT with the South African Revenue Services):

- (i) APAC members are to be remunerated at R3 201 per hour, in the ratio of 1:1 for the meeting attendance and preparation, but the remuneration per APAC member is capped in total to R25 608;
- (ii) APAC chairperson is to be remunerated at R3 201 per hour plus 15%, in the ratio of 1:1 for the meeting attendance and preparation, but the remuneration per APAC chairperson is capped in total to R29 449;
- (iii) the fee for special meetings will be limited to a maximum of 4 hours.

ACTION: G POSTINGS, L MBANDAZAYO

C 27/07/22

PROPOSED LEASE OF A PORTION OF PUBLIC STREET, BEING A PORTION OF REMAINDER ERF 2926 BELLVILLE, SITUATED AT SUIKERBOS STREET, BLOMTUIN, BELLVILLE: ROMATELA INVESTMENTS (PTY) LTD

RESOLVED that the lease of a portion of a Public Street, being a portion of Remainder Erf 2926, Bellville situated at Suikerbos Street, Blomtuin, Bellville, shown hatched and lettered ABCDEFGH on Plan 130008545 attached as Annexure A to the report on the agenda, in extent approximately 277 m², to Romatela Investments (Pty) Ltd, owner of Erf 3162, Bellville, or its successor-in-title, be approved subject, to *inter alia* the following conditions, that:

- (a) a market rental of R1 400 per month inclusive of rates and excluding VAT calculated at the rate applicable at the time of transaction be payable;
- (b) the monthly rental is to be adjusted on the basis of 6% per annum commencing 2 months from date of this valuation, i.e. 2022-01-01;
- (c) the lease will endure for a period of 10 years;
- (d) the rental must be reviewed after a period of five (5) years;
- (e) the property be used for purposes of an overhead canopy only;
- (f) subject to such further conditions 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.

ACTION: P VAN SITBERT, B MALI-SWELINDAWO, R SCHNACKENBERG, D BORAIN, R GELDERBLOEM

C 28/07/22

PROPOSED GRANTING OF IN-PRINCIPLE APPROVAL FOR THE TRANSFER BY PUBLIC COMPETITION OF THE CITY-OWNED VACANT REMAINDER ERF 9588 PAROW SITUATED AT 36 PAROW ROAD, ZONED LOCAL BUSINESS 2 (LB2)

RESOLVED that:

- (a) in terms of section 14(2)(a) and (b) of the Local Government: Municipal Finance Management Act (MFMA), Act 56 of 2003:
 - (i) it be resolved that the Remainder Erf 9588 Parow, situated at 36 Parow Road, in extent approximately 408 m², zoned Local Business 2 (LB2) shown lettered ABCDE on Plan LIS 2596 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 Remainder Erf 9588, Parow situated at 36 Parow Road, as described in (a)(i) above;
- (c) Remainder Erf 9588, Parow situated at 36 Parow Road be transferred by public competition, subject to conditions to be imposed by the Director: Property Management in the exercise of her delegated authority;
- (d) the comments and recommendations provided by the Western Cape Provincial Treasury, be noted;
- (e) the resolution provided by Subcouncil 4, be noted.

[GOOD recorded their vote against the above decision.]

ACTION: V MNTUMTUM, A HUMAN, D BORAIN, L GREYLING, R GELDERBLOEM

C 29/07/22

GRANTING OF IN-PRINCIPLE APPROVAL: PROPOSED TRANSFER OF ERVEN 4954 AND 4955 KHAYELITSHA

PROPOSED TRANSFER OF ERVEN 4954 AND 4955 KHAYELITSHA TO NOLUTHANDO DAY CARE CENTRE

RESOLVED that:

- (a) in terms of section 14(2)(a) and (b) of the Local Government: Municipal Finance Management Act (MFMA), Act 56 of 2003:
 - (i) it be resolved that Erven 4954 and 4955, Khayelitsha shown lettered ABCDEFGHJK on Plan ET 509, attached as Annexure A to the report on the agenda, is not required for the provision of the minimum level of basic municipal services;
 - (ii) it be confirmed that the fair market value of the asset described in (a)(i) and the economic and community value to be received in exchange for the asset described in (a)(i) have been considered.
- (b) in terms of Regulation 5(1)(b)(ii) of the Municipal Asset Transfer Regulations (MATR), R.878, promulgated on 22 August 2008, in-principle approval be granted for the disposal or transfer of Erven 4954 and 4955, Khayelitsha;
- (c) the transfer of a portion of Erven 4954 and 4955, Khayelitsha shown lettered ABCDEFGHJK on Plan ET 509, attached as Annexure A to the report on the agenda, to Noluthandu Day Care, or their successor(s)-in-title, be approved, subject to the following conditions, that:
 - (i) a purchase price of R117 500, 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 after date of valuation, i.e. from 1 June 2022, until date of registration;
 - (iii) the valuation is to be reviewed if not approved by the delegated authority within 36 months from date of valuation, i.e. by 11 November 2024;
 - (iv) the sale is to be subject to a suitable reversionary clause limiting the use of the subject property to Community/Social Care use, which restriction is to be registered against the title deed of the subject property;
 - (v) rates and municipal charges, if applicable, be levied; and
 - (vi) subject to such further conditions to be imposed by the Director: Property Management in terms of her delegated authority, including inter alia the following:
 - (aa) that all further statutory and land use requirements be complied with; and

- (bb) that all costs related and incidental to the transaction be borne by the purchaser;
- (d) it be confirmed that, when considering the alienation of the land at less than market value, as provided for in terms of Clause 15.3 of Council's Policy on the Management of Certain of the City of Cape Town's Immovable Property, the contents of Regulation 13(2) of the MATR has been duly taken into consideration.

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

ACTION: J STAMPU, D GEYSMAN, M SIMS, R GELDERBLOEM

C 30/07/22

PROPOSED LEASE OF A PORTION OF CITY OWNED LAND, ERF 875 ROOIKRANS AVENUE, ZEEKOEVLEI FOR TELECOMMUNICATION INFRASTRUCTURE PURPOSES: VODACOM (PTY) LTD

RESOLVED that the lease of portion of City land, being a portion of Erf 875, Zeekoevlei at Rooikrans Avenue, shown hatched and lettered ABCD on Sketch LT1453v2 attached as Annexure A to the report on the agenda, in extent approximately $\pm 100 \text{ m}^2$, to Vodacom (Pty) Ltd, be approved subject to *inter alia* the following conditions, that:

- (a) a City approved rental of R14 567,51 per month excluding VAT where applicable be payable;
- (b) the lease will endure for a period of ten years, plus an option to renew, subject at any time to two months' notice of termination;
- (c) the rental will escalate at 8% per annum;
- (d) the property be used for telecommunication infrastructure 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 objections received during the public participation process not be upheld.

ACTION: G DAMMERT, I MARTIN, D GEYSMAN, D BORAIN, L GREYLING, R GELDERBLOEM

C 31/07/22 PROPOSED TRANSFER OF A PORTION OF ERF 1961 FRESNAYE TO OWNER OF ADJACENT ERF 1673 FRESNAYE: OLLIE MAGO TRUST FRESNAYE

RESOLVED that:

- (a) in terms of section 14(2)(a) and (b) of the Local Government: Municipal Finance Management Act (MFMA), Act 56 of 2003:
 - (i) it be resolved that Erf 1961 Fresnaye, in extent 217 m² and as shown crosshatched and lettered ABCDE on Plan STC 2750v1 attached as Annexure A to the report on the agenda, is not required for the provision of the minimum level of basic municipal services;
 - (ii) it be confirmed that the fair market value of the asset described in (a)(i) and the economic and community value to be received in exchange for the asset described in (a)(i) have been considered.
- (b) in terms of Regulation 5(1)(b)(ii) of the Municipal Asset Transfer Regulations (MATR), R.878, promulgated on 22 August 2008, in-principle approval be granted for the transfer being Erf 1961 Fresnaye, in extent 217 m² and as shown cross-hatched and lettered ABCDE on Plan STC 2750v1 attached as Annexure A to the report on the agenda.
- (c) the transfer of Erf 1961 Fresnaye, in extent 217 m² and as shown cross-hatched and lettered ABCDE on Plan STC 2750v1 attached as Annexure A to the report on the agenda, to the owner of adjacent Erf 1973 Fresnaye, the Ollie Mago Trust, or its successor(s) in title, be approved, subject to the following conditions, that:
 - (i) a market related sales price of R2 000 000,00, excluding VAT, be payable.
 - (ii) the purchase price is to be escalated by 5% per annum compounded annually on a pro-rata basis, commencing 6 months from date of valuation, i.e. from 1 November 2020, until date of registration of transfer.
 - (iii) the valuation is to be reviewed if not approved by the delegated authority of Council within 24 months from date of valuation, i.e. by 30 April 2022.
 - (iv) occupational rental for the subject property in the amount of R11 650 per month, excluding VAT, escalating at 6% per annum, will be payable from date of occupation until date of registration
 - (v) rates and municipal charges, if applicable, be levied.

- (vi) subject to such further conditions to be imposed by the Director: Property Management in terms of her delegated authority, including inter alia the following, that:
 - (aa) all statutory and land use requirements be complied with;
 - (bb) Erf 1961 Fresnaye be consolidated with the purchaser's Erf 1673 Fresnaye;
 - (cc) all costs related and incidental to the transaction be borne by the purchaser.

ACTION: P STRUMPHER, C DAVIS, D BORAIN, R GELDERBLOEM

C 32/07/22

PROPOSED GRANTING OF IN-PRINCIPLE APPROVAL FOR THE TRANSFER BY PUBLIC COMPETITION OF VACANT ERF 16715, PORTION REMAINDER ERF 16643, KUILS RIVER, SITUATED AT 263 Highbury ROAD, KUILS RIVER, ZONED LIMITED USE ZONE (LU) FOR RESIDENTIAL PURPOSES

RESOLVED that:

- (a) in terms of section 14(2)(a) and (b) of the Local Government: Municipal Finance Management Act (MFMA), Act 56 of 2003:
 - (i) it be resolved that Erf 16715, portion Remainder Erf 16643 Kuils River, situated at 263 Highbury Road, Kuils River, in extent approximately 2 896 m², shown lettered ABCDEFG on Plan LIS 2151 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 16715 portion Remainder Erf 16643 Kuils River, situated at 263 Highbury Road, Kuils River, as described in (a)(i); and
- (c) Erf 16715, portion Remainder Erf 16643 Kuils River, situated at 263 Highbury Road, Kuils River, be transferred by public competition, subject to conditions to be imposed by the Director: Property Management in the exercise of her delegated authority.
- (d) the comment and recommendations received from Provincial Treasury be noted.

- (e) the comment provided by Subcouncil 21, be noted.

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

ACTION: M WITBOOI, A HUMAN, M SIMS, R GELDERBLOEM

C 33/07/22 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: TRIKORES (PTY) LTD

RESOLVED that:

- (a) in terms of section 14(2)(a) and (b) of the Local Government: Municipal Finance Management Act (MFMA), Act 56 of 2003:
- (i) it be resolved that the subject property, being a Portion of Erf 17870 Durbanville, situated at the corner of Jip de Jager and Tygerberg Roads, Durbanville, in extent approximately 1 149 m² and as shown hatched and lettered ABCD on Plan 951v1, attached as Annexure A to the report on the agenda, is not required for the provision of the minimum level of basic municipal services;
 - (ii) it be confirmed that the fair market value of the asset described in (a)(i) and the economic and community value to be received in exchange for the asset described in (a)(i) have been considered.
- (b) in terms of Regulation 5(1)(b)(ii) of the Municipal Asset Transfer Regulations (MATR), R.878, promulgated on 22 August 2008, in-principle approval be granted for the transfer of a Portion of Erf 17870 Durbanville, in extent approximately 1 149 m² and as shown hatched and lettered ABCD on Plan 951v1, 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 portion of a Public Place, being Erf 17870 Durbanville, situated at the corner of Jip de Jager and Tygerberg Roads, Durbanville, in extent approximately 1 149 m² and as shown hatched and lettered ABCD on Plan 951v1, attached as Annexure A to the report on the agenda.
- (d) the transfer of a Portion of Erf 17870 Durbanville, in extent approximately 1 149 m² and as shown hatched and lettered ABCD on Plan 951v1, attached as Annexure A to the report on the agenda, to Trikores (Pty) Ltd, or its successor(s) in title, be approved, subject to the following conditions, that:

- (i) a purchase price of R350 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 2020 until date of registration.
- (iii) the valuation is to be reviewed if not implemented within 36 months from date of valuation, i.e. by 31 March 2025.
- (iv) rates and municipal charges, if applicable, be levied.
- (v) subject to such further conditions to be imposed by the Director: Property Management in terms of her delegated authority, including inter alia the following, that:
 - (aa) all statutory and land use requirements be complied with, including the closure, subdivision, rezoning of Erf 17870 Durbanville, and the consolidation of the subject portion with the applicant's abutting property;
 - (bb) a 3 m wide service servitude in favour of the City be registered over the water main traversing the subject property;
 - (cc) all costs related and incidental to the transaction be borne by the purchaser.

ACTION: P STRUMPHER, A DE GOEDE, R SCHNACKENBERG, D BORAIN, R GELDERBLOEM

C 34/07/22

PROPOSED LEASE OF CITY LAND, ERVEN 846, 853, 854, PORTIONS OF ERF 855, 856, PORTIONS OF ERF 861 - 862, PORTION OF ERF 865 AND PORTIONS OF ERF 866 870 CAPE TOWN, CORNER OF STRAND AND BUITENGRACHT STREET, CAPE TOWN FOR PARKING PURPOSES: GREENPOINT CIDS

RESOLVED that the lease of Erven 846, 853, 854, Portions of 855 - 856, Portions of 861 - 862, Portion of 865 and Portions of 866 – 870, Cape Town, situated at corner of Strand and Buitengracht Streets, Cape Town in extent 2 310 m² as indicated by the figure ABCDE curve FGHL on Plan STC 3157, attached as Annexure A to the report on the agenda, to the Greenpoint City Improvement District (referred to as "the Greenpoint CIDS") or their successors-in-title, be approved, subject to inter alia the following conditions, that:

- (a) a market rental of R53 250.00 per month (inclusive of rates and exclusive of VAT), is effective and payable as from 2019-06-01 until 2020-03-31. Thereafter a rental of R40 000.00 per month (inclusive of rates and exclusive of VAT).

- (b) the monthly rental is to be adjusted on the basis of 8% per annum compounded annually commencing 2019-06-01 until 2020-03-31. Thereafter the reduced rental of R40 000.00 per month will escalate at 6% per annum.
- (c) the lease will endure for a period of ten (10) years, with a five (5) year rental review.
- (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 his/her delegated authority.
- (f) the applicant must submit annual audited financial statements to the City on an annual basis.
- (g) consent to be obtained for any, advertising, sub-leases and any commercial activities on the property. The rental to be reviewed in such instances, if deemed applicable.
- (h) Lessee is responsible for the full maintenance of the land.
- (i) the condition of approval must include a clause that an electronic payment platform be implemented to ensure proper and thorough book-keeping practices in the interest of good governance and tax compliance.

ACTION: D FRANKEN, C DAVIS, R SCHNACKENBERG. M SIMS, R GELDERBLOEM

C 35/07/22

GRANTING OF IN-PRINCIPLE APPROVAL: PROPOSED GRANTING OF RIGHT TO USE, CONTROL OR MANAGE MUNICIPAL CAPITAL ASSETS: GRANTING OF BUILDING RIGHTS SERVITUDE (UNDERGROUND RIGHTS SERVITUDE) OVER CITY-OWNED IMMOVABLE PROPERTY BEING A PORTION OF REMAINDER ERF 148343 CAPE TOWN (PUBLIC STREET), SITUATED ON LOOP STREET, CAPE TOWN, IN FAVOUR OF ERF 165639 CAPE TOWN

PROPOSED GRANTING OF RIGHT TO USE, CONTROL OR MANAGE MUNICIPAL CAPITAL ASSETS: GRANTING OF BUILDING RIGHTS SERVITUDE (UNDERGROUND RIGHTS SERVITUDE) OVER CITY-OWNED IMMOVABLE PROPERTY BEING A PORTION OF REMAINDER ERF 148343 CAPE TOWN (PUBLIC STREET), SITUATED ON LOOP STREET, CAPE TOWN, IN FAVOUR OF ERF 165639 CAPE TOWN: GROWTHPOINT PROPERTIES LIMITED

RESOLVED that:

- (a) in terms of section 14(2)(a) and (b) of the Local Government: Municipal Finance Management Act (MFMA), Act 56 of 2003:

- (i) it be resolved that the subject property being a portion of Remainder Erf 148343 Cape Town (Public Street), situated at Loop Street, Cape Town, in extent approximately 689 m², as shown by the hatched figure lettered ABCDEFGHJKLM on Plan 130003944, attached as Annexure A to the report on the agenda, is not required for the provision of the minimum level of basic municipal services;
 - (ii) it be confirmed that the fair market value of the asset described in (a)(i) and the economic and community value to be received in exchange for the asset described in (a)(i) have been considered.
- (b) in terms of Regulation 5(1)(b)(ii) of the Municipal Asset Transfer Regulations (MATR), R.878, promulgated on 22 August 2008, in-principle approval be granted for the rights to use, control and manage a municipal capital asset by way of granting a building rights servitude over a portion of Remainder Erf 148343 Cape Town (Public Street) situated at Loop Street, Cape Town, shown hatched and lettered ABCDEFGHJKLM on Plan 130003944, attached as Annexure A to the report on the agenda, which represents 1 basement level.
- (c) the granting of rights to use and control or manage municipal capital assets by way of granting a building rights servitude over a portion of Remainder Erf 148343 Cape Town (Public Street) situated at Loop Street, Cape Town, shown hatched and lettered ABCDEFGHJKLM on Plan 130003944, attached as Annexure A to the report on the agenda, which represents 1 basement level, in favour of Erf 165639 Cape Town to: Growthpoint Properties Limited, or their successor(s) in title, be approved, subject to the following conditions, that:
 - (i) a compensation amount of R3 620 000, excluding VAT be payable;
 - (ii) the compensation amount is to escalate at 5% per annum compounded annually on a pro-rata basis commencing 6 months from date of valuation, i.e. from 1 October 2021 until date of registration;
 - (iii) the market value be reassessed if the transaction is not approved within 36 months from date of valuation, i.e. 31 March 2024;
 - (iv) the building rights servitude is to be restricted to a building envelope of 689 m²;
 - (v) rates and municipal charges, if applicable, be levied;
 - (vi) subject to such further conditions to be imposed by the Director: Property Management in terms of her delegated authority, including inter alia the following:

- (aa) that all further statutory and land use requirements be complied with;
- (bb) that all costs related and incidental to the transaction be borne by the purchaser.

ACTION: M CARELSE, C DAVIS, R SCHNACKENBERG, D BORAIN, R GELDERBLOEM

C 36/07/22 PROPOSED APPROVAL FOR THE LEASE OF CITY-OWNED PROPERTY, BEING PORTIONS OF REMAINDER ERF 760, WITZAND ROAD, SCARBOROUGH TO SOUTH AFRICAN NATIONAL PARKS (SANPARKS), AN ORGAN OF STATE, FOR RESIDENTIAL PURPOSES OF STANDBY OPERATIONAL STAFF

RESOLVED that:

- (a) in terms of Regulation 41(2)(e) of the Municipal Asset Transfer Regulations (MATR), R.878 promulgated on 22 August 2008, it be resolved that portions of Remainder Erf 760, Scarborough, situated in Witzand Road, approximately 2 160 m² in combined extent are surplus to the requirements of the municipality.
- (b) the lease of portions of Remainder Erf 760, Scarborough, situated in Witzand Road, approximately 2 160 m² in combined extent and zoned Agricultural Zoning, to South African National Parks (SANParks), be approved subject to inter alia the following conditions, that:
 - (i) the rental amount be set at a nominal value of R100 per annum (inclusive of rates and exclusive of VAT);
 - (ii) the lease will endure for a period of five (5) years with an option to renew for another five (5) years, subject to the property not being required for municipal purposes at the end of the lease period;
 - (iii) Municipal charges, if applicable, be levied;
 - (iv) the property will be used for standby residential cottages for SANParks operational staff;
 - (v) the lessee will be responsible for the upgrading and maintenance of the property to an acceptable standard;
 - (vi) any alterations to any municipal services necessary as a consequence of the proposal or request by the lessee will be carried out at the lessee's cost;
 - (vii) any improvements or upgrades to the site requested by the lessee to fulfil its purpose will be carried out at the lessee's cost;

- (viii) the lessee will be liable for any damage caused to the property;
- (ix) the lessee will be responsible and liable for the safety and security of the leased property and all people who will be utilising the property during the lease period;
- (x) Council will not be held responsible for any damage to or loss of property of the lessee including that of others;
- (xi) should the property be required for municipal purposes at the end of the lease period, the lessee will be responsible for the rehabilitation of the site to an acceptable standard (standard should be agreed upon between Property Management Department and the lessee prior to the finalisation of the lease);
- (xii) no compensation will be payable for any improvement made to the property;
- (xiii) subject to compliance with any other statutory requirements; and
- (xiv) subject to such further conditions to be imposed by the Director: Property Management in terms of her delegated authority.

ACTION: L MALGAS, L EMSLEY, M SIMS, F SHARIFF, R GELDERBLOEM

C 37/07/22 PROPOSED LEASE OF A PORTION OF CITY OWNED LAND, BEING ERF 8139 GOODWOOD, BOUNDED BY ALEXANDER, ALICE AND ROHM STREETS, GOODWOOD: KLEIN TYGERDAL PREPRIMARY SCHOOL

RESOLVED that the lease of a portion of City owned land, being Erf 8139 Goodwood, bounded by Alexander, Alice and Rohm Streets, Goodwood, shown hatched and lettered ABCDEF on Plan TA 992v0, attached as Annexure B to the report on the agenda, in extent approximately 2 356 m², to Klein Tygerdal Pre-Primary School, or its successors-in-title, be approved, subject to inter alia the following conditions:

- (a) a market rental of R22 000 per month, excluding VAT, calculated at the rate applicable as the time of the transaction, be payable, Rates is included in the rental;
- (b) the monthly rental is to be adjusted on the basis of 8% per annum for the period 2019-07-01 until 2020-03-31;
- (c) the rental will escalate after the 2020-03-31 at 6% per annum until the date of signing of the lease agreement;
- (d) the above recommended rental is to be effective and payable as from 2019-07-01;
- (e) the lease will endure for a period of 10 years;

- (f) rental must be reviewed after 5 years;
- (g) the above rental assumes that the Lessee is responsible for all maintenance & repairs of the premises;
- (h) the above rental excludes any operational costs, i.e. electricity, security, water etc.;
- (i) the property may be used only for the purpose of a pre-primary school and for no other purpose whatsoever;
- (j) subject to such further conditions to be imposed by the Director: Property Management in terms of her delegated authority;
- (k) subject to compliance with any other statutory requirements;
- (l) no compensation will be payable for any improvement made to the property.

ACTION: G DU PLESSIS, B MALI-SWELINDAWO, R SCHNACKENBERG, M SIMS, R GELDERBLOEM

C 38/07/22

PROPOSED GRANTING OF IN-PRINCIPLE APPROVAL FOR THE SALE OF A PORTION (PORTION "A") OF REMAINDER ERF 18370, SITUATED AT WALTER SISULU ROAD, KHAYELITSHA, FOR THE DEVELOPMENT OF A NEW SHOPPING MALL

RESOLVED that:

- (a) in terms of section 14(2)(a) and (b) of the Local Government: Municipal Finance Management Act (MFMA), Act 56 of 2003:
 - (i) it be resolved that the proposed "Portion A" of Remainder Erf 18370, Khayelitsha bound by Water Sisulu Road (east), the existing Khayelitsha CBD shopping centre (west), Nomzamo Mongo Road (north) and Erf 75838 including the Khayelitsha CBD Sports Centre (south), in extent approximately 3.14 ha, zoned General Business, shown lettered ABCDEFGH on Plan LIS 1465v0, 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) Council considered the factors set out in terms of Sections 15.1, 15.2, and 15.3 of the Council Policy on the Management of Certain of the City of Cape Town's Immovable Property including in terms of Regulation 13(2) of the Municipal Asset Transfer Regulations (MATR), R.878

promulgated on 22 August 2008, as the proposed purchase price (R3 210 000-00 excluding VAT) for the proposed disposal of Portion "A" of Remainder Erf 18370, Khayelitsha as described in (a)(i) above is less than a fair market value.

- (c) in terms of Regulation 5(1)(b) of the MATR, in-principle approval be granted for the disposal of the proposed "Portion A" of Remainder Erf 18370, Khayelitsha as described in (a)(i) above.
- (d) in terms of Regulation 13(2) of the MATR, including Sections 15.1, 15.2, and 15.3 of the Council Policy on the Management of Certain of the City of Cape Town's Immovable Property, the proposed Portion "A" be sold to the Khayelitsha Community Trust (KCT) at 12% (R3 210 000-00 excluding VAT) of the market.
- (e) the Director: Property Management be authorised to conclude and sign the sale agreement and to further impose conditions on KCT in the spending of the surplus funds generated from the disposal of the property.

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

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

C 39/07/22

GRANTING OF IN-PRINCIPLE APPROVAL: PROPOSED TRANSFER OF ERF 32396 KHAYELITSHA TO THE BOARD OF TRUSTEES OF THE DIOCESE OF FALSE BAY OF THE ANGLICAN CHURCH OF SA

PROPOSED TRANSFER BY DIRECT TRANSACTION OF CITY-OWNED LAND BEING ERF 32396, FUKUTHA ROAD, KHAYELITSHA, FOR COMMUNITY PURPOSES TO THE BOARD OF TRUSTEES OF THE DIOCESE OF FALSE BAY OF THE ANGLICAN CHURCH OF SA

RESOLVED that:

- (a) in terms of section 14(2)(a) and (b) of the Local Government: Municipal Finance Management Act (MFMA), Act 56 of 2003:
 - (i) it be resolved that the subject property, being Erf 32396, Fukutha Road, Khayelitsha, zoned Community Two (CO2) with extent approximately 1 316 m², as shown on Plan LIS2003, attached as Annexure A to the report on the agenda, is not required for the provision of the minimum level of basic municipal services;
 - (ii) it be confirmed that the fair market value of the asset described in (a)(i) and the economic and community value to be received in exchange for the asset described in (a)(i) have been considered.
- (b) in terms of Regulation 5(1)(b)(ii) of the Municipal Asset Transfer Regulations (MATR), R.878, promulgated on 22 August 2008, in-

principle approval be granted for the transfer of Erf 32396, Fukutha Road, Khayelitsha, zoned Community Two (CO2) with extent approximately 1 316 m², as shown on Plan LIS2003, attached as Annexure A to the report on the agenda.

- (c) the transfer of Erf 32396, Fukutha Road, Khayelitsha, zoned Community Two (CO2) as shown on Plan LIS2003, attached as Annexure A to the report on the agenda, to The Board of Trustees of The Diocese of False Bay of The Anglican Church of SA or its successor(s) in title, be approved, subject to the following conditions, that:
- (i) a purchase price of R62 500 (excluding VAT) be payable being 25% of market value in terms of the City's Policy on the Management of Council's Immovable Property.
 - (ii) the sale's price shall escalate at 6% per annum compounded annually on a pro rata basis commencing from 2018-08-01 until 2020-03-31, where after it will further escalate at 5% per annum until date of registration.
 - (iii) the sale's price to be reassessed if the transaction is not approved by the relevant decision making authority of Council within 36 months from the current date of valuation (i.e. by 2024-07-31).
 - (iv) rates and municipal charges 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) a reversionary clause limiting the use of the subject property to community purposes be registered against the title deed of the subject property;
 - (cc) all costs related and incidental to the transaction be borne by the purchaser.
 - (vi) it be confirmed that, when considering the alienation of the land at less than market value, as provided for in terms of Clause 15.3 of Council's Policy on the Management of Certain of the City of Cape Town's Immovable Property, the contents of Regulation 13(2) of the MATR has been duly taken into consideration.

ACTION: A MADDY, S MUKORI, M SIMS, R GELDERBLOEM

C 40/07/22 PROPOSED LEASE OF CITY LAND, BEING PORTIONS OF ERVEN 21594 AND 5135 BELLVILLE, SITUATED BETWEEN MEATH AND MABEL STREETS: JUMBO PROPERTIES (PTY) LTD

RESOLVED that the lease of portions of Erven 21594 and 5135 Bellville situated between Meath and Mabel Streets, Bellville, as shown hatched and lettered ABCDEFGH on Sketch TA 257v2, attached as Annexure A to the report on the agenda, in extent approximately 630 m², to Jumbo Properties (Pty) Ltd, owner of Erven 5131, 5134, 5133 and 26400 Bellville or its successors-in-title, be approved subject to inter alia the following conditions:

- (a) a market rental of R5 700 per month inclusive of rates and excluding VAT calculated at the rate applicable at the time of transaction be payable;
- (b) the rental is to be adjusted on the basis of 6% per annum compounded annually commencing 2 months from date of valuation, i.e. as from 2021-11-01;
- (c) the rental will be effective and payable from 2021-11-01;
- (d) the lease will endure for a period of ten (10) years and the rental is to be reviewed after a period of two (2) years;
- (e) the property be used for access and 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 submit a Transport Impact Study for approval in accordance with the Planning and General Appeals Committee decision dated 13 March 2015;
- (j) the applicant submit a detailed Site Development Plan to clearly indicate provision of on-site parking and circulation routes for busses and light vehicles, as well as how pedestrian movement will be managed to ensure safety and efficiency of the operation over the long distance bus terminus site (Erven 5131, 5133, 5134 & 26400 Bellville) and the subject property;
- (k) a landscape plan be submitted with the Site Development Plan. The landscape plan should provide for positive street landscaping along Victoria Street and Meath Street in order to soften the impact of the paved parking bays;

- (l) the applicant construct permanent bollards, or similar, along the Meath Street boundary to prohibit vehicular access from Meath Street;
- (m) the Lessee takes cognizance of the noise and nuisance complaints submitted against the proposed lease and institute measures to reduce the noise and nuisance associated with the bus terminus site to a level acceptable to the City and surrounding property owners. The City reserves the right to terminate the agreement of lease in the event that the Lessee fails to implement such measures;
- (n) the applicant complies with all conditions of approval related to the use and rezoning of the subject property;
- (o) the Lease Agreement be subject to any and all Land Use conditions imposed by the City;
- (p) the Lease Agreement outline a period by which above conditions (i), (j), (k), (l) and (m) must be met. If they are not, the lease shall lapse and be considered null and void;
- (q) the objections not be upheld.

ACTION: P VAN SITTERT, G DU PLESSIS, R SCHNACKENBERG, M SIMS, R GELDERBLOEM

C 41/07/22 PROPOSED DISPOSAL BY WAY OF DEMOLITION OF BUILDING STRUCTURES LOCATED ON VARIOUS PROPERTIES (OLD SCOTTSdene CLINIC)

RESOLVED that:

- (a) in terms of section 14(2)(a) and (b) of the Local Government: Municipal Finance Management Act (MFMA), Act 56 of 2003:
 - (i) it be resolved that Erven 3854, 4082, 4083, 4084, 4085, 4086, 4087, 4088, 4089, 4091, 4092, 4093 and 4094 Scottsdene, as shown lettered ABCDEF on Plan TA 1232v0, attached as Annexure A to the report on the agenda, is not required for the provision of the minimum level of basic municipal services;
 - (ii) it be confirmed that the fair market value of the asset described in (a)(i) and the economic and community value to be received in exchange for the asset described in (a)(i) have been considered.
- (b) in terms of Regulation 5(1)(b)(ii) of the Municipal Asset Transfer Regulations (MATR), R.878, promulgated on 22 August 2008, in-principle approval be granted for the disposal by way of demolition of Erven 3854, 4082, 4083, 4084, 4085, 4086, 4087, 4088, 4089, 4091, 4092, 4093 and 4094 Scottsdene, as shown lettered ABCDEF on Plan TA 1232v0, attached as Annexure A to the report on the agenda.

- (c) approval be granted for the disposal by way of demolition of the structures on City owned land, being Erven 3854, 4082, 4083, 4084, 4085, 4086, 4087, 4088, 4089, 4091, 4092, 4093 and 4094 Scottsdene, as shown lettered ABCDEF on Plan TA 1232v0, attached as Annexure A to the report on the agenda, subject thereto, that:
- (i) the on-site trees be retained;
 - (ii) the demolition costs be provided for by the Corporate Facilities Department.
- (d) the objection against the proposed demolition, as received from the Kraaifontein Alliance, not be upheld.

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

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

C 42/07/22 REQUEST FOR AUTHORITY FOR THE CITY OF CAPE TOWN TO CONTINUE ITS MEMBERSHIP OF ICLEI – LOCAL GOVERNMENTS FOR SUSTAINABILITY

RESOLVED that:

- (a) the renewal of the *ICLEI Africa – Local Governments for Sustainability* membership for a period of three (3) years, be approved
- (b) the payment of the *ICLEI Africa – Local Governments for Sustainability* membership fee for the discounted full 3-year period package amounting to R 226,121.85 (VAT inclusive), be approved
- (c) the City of Cape Town formally join relevant ICLEI programmes provided no additional membership fees for these programmes are required.

ACTION: B GRIFFITHS, B MNISI, L GERRANS, E NAUDE

C 43/07/22 PROPOSED CHANGES TO MEMBERSHIP OF COMMITTEES

The Chief Whip of Council, Cllr D Visagie (DA) proposed changes to the Committees of Council as set out in the report on the agenda.

The proposal was duly supported.

RESOLVED that:

- (a) Cllr A Lansdowne (DA) be removed as a member from the Future Planning and Resilience Portfolio Committee
- (b) Cllrs V Matanzima (DA) and M M Sibunzi (DA) be appointed as members of the Safety and Security Portfolio Committee
- (c) Ald C Brynard (CIP) be appointed as a member of the Energy Portfolio Committee.

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

At this stage, namely 13H15, the Speaker announced that the meeting would adjourn for lunch. The meeting recommenced at 14H00.

C 44/07/22 REPORTING ON MINOR BREACHES OF PROCUREMENT PROCESSES APPROVED. BY THE SUPPLY CHAIN MANAGEMENT BID ADJUDICATION COMMITTEE FOR THE PERIOD 01 - 30 APRIL 2022

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

ACTION: B CHINASAMY, K JACOBY

C 45/07/22 INTERNAL AUDIT ANNUAL INDEPENDENCE STATEMENT FOR THE YEAR ENDED 30 JUNE 2021

RESOLVED that the Internal Audit Annual Independence Statement for the year ended 30 June 2021, as supported by the Audit and Performance Audit Committee, be noted.

ACTION: A MOOLMAN, Z HOOSAIN, L MBANDAZAYO

C 46/07/22 CORPORATE SERVICES: 2021/22 THIRD QUARTER'S PROGRESS REPORT ON THE DIRECTORATE AND DEPARTMENTS' PERFORMANCE

RESOLVED that the Corporate Services directorate's 2021/22 third quarter's progress report on the directorate and departments' performance, be noted.

ACTION: T MANGENA, E SASS

C 47/07/22 COMMUNITY SERVICE AND HEALTH: 2021/22 THIRD QUARTER'S PROGRESS REPORT ON THE DIRECTORATE PERFORMANCE

RESOLVED that the 2021/22 third quarter's progress report on the Community Services and Health Directorate's performance, be noted.

ACTION: G PHYFER, P NKURUNZIZA, Z MANDLANA

C 48/07/22 ECONOMIC GROWTH: 2021/22 THIRD QUARTER'S PROGRESS REPORT ON THE DIRECTORATE AND DEPARTMENTS' PERFORMANCE

RESOLVED that the 2021/22 third quarter's progress report on the Economic Growth Directorate and Departments' performance, be noted.

ACTION: P WILLIAMS, C BENJAMIN, R GELDERBLOEM

C 49/07/22 2021/2022 THIRD QUARTER'S PROGRESS REPORT ON CORPORATE PERFORMANCE

RESOLVED that the 2021/22 third quarter's progress report on corporate performance, be noted.

ACTION: S ABASS, C JANUARY, G MORGAN

C 50/07/22 FINANCE DIRECTORATE: 2021/22 THIRD QUARTER'S PROGRESS REPORT ON THE DIRECTORATE AND DEPARTMENTS' PERFORMANCE

RESOLVED that the 2021/22 third quarter's progress report on the Finance Directorate and Departments' performance, be noted.

ACTION: M COLLOP, K JACOBY

C 51/07/22 FUTURE PLANNING AND RESILIENCE: 2021/22 THIRD QUARTER'S PROGRESS REPORT ON THE DIRECTORATE AND DEPARTMENT PERFORMANCE

RESOLVED that the 2021/22 third quarter's progress report on the Future Planning and Resilience Directorate and Departments' performance, be noted.

ACTION: E DICK, A ARENDSE, G MORGAN

C 52/07/22 HUMAN SETTLEMENTS: 2021/22 THIRD QUARTER'S PROGRESS REPORT ON THE DIRECTORATE AND DEPARTMENTS' PERFORMANCE
The ANC noted the subject report with serious concern.

RESOLVED that the 2021/22 third quarter's progress report on the Human Settlements Directorate and Departments' performance, be noted.

ACTION: L VALETA, N GQIBA

C 53/07/22 SPATIAL PLANNING AND ENVIRONMENT: 2021/22 THIRD QUARTER'S PROGRESS REPORT ON THE DIRECTORATE AND DEPARTMENTS' PERFORMANCE

RESOLVED that:

- (a) the Spatial Planning and Environment Committee's concern in regard to the lack of spending on the skills development budget, be noted.

- (b) the Spatial Planning and Environment Committee's concern that the strategy of transversal tenders are not benefitting productivity and that it leads to delays, internal red tape and non-spending, be noted.
- (c) the Spatial Planning and Environment Committee's request for the Executive Mayor together with the Mayoral Committee to investigate a less complicated procurement process to allow line departments more control / management over procurement of resources for service delivery, be noted.
- (d) the request to place focus on employment equity appointments at senior level, be noted.

ACTION: C BASSON, E NAUDE

C 54/07/22 URBAN MOBILITY: 2021/22 THIRD QUARTER'S PROGRESS REPORT ON THE DIRECTORATE AND DEPARTMENTS' PERFORMANCE

RESOLVED that the 2021/22 third quarter's progress report on the Urban Mobility Directorate and Department's performance, be noted.

ACTION: A DE UJFALUSSY, H PETERS, D CAMPBELL

C 55/07/22 WATER AND SANITATION: 2021/22 THIRD QUARTER'S PROGRESS REPORT ON THE DIRECTORATE AND DEPARTMENT'S PERFORMANCE

RESOLVED that the 2021/22 third quarter's progress report on the Water and Sanitation Directorate and Departments' performance, be noted.

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

C 56/07/22 WESTERN CAPE PROVINCIAL GOVERNMENT: STRATEGIC INTEGRATED MUNICIPAL ENGAGEMENT (SIME) 2022

RESOLVED that the Strategic Integrated Municipal Engagement (SIME) assessment report of the tabled 2022/23 MTREF, be noted.

ACTION: C STROUD, K JACOBY

C 57/07/22 2022/23 LOCAL GOVERNMENT BUDGET AND BENCHMARK ENGAGEMENT

RESOLVED that National Treasury's final benchmark assessment of the tabled 2022/23 MTREF, be noted.

ACTION: C STROUD, K JACOBY

C 58/07/22 SUPPLY CHAIN MANAGEMENT POLICY IMPLEMENTATION REPORT OF THE CAPE TOWN STADIUM (RF) SOC LTD

RESOLVED that the report of the Cape Town Stadium, on the implementation of their Supply Chain Management policies for the 2021/22 financial year, be noted.

ACTION: L FORTUNE, D VALENTINE, K JACOBY

C 59/07/22 REPORTING ON DEVIATIONS IN TERMS OF THE MANAGEMENT OF CERTAIN OF THE CITY OF CAPE TOWN'S IMMOVABLE PROPERTY POLICY, SECTION 13, FOR THE BI-ANNUAL PERIOD OF 1 JANUARY 2022 TO 30 JUNE 2022 FOR INFORMATION PURPOSES

RESOLVED that the matters as authorised by the City Manager in terms of section 13 of the Management of Certain of the City of Cape Town's Immovable Property Policy, for the Bi-Annual period 1 January 2022 to 30 June 2022 for the 2021/22 financial year, 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: J HOLT, L MBANDAZAYO

C 60/07/22 QUARTERLY REPORT OF THE AUDIT AND PERFORMANCE AUDIT COMMITTEE CHAIRPERSON FOR THE PERIOD 1 JANUARY 2022 TO 31 MARCH 2022

RESOLVED that the quarterly report of the Audit and Performance Audit Committee Chairperson for the period 1 January 2022 to 31 March 2022, be noted.

ACTION: A MOOLMAN, Z HOOSAIN, L MBANDAZAYO

C 61/07/22 FOR NOTING BY COUNCIL OF MINOR CHANGE TO THE COUNCIL APPROVED CONTRACT BETWEEN THE CITY OF CAPE TOWN AND THE SOUTH AFRICAN NATIONAL PARKS FOR RADIO TRUNKING SERVICES

RESOLVED that the minor amendments to the contract between the City of Cape Town and South African National Parks for radio trunking services, be noted.

ACTION: I HAMDULAY, V RAMPHAL, T BOSMAN, Z MANDLANA

C 62/07/22 REPORTING ON MINOR BREACHES OF PROCUREMENT PROCESSES APPROVED BY THE SUPPLY CHAIN MANAGEMENT BID ADJUDICATION COMMITTEE FOR THE PERIOD 01 TO 31 MAY 2022

RESOLVED that the report and annexed list of minor breaches for 01 - 31 May 2022, as ratified by the Bid Adjudication Committee, be noted.

ACTION: B CHINASAMY, K JACOBY

C 63/07/22 REPORTING ON MINOR BREACHES OF PROCUREMENT PROCESSES APPROVED BY THE SUPPLY CHAIN MANAGEMENT BID ADJUDICATION COMMITTEE FOR THE PERIOD 01 - 30 JUNE 2022

RESOLVED that the report and annexed list of minor breaches for 01 - 30 June 2022, as ratified by the Bid Adjudication Committee, be noted.

ACTION: B CHINASAMY, K JACOBY

C 64/07/22 WITHDRAWALS FROM MUNICIPAL BANK ACCOUNTS FOR THE QUARTER ENDING JUNE 2022

RESOLVED that the report on the withdrawals made from the City's bank accounts for the quarter ending June 2022, be noted.

ACTION: H ROBBIN S, D VALENTINE, K JACOBY

C 65/07/22 SUPPLY CHAIN MANAGEMENT POLICY IMPLEMENTATION REPORT OF THE CAPE TOWN INTERNATIONAL CONVENTION CENTRE (SOC) LTD (CTICC)

RESOLVED that the report of the Cape Town International Convention Centre on the implementation of their Supply Chain Management policies for the 2021/22 financial year, be noted.

ACTION: L FORTUNE, D VALENTINE, K JACOBY

C 66/07/22 2021/22 SUBCOUNCIL WARD ALLOCATION PROJECTS: QUARTERLY PROGRESS REPORT FOR THE PERIOD ENDING 31 MARCH 2022

RESOLVED that the quarterly report with regard to progress made with the execution of 2021/22 ward allocation projects for the period ending 31 March 2022, be noted.

ACTION: M JANUARY, A ARENDSE, Z MANDLANA

C 67/07/22 2021/22 SUBCOUNCIL WARD ALLOCATION PROJECTS: QUARTERLY PROGRESS REPORT FOR THE PERIOD ENDING 30 JUNE 2022

RESOLVED that the quarterly report with regard to progress made with the execution of 2021/22 ward allocation projects for the period ending 30 June 2022, be noted.

ACTION: M JANUARY, A ARENDSE, E SASS

C 68/07/22 QUARTERLY REPORT ON THE DELEGATIONS EXERCISED BY SUBCOUNCILS: 1 JANUARY 2022 TO 31 MARCH 2022

RESOLVED that the contents of the report regarding the delegations exercised by Subcouncils during the period 1 January 2022 to 31 March 2022, be noted.

ACTION: M JANUARY, A ARENDSE, Z SISWANA, A BOSMAN, E SASS

C 69/07/22 QUARTERLY REPORT ON THE DELEGATIONS EXERCISED BY SUBCOUNCILS: 1 APRIL 2022 TO 30 JUNE 2022

RESOLVED that the contents of the report regarding the delegations exercised by Subcouncils during the period 1 April 2022 to 30 June 2022, be noted.

ACTION: M JANUARY, A ARENDSE, Z SISWANA, A BOSMAN, E SASS

C 70/07/22 REPORT IN TERMS OF SUPPLY CHAIN MANAGEMENT REGULATIONS, REGULATION 36, AND THE SUPPLY CHAIN MANAGEMENT POLICY, CLAUSE 330, FOR THE PERIOD 12 MAY 2022 TO 13 JULY 2022: FOR INFORMATION PURPOSES

RESOLVED that the Supply Chain Management deviations as authorised by the City Manager in terms of the Supply Chain Management Regulations, regulation 36, and the Supply Chain Management Policy, clause 330, for the period 12 May 2022 to 13 July 2022, attached as annexure A to the report on the agenda, be noted and be disclosed as a note to the Council's annual financial statements.

ACTION: G POSTINGS, L MBANDAZAYO

C 71/07/22 DECISIONS TAKEN BY THE SECTION 79 PORTFOLIO COMMITTEES IN TERMS OF DELEGATED AUTHORITY: APRIL TO JUNE 2022

RESOLVED that the decisions taken in terms of delegated authority by the Section 79 Portfolio Committees, as set out in Annexure A attached to the report on the agenda, be noted.

ACTION: M CAROLUS, R RAZACK, E SASS

C 72/07/22 RESOLUTIONS TAKEN BY THE EXECUTIVE MAYOR IN TERMS OF DELEGATED POWERS AND DECISIONS TAKEN TOGETHER WITH THE MEMBERS OF THE MAYORAL COMMITTEE: FROM MAY TO JUNE 2022

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

ACTION: C KNOTT, OFFICE OF THE EXECUTIVE MAYOR

C 73/07/22 SUPPLY CHAIN MANAGEMENT: REPORT FOR PERIOD 1 APRIL 2022 TO 30 JUNE 2022 AND ANNUAL REPORT FOR 2021/22

RESOLVED that the contents of the report entitled "Supply Chain Management report for the period 1 April 2022 to 30 June 2022 and annual report for 2021/22, be noted.

ACTION: B CHINASAMY, K JACOBY

C 74/07/22 **QUARTERLY REPORT ON THE MAYOR'S SPECIAL FUND: MFMA SECTION 12 FUND: PERIODS ENDING 31 DECEMBER 2021 AND 31 MARCH 2022**

RESOLVED that:

- (a) the withdrawals in terms of the requirements set out in the Policy relating to the Mayor's Special Fund (WBS N22.00032 and GPX.0002842) for the period 1 October 2021 to 31 December 2021 to the value of R4,843,689.27, be noted
- (b) the withdrawals in terms of the requirements set out in the Policy relating to the Mayor's Special Fund (WBS N22.00032) for the period 1 January 2022 to 31 March 2022 to the value of R53, 755.00, be noted.

ACTION: J STYAN, OFFICE OF THE EXECUTIVE MAYOR

C 75/07/22 **QUARTERLY FINANCIAL REPORT: JUNE 2022**

RESOLVED that the quarterly financial report for the quarter ended 30 June 2022, be noted.

ACTION: C STROUD, K JACOBY

C 76/07/22 **MULTI-YEAR FINANCIAL OPERATIONAL PLAN AND MEDIUM-TERM STRATEGIC BUSINESS PLAN FOR PUBLIC TRANSPORT 2022 - 2036 (MYFIN 2022)**

RESOLVED that:

- (a) the Multi-Year Financial Operational Plan and Medium Term Strategic Business Plan for Public Transport 2022-2036 (MYFIN 2022) attached as Annexure A to the report on the agenda be approved.
- (b) the conclusions as set out in Chapter 8 of the MYFIN 2022, be noted.
- (c) Scenario 1, as described in the MYFIN 2022 as the basis for implementing the IPTN, be adopted.
- (d) the Urban Mobility Directorate follow the strategies described in Scenario 1 and manage the risks in this regard recorded in the report on the agenda through a specific MYFIN risk register.
- (e) it be noted that the City's Rates contribution to MyCiTi direct operating expenditure increases incrementally from 4% to 5%, starting from 2022/23, as reflected in the MTREF budget approved by Council on 31 May 2022, and that Council approve that such Rates funding in

excess of the 4% of Rates can be used for MyCiTi Phase 1 and N2 Express direct operating expenditure from 2022/23.

ACTION: N PIETERSE, H SCHOLTZ, D CAMPBELL

C 77/07/22 CLOSE-OUT REPORT ON PUBLIC PARTICIPATION PROCESS OF RECREATION AND PARKS' DRAFT SPORT ASSETS MANAGEMENT POLICY

RESOLVED that the City of Cape Town Sport Assets Management Policy, attached as Annexure A to the report on the agenda, be approved.

ACTION: J FOURIE, Z MANDLANA

C 78/07/22 PROPOSED CLOSURE AND GRANTING OF IN-PRINCIPLE APPROVAL FOR THE TRANSFER BY PUBLIC COMPETITION, OF THE CITY-OWNED PARTIALLY VACANT REMAINDER ERF 13814, CAPE TOWN SITUATED 9 COPPERFIELD STREET, SALT RIVER

RESOLVED that:

- (a) in terms of section 14(2)(a) and (b) of the Local Government: Municipal Finance Management Act (MFMA), Act 56 of 2003:
 - (i) it be resolved that Remainder Erf 13814, Cape Town situated at 9 Copperfield Street, Salt River, in extent approximately 3.23 hectares, zoned Mixed Use 2 (MU2) on Plan LIS 2788, 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 Remainder Erf 13814, situated at 9 Copperfield Street, Salt River as described in (a)(i) above.
- (c) Remainder Erf 13814, Cape Town situated at 9 Copperfield Street, Salt River 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) it be confirmed that when considering the sale of the property at less than market value, the contents of Regulation 13(2) of the MATR have been duly taken into account.

- (e) in terms of Section 4 of Council's Immovable Property By-law 2015, approval be granted for the public place closure of Remainder Erf 13814, Cape Town situated at 9 Copperfield Street, Salt River.
- (f) the comments and recommendations provided by National and Provincial Treasury, be noted.

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

ACTION: N MLUNGU, T LEWIS, L VALETA, M SIMS, R GELDERBLOEM, N GQIBA

C 79/07/22 PROPOSED CLOSURE OF PUBLIC PLACE FOR ERVEN 10561, 10562, 10619, 15291, 15292, 15293, 15294 & 176308 (PORTION OF REMAINDER ERF 15201), SALT RIVER, CAPE TOWN

PROPOSED IN-PRINCIPLE APPROVAL FOR THE TRANSFER OF ERF 10620, SALT RIVER CAPE TOWN

PROPOSED FINAL TRANSFER OF ERVEN 10559, 10560, 10561, 10562, 10619, 10620, 10621, 15291, 15292, 15293, 15294 AND 176308 (PORTION OF REMAINDER ERF 15201), SALT RIVER, CAPE TOWN, TO COMMUNICARE FOR THE PURPOSES OF MIXED INCOME AND MIXED USE DEVELOPMENT

RESOLVED that:

- (a) in terms of section 14(2)(a) and (b) of the Local Government: Municipal Finance Management Act (MFMA), Act 56 of 2003:
 - (i) it be resolved and reaffirmed that Erven 10559, 10560, 10561, 10562, 10619, 10620, 10621, 15291, 15292, 15293, 15294 and 176308 (portion of Remainder Erf 15201) at Salt River, Cape Town measuring approximately 1.4468 hectares and zoned for mixed use, as shown on the Sketch Plan attached as Annexure A to the report on the agenda, are 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 10620, Salt River, Cape Town, as described in (a)(i) above
- (c) in terms of Regulation 5(1) of the MATR, approval be granted for the transfer of Erven 10559, 10560, 10561, 10562, 10619, 10620, 10621, 15291, 15292, 15293, 15294 and 176308 (portion of Remainder Erf

15201) at Salt River, Cape Town to Communicare, in the amount R10 126 500.00 (excluding VAT)

- (d) it be confirmed that when considering the transfer of the properties at 10% of the market value, the contents of Regulation 13(2) of the MATR have been duly taken into account
- (e) the transfer purchase price shall escalate at 5% per annum compounded annually on a pro-rata basis, commencing 6 months after the date of valuation (as from 2021/09/01) until the date of registration
- (f) the purchase price be subject to review in the event that the transfer has not been effected within 24 months from the date of valuation (effective date being 2023/02/28)
- (g) the purchase price be further subject to review following the finalisation of the Site Development Plan and updated feasibility study for the proposed development
- (h) in terms of Section 4 of Council's Immovable Property By-law 2015, approval be granted for the public place closure of Erven 10561, 10562, 10619, 15291, 15292, 15293, 15294 and 176308 (portion of Remainder Erf 15201) at Salt River, Cape Town
- (i) comments and recommendations provided by Provincial and National Treasury, be noted
- (j) in terms of Regulation 17 of the MATR, the Director: Human Settlements Planning in the exercise of his / her delegated authority finalise the terms and conditions, as set out in the sale agreement and to effect the transfer.

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

ACTION: N MLUNGU, T LEWIS, L VALETA, M SIMS, R GELDERBLOEM

C 80/07/22 PERMISSION FOR NATIONAL TREASURY PEP PROJECT FOR HOMELESS AND ADDICTION SUPPORT TO CONTINUE FOR A FURTHER TWO MONTHS

RESOLVED that:

- (a) the Enterprise and Investment Department spends part of their existing budget allocations on the continuation of the Homeless and Addiction Support project for a further two months, which will be refunded to the Enterprise and Investment department if the application for roll-over funding is approved by National Treasury;
- (b) the signing of a Memorandum of Agreement (MOA) with Khulisa Social

Solutions for this extension that will result in deliverables of the respective projects being met;

- (c) the director of Enterprise & Investment be authorised to conclude an MOA with Khulisa Solutions;
- (d) the payment of the roll-over funding of R3 290 000 (three million two hundred and ninety thousand rand) be paid to Khulisa Social Solutions, following the signing of the MOA.

ACTION: L GREYLING, R GELDERBLOEM

THE MEETING ENDED AT 15H05.

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**ALD F PURCHASE
SPEAKER**

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DATE