

C 03/12/22

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, 27 OCTOBER 2022 AT 10H00.**

MEMBERS PRESENT:

Cllr F Adams (CCC)	Cllr X D Diniso (ANC)	Cllr M R Kleinschmidt (DA)
Cllr Y Adams (CMC)	Cllr S S Duka (ANC)	Cllr M Kleinsmith (DA)
Cllr A Adams (DA)	Cllr P East (DA)	Cllr N F Kopman (ANC)
Cllr R Adams (DA)	Cllr A Z M I Elyas (DA)	Cllr E Langenhoven (DA)
Cllr M Adonis (DA)	Cllr C J Esau (DA)	Cllr A Lansdowne (DA).
Cllr N R Adonis (DA)	Cllr F Essack (DA)	Cllr U F Lasiti (DA)
Cllr F K Ah-Sing (DA)	Ald G Fourie (DA)	Cllr T A Le Goff (DA)
Cllr W Akim (DA)	Cllr P Francke (DA)	Cllr S Liell-Cock (DA)
Ald E Andrews (DA)	Cllr S Frenchman (CCC)	Cllr A G Lightburn (DA)
Cllr R Arendse (DA)	Cllr A Gabuza (ANC)	Cllr E Linde (DA)
Cllr S F August (GOOD)	Cllr M Gadeni (ANC)	Cllr S A Little (GOOD)
Cllr D Badela (ANC)	Cllr G E Gordon (DA)	Cllr F P Lombard (DA)
Cllr U M Barends (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 M Booi (DA)	Cllr N E Grose (DA)	Cllr M Mabungani (ACDP)
Cllr P N Booi (EFF)	Cllr L A Gungxe (ANC)	Cllr E M Madikane (ANC)
Cllr S S Booyesen (DA)	Cllr K W Gxasheka (ANC)	Cllr B M Masingo (ANC)
Cllr E Botha-Rossouw (FF Plus)	Cllr B Hansen (DA)	Cllr N Makasi (ANC)
Cllr R Bresler (DA)	Cllr W Harris (DA)	Cllr M S Makuwa (ANC)
Ald C A Brynard (CIP)	Cllr G Haskin (ACDP)	Cllr M Manuel (DA)
Cllr R C Cameron (DA)	Cllr P G Helfrich (DA)	Cllr M Manuel (CCC)
Cllr R W Cannon (DA)	Cllr A Hendricks (AJ)	Cllr B B Maqungwana (UDM)
Cllr K R Carls (DA)	Cllr P Hendricks (PA)	Cllr S G Markgraff (GOOD)
Cllr H Carstens (DA)	Cllr P C Heynes (ANC)	Cllr P I Marman (GOOD)
Cllr M A Cassiem (DA)	Cllr F Higham (DA)	Cllr M J Marr (DA)
Cllr C Cerfontein (DA)	Executive Mayor G G Hill-Lewis (DA)	Cllr J Martlow (DA)
Ald P H Chapple (DA)	Cllr T Jackson (DA)	Cllr D Z Masiu (DA)
Cllr M N Chitha (ANC)	Cllr M R Jacobs (ARA)	Cllr L H Max (FF Plus)
Cllr M Christians (ACDP)	Cllr B M Jacobs (DA)	Cllr P Maxiti (DA)
Cllr D Christians (DA)	Cllr H W Jacobs (DA)	Cllr S Mbandezi (DA)
Cllr K A Christie (DA)	Cllr D G Jacobs (CCC)	Cllr L N Mbiza (ANC)
Cllr B Clarke (DA)	Cllr P S Jacobson (FF Plus)	Cllr N W McFarlane (DA)
Cllr G J Classen (ARA)	Cllr A Jansen (DA)	Cllr A P McKenzie (DA)
Cllr D G Cottee(ANC)	Cllr E Jansen (DA)	Cllr I P McMahon (DA)
Cllr J Cupido (GOOD)	Cllr C Janse van Rensburg (DA)	Cllr B Mei (EFF)
Cllr M Dambuza (EFF)	Cllr G V Joachims (GOOD)	Cllr T M Mjuza (ANC)
Cllr A Davids (CCC)	Ald C Jordaan (DA)	Cllr S Ndamane (PAC)
Cllr R Davids (DA)	Cllr M Joseph (GOOD)	Cllr M A Mkutswana (ANC)
Cllr A C De Beer (UIM)	Cllr N Jowell (DA)	Cllr Y Mohamed (DA)
Cllr D C De Vos (ACDP)	Cllr K Kama (ANC)	Ald S Moodley (DA)
Cllr P W De Vos (DA)	Cllr A Kay (CIP)	Cllr A Moses (DA)
	Ald M L Kempthorne (DA)	Cllr N Mvinjelwa (DA)

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

APOLOGIES

Cllr M F Achmat (AJ)
 Cllr A Adams (DI)
 Cllr E Anstey (DA)
 Cllr Z A Badroodien (DA)
 Ald A J G Basson (DA)
 Cllr R Beneke (DA)
 Cllr N A Botya (EFF)
 Cllr A Cassiem (EFF)
 Cllr C V Franklin (DA)
 Ald W D Jaftha (DA)
 Ald C R Justus (DA)

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Cllr C Kobeni (DA)
 Cllr A E Kuhl (DA)
 Ald X T Limberg (DA)
 Cllr G P Marais (FF Plus)
 Cllr K Maré (DA)
 Cllr L Martin (ANC)
 Cllr N Matutu (ANC)
 Cllr L Mazwi (EFF)
 Cllr T Mpengezi (ANC)
 Cllr L M Mqina (ANC)
 Ald I D Neilson (DA)
 Cllr B Ngcombolo (ANC)
 Cllr M L Nqavashe (DA)
 Cllr T Nyamakazi (ANC)
 Cllr B L Payiya (ANC)
 Cllr X G Peter (ANC)

ABSENT

The following Councillors were absent without an apology:

Cllr M Nikelo (DA)
 Cllr N A Ntshweza (ANC)
 Cllr R Viljoen (DA)

The following Councillor submitted an apology for late arrival:

None

The following Councillors submitted an apology for leaving early:

Cllr A C De Beer (UIM)
 Ald G Fourie (DA)
 Cllr A Kay (CIP)
 Cllr I P McMahon (DA)
 Cllr N Rheeder (DA)
 Ald X R Sotashe (ANC)

PRESENT***Executive Management Team***

Mr L Mbandazayo	-	City Manager
Mr K Jacoby	-	Chief Financial Officer
Mr E Sass	-	ED: Corporate Services
Ms D Campbell	-	ED: Urban Mobility
Ms N Gqiba	-	ED: Human Settlements
Mr K Nassiep	-	ED: Energy
Mr R McGaffin	-	ED: Spatial Planning & Environment
Ms Z Mandlana	-	ED: Community Services & Health
Dr L Mdunyelwa	-	ED: Urban Waste Management

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Ms R Gelderbloem - ED: Economic Growth
 Mr V Botto - ED Safety & Security
 Mr M Webster - ED: Water & Sanitation

Executive Committee Services

Mrs R Razack - Manager : Executive Committee Services
 Ms J Cooper
 Ms C France
 Mr E Fray
 Mr G Josephs
 Mrs A Kline
 Ms M Levendall
 Ms L McGregor
 Mr N Meissenheimer
 Ms L von Molendorff

Legal Services

Ms R Sayed
 Mr Z Mohamed

LIST OF ACRONYMS FOR INFORMATION**SEATS**

ACDP	- African Christian Democratic Party	6
AIC	- African Independent Congress	1
AJ	- Al Jama-ah	3
ANC	- African National Congress	42 (1 vacancy)
ARA	- Africa Restoration Alliance	2
CCC	- Cape Coloured Congress	7
CAPEXIT	- Cape Exit	2
CMC	- Cape Muslim Congress	1
DA	- Democratic Alliance	135
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)

COUNCIL MINUTES: 27 OCTOBER 2022**SECTION 1 OPENING OF MEETING**

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

A special word of welcome were extended to Mr Shultz and the 3 students from Edgemead High School, the guests from the Rotary Club of Good Hope and congratulated the newly elected Councillor Ashwin Jansen, who filled the proportional seat of Cllr M Temlett in Ward 5 after the By-Election.

A moment of silence was observed.

Councillors were called upon to register their attendance electronically.

SECTION 2 MAYORAL ADDRESS

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

"Speaker, City colleagues, Members of the public and guests, Members of the media, Good Morning, Molweni, More, Assalamu alaikum, Shalom.

On the ground floor of this building, the Cape Town Civic Centre, visitors are greeted by the smile of the late Archbishop Desmond Tutu and his words:

"Hope is being able to see that there is light despite all of the darkness." I know that right now many South Africans are struggling to see beyond the literal and figurative darkness that engulfs our nation. Last week Eskom announced an urgent escalation of load-shedding to stage 4, marking the 141st day of load-shedding in 2022.

Dit beteken Suid-Afrika het vanjaar amper elke tweede dag beurtkrag gehad. En verlede week was daar nog 'n twyfelagtige rekord vir Eskom toe daar 30 dae agtereenvolgens beurtkrag was. (This means that South Africa has been load-shed almost every second day this year. And, last week, Eskom achieved another dubious record: 30 straight days of load-shedding.)

The Energy Minister last week cautioned that this is not sustainable and that, without a reliable electricity supply, the economy will collapse. Top economists are warning that the contraction of the economy caused by load-shedding will put South Africa back into recession, resulting in further job losses and increasing poverty. Here, in Cape Town, there is light despite all the darkness. Between February and September this year, City of Cape Town customers were protected from more than 1 100 hours of Eskom's 1 900 hours of load-shedding. For 230 of those hours, we had no load-shedding at all, while the rest of the country had load-shedding. This is a testament to the hard work of our Energy directorate

and I would like to commend them for the work they do in keeping the lights on in Cape Town.

You quickly learn in government that there is no single recipe for success. There are, however, certain key ingredients. One such ingredient is the calibre of people you are able to attract and retain in your administration. And, here in Cape Town, we are blessed to work with the top officials in the country – our Team Cape Town. The lack of state capacity elsewhere in the country is beginning to show in terrifyingly stark terms. As we speak, Gauteng is beset by a devastating water crisis due to rampant corruption and chronic underinvestment in infrastructure. We are so pleased that Mayor Mpho Phalatse is back in office, after a brief commercial break, so that she can continue the good work her coalition government was doing to repair and rebuild after decades of neglect.

Investing in infrastructure

EKapa, kule minyaka mihlanu idlulileyo, iSixeko sityale iR4,1 yeebhiliyoni kwiziseko ezingundoqo zamanzi nasekukhuseleni amanzi ethu. Kulo nyaka, iSixeko siza kuchitha enye iR910 miliyoni ukuqinisekisa ubonelelo lwamanzi oluthembekileyo kuluntu lwethu. (In Cape Town, over the past five years, the City has invested R4,1 billion in water infrastructure and building our water security. This year, the City will spend another R910 million to secure a reliable supply of water for our residents.)

Investment in infrastructure underpins a growing economy and a growing city, and I am pleased that there is another new water infrastructure project on today's council agenda: the Berg River Voelvlei Augmentation Scheme. The Berg River Voelvlei Augmentation Scheme will produce 40 million litres of water per day, and will help ensure our future water security.

Speaker, staying with our commitment to deliver reliable infrastructure for our residents, I this week met with Dr David Maseko, Deputy Finance Minister and a team from National Treasury to demonstrate how we are prioritising the delivery of infrastructure projects across the City. I used this opportunity to highlight a number of areas where the National Government could assist with reforms that will help simplify the supply chain process, including:

- Preventing unsubstantiated and vexatious tender appeals from frustrating service delivery;*
- Implementing changes to MFMA regulations around contract management so that we stop incurring costs and delays when capital projects go beyond our three year budget period; and*
- Increasing the current limit of R200k below which we can follow a simple three quote procurement process.*

I also used the opportunity to re-iterate our case for reforms on energy, rail, and land release - including:

- *My previous request for the City's procurement of energy from SSEG to be granted an exemption from the competitive bidding process, as well as the time limits imposed by the MFMA;*
- *The release of state-owned land for affordable housing; and*
- *The devolution of passenger rail.*

I look forward to working with Treasury and other national departments as we strive to improve the lives of Cape Town residents.

Devolution does not mean secession

Speaker, everything that we do is done with our residents in mind. But there are many things that affect Cape Town residents that we have little power to change. And this is why I have pledged to make sure that more powers are devolved from the failing national government to this City government.

Our call for devolution is rooted in our love for this country and the people who live in it.

Ons wil vir Suid-Afrika 'n bloudruk vir goeie regeringsbestuur bied sodat hierdie stad 'n baken van hoop vir die res van die land kan wees. (We want to provide South Africa with a blueprint for good governance, so that this City may be a beacon of hope to the rest of the country.)

Our plan is not – and never will be – to become a separate country. That's just crazy talk.

Ons is trots Suid-Afrikaans. Ons wil hê Suid-Afrika moet werk, en ons weet dit kan gedoen word. Dit is 'n wonderlike land, wat onder 'n swak regering swaarkry, maar dit kan reggestel word en ons wys hoe dit gedoen kan word. (We are proudly South African. We want South Africa to work, and we know it can. This is a wonderful country, suffering under a bad government, but it can be fixed and we are showing how.)

It is true that, through devolution, we see an opportunity to take greater control of our destiny.

Kodwa oku akuthethi ukuba sibuncame ubuzwe bethu. Soze siwuncame uMzantsi Afrika. (But this does not mean giving up our national identity. We will never give up on South Africa.)

If we are to end load-shedding, we need the authority to make and implement our own plans, many of which still require jumping through hoops of unnecessary national government red tape. If we are to sort out the chaos on our commuter trains, we need passenger rail to be devolved to us so that we can make travelling by train safe and reliable once more. And if we are to reduce crime in Cape Town, we need more powers for our local police officers to fully investigate crime so that criminals are caught, prosecuted and put behind bars.

On the topic of crime, Speaker, all of us should be alarmed by the words of Judge Thulare of the Western Cape Bench in a judgement handed down this week, and reported on in Die Burger yesterday.

This is not the musing of a commentator or a columnist, these are the findings of a Judge of the High Court in this province, and these words should give us all cause for the most grave concern. I quote at length, because I think we all need to listen to this:

"The evidence suggests not only a capture of some lower ranking officers in the SAPS. The evidence suggests that the senior management of the SAPS in the province has been penetrated to the extent that the (gangs) have access to the table where the Provincial Commissioner of the SAPS in the Province sits with his senior managers...decide on tactics and approaches to the safety and security of inhabitants of the Western Cape. This includes penetration of and access to the sanctity of reports from the specialised units like the Anti-Gang Unit and the Commercial Crimes Unit. The evidence further shows that the gangsters are breathing heavily down the necks of public prosecutors... whose lives and the lives of their families are under constant threat. The evidence also shows that these gangsters are interfering in the decorum of the courts and the independence of judicial officers, and testing the judicial oath of office, especially the words "without fear."

Speaker, this is a statement so chilling and so shocking, coming as it does from a Judge, that it demands the most urgent and serious response from the Provincial Commissioner of the SAPS. I ask that he take this very seriously, and act swiftly to reassure the public of the trustworthiness of his senior management team. This also underscores the importance of our call for more powers for our city police. The concentration of law enforcement powers in one agency, the SAPS, makes capture easier. But more diffuse and devolved power makes it much harder. Put simply, if the SAPS are captured by gangsters, then our City Police really are the thin blue line.

Delivering more housing opportunities

Speaker, just as we seek to protect our residents from violent crime, so too are we committed to delivering more affordable housing in Cape Town. Our goal is for all our residents to be able to enjoy the dignity of a home.

We launched the affordable housing priority programme earlier this year to position the state as an enabler of far greater private sector housing delivery.

Our priority programme has four pillars:

- Cutting red tape to enable the private sector to deliver faster;*
- Enabling micro-developers to deliver more rental units;*
- Giving people title deeds and clearing historical backlogs; and*

- *Finally, speeding up the release of municipal land for social housing.*

Apartheid moved people to the distant corners of South Africa's cities, and entrenched intergenerational poverty by taking away people's homes and stopping them from saving, owning assets and passing them down to their children.

Incredibly, there are some parties in South Africa who want to see people remain permanent tenants of the state, with nothing to call their own and nothing to give their children when they die. We fundamentally disagree with this. To break the cycle of intergenerational poverty we have to help people get themselves onto the first rung of the asset ownership ladder. We have to help people own homes. Our government is passionate about seeing many more people as home owners, with a stake in the success of our society and committed to our mutual prosperity. Previously, we have allowed tenants to buy their council homes, but they needed to pay half of the transfer costs themselves. And, as those of us lucky enough to own a home know, transfer costs can be prohibitively expensive. As a result, uptake was very low. So I am particularly excited today to announce our "No Cost Transfer Programme", which will allow long-standing tenants of Community Residential Units or CRUs to buy their units – with the transfer costs covered by the City in full.

In other words, these tenants will become property owners at no cost at all. This is a big policy shift that will have a far-reaching impact for generations to come. We are currently focusing on at least 7500 units that are ready for their tenants to own because they are single residential units or maisonettes. Sectional title schemes will be next as we extend this programme across the City.

To enable this policy change, we are today seeking Council approval for the City to:

- *Approach the provincial government to remove the regulatory provision that forces beneficiaries to settle outstanding debts on a property before ownership can be transferred;*
- *Fund the full payment of transfer fees on behalf of beneficiaries, and to fix these fees at R2 500 regardless of the property value; and*
- *Write-off rental and municipal services arrears on rental units where these are in excess of the available subsidy.*

We expect this single approval by Council to unlock the ownership transfer of some 1500 units before June next year alone.

Speaker, just think about what this means for those families. Some have lived in these homes for decades. Some have raised children and grandchildren there. Now, these homes can be theirs so that when great-grandchildren arrive, they can one day live in a home that is theirs. This is true empowerment. This is breaking the cycle of intergenerational poverty and changing the lives of our poorest residents.

But Speaker, we are not stopping there.

We know that our No Cost Transfer Programme could benefit 7500 families very soon, 1500 by June already. But there are hundreds of thousands of Capetonians who are able to pay something for accommodation, but who cannot afford to rent anything available now.

They live in backyards in Kalkfontein and Tafelsig. Some pay two thousand rand to rent a shack in DuNoon or Joe Slovo, or a tiny room in Delft or Lentegeur. That is why we are so focused on freeing up land faster for more social housing. And today we bring another piece of land to Council, the so-called 'Fruit and Veg' site, right in the middle of the CBD, in Roeland Street. With today's approval, we can proceed to a competitive process to release this site to deliver another 150 social housing units.

You will have seen, Speaker, that there is a steady drum beat of these properties through the system, being approved in Council every month and on their way to delivering social housing projects. With this latest property, we have now had 1130 social housing unit approvals through Council since May. We are also not giving up on the Woodstock Hospital precinct, where around 700 social housing units have been delayed by the orchestrated building hi-jackings of March 2017. The City is committed to doing everything possible to get this social housing project back on track through the correct legal channels.

In closing, Speaker, we are on a mission to make Cape Town a place where you can feel secure in your future and hopeful for your family, despite all the evidence of decay in South Africa. We will grow this economy and lift people out of poverty. We are delivering on the commitments we made to end load-shedding, to increase safety, to take over passenger rail, and modernise our service delivery offering. We are getting more land through the system. Changing people's lives by helping them own their houses, and giving them a legacy to leave forever.

Recently Zakes Bantwini - who is an acclaimed recording artist and DJ - reached out to me on Instagram last week. He told me that he is considering moving his family to Cape Town permanently. We had a chat and by the time we were done he said I had convinced him to make the move, but now for the difficult part of convincing his wife.

What this shows is that the beacon of hope we aim to turn Cape Town into is slowly but surely shining brighter and brighter. And those outside of Cape Town are taking note. There is still lots that needs to be done, and we are working on doing more. We are now one month away from a Festive Season that is going to be a bumper tourism season. Our city is cleaner, and residents are answering the call to take pride and help #SpringCleanCT. Visitors are back. 191 direct flights a week are back, more than ever before. Jobs are coming back.

One gets the sense that Cape Town is back. This is all thanks to Team Cape Town, every person here who makes it happen for our City every day. Thank you!"

SECTION 2.1 20 MINUTES FOR QUESTIONS AND ANSWERS

Cllr L Gungxe (ANC)

Cllr L Gungxe asked the Executive Mayor about the augmentation project, a study done by National Government in terms of providing resources and the security of water in South Africa. He questioned what implementation process the City would follow and when would these augmentation projects commence as identified by National Government a few years ago.

The Executive Mayor responded that the City of Cape Town is funding the project in full to the tune of R 2.3 billion and that National Government is not giving the City a cent. He indicated that it is the residents of Cape Town who are ultimately going to pay for this augmentation scheme, five years after the drought. The Executive Mayor indicated that the most important water project in the Western Cape that National Government has been talking about for probably 15 years now, is the extension of the Clanwilliam Dam. The National Department of Water and Sanitation had engineers living on sites in Clanwilliam for about four years and they were living in houses paid for by the public / taxpayer - taxpaying public of South Africa.

The Executive Mayor further mentioned that the National Department of Water and Sanitation has still to this day not moved an inch or laid a single brick in the extension of that dam wall, which is the most important water project in this Province. The Provincial Government has already moved onto the N7, about two kilometers to the west to make way for that project, which was done about five years ago in partnership with SANRAL. The City is still waiting for the construction of this water project to happen and therefore pressing ahead with this augmentation scheme.

Cllr S Damane (PAC)

Cllr S Damane asked the Executive Mayor the following questions:

- (i) If he could prove to the people of Cape Town that he is a principled, honest leader who is committed to fight against imperialism and crime against humanity by condemning the State of Israel for atrocities, unjust war, massacres of civilians, torture, rape of women and children committed against the Palestinian people – in the same manner that he would condemn Russia Military Operation in Ukraine in his recent media statement.
- (ii) If he could call on National Government to cut all ties with the State of Israel and declare that the City of Cape Town is cutting all ties with the State of Israel and all its institutions with immediate effect

- (iii) And if he should fail to condemn atrocities, massacre of civilians, torture and rape of women & children in Palestine by the Israel State, while he did so in the case of Russia-Ukraine war condemning Russia for the same – if not, if he would justify to say that the City is led by a dishonest, unprincipled leader that could not be trusted for all what comes out of his mouth.

The Executive Mayor responded that he condemns the illegal expansion of settlements into the West Bank, because it is into a sovereign states territory. The Executive Mayor asked Cllr Ndamane if he would do the same and also join him in condemning illegal violence and imperialistic expansionism wherever it happens, whether it be on the West Bank or in Eastern Ukraine.

Cllr A Potts (DA)

Cllr A Potts asked the Executive Mayor what the City would do to address the mowing issue relating to the cutting of grass, which is a huge concern across the City.

The Executive Mayor responded that nobody is satisfied with the way that the City's open spaces, parks, cemeteries, roadsides and road reserves are looking. The Executive Mayor explained that the former tender expired in April and the new tender was awarded by the Bid Adjudication Committee, but during the 21 day appeal period, there was an appeal from an unsuccessful tenderer. That appeal period now has to run through a 180 day statutory appeal process period, before it could be resolved. At the end of that appeal process, in the event the appeal process goes against the appellant, the appellant still has the right to challenge the outcome in the High Court, if they wish.

The Executive Mayor further mentioned that the relevant Directorate, under the Leadership of Cllr P van der Ross, made use of the City's internal mowing capacity, equipment and resources in the interim to do about 30% of the necessary mowing in the City. Employees are working flat out on Saturdays and Sundays and are really trying their best.

The Executive Mayor indicated that Cllr P van der Ross also came up with a practical plan for the short term, which would make a difference in the weeks ahead. The RFQ process would be expedited, in order to break up the work into lots of little chunks and to get smaller community based vendors to do that work in each community, ward by ward. It is also the City's intention that in future these tenders must be in place for a seamless transition from one tender to the next, in order not to have a break in service like the City is currently having, which is obviously not ideal, but to fix the system, so that Ward Councillors don't have to deal with the pressure that they are facing at the moment.

Cllr B B Maqungwana (UDM)

Cllr B Maqunqwana applaud the Executive Mayor and the Administration for protecting the citizens of the City of Cape Town against the scourge of loadshedding. He asked the Executive Mayor if this loadshedding a reprieve that the City is giving to the citizens of the City of Cape Town and if it would be extended to those within the jurisdiction of the City of Cape Town that are customers of Eskom in areas such as Delft, Khayelitsha and other areas. Cllr Maqunqwana stated that if his response is no,, what is the Administration planning to do, in order for those customers to at least benefit from what the City is doing.

Cllr Maquqwana further questioned about the rail infrastructure, as it seems that National Government is not heeding to the Mayor's call of giving him powers to be in charge of the rail network. He questioned if the Mayor could in the meantime use the funds / budget that were intended for this to alleviate the scourge that are being faced by people of Delft, Brown's Farm, Joe Slovo and the other areas, who don't have PTI's and use the research budget invested to provide PTI's to the poor people, who are suffering in rainy conditions when they queue for taxis.

The Executive Mayor responded that at a previous Council meeting, there was a question around the transfer of Eskom supply areas to the City, and are in favor of supplying the entire City. He stated that it is just a weird anachronism that about 15 to 20% of the City is supplied by Eskom and is currently in very early stage discussions with Eskom about making that a reality. He indicated that the City had an initial disagreement over the number of areas that Eskom was prepared to handover, because the City was asking for more as envisaged to supply the entire City. It was noted that Eskom came back to the table for further discussions and is willing to offer a whole lot of additional areas. The Executive Mayor mentioned that as there is a quite a fundamental dispute over the purchase of Eskom's infrastructure, who owns hundreds of kilometers of cable, 1000s of transformer boxes, substations and meter boxes, and it's very difficult for the City to understand why the City needs to buy the infrastructure from Eskom. The City is not sure of the state of the infrastructure and there would be a big disagreement on the value without physically inspecting every piece of that infrastructure one by one and agreeing on a value per transformer box. The Executive Mayor indicated that an enormous weight would be taken off Eskom's shoulders, as they want to get out of the retail business and only focus on the transmission business. The Executive Mayor stated that he is of the view that the City don't pay for the infrastructure, but discussion are still underway.

On the rail issue, the Executive Mayor indicated that Brown's Farm, Phillipi and Joe Slovo in Milneron is already on the MyCiti route and there is a piece of land identified for a PTI in Joe Slovo. The Executive Mayor mentioned that he could not speak with any authority about Delft, but Brown's Farm is now part of Phase 2A rollout and the MyCiti dedicated infrastructure.

Cllr M Christians (ACDP)

Cllr M Christians asked the Executive Mayor mentioned that the City did well in terms of abiding and applying the National Legislation within the City of Cape Town. However, recently an addition was noted in Green Point where rainbow colours were used for a pedestrian crossing. He stated that the National Road Traffic Regulations only allows for a zebra crossing type and the marking that simply consists of only white lines across the road and that no other colour, especially red, is not allowed within the pedestrian area, as per Section 59 of the National Road Traffic Regulation, which prohibits such road markings. Cllr M Christians asked the Executive Mayor when will this traffic violations be corrected, keeping in mind that recently in Hanover Park an error was corrected within 4 hours.

The Executive Mayor responded that the City is looking for ways to explicitly show that Cape Town is an inclusive and diversified City. The City also wants to demonstrate innovation, youthfulness and quite frankly some fun. As an example, the Executive Mayor indicated that he pushed very hard to get the multilingual signs on the electronic billboards around the City, which is the only City in the country to have those multilingual billboards. The Executive Mayor stated that technically the same act that Cllr Christians quoted from, stipulates that those billboards must only appear in English, whereupon the Executive Mayor indicated that the officials in the relevant Directorate raised that as a concern.

The Executive Mayor further mentioned that it is absurd to him that in a country, where English is far from the most commonly spoken language, a national piece of legislation is in place which states that all road traffic signs must only be in English. He indicated that even in Capetown, English is not the most widely spoken language and it doesn't demonstrate that the City is an inclusive City and therefore pushed very hard to get those signs changed. He stated that he also advised the team that the City should look for further opportunities to include some public art around our City, which includes pedestrian crossings. The Executive Mayor mentioned that Cllr Quintus had a very nice idea to do another one in Simon's Town. There are also other proposals for rainbow pedestrian crossings, namely in Sea Point and Bellville and that he would fully support those applications.

The Executive Mayor indicated that he had oftenly spoken very explicitly here in Council against xenophobia and perhaps the City should find a more explicit way of making foreigners feel more welcome and included in our City. The Executive Mayor concluded that he wants Cape Town to be a place where every single person feels included and that no one needs to feel ashamed of where they come from or where they were born, what language they speak, what religion they subscribe to, what God they worship, and certainly no one should feel excluded based on who they choose to love and which should never ever happen in Cape Town. Finally, the Executive Mayor indicated that his Office paid for the rainbow crossings and would pay for many more.

SECTION 3**C 02/10/22 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 M F Achmat (AJ)
 Cllr A Adams (DI)
 Cllr E Anstey (DA)
 Cllr Z A Badroodien (DA)
 Ald A J G Basson (DA)
 Cllr R Beneke (DA)
 Cllr N A Botya (EFF)
 Cllr A Cassiem (EFF)
 Cllr C V Franklin (DA)
 Ald W D Jaftha (DA)
 Ald C R Justus (DA)
 Cllr C Kobeni (DA)
 Cllr A E Kuhl (DA)
 Ald X T Limberg (DA)
 Cllr G P Marais (FF Plus)
 Cllr K Maré (DA)
 Cllr L Martin (ANC)
 Cllr N Matutu (ANC)
 Cllr L Mazwi (EFF)
 Cllr T Mpengezi (ANC)
 Cllr L M Mqina (ANC)
 Ald I D Neilson (DA)
 Cllr B Ngcombolo (ANC)
 Cllr M L Nqavashe (DA)
 Cllr T Nyamakazi (ANC)
 Cllr B L Payiya (ANC)
 Cllr X G Peter (ANC)

ACTION: L KELLEEM

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.

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SECTION 5 OFFICIAL NOTICES / URGENT MATTERS

There were no official notices or urgent matters raised.

C 03/10/22 CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL MEETING: 18 AUGUST 2022

RESOLVED that the minutes of the ordinary Council meeting held on 18 August 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 2A - Items 4, 5, 9, 10, 13 and 14

Volume 2B - Items 17, 20, 23 and 30

Volume 2C - Items 32 and 34

Volume 3 - Items 43, 45, 46, 47, 50, 52, 54, 55 and 56

Volume 4 - Items 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 81, 82, 83, 84, 85, 86, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98 and 99. [Reports for information and noting.]

The ANC indicated that all items for information are noted with serious concern. GOOD indicated that in-principle they agreed on Items C06, C27, C64 - C86 and C95 – C97, but with concerns. The EFF indicated that they would submit the item numbers on which they were not in agreement, but would have debated, to the Office of the Chief Whip.

200 Councillors participated when this announcement was made.

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

ACDP	- African Christian Democratic Party	6
AIC	- African Independent Congress	1
AJ	- Al Jama-ah	2
ANC	- African National Congress	33
ARA	- Africa Restoration Alliance	2
CCC	- Cape Coloured Congress	7
CAPEXIT	- Cape Exit	2
CMC	- Cape Muslim Congress	1
DA	- Democratic Alliance	120
DI	- Democratic Independence	0
EFF	- Economic Freedom Fighters	7

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FF Plus	- Freedom Front Plus	3
GOOD	- GOOD	9
PA	- Patriotic Alliance	4
PAC	- Pan Africanist Congress of Azania	1
UDM	- United Democratic Movement	1
UIM	- United Independent Movement	1

C 04/10/22 PROPOSED GRANTING OF IN-PRINCIPLE APPROVAL FOR THE TRANSFER BY PUBLIC COMPETITION OF VACANT ERF 14079 (A PORTION REMAINDER ERF 14062 KUILS RIVER), SITUATED AT 232 Highbury Road, Kuils River, ZONED COMMUNITY ZONE 1: LOCAL (CO1) FOR COMMUNITY OR SOCIAL CARE USE

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 14079 (a portion Remainder Erf 14062 Kuils River), situated at 232 Highbury Road, Kuils River, in extent approximately 2 570 m², as shown lettered ABCDEF on Plan LIS 2150 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 14079, situated at 232 Highbury Road, Kuils River, as described in (a)(i) above.
- (c) Erf 14079, situated at 232 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) it be confirmed that when considering the sale of the property at less than market value as provided for in terms of clause 15.3 of Council's Policy on the Management of Certain of the City of Cape Town's Immovable Property, the contents of Regulation 13(2) of the MATR have been duly taken into account.
- (e) the Provincial Treasury's comments and recommendations be noted.

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

C 05/10/22 PROPOSED CLOSURE OF A PORTION OF PUBLIC ROAD, REMAINDER ERF 32604 CAPE TOWN (OFF CROSS BOULEVARD, ATHLONE STADIUM)

RESOLVED that, in terms of section 4(2)(f) of the City of Cape Town: Immovable Property By-law, 2015, approval be granted for the City to, by Notice in the Provincial Gazette, close a portion of Remainder Erf 32604, Cape Town (off Cross Boulevard at Athlone Stadium), and indicated as ABCDEF on the plan attached as Annexure A to the report on the agenda.

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

C 06/10/22 CONSOLIDATED ANNUAL PROGRESS REPORT FOR THE SPECIAL PURPOSE VEHICLES (SPVS) AND WESGRO FOR THE PERIOD 1 JULY 2021 TO 30 JUNE 2022

RESOLVED that:

- (a) the consolidated quarterly progress report for the Special Purpose Vehicles (SPVs) and WESGRO for the period 1 July 2021 to 30 June 2022, be noted.
- (b) the annual targets be reviewed to do and achieve more with regard to investment, job creation and training opportunities.
- (c) other sectors needing support via the establishment of a Special Purpose Vehicle (SPV), be investigated.

ACTION : N LAATOE, C DUNN, L GREYLING, R GELDERBLOEM

C 07/10/22 RELINQUISHING THE CITY'S INVOLVEMENT IN THE ADMINISTRATION OF THE CAPE TOWN ENVIRONMENTAL EDUCATION TRUST (CTEET), THE DISESTABLISHMENT OF CTEET AS A MUNICIPAL ENTITY AND THE WAY FORWARD FOR THE PARTNERSHIP BETWEEN THE REVISED TRUST AND THE CITY OF CAPE TOWN

RESOLVED that:

- (a) approval be granted for the City to relinquish its control and involvement in the administration of the Cape Town Environmental Education Trust by means of the proposed amendments to the Trust Deed being effected.

- (b) approval be granted for the disestablishment of the Cape Town Environmental Education Trust as a Municipal Entity by means of the proposed amendments to the Trust Deed being effected.
- (c) authorisation be granted for the Director: Environmental Management Department to negotiate any further amendments to the Trust Deed, in consultation with the Legal Services Department, and to sign all documentation on behalf of the City as may be necessary to give effect to the proposed amendments to the Cape Town Environmental Education Trust Deed.
- (d) City official, Mr Dalton Gibbs, be recalled as a Trustee of the Cape Town Environmental Education Trust and that authorisation be granted for him to submit a letter of resignation from this position.
- (e) authorisation be granted for the Director: Environmental Management Department to finalise the draft Memorandum of Agreements as contained in Annexure E to the report on the agenda, in consultation with the Legal Services Department, and to enter into them on behalf of the City.

[GOOD recorded their vote against the above decision.]

ACTION : J WOOD, L GERRANS, E NAUDE, R McGAFFIN

C 08/10/22 TO CONSIDER THE DESIGNATION OF AUTHORISED OFFICIALS TO SERVE AS MEMBERS OF THE MUNICIPAL PLANNING TRIBUNAL (MPT) AFTER VACANCIES HAVE OCCURRED

RESOLVED that Annelise de Bruin, Acting Manager: City Growth Management, and Bradley Burger, Head: Planning and Development, be designated in terms of section 115(2)(c) of the City of Cape Town Municipal Planning By-law 2015, as members of the Municipal Planning Tribunal (MPT) in the two vacancies with immediate effect and until 30 June 2025.

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

ACTION : J VAN DER WESTHUIZEN, C WALTERS, E NAUDE, R McGAFFIN

C 09/10/22 ESTABLISHMENT OF A SECTION 80 COMMITTEE: NAMING COMMITTEE

RESOLVED that:

- (a) a Naming Committee be established in terms of Section 80 of the Local Government: Municipal Structures Act, Act 117 of 1998.

- (b) Council appoint the members of the Naming Committee, which shall not exceed the number of members of Mayco.

ACTION : E SASS

C 10/10/22 PROPOSED ROAD CLOSURE OF PUBLIC STREET, A PORTION OF ERF 118296 ADJOINING ERF 148366 CAPE TOWN

RESOLVED that, in terms of Section 4 of the Immovable Property By-law, 2015, approval be granted for the closure of a portion of Erf 118296 adjoining Erf 148366, Cape Town, off Diesel Road in Ndabeni, being a Public Street, marked C, a, b, c and d on LIS Plan 2160 attached as Annexure A to the report on the agenda.

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

C 11/10/22 REQUEST FOR AN EXEMPTION TO THE SEWER PORTION OF THE DEVELOPMENT CHARGE (DC) IN LINE WITH THE CITY'S DEVELOPMENT CONTRIBUTION POLICY, IN APPROVED APPLICATIONS FOR TEMPORARY PACKAGE PLANTS AS A CONDITION OF DEVELOPMENT IN THE CATCHMENTS OF WASTEWATER TREATMENT WORKS CURRENTLY AT CAPACITY

RESOLVED that:

- (a) a category of development be defined for the purpose of a Development Charge (DC) exemption:

- (i) With regard to the catchment areas of the Potsdam, Zandvliet and Macassar Wastewater Treatment Works (WWTWs) and including the following existing suburbs:

- Potsdam WWTW

Acacia Park, Annandale Farm, Atlantis Gardens, Big Bay, Blaauwberg, Strand, Blouberg Rise, Blouberg Sands, Blouberggraht, Bothasig, Brooklyn, Burgundy Estate, Century City, Dunoon, Edgemoed, Flamingo Vlei, Glenwood, Joe Slovo Park, Kaapzicht, Killarney Gardens, Kleinbosch, Lagoon Beach, Marconi Beam, Milnerton, Milnerton Ridge, Montague, Montague Gardens, Monte Vista, N1-City, Parklands, Phoenix; Platteklouf Glen, Platteklouf Partial, Racing Park, Richmond Park, Richwood, Rivergate, Royal Ascot, Rugby, Sanddrift, Sandown, Summer Greens, Sunningdale, Sunridge, Sunset Beach, Sunset Links, Table View, The Stables, Tijgerhof, Tygerdal, Welgelegen, West Beach, West Riding, Ysterplaat.

- Zandvliet WWTW

Amandelsig, Austinville, Bellville Teachers College, Benno Park, Blackheath Industria, Blue Downs CBD, Bosonia, Brentwood Park - Blue Downs, Camelot, Danarand, De Kuilen, De Wijnlanden Estate, Delft 4, Delft South, Delro Village, Dennemere, Eerste Rivier South, Eikenbosch Kuils River, Eindhoven, Ekuphumleni, Electric City, Eyethu, Fairdale, Forest Heights, Forest Village, Fountain Village, Gaylee, Gersham, Graceland, Greenfields, Hagley, Happy Valley, Harare, Highbury, Highbury Park, Highgate; Hillcrest Heights, Hindle Park, Hunters Creek, Ilitha Park; Jagtershof, Kalkfontein, Khaya, Kleinvlei Town, Klipdam, Kuilsrivier South Smallholdings, Kuyasa, Leiden, Lillydale, Loucharmante, Malibu Village, Mandela Park; Mfuleni, Mikro Park; Mxolisi Phetani, Nonqubela, Oakdene, Roosendal, Rosedale - Klein Vlei, Rotterdam, Rustdal, Sabata Dalindyebo Square, Sarepta, Saxenburg Park 1, Silveroaks, Silversands, Silvertown - Khayelitsha, St Dumas, Sunbird Park, The Conifers, The Hague, Thembokwezi, Turtle Creek, Tuscany Glen, Umrhabulo Triangle, Victoria Mxenge, Voorbrug, Vredelust Kuils River, Wembley Park, Wesbank, Zevendal, Zevenzicht.

- Macassar WWTW (incorporating the Gordon's Bay WWTW catchment)

All suburbs in the towns of Gordon's Bay, Sir Lowry's Pass Village, Strand, Somerset West, Firgrove, Croydon, Faure, Macassar and surrounding rural areas.

- Other not yet identified

Any other land parcels not included in the abovementioned suburbs, but subsequently identified during the term of the exemption as lying within the constrained catchments.

- (ii) For all land uses applied for where a Temporary package plant (provided and operated by the developer with necessary authorisation from the National Department of Water and Sanitation) has been agreed on as the only means to dispose of and treat sewage;
- (iii) For such applications approved during the period of upgrade construction of the three works, currently underway and estimated for completion at 2026, 2028 and 2024 respectively, subject to change to actual completion date.

- (b) in terms of section 66(2) of the Municipal Planning By-Law 2015, approval be granted for an exemption to the Development Charges Policy for engineering services for the City of Cape Town 2014, for this particular category of development and for the Sewer portion only.
- (c) Council approves for the resulting sewer development charge portion foregone during every financial year of the term to be funded from the External Financing Fund (EFF) instead
- (d) at the land use approval stage, it needs to be clear that the waiving of the DCs, on the sewage portion, is subject to the actual implementation of the package plants. Where these are not in practise provided, the DCs will become due on connection to the City system.
- (e) a sustainable management plan needs to be in place for the operation of the plants once the developer has handed over the development to new owners, body corporates or homeowners associations.

[The EFF recorded their vote against the entire spatial planning and the ANC noted the report with serious concern.]

ACTION : J DE BRUYN, Z BASHOLO, S BASHE, M WEBSTER

C 12/10/22 PROPOSED CLOSURE OF A PUBLIC PLACE, ERF 25592 GOODWOOD (OLD STELLENBOSCH ROAD, ADRIAANSE)

RESOLVED that in terms of section 4(2)(f) of the City of Cape Town: Immovable Property By-law, 2015, approval be granted that the City may, by Notice in the Provincial Gazette, close Public Place Erf 25592, Goodwood, in extent 2.4 ha and as depicted by the figure JKLMNPQRSTUVWXYZa1b1GFE on Plan 130003615, attached as Annexure A to the report on the agenda.

[The ANC recorded their vote against the above decision, as they were not in support of social housing in this specific area.]

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

C 13/10/22 PROPOSED CLOSURE OF A PORTION OF PUBLIC STREET, ERF 5918 PAROW (WEIMAR STREET), ADJOINING ERF 5917 PAROW (PAROW WEST PRIMARY SCHOOL)

RESOLVED that in terms of section 4(2)(f) of the City of Cape Town: Immovable Property By-law, 2015, approval be granted that the City may, by Notice in the Provincial Gazette, close a portion of Erf 5918 Parow

(Weimar Street) indicated as ABCD on the Aerial Plan, attached as Annexure A to the report on the agenda.

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

C 14/10/22 PROPOSED GRANTING OF IN-PRINCIPLE APPROVAL FOR THE TRANSFER BY PUBLIC COMPETITION OF VACANT ERF 101503, 89 BOFORS CIRCLE, EPPING INDUSTRIA 2, CAPE TOWN, ZONED GENERAL INDUSTRY 2 (GI2)

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 101503 Cape Town at Epping, situated at 89 Bofors Circle, Epping Industria 2, Cape Town, in extent approximately 5 647 m² shown lettered ABCD on Plan LIS 2223, 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 101503 Cape Town at Epping, situated at 89 Bofors Circle, Epping Industria 2, Cape Town, as described in (a)(i); and
- (c) Erf 101503 Cape Town at Epping, situated at 89 Bofors Circle, Epping Industria 2, Cape Town, be transferred by a public competitive process, subject to conditions to be imposed by the Director: Property Management in the exercise of her delegated authority.

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

C 15/10/22 AWARDING OF CONTRACT WHICH WILL INCUR FINANCIAL OBLIGATIONS BEYOND THE BUDGET CYCLE: 376Q/2018/19: DESIGN – BUILD OF MECHANICAL AND ELECTRICAL WORKS FOR THE REFURBISHMENT OF THE C-WORKS AT THE ATHLONE WASTEWATER TREATMENT WORKS

RESOLVED that:

- (a) Council determined that the City of Cape Town will derive a significant financial economic benefit from the contract for the 2022/23 to 2026/27 budget cycle. The new aeration blowers and diffusers will be more efficient and consume less electricity than the existing aeration system. The reconfiguration of the recycle pumps will ensure that the biological reactors are optimised in removing the increased nitrogen loads, which has increased since the treatment plant's inception.
- (b) the entire contract exactly as it is to be executed incurring a financial obligation over a 5 financial year period in the estimated amount of R259 941 237.79 excluding VAT, estimated allowances for CPA as well as rate of exchange variations (estimated at R342 441 238 including CPA and Foreign exchange but excluding VAT), funded from Capital Approval objects as confirmed in the financial footnote attached to the report on the agenda, be approved; and
- (c) the City Manager, or his nominee, be authorised to sign the above contract.

ACTION : A LE ROUX, R MOODLEY, M KILLICK, M WEBSTER, L MBANDAZAYO, S ABEL

C 16/10/22

AWARDING OF CONTRACT WHICH WILL INCUR FINANCIAL OBLIGATIONS BEYOND THE BUDGET CYCLE: 5Q/2019/20: CIVIL WORKS FOR THE UPGRADING OF THE BIOLOGICAL REACTORS AT THE DIFFUSED AERATION PLANT AT BELLVILLE WASTEWATER TREATMENT WORKS

RESOLVED that:

- (a) Council determined that the City of Cape Town will derive a significant financial economic benefit from this contract. This will greatly enhance the effluent quality and reduce electricity consumption.
- (b) the entire contract exactly as it is to be executed, incurring a financial obligation over a period not exceeding 5 financial years in the estimated amount of R40 397 500.34 excluding VAT, and an allowance for Contract Price Adjustment estimated in the amount of R9 900 000 excluding VAT, funded from Capital Approval objects as confirmed in the financial footnote attached to the report on the agenda, be approved
- (c) the City Manager, or his nominee, be authorised to sign the above contract.

ACTION: R MOODLEY, M KILLICK, M WEBSTER, L MBANDAZAYO, S ABEL

C 17/10/22 AWARDING OF CONTRACT WHICH WILL INCUR FINANCIAL OBLIGATIONS BEYOND THE BUDGET CYCLE: TENDER NO 3Q/2019/20: DESIGN BUILD OF MECHANICAL AND ELECTRICAL WORKS FOR THE BELLVILLE DA PLANT REACTOR UPGRADE

RESOLVED that:

- (a) Council determined that the City of Cape Town will derive a significant financial economic benefit from this contract. This will greatly enhance the effluent quality and reduce electricity consumption.
- (b) the entire contract exactly as it is to be executed, incurring a financial obligation over a period not exceeding 5 financial years in the estimated amount of R86 428 402.20 excluding VAT, plus an allowance for Contract Price Adjustment and Rate of Exchange variations estimated in the amount of R13 500 000 (excl. VAT) and R18 000 000 (excl. VAT), funded from Capital Approval objects as confirmed in the financial footnote attached to the report on the agenda, be approved
- (c) the City Manager, or his nominee, be authorised to sign the above contract.

ACTION: R MOODLEY, M KILLICK, M WEBSTER, L MBANDAZAYO, S ABEL

C 18/10/22 AWARDING OF CONTRACT WHICH WILL INCUR FINANCIAL OBLIGATIONS BEYOND THE BUDGET CYCLE: TENDER 269S/2020/21 SERVICING, DIAGNOSTIC TESTING, FAULT FINDING AND REPAIRS (HYDRAULIC AND STRUCTURAL) OF AERIAL PLATFORMS, CRANES, TAIL LIFT, FORKLIFTS, WASTE COMPACTORS AND MISCELLANEOUS ASSET TYPES FOR THE CITY OF CAPE TOWN'S FLEET

RESOLVED that:

- (a) Council determined that the City of Cape Town will derive a significant financial benefit from the contract.
- (b) the entire contract exactly as it is to be executed incurring a financial obligation for 6 Financial Years (from date of commencement until 30 June 2028) and in the estimated amount of R360 000 000.00 (excl. VAT) with a contract provision for price adjustment as per the SCMBAC resolution, be approved; and
- (c) the City Manager, or his nominee, be authorised to sign the above contract(s).

ACTION: J JONKER, L RENCONTRE, K NASSIEP, L MBANDAZAYO, S ABEL

C 19/10/22 AWARDING OF CONTRACT WHICH WILL INCUR FINANCIAL OBLIGATIONS BEYOND THE BUDGET CYCLE: TENDER 025S/2021/22 SUPPLY OF ON ROAD FUELLING, MANAGEMENT INFORMATION SERVICES AND RELATED EQUIPMENT

RESOLVED that:

- (a) Council determined that the City of Cape Town will derive a significant financial economic benefit from the contracts.
- (b) the entire contracts exactly as it is to be executed incurring a financial obligation for nine (9) Financial Years and in the estimated amount of R3 260 000 000.00 (incl. VAT) with a contract provision for price adjustment as per the SCMBAC resolution, as confirmed in the financial footnote attached to the report on the agenda, be approved; and
- (c) the City Manager, or his nominee, be authorised to sign the above contracts.

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

ACTION: B VAN SCHOOR, E SASS, L MBANDAZAYO, S ABEL

Due to the unruly behaviour of Cllr F Adams (CCC) and disruptions in the meeting, the Speaker adjourned the meeting at 11H50 and requested all Political Party Whips to join her in the Speaker's Boardroom. The meeting re-commenced at 12H25.

C 20/10/22 REQUEST FOR APPROVAL TO ENTER INTO A 3-YEAR CONTRACT BETWEEN THE CITY OF CAPE TOWN AND THE SOUTH AFRICAN NATIONAL ROADS AGENCY SOC LIMITED FOR RADIO TRUNKING SERVICES

RESOLVED that:

- (a) authority be granted for the South African National Roads Agency Limited to operate their radios on the City of Cape Town's radio trunking infrastructure, subject to the following conditions:
 - (i) the South African National Roads Agency Limited to contribute towards the recovery of the operational costs as per the Council-approved annual tariffs;
 - (ii) the South African National Roads Agency Limited to provide the required capital towards the infrastructure should it require

expansion or improvement to cater for its requirements over and above the current infrastructure operated by the City;

- (iii) the City of Cape Town not being liable for any costs incurred by South African National Roads Agency Limited in the event of the network being taken over by a national network operator;
 - (iv) approval by the Independent Communications Authority of South Africa for sharing by the South African National Roads Agency Limited.
- (b) the contract, attached to the report on the agenda, be approved and entered into between the City of Cape Town and South African National Roads Agency Limited.
 - (c) the contract be signed by the Director: Information Systems and Technology, in consultation with the Legal Services Department.

ACTION: I HAMDULAY, O NAIDOO, E SASS

C 21/10/22

PERMISSION FOR RELEVANT DEPARTMENTS TO ENTER INTO A MEMORANDUM OF AGREEMENT (MOA) WITH EXTERNAL SERVICE PROVIDERS FOR THE PRESIDENTIAL EMPLOYMENT STIMULUS PROGRAMME

RESOLVED that:

- (a) approval be granted for the signing of a Memorandum of Agreement (MOA), in consultation with the Legal Services Department, with the external organisations included in Annexure A: KSS and VPUU for the Public Employment Programme (PEP) funding, as allocated to the City of Cape Town for the 2022/23 financial year.
- (b) the relevant departments to utilise their own existing and functioning line budget provisions as bridging funding during the implementation of the projects, while awaiting for the funds from National Treasury to be gazetted.

[GOOD noted the report with concern and EFF recorded their vote against the above decision.]

ACTION: E WALTERS, Z NGQANGWENI, L MDUNYELWA

C 22/10/22

APPROVAL OF A 3-YEAR AGREEMENT FOR AFRICA TRAVEL WEEK

RESOLVED that:

- (a) a three-year sponsorship agreement with Reed Venue Management (Pty) Ltd for Africa Travel Week for the 2022/23, 2023/24 and

2024/25 financial years, be approved; The agreement shall commence on 3 - 5 April 2023.

- (b) an amount of R5 000 000 (15% VAT where applicable) be disbursed for the 2022/23 financial year from the Events budget, cost centre 19060505 (Events), GL 457300 (Sponsorship : Events) be approved;
- (c) an amount of R5 263158 (15% VAT where applicable) be disbursed for the 2023/24 financial year from the Events budget, cost centre 19060505 (Events), GL 457300 (Sponsorship : Events) be approved;
- (d) an amount of R5 540 166 (15% VAT where applicable) be disbursed for the 2024/25 financial year from the Events budget, cost centre 19060505 (Events), GL 457300 (Sponsorship: Events} be approved;
- (e) as per Council delegations, the Manager: Events will enter into and sign the sponsorship agreement on behalf of the City in consultation with the Legal Services Department.

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

ACTION: L DE SOUZA-ZILWA, V BOTTO

C 23/10/22 THE APPOINTMENT OF A MEMBER TO THE AUDIT AND RISK COMMITTEE OF THE CAPE TOWN STADIUM (RF) SOC LTD

RESOLVED that Mr Glenn Ho be appointed to the Audit and Risk Committee of the Cape Town Stadium (RF) SOC Ltd.

ACTION: L FORTUNE, K JACOBY

C 24/10/22 NATIONAL TREASURY MUNICIPAL FINANCE MANAGEMENT ACT (MFMA) CIRCULAR 118 - LEGAL FRAMEWORK FOR PROCUREMENT OF NEW GENERATION ENERGY CAPACITY BY MUNICIPALITIES AND MUNICIPAL ENTITIES

RESOLVED that National Treasury MFMA Circular 118 not be adopted.

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

ACTION: C STROUD, K NASSIEP

C 25/10/22 NATIONAL TREASURY MUNICIPAL FINANCE MANAGEMENT ACT (MFMA) CIRCULAR 120 - APPLICATION OF CESSION AND ASSIGNMENT OF CONTRACTS RESULTING FROM PROCUREMENT

RESOLVED that National Treasury MFMA Circular 120 not be adopted.

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

ACTION : C STROUD, K JACOBY

C 26/10/22 APPROVAL OF THE FRAUD PREVENTION POLICY AND RESPONSE PLAN AND THE WHISTLE BLOWING POLICY

RESOLVED that:

- (a) the content of the report on the agenda, including the comments received during the public participation process and how these were considered and incorporated, be noted.
- (b) the Fraud Prevention Policy, the Fraud Response Plan and the Whistle Blowing Policy attached to the report on the agenda as Annexures A, B and C respectively for implementation be approved, subject to the definition of criminal activity, which reads "*means an unlawful action or inaction, in other words, doing something that is against the law or not doing something that is required by law*" on page 4 of the draft Fraud Prevention policy be replaced with criminal conduct, which has the following definition:

"Criminal conduct: Criminal conduct is any act or omission in violation of common or statute law which attracts a sanction by way of punishment or penalty".

- (c) every reference to *criminal activity* be replaced with *criminal conduct*.

ACTION: C HENDRICKS, A KARRIEM, D SULLIVAN, T ZEEMAN, L MBANDAZAYO, D DANIELS

C 27/10/22 DRAFT REVISED EXPANDED PUBLIC WORKS PROGRAMME (EPWP) POLICIES

RESOLVED that:

- (a) the contents of the report on the agenda and the Annexures attached to the report, be noted
- (b) the final amendments to the revised Expanded Public Works Programme (EPWP) policies attached to the report on the agenda be approved.

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

ACTION: Z NGQANGWENI, L MDUNYELWA, D DANIELS

C 28/10/22 REQUEST FOR APPROVAL OF CONTINUED BOARD APPOINTMENTS AND PRO AMICO AND PRO BONO PRIVATE WORK: EXECUTIVE DIRECTOR SAFETY & SECURITY: MR VINCENT JAMES BOTTO

RESOLVED that:

- (a) Mr Botto be granted approval for his continued membership of his committee memberships in respect of Stellenbosch Municipality and Springfield Convent School;
- (b) Mr Botto be granted approval for his pro amico and pro bono legal and / or forensic advices;
- (c) any obligations for disclosure as provided in terms of Section 5A(3) of the Code of Conduct for Municipal Staff Members be met.

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

ACTION: M CANNAN, V BOTTO

C 29/10/22 APPROVAL OF A PLAN IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL BYLAW, 2015 (MPBL) INDICATING THE AREAS THE CITY DEEMS TO BE SUBJECT TO PUBLIC TRANSPORT (PT1 & PT2) REDUCED OFF-STREET PARKING REQUIREMENTS AND AN AMENDMENT TO THE MPBL TO RECORD THE PLAN

RESOLVED that:

- (a) the PT1 and PT2 indications in Plan: PT Areas dated 2022/08/01 attached as Annexure A to the report on the agenda, be approved;
- (b) the City of Cape Town Municipal Planning Amendment By-law, 2022 attached as Annexure B to the report on the agenda, be adopted;
- (c) the objections contained in Annexures H and I to the report on the agenda, not be upheld, for the reasons stated in the report on the agenda;
- (d) the Plan and Amendment By-law takes effect on the date on which the Amendment By-law is published in the Provincial Gazette.

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

ACTION: S DE JAGER, C WALTERS, R McGAFFIN

At this stage, namely 13H35, the Speaker announced that the meeting would adjourn for lunch. The meeting recommenced at 14H10.

C 30/10/22 PROPOSED CLOSURE OF PUBLIC ROAD, ERVEN 6819 AND 6820 GOODWOOD ADJOINING ERVEN 6818 AND 6821 GOODWOOD (DE VRIJE ZEE PRIMARY SCHOOL)

RESOLVED that, in terms of section 4(2)(f) of the City of Cape Town: Immovable Property By-law, 2015, approval be granted that the City may, by notice in the Provincial Gazette, close Erven 6820 and 6819, Goodwood as depicted on the aerial plan attached as Annexure A to the report on the agenda.

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

C 31/10/22 PROPOSED CLOSURE OF PUBLIC PLACE, PORTION OF REMAINDER ERF 15447 BELLVILLE (TRIANGLE SUBSTATION)

RESOLVED that, in terms of section 4(2)(f) of the City of Cape Town: Immovable Property By-law, 2015, approval be granted that the City may, by Notice in the Provincial Gazette, close Public Place Remainder Erf 15447, Bellville, as depicted by the figure ABCJ on Plan 130008537v1 attached as Annexure A to the report on the agenda.

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

C 32/10/22 PROPOSED CLOSURE OF ERF 3864 HAGLEY

RESOLVED that, in terms of section 4(2)(f) of the City of Cape Town: Immovable Property By-law, 2015, approval be granted that, by Notice in the Provincial Gazette, Erf 3864, Hagley, 26 000 m² in extent, as depicted on the locality plan attached as Annexure A to the report on the agenda, be closed.

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

C 33/10/22 AWARDING OF CONTRACT WHICH WILL INCUR FINANCIAL OBLIGATIONS BEYOND THE BUDGET CYCLE: 290C/2020/21: PROVISION OF PROFESSIONAL SERVICES: DESIGN AND CONSTRUCTION MONITORING OF SUBSTATIONS / SWITCHING STATIONS AND BUILDING ADDITIONS, ALTERATIONS AND RENOVATIONS AND OTHER DESIGN / IMPLEMENTATION / MANAGEMENT OF WORKS PROJECTS INCLUDING FEASIBILITY STUDIES FOR THE INSTALLATION AND REPLACEMENT OF ELECTRICAL EQUIPMENT AND INFRASTRUCTURE

RESOLVED that:

- (a) Council determined that the City of Cape Town will secure a financial benefit from the contracts;

- (b) the entire contracts exactly as it is to be executed incurring a financial obligation for 6 Financial Years (a maximum of 60 months from the date of commencement) at the rates as set out in the contract which includes provision for price adjustment in accordance with the contract as per SCMB 13/06/22 resolution be approved; and
- (c) the City Manager, or his nominee, be authorised to sign the above contracts.

ACTION : S GQWEDE, E CAPES, K NASSIEP, L MBANDAZAYO, S ABEL

C 34/10/22

AWARDING OF CONTRACT, WHICH WILL INCUR FINANCIAL OBLIGATIONS BEYOND THE BUDGET CYCLE: CONTRACT NO. CM03/11/21: PROCUREMENT OF QUALITY OF SUPPLY RECORDERS, ACCESSORIES AND ASSOCIATED SERVICES

RESOLVED that:

- (a) Council determined that the City of Cape Town will derive a financial economic benefit from the contract;
- (b) the entire contract exactly as it is to be executed incurring a financial obligation for 5 Financial Years (from commencement of contract up to 31 March 2027), at the prices/rates as set out in the contract, up to estimated amount of R4 000 000.00 (excl. VAT), which includes a provision for a price adjustment in accordance with the contract as per the City Manager's award resolution be approved; and
- (c) the City Manager, or his nominee, be authorised to sign the above contract.

ACTION: H KRUGER, E CAPES, K NASSIEP, L MBANDAZAYO, S ABEL

C 35/10/22

AWARDING OF CONTRACT, WHICH WILL INCUR FINANCIAL OBLIGATIONS BEYOND THE BUDGET CYCLE: PROCUREMENT OF GOODS / SERVICES / CONSTRUCTION WORKS FROM ANOTHER ORGAN OF STATE: BERG RIVER TO VOËLVLEI AUGMENTATION SCHEME (BRVAS): PROPOSED WATER SUPPLY AGREEMENT WITH THE NATIONAL DEPARTMENT OF WATER AND SANITATION (DWS)

RESOLVED that:

- (a) Council determined that the City of Cape Town will derive a significant financial economic benefit from the contract;

- (b) the entire contract exactly as it is to be executed incurring a financial obligation for 20 Financial Years and in the estimated amount of R2 343 016 590 (excl. VAT) be approved;
- (c) the City Manager, or his nominee, be authorised to sign the above contract.

ACTION: M KILLICK, M WEBSTER, L MBANDAZAYO, S ABEL

C 36/10/22

AWARDING OF CONTRACT, WHICH WILL INCUR FINANCIAL OBLIGATIONS BEYOND THE BUDGET CYCLE: TENDER NO.195S/2020/21: REPAIR, REPLACE AND MAINTENANCE OF PIPELINE INSPECTION EQUIPMENT FOR THE CITY OF CAPE TOWN

RESOLVED that:

- (a) Council determined that the City of Cape Town will secure a financial benefit from the contract;
- (b) the entire contract exactly as it is to be executed incurring a financial obligation for 5 Financial Years (2022/23 - 2026/27) and in the estimated amount of R14 000 000 (excl. VAT and CPA). Estimated at R16 031 968 (including VAT and CPA) be approved;
- (c) the City Manager, or his nominee, be authorised to sign the above contract.

ACTION: S NKUKWANA, C ADAMS, Z BASHOLO, M WEBSTER, L MBANDAZAYO, S ABEL

C 37/10/22

AWARDING OF CONTRACT WHICH WILL INCUR FINANCIAL OBLIGATIONS BEYOND THE BUDGET CYCLE: TENDER NUMBER: 256Q/2019/20: SIR - 2.7 KM RIVER UPGRADE FROM THE N2 TO FALSE BAY, GORDON'S BAY

RESOLVED that:

- (a) Council determined that the City of Cape Town will derive a significant financial economic benefit from the contract for the 2022/23 to 2025/26 budget cycle (Excluding defects and liability period);
- (b) the entire contract exactly as they are to be executed incurring a financial obligation for 42 months, with an additional 12 months for the defects and liability period and in the estimated amount of R292 395 526.45 excluding VAT and an allowance for Contract Price Adjustment estimated in the amount of R36 703 448.84 excluding VAT, funded from the External Financing Fund as confirmed in the financial footnote attached to the report on the agenda be approved;

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

ACTION: W DAVIDS, M KILLICK, F VON MOLTKE, M WEBSTER, L MBANDAZAYO, S ABEL

C 38/10/22

PROPOSED CALENDAR OF MEETINGS FOR COUNCIL AND ITS COMMITTEES: JANUARY TO DECEMBER 2023

Cllr G Paige (ACDP) proposed that Ascencion Day (18 May 2023) be recognised, the date be set aside and that no statutory meetings be arranged on aforementioned date.

The majority of Council did not support this proposal.

RESOLVED that:

- (a) the Calendar of meetings for Council and its Committees, and for the Executive Mayor and Mayoral Committee for the period January to December 2023, attached as Annexure A to the report on the agenda, be approved.
- (b) the approved Calendar be published on Council's CITYweb and internet sites and any approved future amendments thereto be effected immediately.
- (c) it be noted that in terms of Part 4: 1(5) of the Council's System of Delegations document approved by Council, the Chief Whip in consultation with the relevant Chairperson of a committee, approves any change of a meeting time and date and ensures that the Calendar of meetings is appropriately amended, after consultation with the Speaker.
- (d) it be noted that the term "recess" referred to during the periods of June - July and December 2023 - January 2024 means the period determined by the Council resolution, and such period will commence at 17:00 and will terminate at 08:00 on the specific dates as reflected in the 2023 calendar attached as Annexure A to the report on the agenda.
- (e) it be noted that during the recess periods mentioned in (d) above, the Executive Mayor will have the authority to act in terms of recess powers as per delegation Part 1: 10(5) of the Council's System of Delegations document.

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

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

C 39/10/22 MYCITI PHASE 2A INDUSTRY TRANSITION BUSINESS PLAN 2022 FINAL, AFTER ENGAGEMENT WITH AFFECTED TRANSPORT OPERATORS

RESOLVED that:

- (a) the MyCiTi Phase 2A Industry Transition Business Plan 2022 attached as Annexure A to the report on the agenda (the Business Plan), be approved.
- (b) the conclusions and recommended actions contained in Chapter 16 of the Industry Transition Business Plan 2022 as per (a) above, be noted.
- (c) it be confirmed that the approval of the Industry Transition Business Plan Update as per (a) above amends and updates the MyCiTi Phase 2A Business Plan of 2020 in respect of its industry transition component.
- (d) the power to make decisions regarding the implementation of this Business Plan including adjusting provisions where necessary to give effect to its key intent and principles, be delegated to the Executive Director: Urban Mobility.

ACTION: P PILLAY, M S JOSEPH, R SPRINGLEER, D CAMPBELL

C 40/10/22 APPROVAL OF A 3-YEAR AGREEMENT FOR HOSTING KYKNET & KIE MITCHELLS PLAIN FESTIVAL

RESOLVED that:

- (a) a three-year sponsorship agreement with Cycle of Life for KykNet & Kie Mitchells Plain Festival for the 2022/23, 2023/24 and 2024/25 financial years be approved. The agreement shall commence on 2 - 4 December 2022.
- (b) an amount of R700 000 (15% VAT where applicable) be disbursed for the 2022/23 financial year from the Events budget, cost centre 19060505 (Events), GL 457300 (Sponsorship: Events) towards City and/or Event Services be approved. Furthermore, the waiver of cost for poster sticker fees and the venue costs for City-owned venues for the event be approved, subject to availability.
- (c) an amount of R735 000 (15% VAT where applicable) be disbursed for the 2023/24 financial year from the Events budget, cost centre 19060505 (Events), GL 457300 (Sponsorship: Events) towards City and/or Event Services be approved. Furthermore, Council approve the waiver of cost for poster sticker fees and the venue costs for City-owned venues for the event be approved, subject to availability.

- (d) an amount of R771 750 (15% VAT where applicable) be disbursed for the 2024/25 financial year from the Events budget, cost centre 19060505 (Events), GL 457300 (Sponsorship: Events) towards City and/or Event Services be approved. Furthermore, the waiver of cost for poster sticker fees and the venue costs for City-owned venues for the event be approved, subject to availability.

ACTION : L DESOUZA-ZILWA, V BOTTO

C 41/10/22 NO COST TRANSFER PROGRAMME: AN APPROACH TO FAST-TRACK HOMEOWNERSHIP IN RESPECT OF UNITS MANAGED BY THE HUMAN SETTLEMENTS DIRECTORATE INCLUDING SALEABLE CRUs, DELAYED TRANSFER PROPERTIES AND SERVICED SITES

RESOLVED that:

- (a) the Western Cape Provincial Minister of Human Settlements and/or the National Minister of Human Settlements be approached by the Mayoral Committee Member for Human Settlements to approve deviations from the National Housing Code: Enhanced Extended Discount Benefit Scheme policy provisions that will allow the City to transfer ownership of saleable rental CRUs, delayed transfer properties and serviced sites at no cost to qualifying beneficiaries as discussed in paragraph 4.4.1 of the report on the agenda, be approved.
- (b) a deviation from clauses 2.4.3(i) and 2.4.3(ii) of the Policy relating to the Prices of the Remaining Saleable Rental Units Managed by the Human Settlements Directorate, in order to align with the request in (a) above, be approved.
- (c) the transfer of saleable rental CRUs, delayed transfer properties and serviced sites at no cost to qualifying beneficiaries, subject to the Western Cape Provincial Minister Human Settlements and/or the National Minister of Human Settlements approve the deviation from the National Housing Code: Enhanced Extended Discount Benefit Scheme as per (a) above, be approved.
- (d) the City accepts responsibility for the payment of the insurance premiums in respect of saleable CRUs from date of sale until date of registration, including properties awaiting transfer as discussed in paragraph 4.4.4 of the report on the agenda.
- (e) the Council resolution (C 80/12/12) relating to the sale of the remaining saleable rental units, for the reasons mentioned in the report on the agenda be reviewed and amended, in order for it to read as follows, that:

- (i) in terms of s14(2)(a) and (b) of the MFMA, the saleable CRUs, delayed transfer properties and the serviced sites are not required for the minimum level of basic municipal services and that it has considered a fair market value of the asset and the economic and community value to be received in exchange for the asset;
 - (ii) the City funds the payment of transfer fees in respect of saleable CRUs, delayed transfer properties and serviced sites up to a maximum of R2 500;
 - (i) the transfer fees in respect of the registration of transfer of saleable CRUs, delayed transfer properties and serviced sites, be fixed at R2 500.00 per transfer, irrespective of the purchase price of the property and/or the beneficiary income category;
 - (ii) the City write-off rental and municipal services arrears on the saleable rental units comprising this campaign where these are in excess of the EEDBS subsidy granted to households with a maximum household income of R7 000,00 per month.
- (e) it be noted that the installation of pre-paid water meters and water management devices in saleable CRUs prior to transfer, is no longer required for the reasons mentioned in paragraph 4.4.3 of the report on the agenda.
- (f) it be noted that the line department will initiate a process to revise the Council Determination of Selling Price Policy, in order to align it with the content of this report. Council further note that this is subject to the deviation being approved in accordance with (a) above.
- (g) the costs of improvements and upgrades be excluded from the calculation of selling prices in respect of saleable CRUs in accordance with the provisions of sections 2.2.2 and 3.3.2 the Enhanced Extended Discount Benefit Scheme and as advised in terms of the external legal opinion paragraphs 86 - 102 where applicable.

ACTION: O JANSEN, L VALETA, N GQIBA

C 42/10/22

PROPOSED REVIEW AND AMENDMENT OF COUNCIL RESOLUTION NUMBER C36/07/22 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 Council resolution C36/07/22 of 28 July 2022 be reviewed and amended to read as follows:

- (a) RESOLVED that in terms of Regulation 41(2)(e) of the Municipal Asset Transfer Regulations (MATR), R.878 promulgated on 22 August 2008, portions of Remainder Erf 760, Scarborough, situated in Witzand Road, approximately 2 510 m² in combined extent are surplus to the requirements of the municipality.
- (b) RESOLVED that the lease of portions of Remainder Erf 760, Scarborough, situated in Witzand Road, approximately 2 510 m² in combined extent and zoned Agricultural Zoning, as shown as Lease Areas marked ABCD, EFGH, FJKG, JLMK and NPQRS on Plan LIS 2067 V1 attached as Annexure A to the report on the agenda, 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, R GELDERBLOEM

C 43/10/22 PROPOSED CLOSURE AND TRANSFER OF A PORTION OF REMAINDER ERF 98353 CAPE TOWN SITUATED BETWEEN THE LANE AND SANDOWN ROAD, RONDEBOSCH, ABUTTING ERF 98349 CAPE TOWN: LORNA JANE O'BRIEN

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 98353 Cape Town, situated between The Lane and Sandown Road, Rondebosch, in extent approximately 207 m², shown by the hatched figure lettered ABCD, on Plan 130008168 attached as Annexure A to the report on the agenda, is not required for the provision of the minimum level of basic municipal services;
 - (ii) It be confirmed that the fair market value of the asset described in (a)(i) and the economic and community value to be received in exchange for the asset described in (a)(i) have been considered.
- (b) in terms of Regulation 5(1)(b)(ii) of the Municipal Asset Transfer Regulations (MATR), R.878, promulgated on 22 August 2008, in-principle approval be granted for the transfer of a portion of Remainder Erf 98353 Cape Town, situated between The Lane and Sandown Road, Rondebosch, in extent approximately 207 m², shown by the hatched figure lettered ABCD, on Plan 130008168 attached as Annexure A to the report on the agenda.
- (c) in terms of section 4 of the City of Cape Town Immovable Property By-Law, 2015, approval be granted for the closure of the subject

property being a portion of Remainder Erf 98353 Cape Town, situated between The Lane and Sandown Road, Rondebosch, in extent approximately 207 m², shown by the hatched figure lettered ABCD, on Plan 130008168 attached as Annexure A to the report on the agenda.

- (d) the transfer of a portion of Remainder Erf 98353 Cape Town, situated between The Lane and Sandown Road, Rondebosch, in extent approximately 207 m², shown by the hatched figure lettered ABCD, on the Plan 130008168 attached as Annexure A to the report on the agenda; to Lorna Jane O'Brien, or her successor(s)-in-title, be approved, subject to the following conditions, that:
- (i) A purchase price of R300 000 excluding VAT be payable;
 - (ii) The purchase price is to escalate at 5% per annum compounded annually on a pro-rata basis commencing 6 months after date of valuation, i.e. from 1 March 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 August 2024;
 - (iv) Subject to such further conditions to be imposed by the Director: Property Management in terms of her delegated authority, inter alia the following:
 - (aa) that all further statutory and land use requirements be complied with;
 - (bb) that after closure, the subject property being a portion Remainder Erf 98353 Cape Town be consolidated with the applicant's Erf 98349 Cape Town;
 - (cc) that all costs related and incidental to the transaction be borne by the purchasers.

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

C 44/10/22

PROPOSED GRANTING OF IN-PRINCIPLE APPROVAL FOR THE TRANSFER, BY WAY OF A PUBLIC COMPETATIVE PROCESS, OF VACANT ERF 12206 FISH HOEK SITUATED AT 16 ARTHUR WRIGHT ROAD, FISH HOEK FOR RESIDENTIAL PURPOSES, ZONED UTILITY

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 12206, Fish Hoek, situated at 16 Arthur Wright Road, Fish Hoek, in extent approximately 1 260 m² zoned Utility on Plan LIS 2132 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 assets described in (a)(i) and the economic and community value to be received in exchange for the assets 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 Erf 12206 Fish Hoek, situated at Arthur Wright Road as described in (a)(i).
 - (c) Erf 12206, Fish Hoek, situated at 16 Arthur Wright New, Fish Hoek 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) the comments and recommendations provided by Provincial Treasury, be noted.

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

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

C 45/10/22

PROPOSED CLOSURE AND TRANSFER OF PORTIONS OF REMAINDER ERF 48324 CAPE TOWN SITUATED AT APPLE LANE, NEWLANDS, ABUTTING ERVEN 167683 AND 48331 CAPE TOWN: PRUDENCE MARY CROSOER AND MARIA KATALIN VAROLI

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 48324 Cape Town, situated at Apple Lane, Newlands, in extent approximately 58 and 58 m² respectively, shown by the hatched figure lettered ABEF and BCDE, on Plan 130005523 attached as Annexure A to the report on the agenda, is not required for the provision of the minimum level of basic municipal services;
 - (ii) It be confirmed that the fair market value of the asset described in (a)(i) and the economic and community value to be received

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

- (b) in terms of Regulation 5(1)(b)(ii) of the Municipal Asset Transfer Regulations (MATR), R.878, promulgated on 22 August 2008, in-principle approval be granted for the transfer of a portion of Remainder Erf 48324 Cape Town, situated at Apple Lane, Newlands, in extent approximately 58 and 58 m² respectively, shown by the hatched figure lettered AB EF and BCDE on Plan 130005523, attached as Annexure A to the report on the agenda.
- (c) in terms of section 4 of the City of Cape Town Immovable Property By-Law, 2015, approval be granted for the closure of the subject property being portions of Remainder Erf 48324 Cape Town, situated at Apple Lane, Newlands, in extent approximately 58 and 58 m² respectively, shown by the hatched figure lettered AB EF and BCDE, on Plan 130005523 attached as Annexure A to the report on the agenda.
- (d) the transfer of portions of Remainder Erf 48324 Cape Town, situated at Apple Lane, Newlands, in extent approximately 58 and 58 m² respectively shown by the hatched figure lettered AB EF and BCDE on Plan 130005523, attached as Annexure A to the report on the agenda, to Prudence Mary Crosoer and Maria Katalin Varoli respectively, or their successor(s) in title, be approved, subject to the following conditions, that:
 - (i) A purchase price of R155 000 each (a total of R310 000) excluding VAT be payable;
 - (ii) The purchase price is to escalate at 8% per annum compounded annually on a pro-rata basis for the period 1 December 2019 until 31 March 2020, thereafter it will escalate at 5% per annum 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 December 2024;
 - (iv) An occupational rental be payable by each applicant of R755 per month (excluding VAT) as from 1 December 2019, escalating at 8% per annum until 31 March 2020 thereafter it will further escalate at 6% per annum until date of registration;
 - (v) Subject to such further conditions to be imposed by the Director: Property Management in terms of her delegated authority, including *inter alia* the following:
 - (aa) that all further statutory and land use requirements be complied with;

- (bb) that Remainder Erf 48324 Cape Town be subdivided to allow for the portions to be purchased;
- (cc) that after closure the portion of land, marked ABEF on Plan 130005523 be consolidated with the applicant's Erf 167683 Cape Town to form one holding;
- (dd) that after closure the portion of land, marked BCDE on Plan 130005523 be consolidated with the applicant's Erf 48331 Cape Town to form one holding;
- (ee) that all costs related and incidental to the transaction be borne by the purchaser.

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

C 46/10/22 PROPOSED CLOSURE AND TRANSFER OF CITY-OWNED IMMOVABLE PROPERTY, BEING A PORTION OF ERF 48616 CAPE TOWN AND A PORTION OF ERF 49225 CAPE TOWN, SITUATED AT FINSBURY AVENUE, NEWLANDS: MOGAMAT NAZEEM JAMIE AND NASIEBA JAMIE

RESOLVED that:

- (a) in terms of section 14(2)(a) and (b) of the Local Government: Municipal Finance Management Act, Act 56 of 2003 (MFMA):
 - (i) It be resolved that the subject property, being a portion of Erf 48616 Cape Town and a portion of Erf 49225 Cape Town situated at Finsbury Avenue, Newlands, in extent approximately 313 m² as shown cross-hatched and lettered ABCDE on Plan 130004138, 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 48616 Cape Town and a portion of Erf 49225 Cape Town situated at Finsbury Avenue, Newlands, in extent approximately 313 m² as shown cross-hatched and lettered ABCDE on Plan 130004138 attached as Annexure A to the report on the agenda.

- (c) in terms of section 4 of the City of Cape Town Immovable Property By-law, 2015, approval be granted for the closure of the subject property being a portion of Erf 48616 Cape Town and a portion of Erf 49225 Cape Town situated at Finsbury Avenue, Newlands, in extent approximately 313 m² as shown cross-hatched and lettered ABCDE on Plan 130004138 attached as Annexure A to the report on the agenda.
- (d) the transfer of a portion of Erf 48616 Cape Town and a portion of Erf 49225 Cape Town situated at Finsbury Avenue, Newlands, in extent approximately 313 m² as shown cross-hatched and lettered ABCDE on Plan 130004138, attached as Annexure A to the report on the agenda, to Mogamat Nazeem Jamie and Nasieba Jamie or their successor(s) in title, be approved, subject to the following conditions, that:
- (i) A purchase price of R630 000 excluding VAT be payable;
 - (ii) The purchase price is to be escalated by 8% per annum for the period 1 February 2020 until 31 March 2020, thereafter it will further escalate at 5% per annum until date of registration;
 - (iii) The valuation is to be reviewed if not approved by the relevant decision making authority of Council within 36 months from date of current valuation, i.e. by 30 April 2025;
 - (iv) Rates and municipal charges, if applicable, be levied;
 - (v) Subject to such further conditions to be imposed by the Director: Property Management in terms of her delegated authority, including inter alia the following:
 - (aa) that all further statutory and land use requirements be complied with;
 - (bb) no development whatsoever permitted on the subject property;
 - (cc) that the subject portion of Erf 48616 Cape Town and a portion of Erf 49225 Cape Town be notorially tied to the purchaser's Erf 49219 Cape Town;
 - (dd) that a 3 m wide services servitude be registered over the underground water main traversing the subject property;
 - (ee) that the neighbouring Erf 49227 Cape Town be granted access rights over the subject property by means of a servitude;

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

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

C 47/10/22

PROPOSED TRANSFER OF ERVEN 19421 AND A PORTION OF REMAINDER ERF 1672 BELLVILLE AT BELLVILLE NORTH PRIMARY SCHOOL: WESTERN CAPE GOVERNMENT

PROPOSED CLOSURE OF PUBLIC ROADS: ERVEN 19421 AND A PORTION OF REMAINDER ERF 1672 BELLVILLE

RESOLVED that:

- (a) in terms of Regulation 20(1)(f)(i) of the Municipal Asset Transfer Regulations (MATR), R.878 promulgated on 22 August 2008, that Erf 19421 Bellville, in extent 108 m² and shown lettered ABCDE on Plan TA 1223v1 (Page 1), attached as Annexure A to the report on the agenda, and Erf 1672 Bellville, in extent 198 m² and shown lettered ABCD on Plan TA 1223v1 (Page 2), attached as Annexure B to the report on the agenda, are not required for the provision of any minimum level of basic municipal services and are surplus to the requirements of the Municipality.
- (b) in terms of section 4 of Council's Immovable Property By-law promulgated on 11 December 2015, that public roads, Erf 19421 Bellville, shown lettered ABCDE on Plan TA 1223v1 (Page 1), attached as Annexure A to the report on the agenda, and a Portion of Remainder Erf 1672 Bellville, shown lettered ABCD on Plan TA 1223v1 (Page 2), attached as Annexure B to the report on the agenda, be officially closed.
- (c) the transfer of Erven 19421 and 1672 Bellville, both located within the perimeters of the Bellville North Primary School, respectively 108 m² in extent and shown lettered ABCDE on Plan TA 1223v1 (Page 1), attached as Annexure A to the report on the agenda, and 198 m² in extent and shown lettered ABCD on Plan TA 1223v1 (Page 2), attached as Annexure B to the report on the agenda, to the Western Cape Department of Transport and Public Works, or its successor(s) in title, be approved, subject inter alia to the following conditions, that:
- (i) A purchase price of **R24 500**, excluding VAT, be payable, which amount is **10%** of the full market value of R245 000;
- (ii) The purchase price is to be adjusted by 5% per annum compounded annually on a pro rata basis, commencing from six months after the date of valuation, i.e. from 1 June 2022, until the date of registration;

- (iii) The valuation is to be reviewed if not implemented within 36 months from date of valuation, i.e. by 30 November 2024;
- (iv) That Public Road, Erf 4885 Bellville, be registered to the City as a vesting transfer in terms of Section 31(4)(a) of the Deeds Registries Act, Act 47 of 1937;
- (v) Rates and municipal charges, if applicable, be levied; and
- (vi) Subject to such further conditions imposed by the Director: Property Management in terms of her delegated authority, including inter alia the following:
 - (aa) that all further statutory and land use requirements be complied with;
 - (bb) that the Purchaser concludes the consolidation of all the relevant properties on which the Bellville North Primary School is currently located;
 - (cc) that the land only be utilized for education and ancillary use purposes under jurisdiction of the Western Cape Education Department; and
 - (dd) 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, the contents of Regulation 20(1)(f)(ii) of the MATR has been duly taken into consideration.

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

C 48/10/22

PROPOSED TRANSFER OF PORTIONS OF PUBLIC PLACES, PORTIONS OF ERVEN 720 FIRGROVE AND 1063 MACASSAR: ANNENPROP 5 (PTY) LTD

PROPOSED CLOSURE OF PORTIONS OF PUBLIC PLACES, PORTIONS OF ERVEN 720 FIRGROVE AND 1063 MACASSAR

RESOLVED that:

- (a) in terms of section 14(2)(a) and (b) of the Local Government: Municipal Finance Management Act (MFMA), Act 56 of 2003:
 - (i) It be resolved that the subject property, being portions of Erven 720 Firgrove and 1063 Macassar, situated off Macassar Road, Firgrove / Macassar, in extent approximately 1 586 m² as shown cross-hatched and lettered ABCDEFGHJ on Plan

130008661 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 have been considered.
- (b) in terms of Regulation 5(1)(b)(ii) of the Municipal Asset Transfer Regulations (MATR), R.878 promulgated on 22 August 2008, in-principle approval be granted for the transfer of portions of Erven 720 Firgrove and 1063 Macassar, situated off Macassar Road, Firgrove/Macassar, in extent approximately 1 586 m² as shown cross-hatched and lettered ABCDEFGHJ on Plan 130008661 attached as Annexure A to the report on the agenda.
- (c) in terms of section 4 of the City of Cape Town Immovable Property By-law, 2015, approval be granted for the closure of the subject property being portions of Erven 720 Firgrove and 1063 Macassar, situated off Macassar Road, Firgrove/Macassar, in extent approximately 1 586 m² as shown cross-hatched and lettered ABCDEFGHJ on Plan 130008661 attached as Annexure A to the report on the agenda.
- (d) the transfer of portions of Erven 720 Firgrove and 1063 Macassar, situated off Macassar Road, Firgrove/Macassar, in extent approximately 1 586 m² as shown cross-hatched and lettered ABCDEFGHJ on Plan 130008661 attached as Annexure A to the report on the agenda, to Annenprop 5 (Pty) Ltd or its successor(s) in title, be approved, subject to the following conditions, that:
 - (i) A purchase price of R400 000 excluding VAT be payable;
 - (ii) The purchase price is to be escalated by 5% per annum compounded annually on a pro-rata basis, commencing 6 months from date of valuation, i.e. from 1 October 2022, until date of registration;
 - (iii) The valuation is to be reviewed if not implemented by the relevant decision making authority of the Council within 36 months from date of valuation, i.e. by 31 March 2025;
 - (iv) The necessary servitude(s) are to be registered against the title deed to protect the stream crossing the subject property;
 - (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.

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

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

C 49/10/22

PROPOSED GRANTING OF RIGHT TO USE, CONTROL OR MANAGE A MUNICIPAL CAPITAL ASSET: TRANSFER OF A SERVITUDE OVER PORTION OF PUBLIC STREET AND PUBLIC PLACE BEING PORTIONS OF REMAINDER ERVEN 103371 AND 102425 CAPE TOWN IN FAVOUR OF ERF 110766 CAPE TOWN

RESOLVED that:

- (a) in terms of section 14(2)(a) and (b) of the Local Government: Municipal Finance Management Act (MFMA), Act 56 of 2003:
 - (i) It be resolved that the subject property, being portions of Remainder Erven 103371 and 102425 Cape Town, situated off Balu Parker Boulevard, Gatesville, in extent approximately 9 858 m² shown hatched and lettered ABCDEFGH on Plan STC 2842 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 granting of a right to use and control or manage a municipal capital asset by way of granting a servitude (parking) over portion of Remainder Erven 103371 and 102425 Cape Town, situated off Balu Parker Boulevard, Gatesville, in extent approximately 9 858 m² as shown hatched and lettered ABCDEFGH on Plan STC 2842 attached as Annexure A to the report on the agenda.
- (c) the granting of a right to use, control and manage a municipal asset by way of granting a servitude (parking) over portions of Remainder Erven 103371 and 102425 Cape Town, in extent approximately 9 858 m² shown hatched and lettered ABCDEFGH on Plan

STC 2842 attached as Annexure A to the report on the agenda, to Gatesville Medical Centre Ltd t/a Melomed Hospital Holdings Ltd, or their successor(s) in title, be approved, subject to the following conditions, that:

- (i) A compensation amount of R12 000 000 excluding VAT be payable;
- (ii) The compensation amount is to be escalated by 6% per annum compounded annually on a pro-rata basis, commencing 1 May 2018 until 31 March 2020. Thereafter the escalated compensation amount shall escalate at 5% per annum until date of registration;
- (iii) 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) the subject property shall be used for parking purposes only at ground level;
 - (bb) the applicant shall, at its cost, construct and upgrade the parking area, enclose the area by fencing it in and install booms to control entry to and exiting from the parking area;
 - (cc) two hundred and twenty (220) parking bays are exclusive for the applicant and eighty (80) parking bays shall be reserved for the Recreation and Parks Department;
 - (dd) the applicant shall at its costs provide improvements to the club house and sport fields as indicated on the approved plans drawn up by IPA Architects, such improvements shall include, but not necessarily be restricted to, where necessary, the relocation and or removal of fencing, the relocation of cricket pitches and the building of cricket nets at the southern end of the sports fields, to the satisfaction of the Recreation and Parks Department. The minimum amount of the cost of improvements should not be less than R3,432 million;
 - (ee) the applicant shall be responsible for obtaining the relevant public liability certificate associated with the site;
 - (ff) all further statutory and land use requirements be complied with;

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

(iv) the objections not be upheld.

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

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

C 50/10/22

PROPOSED GRANTING OF RIGHT TO USE, CONTROL OR MANAGE MUNICIPAL CAPITAL ASSETS: GRANTING OF BUILDING RIGHTS SERVITUDE (UNDERGROUND RIGHTS SERVITUDE) OVER CITY-OWNED PROPERTY BEING A PORTION OF REMAINDER ERF 148343 CAPE TOWN (PUBLIC STREET), SITUATED ON CULLINAN STREET, CAPE TOWN, IN FAVOUR OF ERF 171452 CAPE TOWN: SOUTHERN SUN HOTEL INTERESTS (PTY) LTD

RESOLVED that:

- (a) in terms of section 14(2)(a) and (b) of the Local Government: Municipal Finance Management Act (MFMA), Act 56 of 2003:
 - (i) It be resolved that the subject property being a portion of Remainder Erf 148343 Cape Town (Public Street), situated at Cullinan Street, Cape Town, in extent approximately 657 m² (over 5 floors, total extent of 3 285 m²), shown by the hatched figure lettered ABCD on Plan 130004260 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 granting of rights to use and control or manage municipal capital assets by way of granting a building rights servitude under a portion Remainder Erf 148343 Cape Town (Public Street) situated on Cullinan Street, Cape Town, in extent approximately 657 m² (over 5 floors, total extent of 3 285 m²), as shown by the hatched figure lettered ABCD on Plan 130004260 attached as Annexure A to the report on the agenda, which represents 5 basement levels.
- (c) the granting of rights to use and control or manage municipal capital assets by way of granting a building rights servitude over a portion

of Remainder Erf 148343 Cape Town (Public Street) situated on Cullinan Street, Cape Town, in extent approximately 657 m² (over 5 floors, total extent of 3 285 m²), shown by the hatched figure lettered ABCD on Plan 130004260 attached as Annexure A to the report on the agenda, in favour of Erf 171452 Cape Town to: Southern Sun Hotel Interests (Pty) Ltd, or their successor(s)-in-title, be approved, subject to the following conditions, that:

- (i) A compensation amount of R10 500 000, excluding VAT be payable;
- (ii) The compensation amount is to escalate at 5% per annum compounded annually on a pro-rata basis commencing 6 months from date of valuation (i.e. as from 1 April 2022) until date of registration;
- (iii) The market value be reassessed if the transaction is not approved within 36 months from date of valuation, i.e. 30 September 2024;
- (iv) The subject property to be used for parking purposes, i.e. 5 levels of underground parking with a maximum building envelope of 3 285 m². Should the latter extent change, the value will change accordingly;
- (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, M SIMS, R GELDERBLOEM

C 51/10/22

GRANTING OF IN-PRINCIPLE APPROVAL: PROPOSED TRANSFER OF A PORTION OF REMAINDER ERF 2972 MONTAGUE GARDENS PROPOSED CLOSURE OF A PORTION OF REMAINDER ERF 2972 MONTAGUE GARDENS

PROPOSED TRANSFER OF A PORTION OF REMAINDER ERF 2972 MONTAGUE GARDENS TO OWNER OF ADJACENT ERF 3075 MONTAGUE GARDENS: DUMISANI LIVINGSTONE XIMBI

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 2972 Montague Gardens, situated at Corner of School Road and Regis Green Road, Summer Greens in extent approximately 146 m² as shown hatched and lettered ABCDEFGH on Plan TA 1219v1 attached as Annexure A to the report on the agenda, is not required for the provision of the minimum level of basic municipal services;
 - (ii) It be confirmed that the fair market value of the asset described in (a)(i) and the economic and community value to be received in exchange for the asset described in (a)(i) have been considered.
- (b) in terms of Regulation 5(1)(b)(ii) of the Municipal Asset Transfer Regulations (MATR), R.878, promulgated on 22 August 2008, in-principle approval be granted for the transfer of a portion of Remainder Erf 2972, situated at the corner of School Road and Regis Green Road, Summer Greens, in extent approximately 146 m² as shown hatched and lettered ABCDEFGH on Plan TA 1219v1, attached as Annexure A to the report on the agenda.
- (c) in terms of section 4 of the City of Cape Town Immovable Property By-law, 2015, approval be granted for the closure of the subject property being a portion of a Public Road, being a portion of Remainder Erf 2972, in extent approximately 146 m² as shown hatched and lettered ABCDEFGH on Plan TA 1219v1, attached as Annexure A to the report on the agenda.
- (d) the transfer of a portion of Remainder Erf 2972 Montague Gardens, in extent approximately 146 m² as shown hatched and lettered ABCDEFGH on Plan TA 1219v1, attached as Annexure A to the report on the agenda, to Dumisani Livingstone Ximbi, or his successor(s)-in-title, be approved, subject to the following conditions, that:
- (i) A purchase price of R125 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 after date of valuation, i.e. from 1 December 2021, 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 May 2024;
 - (iv) Rates and municipal charges, if applicable, be levied;

- (v) Subject to such further conditions to be imposed by the Director: Property Management in terms of her delegated authority, including inter alia the following:
 - (aa) that all further statutory and land use requirements be complied with, including the consolidation of the subject property with the applicant's Erf 3075 Montague Gardens;
 - (bb) that no additional vehicular access from Regis Green Street onto the consolidated property be allowed; and
 - (cc) that all costs related or incidental to the transaction be borne by the purchaser.

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

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

C 52/10/22

PROPOSED CLOSURE AND TRANSFER OF A PORTION OF REMAINDER ERF 1115 PINELANDS SITUATED AT ACHILLES WAY, PINELANDS, ABUTTING ERF 1261 PINELANDS: RICHARD LESLIE LLEWELLYN

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 1115 Pinelands, situated at Achilles Way, Pinelands, in extent approximately 34 m², shown by the hatched figure lettered ABC on Plan 130008476 attached as Annexure A to the report on the agenda, is not required for the provision of the minimum level of basic municipal services;
 - (ii) It be confirmed that the fair market value of the asset described in (a)(i) and the economic and community value to be received in exchange for the asset described in (a)(i) have been considered.
- (b) in terms of Regulation 5(1)(b)(ii) of the Municipal Asset Transfer Regulations (MATR), R.878, promulgated on 22 August 2008, in-principle approval be granted for the transfer of a portion of Remainder Erf 1115 Pinelands, situated at Achilles Way, Pinelands, in extent approximately 34 m², as shown by the hatched figure lettered ABC on Plan 130008476 attached as Annexure A to the report on the agenda.

- (c) in terms of section 4 of the City of Cape Town Immovable Property By-Law, 2015, approval be granted for the closure of the subject property being a portion of Remainder Erf 1115 Pinelands, situated at Achilles Way, Pinelands, in extent approximately 34 m², as shown by the hatched figure lettered ABC on Plan 130008476 attached as Annexure A to the report on the agenda.
- (d) the transfer of a portion of Remainder Erf 1115 Pinelands, situated at Achilles Way, Pinelands, in extent approximately 34 m², as shown by the hatched figure lettered ABC on Plan 130008476 attached as Annexure A to the report on the agenda, to Richard Leslie Llewellyn, or his successor(s)-in-title, be approved, subject to the following conditions, that:
 - (i) A purchase price of R60 000 excluding VAT be payable;
 - (ii) The purchase price is to escalate at 5% per annum compounded annually on a pro-rata basis commencing 6 months from date of valuation, i.e. from 1 October 2022 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 2025;
 - (iv) Occupational rental of R300 per month shall be payable commencing 1 October 2022 escalating at 6% per annum, until date of registration;
 - (v) Subject to such further conditions to be imposed by the Director: Property Management in terms of his delegated authority, inter alia the following:
 - (aa) that all further statutory and land use requirements be complied with;
 - (bb) that after closure, the subject property being a portion Remainder Erf 1115 Pinelands be consolidated with the applicant's Erf 1261 Pinelands;
 - (cc) that all costs related and incidental to the transaction be borne by the purchaser.

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

C 53/10/22 PROPOSED LEASE OF PORTIONS OF CITY OWNED PROPERTIES (PUBLIC STREET, PUBLIC PLACE AND COMMUNITY) BEING PORTIONS OF THE REMAINDER OF ERF 455 AND ERVEN 1980, 1971 AND REMAINDER ERF 1970 DURBANVILLE, BOUNDED BY AANDBLOM WAY, CHURCH STREET AND DURBANVILLE AVENUE, DURBANVILLE: WESTERN CAPE EDUCATION DEPARTMENT (WCED) - DURBANVILLE PRIMARY SCHOOL

RESOLVED that:

- (a) in terms of Regulation 41(2)(e) of the Municipal Asset Transfer Regulations (MATR), R.878, promulgated on 22 August 2008, the asset is surplus to the requirements of the municipality;
- (b) the lease of portions of City owned properties, being portions Erven 1980 and 1971 and Remainder Erf 1970 Durbanville, bounded by Aandblom Way, Church Street and Durbanville Avenue, Durbanville, as shown hatched and lettered ABCDEF and GHJKLMNPQR on Plan No. TA 1102v0 attached as Annexure B to the report on the agenda, in extent approximately 5 588 m² and 1,4 ha respectively, to the Western Cape Education Department on behalf of Durbanville Primary School, owner of the adjacent Erven 4359, 1876 and 16782 Durbanville, or its successors-in-title, be approved subject, to inter alia the following conditions, that:
 - (i) A tariff rental of R3 391,30 per annum excluding VAT calculated at the rate applicable at the time of transaction be payable. Rates not applicable;
 - (ii) The lease will endure for a period of 10 years, the rental to be reviewed after 5 years;
 - (iii) The rental will be adjusted annually in terms of the rental tariff structure as approved by Council;
 - (iv) The property be used for sport fields and informal parking purposes only;
 - (v) Subject to such further conditions imposed by the Director: Property Management in terms of her delegated authority;
 - (vi) Subject to compliance with any other statutory requirements;
 - (vii) No compensation will be payable for any improvement made to the property;
 - (viii) No structures may be erected on the property;

- (ix) Access to the subject property by the general public, other than at times when it is being used by the school for sport purposes, shall not be restricted in any way.
- (x) Access to the properties will have to be obtained through Erf 16782 (Durbanville Primary School) as no direct access to Church Street or Race Course Road will be allowed.
- (c) the lease of portions of City owned properties, being portions of Remainder Erf 455 Durbanville, bounded by Aandblom Way, Church Street and Durbanville Avenue, Durbanville, as shown hatched and lettered ABCD and EFGHJK on the Sketch Plan attached as Annexure C to the report on the agenda, in extent approximately 1 194 m² and 7 884 m² respectively, to the Western Cape Education Department on behalf of Durbanville Primary School, owner of the adjacent Erven 4359, 1876 and 16782 Durbanville, or its successors-in-title, for the reasons set out in paragraph 6.2 in the report on the agenda, not be approved.

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

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

C 54/10/22

GRANTING OF IN-PRINCIPLE APPROVAL: PROPOSED TRANSFER OF PORTIONS OF REMAINDER ERF 10, AND ERVEN 12430 AND 19661 DURBANVILLE

PROPOSED CLOSURE OF PUBLIC PLACE AND PORTIONS OF PUBLIC ROAD: REMAINDER ERF 10, AND ERVEN 12430 AND 19661 DURBANVILLE

PROPOSED TRANSFER OF PORTIONS OF REMAINDER ERF 10, AND ERVEN 12430 AND 19661 DURBANVILLE: DURBANVILLE GARDENS (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 properties, being portions of Remainder Erf 10 and Erven 12430 and 19661 Durbanville, situated off Vissershok Road, Durbanville, in extent approximately 1 593 m² as shown cross-hatched and lettered ABCD, EFGH, JKLMNP and cdab on Plan TA 1090v2 attached as Annexure A to the report on the agenda, is not required for the provision of the minimum level of basic municipal services;
 - (ii) It be confirmed that the fair market value of the asset described in (a)(i) and the economic and community value to be received

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

- (b) in terms of Regulation 5(1)(b)(ii) of the Municipal Asset Transfer Regulations (MATR), R.878 promulgated on 22 August 2008, in-principle approval be granted for the transfer of portions of Remainder Erf 10 and Erven 12430 and 19661 Durbanville, situated off Vissershok Road, Durbanville, in extent approximately 1 593 m² as shown cross-hatched and lettered ABCD, EFGH, JKLMNP and cdab on Plan TA 1090v2 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 portions of Remainder Erf 10 and Erven 12430 and 19661 Durbanville, situated off Vissershok Road, Durbanville, in extent approximately 1 593 m² as shown cross-hatched and lettered ABCD, EFGH, JKLMNP and cdab on Plan TA 1090v2 attached as Annexure A to the report on the agenda.
- (d) the transfer of portions of Remainder Erf 10 and Erven 12430 and 19661 Durbanville, in extent approximately 1 593 m² and as shown cross-hatched and lettered ABCD, EFGH, JKLMNP and cdab on Plan TA 1090v2 attached as Annexure A to the report on the agenda, to Durbanville Gardens (Pty) Ltd or their successor(s) in title, be approved, subject to the following conditions, that:
 - (i) A purchase price of R2 000 000 excluding VAT be payable;
 - (ii) The purchase price is to be escalated by 5% per annum compounded annually on a pro-rata basis, commencing 6 months from date of valuation, i.e. from 1 August 2022, until date of registration;
 - (iii) The valuation is to be reviewed if not implemented within 36 months from date of valuation, i.e. by 31 January 2025;
 - (iv) Rates and municipal charges, if applicable, be levied; and
 - (v) Subject to such further conditions to be imposed by the Director: Property Management in terms of her delegated authority, including inter alia the following:
 - (aa) that all further statutory and land use requirements be complied with;
 - (bb) that the subject properties be consolidated with the purchaser's adjacent properties in order that the proposed new development is located on one property;

- (cc) that a service servitude be registered over the underground municipal services traversing area ABCD on Plan TA 1090 v2; and
- (dd) that all costs related and incidental to the transaction be borne by the purchaser.

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

C 55/10/22

GRANTING OF IN-PRINCIPLE APPROVAL: PROPOSED TRANSFER OF A PORTION OF ERF 20188 DURBANVILLE

PROPOSED CLOSURE AND TRANSFER OF A PORTION OF ERF 20188 DURBANVILLE TO OWNER OF ADJACENT ERF 8816 DURBANVILLE: THYME INVESTMENTS 8 CC

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 20188 Durbanville, situated at Durmonte Drive in extent approximately 920 m² as shown hatched and lettered ABCD on Plan TA 1031v2 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 20188 Durbanville, situated at Durmonte Drive in extent approximately 920 m² as shown hatched and lettered ABCD on Plan TA 1031v2, attached as Annexure A to the report on the agenda.
- (c) in terms of section 4 of the City of Cape Town Immovable Property By-law, 2015, approval be granted for the closure of the subject property being a portion of a public place, and being a portion of Erf 20188 Durbanville, in extent approximately 920 m² as shown hatched and lettered ABCD on Plan TA 1031v2, attached as Annexure A to the report on the agenda.
- (d) the transfer of a portion of Erf 20188 Durbanville, in extent approximately 920 m² as shown hatched and lettered ABCD on Plan

TA 1031v2, attached as Annexure A to the report on the agenda, to Thyme Investments 8 CC, or their successor(s) in title, be approved, subject to the following conditions, that:

- (i) A purchase price of R1 850 000 excluding VAT be payable;
- (ii) The purchase price is to be escalated by 5% per annum compounded annually on a pro-rata basis, commencing six months after date of valuation, i.e. from 1 April 2022, until date of registration;
- (iii) The valuation is to be reviewed if not implemented within 36 months from date of valuation, i.e. by 1 October 2024;
- (iv) Rates and municipal charges, if applicable, be levied;
- (v) Subject to such further conditions to be imposed by the Director: Property Management in terms of her delegated authority, including inter alia the following:
 - (aa) that all further statutory and land use requirements be complied with;
 - (bb) that the subject portion of Erf 20188 Durbanville be consolidated with the purchaser's Erf 8816 Durbanville;
 - (cc) that the acquisition of the portion of public road over Erf 8816 Durbanville be successfully concluded, at the cost of the City;
 - (dd) that the existing play park located on the affected portion of Erf 20188 Durbanville be relocated at the cost of the applicant, and in consultation with the Recreation and Parks Department;
 - (ee) that service servitudes be registered over underground municipal services traversing the subject portion of Erf 20188 Durbanville, or alternatively, that underground services affected by the proposed development be relocated at the applicant's cost; and
 - (ff) that all costs related or incidental to the transaction be borne by the purchaser.

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

C 56/10/22 GRANTING OF IN-PRINCIPLE APPROVAL: PROPOSED TRANSFER OF A PORTION OF STELLENBOSCH FARM 419 PORTION 62 TO OWNER OF ADJACENT ERVEN 24218 KUILSRIVER AND STELLENBOSCH FARM 419 PORTION 63

PROPOSED CLOSURE OF A PORTION OF PUBLIC STREET, BEING A PORTION OF ERF STELLENBOSCH FARM 419 PORTION 62

PROPOSED TRANSFER OF A PORTION OF STELLENBOSCH FARM 419 PORTION 62: BUFFDAXCO 5 (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 Stellenbosch Farms 419 portion 62, situated on Skilpaddam Road, Kuilsriver, in extent approximately 1 918 m² as shown cross-hatched and lettered ABCD on Plan ET 782/1 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 Stellenbosch Farms 419 portion 62, situated on Skilpaddam Road, Kuilsriver, in extent approximately 1 918 m² as shown cross-hatched and lettered ABCD on Plan ET 782/1 attached as Annexure A to the report on the agenda.
- (c) in terms of section 4 of the City of Cape Town Immovable Property By-law, 2015, approval be granted for the closure of a portion of a public road, being a portion of Stellenbosch Farms 419 portion 62, situated on Skilpaddam Road, Kuilsriver, in extent approximately 1 918 m² as shown cross-hatched and lettered ABCD on Plan ET 782/1 attached as Annexure A to the report on the agenda.
- (d) the transfer of a portion of Stellenbosch Farms 419 portion 62, situated on Skilpaddam Road, Kuilsriver, in extent approximately 1 918 m² as shown cross-hatched and lettered ABCD on Plan ET 782/1 attached as Annexure A to the report on the agenda, to Messrs Buffdaxco 5 (Pty) Ltd or its successor(s)-in-title, be approved, subject to the following conditions, that:
 - (i) A purchase price of R1 370 000 excluding VAT be payable;

- (ii) The purchase price is to be escalated by 5% per annum compounded annually on a pro-rata basis, commencing 6 months from date of valuation, i.e. from 1 May 2021, until date of registration;
- (iii) The valuation is to be reviewed if not implemented within 24 months from date of valuation, i.e. by 31 October 2022;
- (iv) No development of any structures (other than road way) shall be allowed on the area bordered black on Annexure B of the valuation synopsis attached as Annexure D to the report on the agenda i.e. this portion of land is to have a zero bulk contribution on consolidation;
- (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 further statutory and land use requirements be complied with;
 - (bb) the subject portion of Stellenbosch Farms 419 portion 62 be consolidated with the purchaser's erf, being Stellenbosch Farm 419 portion 63;
 - (cc) that all costs related and incidental to the transaction be borne by the purchaser.

ACTION: J CORNELIUS, D GEYSMAN, R SCHNACKENBERG, M SIMS, R GELDERBLOEM

C 57/10/22

PRACTICAL IMPLEMENTATION OF RULE 9.1.13 OF THE RULES OF ORDER FOR COUNCIL

RESOLVED that:

- (a) Matters for noting be debated at Council meetings;
- (b) Rule 9.1.13 of the Rules of Order regulating the conduct of meetings of the Municipal Council of the City of Cape Town, be amended, as indicated below, into order to accommodate matters for noting to be debated at Council meetings;

“9.1.13 Matters for noting to be included on the agenda. Matters for noting maybe debated at Council Meetings, upon decision by the Whips Forum”

- (c) the Whips Forum must decide on which matters for noting would be debated at Council and which would merely be noted.

ACTION: M LEVENDALL, R RAZACK, E SASS

**C 58/10/22 SOUTH AFRICAN LOCAL GOVERNMENT ASSOCIATION (SALGA):
PROVINCIAL WORKING GROUPS - NOMINATIONS AT OCTOBER
2022**

The Chief Whip of Council, Cllr D Visagie (DA) proposed the following change to the official secundi to represent the City of Cape Town on the on Public Transport and Roads : SALGA Provincial Working Group as follows:

“The name of Cllr N V Tyandela (EFF) be replaced with Cllr A Cassiem (EFF)”

The proposal was duly supported.

RESOLVED that:

- (a) the amended nomination of Municipal Capacity Building and Institutional Resilience (updated to Monica Pregolato with alternate being Fritz Le Roes) and Community Development and Security (updated to Councillor Yusuf Mohamed), to represent the City of Cape Town on the SALGA Provincial Working Groups with effect from 1 November 2022, be approved.
- (b) the official secundi, Cllr A Cassiem (EFF) to represent the City of Cape Town on the Public Transport and Roads : SALGA Provincial Working Group, be approved.

ACTION: G POSTINGS, L MBANDAZAYO

C 59/10/22 PROPOSED CHANGES TO MEMBERSHIP OF COMMITTEES

RESOLVED that:

- (a) Cllr J Solomon (DA) be appointed as a member of the Water Quality in Wetlands and Waterways Committee and be removed from the Energy Portfolio Committee
- (b) Cllr A Lightburn (DA) be removed from the Economic Growth Portfolio Committee
- (c) Cllr N Grose (DA) be removed from the Disciplinary Committee

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

At this stage, the Executive Mayor indicated that he would orally respond to the questions in respect of Items C60 to C62 on the agenda. Cllr P Heynes (ANC) proposed that the aforementioned questions be deferred to the next Council meeting, in order to include the questions and responses on the next Council agenda for 8 December 2022.

C 60/10/22 QUESTION RECEIVED FROM CLLR B MAJINGO

RESOLVED that the question received from Cllr B Majingo (ANC) be deferred to the next Council meeting.

ACTION: N MEISSENHEIMER, OFFICES OF THE SPEAKER & EXECUTIVE MAYOR

C 61/10/22 QUESTION RECEIVED FROM CLLR P C HEYNES

RESOLVED that the question received from Cllr P C Heynes (ANC) be deferred to the next Council meeting.

ACTION: N MEISSENHEIMER, OFFICES OF THE SPEAKER & EXECUTIVE MAYOR

C 62/10/22 QUESTION RECEIVED FROM CLLR J STEVENS

RESOLVED that the question received from Cllr J Stevens (ANC) be deferred to the next Council meeting.

ACTION: N MEISSENHEIMER, OFFICES OF THE SPEAKER & EXECUTIVE MAYOR

C 63/10/22 MOTION RECEIVED FROM COUNCILLOR D COTTEE

Cllr D Cottee (ANC), seconded by Cllr P C Heynes (ANC), was asked to introduce his motion as set out on pages 9 to 13 of Volume 4 of the agenda, as reflected below:

“Noting that: Belhar Pentech Housing Project was launched by the City of Cape Town, under Mayor Patricia De Lille during February 2015 in the Pentech Extension 23 Belhar in Ward 12

A number of Contractors was busy to develop about 340 Housing Units, of which about 16 were allocated for Special Needs Housing beneficiaries.

A new contractor was appointed during July 2022 and currently busy to construct housing opportunities for the balance of 340 houses, of which 104 still outstanding and particular the Special Needs Houses.

Further Noting: Mrs Sylvia Vergotine from Belhar has been on the City Database for more than 30 years, application on 3 September 1999.

Mrs Vergotine lived with a son, namely Ashley Adams (37 years old), date of birth 11-07-1985, and wheelchair bound since 2010.

Ashley Adams is quadriplegic since 2010, after a shooting incident and is currently an aftercare facility due to his mother's current situation do not cater for his needs and they have not been allocated to a house yet.

There has been a number of special needs cases allocated for this particular project and some has deceased during this project.

I, Councillor Delmaine Cottee, seconded by Councillor Petronella Heynes hereby move for Council to the following:

- 1. Special Needs beneficiaries should be considered with more urgency in this current phase of housing development in the Pentech Housing Project.*
- 2. Mrs Vergotine, mother of Ashley Adams, must be accommodated in this current phase of the first 54 houses, to allow her to take care of her son."*

Cllr C Pophaim (DA) mentioned that it is a distinct honour to have Mrs Vergotine and her son present today in the gallery and grateful for the motion which is tabled, as it is important for the residents and voters in the country to not only hear of the difference between a party of good governance and corruption, but to see it themselves. He stated that the allocation of human settlements is regulated by the National Housing Code and the Allocation of Housing Opportunities Policy approved by this Council this year.

The DA-led City of Cape Town subscribes to the aforementioned policy, because they believe in running an open, transparent, professional and accountable government that delivers for all. The Belhar Pentech Housing Project is budgeted at R15.5 million and will deliver 340 housing opportunities when completed. 234 housing opportunities have already been delivered to deserving beneficiaries. Cllr Pophaim further indicated that there is 12 special needs beneficiaries to date and there will be a grand total of 16 at the end of the project and advised Mrs Vergotine accordingly. He stated that the fact of the matter is that Mrs Vergotine is a beneficiary and will be accommodated in this project before June 2023, whereupon he concluded that the DA does not support this motion.

The motion received from Cllr D Cottee was put to the vote, with results as follows:

In favour : 60
 Against : 111
 Abstentions : 2

The motion was therefore not carried.

RESOLVED that the motion received from Cllr D Cottee relating to special needs beneficiaries and the accommodation of Mrs Vergotine in this current phase of the first 54 houses at the Belhar Pentech Housing Project, not be supported.

ACTION : OFFICE OF THE SPEAKER

C 64/10/22 YEAR-END REPORT: CONTRACT MONITORING SYSTEM SECTION 116(2) OF THE MUNICIPAL FINANCE MANAGEMENT ACT, ACT 56 OF 2003

RESOLVED that the year-end report for 2021/22 Contract Monitoring System submitted in terms of section 116(2)(d) of the Municipal Finance Management Act, Act 56 of 2003, be noted.

ACTION: B PETERS, G MORGAN

C 65/10/22 COMMUNITY SERVICES & HEALTH PORTFOLIO COMMITTEE 2022/23 ANNUAL OVERSIGHT WORK PLAN

RESOLVED that the Community Services and Health Portfolio Committee 2022/23 Annual Oversight Work Plan, be noted.

ACTION: A WARREN, Z MANDLANA

C 66/10/22 CLOSE OUT REPORT: URBAN MANAGEMENT HUMANITARIAN RELIEF PROGRAMME (PHASE 1 AND PHASE 2) GRANTS-IN-AID ALLOCATIONS FOR 2020/21

RESOLVED that the contents of the Humanitarian Relief Programme report, be noted.

ACTION: W TALIEP, L MDUNYELWA, E SASS

C 67/10/22 SPATIAL PLANNING AND ENVIRONMENT: ANNUAL PORTFOLIO COMMITTEE WORK PLAN

RESOLVED that the Spatial Planning and Environment Portfolio Committee 2022/23 Annual Oversight Work Plan, be noted.

ACTION: S ISMAIL, E NAUDE, R McGAFFIN

C 68/10/22 ANNUAL REPORT: DISASTER RISK MANAGEMENT: 1 APRIL 2021 TO 31 MARCH 2022

RESOLVED that the Annual Report for Disaster Risk Management for the period from 1 April 2021 to 31 March 2022, be noted.

ACTION : M THOMAS, V BOTTO

COUNCIL MINUTES: 27 OCTOBER 2022

C 69/10/22 SAFETY AND SECURITY: 2021/22 THIRD QUARTER'S PROGRESS REPORT ON THE DIRECTORATES' PERFORMANCE

RESOLVED that the 2021/22 third quarter progress report on the Safety and Security Directorate performance, be noted.

ACTION: M CLEINWERCK, A VISSER, V BOTTO

C 70/10/22 2021/2022 ANNUAL (FOURTH QUARTER'S) PROGRESS REPORT ON CORPORATE PERFORMANCE

RESOLVED that the 2021/22 annual (fourth quarter) progress report on corporate performance, be noted.

ACTION: M ABASS, C JANUARY, G MORGAN

C 71/10/22 URBAN MOBILITY COMMITTEE 2022/23 ANNUAL OVERSIGHT WORK PLAN

RESOLVED that the 2022/23 Annual Oversight Work Plan for the Urban Mobility Portfolio Committee, be noted.

ACTION: A DE UJFALUSSY, H PETERS, D CAMPBELL

C 72/10/22 INTERNAL AUDIT ANNUAL INDEPENDENCE STATEMENT FOR THE YEAR ENDED 30 JUNE 2022

RESOLVED that the Internal Audit Annual Independence Statement for the year ended 30 June 2022, as supported by the Audit and Performance Audit Committee, be noted.

ACTION: A MOOLMAN, Z HOOSAIN, L MBANDAZAYO

C 73/10/22 COMMUNITY SERVICE AND HEALTH: 2021/22 FOURTH QUARTER'S PROGRESS REPORT ON THE DIRECTORATE PERFORMANCE

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

ACTION: G PHYFER, Z MANDLANA

C 74/10/22 CORPORATE SERVICES: 2021/22 FOURTH QUARTER'S PROGRESS REPORT ON THE DIRECTORATE AND DEPARTMENTS' PERFORMANCE

RESOLVED that the 2021/22 fourth quarter progress report on the Corporate Services Directorate and Departments' performance, be noted.

ACTION: W TALIEP, T NOMNGANGA, E SASS

C 75/10/22 ECONOMIC GROWTH: 2021/22 FOURTH QUARTER'S PROGRESS REPORT ON THE DIRECTORATE AND DEPARTMENTS' PERFORMANCE

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

ACTION: P WILLIAMS, C BENJAMIN, R GELDERBLOEM

C 76/10/22 ENERGY: 2021/22 FOURTH QUARTER'S PROGRESS REPORT ON THE DIRECTORATE AND DEPARTMENTS' PERFORMANCE

RESOLVED that the 2021/22 fourth quarter progress report on the Energy Directorate and Departments' performance, be noted.

ACTION: D LEEUWENDAAL, L RENCONTRE, K NASSIEP

C 77/10/22 FINANCE DIRECTORATE: 2021/22 FOURTH QUARTER'S PROGRESS REPORT ON THE DIRECTORATE AND DEPARTMENTS' PERFORMANCE

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

ACTION: M COLLOP, K JACOBY

C 78/10/22 FUTURE PLANNING AND RESILIENCE: 2021/22 FOURTH QUARTER'S PROGRESS REPORT ON THE DIRECTORATE AND DEPARTMENT PERFORMANCE

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

ACTION: E DICK, A ARENDSE, G MORGAN

C 79/10/22 HUMAN SETTLEMENTS: 2021/22 FOURTH QUARTERS PROGRESS REPORT ON THE DIRECTORATE AND DEPARTMENTS PERFORMANCE

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

ACTION: L VALETA, R RUGHUBAR, N GQIBA

C 80/10/22 SAFETY AND SECURITY: 2021/22 FOURTH QUARTER'S PROGRESS REPORT ON THE DIRECTORATES' PERFORMANCE

RESOLVED that the 2021/22 fourth quarter progress report on the Safety and Security Directorate's performance, be noted.

ACTION: M CLEINWERCK, A VISSER, V BOTTO

C 81/10/22 SPATIAL PLANNING AND ENVIRONMENT: 2021/22 FOURTH QUARTER'S PROGRESS REPORT ON THE DIRECTORATE AND DEPARTMENTS

RESOLVED that the 2021/22 fourth quarter progress report on the Spatial Planning and Environment Directorate and Departments' performance, be noted.

FURTHER RESOLVED that the ED: Spatial Planning & Environment and the ED: Water & Sanitation discuss the detail behind the issues with the water quality and the testing regime and report-back to Mayco on the required actions to address these matters.

ACTION: C BASSON, A MAXWELL, E NAUDE, R McGAFFIN

C 82/10/22 URBAN MOBILITY: 2021/22 FOURTH QUARTER'S PROGRESS REPORT ON THE DIRECTORATE AND DEPARTMENTS' PERFORMANCE

RESOLVED that the 2021/22 fourth quarter progress report on the Urban Mobility Directorate and Departments' performance as amended, be noted.

ACTION : A DE UJFALUSSY, H PETERS, D CAMPBELL

C 83/10/22 URBAN WASTE MANAGEMENT: 2021/22 FOURTH QUARTER'S PROGRESS REPORT ON THE DIRECTORATE AND DEPARTMENTS' PERFORMANCE

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

ACTION: O MULLER, A VAN VUUREN, R KERAAN, L MDUNYELWA

C 84/10/22 WATER AND SANITATION: 2021/22 FOURTH QUARTER'S PROGRESS REPORT ON THE DIRECTORATE AND DEPARTMENTS' PERFORMANCE

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

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

C 85/10/22 AUDIT AND PERFORMANCE AUDIT COMMITTEE'S ASSESSMENT OF THE PERFORMANCE OF THE AUDITOR GENERAL OF SOUTH AFRICA (AGSA): 30 JUNE 2021

RESOLVED that the Auditor General of South Africa's (AGSA) performance assessment results, be noted.

ACTION: A MOOLMAN, Z HOOSAIN, L MBANDAZAYO

C 86/10/22 CLOSE OUT REPORT: SOCIAL DEVELOPMENT AND EARLY CHILDHOOD DEVELOPMENT DEPARTMENT (INCLUSIVE OF THE ARTS AND CULTURE BRANCH) GRANTS-IN-AID ALLOCATIONS FOR 2020/2021

RESOLVED that the close out report on the Social Development and Early Childhood Development Department's (inclusive of the Arts and Culture Branch) awarded Grants-in-Aid funding, be noted.

ACTION: R JUTZEN, R JANSEN, A SAULS, Z MANDLANA

C 87/10/22 REPORTING ON MINOR BREACHES OF PROCUREMENT PROCESSES APPROVED BY THE SUPPLY CHAIN MANAGEMENT BID ADJUDICATION COMMITTEE FOR THE PERIOD 01 - 31 AUGUST 2022

RESOLVED that the report and annexed list of minor breaches for 1 - 31 August 2022 as ratified by the Bid Adjudication Committee, be noted.

[GOOD noted the report with concern.]

ACTION: B CHINASAMY, K JACOBY

C 88/10/22 QUARTERLY REPORT OF THE AUDIT AND PERFORMANCE AUDIT COMMITTEE CHAIRPERSON FOR THE PERIOD 1 APRIL 2022 TO 30 JUNE 2022

RESOLVED that the quarterly report of the Audit and Performance Audit Committee Chairperson for the period 1 April 2022 to 30 June 2022, be noted.

ACTION: F ARENDSE, Z HOOSAIN, L MBANDAZAYO

C 89/10/22 WITHDRAWALS FROM MUNICIPAL BANK ACCOUNTS FOR THE QUARTER ENDING SEPTEMBER 2022

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

ACTION: H ROBBINS, K JACOBY

C 90/10/22 IS&T CORE APPLICATION REFRESH (CAR) PROGRAMME FOR THE IMPLEMENTATION OF THE 10-YEAR PLAN FOR ERP, PRODUCTIVITY, GIS, TARGET OPERATING MODEL AND TRANSFORMATION PLAN: CAR PROGRAMME ANNUAL UPDATE

RESOLVED that the annual update report on the Core Application Refresh (CAR) Programme, be noted.

ACTION: K SEARLE-SMITH, O NAIDOO, E SASS

C 91/10/22 BROADBAND INFRASTRUCTURE PROGRAMME (BIP)

RESOLVED that the progress report on the status of the Broadband Infrastructure Programme (BIP) for the 2021/22 financial year, be noted.

ACTION: T BOSMAN, O NAIDOO, E SASS

C 92/10/22 QUARTERLY REPORT ON THE MAYOR'S SPECIAL FUND: MFMA SECTION 12 FUND: PERIOD ENDING 30 JUNE 2022

RESOLVED that the withdrawals in terms of the requirements set out in the Policy relating to the Mayor's Special Fund (CC11010002/WBS N22.00032) for the period 1 April 2022 to 30 June 2022 to the value of R8 97 4 033,36, be noted.

ACTION: S ENGELBRECHT, J STYAN, L MBANDAZAYO

C 93/10/22 QUARTERLY REPORT ON THE MAYOR'S SPECIAL FUND: MFMA SECTION 12 FUND: PERIOD ENDING 30 SEPTEMBER 2022

RESOLVED that the withdrawals in terms of the requirements set out in the Policy relating to the Mayor's Special Fund (CC11010002/WBS N22.00032) for the period 1 July 2022 to 30 September 2022 to the value of R377 384 ,51, be noted.

ACTION: S ENGELBRECHT, J STYAN, L MBANDAZAYO

C 94/10/22 2022/23 SUBCOUNCIL WARD ALLOCATION PROJECTS: QUARTERLY PROGRESS REPORT FOR THE PERIOD ENDING 30 SEPTEMBER 2022

RESOLVED that the quarterly report with regard to progress made with the execution of 2022/23 ward allocation projects for the period ending 30 September 2022, be noted.

ACTION: M JANUARY, A ARENDSE, E SASS

C 95/10/22 REPORT IN TERMS OF SUPPLY CHAIN MANAGEMENT REGULATIONS, REGULATION 36, AND THE SUPPLY CHAIN MANAGEMENT POLICY, CLAUSE 330, FOR THE PERIOD 4 AUGUST 2022 TO 12 OCTOBER 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 4 August 2022 to 12 October 2022, attached as annexure A, be noted by Council and be disclosed as a note to the Council's annual financial statements.

ACTION: G POSTINGS, L MBANDAZAYO

C 96/10/22 UNAUTHORISED, IRREGULAR, FRUITLESS AND WASTEFUL (UIFW) EXPENDITURE REDUCTION STRATEGY AND PLANS - ANNUAL FEEDBACK

RESOLVED that the Annual Feedback Report relating to the Unauthorised, Irregular, Fruitless and Wasteful Expenditure Reduction Strategy and Plans, be noted.

ACTION: G POSTINGS, L MBANDAZAYO

C 97/10/22 QUARTERLY FINANCIAL REPORT: SEPTEMBER 2022

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

ACTION: C STROUD, K JACOBY

C 98/10/22 DECISIONS TAKEN BY THE SECTION 79 PORTFOLIO COMMITTEES IN TERMS OF DELEGATED AUTHORITY: JULY TO SEPTEMBER 2022

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

ACTION: M CAROLUS, R RAZACK, P NONGQONGO, E SASS

C 99/10/22 RESOLUTIONS TAKEN BY THE EXECUTIVE MAYOR IN TERMS OF DELEGATED POWERS AND DECISIONS TAKEN TOGETHER WITH THE MEMBERS OF THE MAYORAL COMMITTEE: FROM JULY TO OCTOBER 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 July to October 2022, be noted.

ACTION: C KNOTT, OFFICE OF THE EXECUTIVE MAYOR

C 100/10/22 AUTHORISATION TO COMMENCE WITH A PUBLIC PARTICIPATION PROCESS IN RESPECT OF THE PROPOSED SALE BY WAY OF PUBLIC COMPETITION, ERF 5667-RE CAPE TOWN AND PROPOSED CLOSURE AND SALE OF ERF 5668 CAPE TOWN, FOR THE PURPOSES OF SOCIAL HOUSING DEVELOPMENT WHICH MAY INCLUDE A MIXED INCOME AND OR MIXED USE COMPONENT

RESOLVED that, in terms of regulation 5(3)(a) of the Municipal Asset Transfer Regulations (MATR) (2008), Council authorises the City Manager to conduct a public participation process for the proposed sale of Erf 5667-RE Cape Town situated at Bloemhof Street, District Six and proposed closure and sale of Erf 5668, Cape Town situated at Kent Street, District Six, to a Social Housing Institution(s) and/or private developers.

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

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

ADDITIONAL ITEMS:

The following resolutions of items CIC 06/10/22 to CIC 19/10/22 related to the Municipal Public Accounts Committee matters were moved to the open agenda, at conclusion of the discussion of these items in the confidential meeting.

The resolutions are however recorded as Items C 101/08/22 to C 114/08/22.

C 101/10/22 2019/20: COMAF 43: REASONS FOR DEVIATIONS NOT JUSTIFIABLE (IRREGULAR EXPENDITURE: R175 500)

RESOLVED that:

- (a) the irregular expenditure of R175 500 (one hundred and seventy five thousand five hundred rand) (excluding VAT), related to the AGSA finding as a result of non-compliance with section 112 of the MFMA and section 36(2) of the Municipal Supply Chain Management Regulation, be certified as irrecoverable and the claim be written off as the City received the services.

NO ACTION OWNER

- (b) It be NOTED that the Finance: Supply Chain Management (SCM) department has taken the following remedial and corrective actions:
 - (i) SCM deviation requests are validated by the SCM Practitioner.
 - (ii) Training was completed and the SCM Practitioners were instructed to confirm and ensure that the correct classification of the SCM deviation is used.
 - (iii) A directive on conducting market research was issued in 2019.

- (iv) The Demand Management section is approached to perform market testing to ensure the validity of the deviation classification, i.e. sole-provider vs impracticality.
- (v) Procurement alternatives were explored, for example the use of transversal contracts and other formal contracts.
- (vi) Daily, weekly and monthly monitoring is performed by the SCM practitioners, including oversight by SCM Management.
- (vii) Monthly compliance certificates are signed and approved by the SCM Practitioners.
- (viii) No consequence management was taken as the deviation was reasonable at the time (2019/20 financial year).

ACTION: A MOOLMAN, K JACOBY, L MBANDAZAYO

C 102/10/22 2019/20: COMAF 50: LOCAL CONTENT (IRREGULAR EXPENDITURE: R173 366)

RESOLVED that:

- (a) the irregular expenditure of R173 365,64 (one hundred and seventy three thousand three hundred and sixty-five rand and sixty-four cents) (excluding VAT), related to the AGSA finding as a result of non-compliance with the Preferential Procurement Regulations and SCM Policy, as local content: designated sector was not applied, be certified as irrecoverable and the claim be written off as the City received the goods.

NO ACTION OWNER

- (b) It be NOTED that:
 - (i) The Finance: Supply Chain Management (SCM) department has taken the following remedial and corrective actions:
 - (aa) Training was provided to the SCM Practitioners, in terms of checking the RFQ specifications which is monitored via an Awards Checklist.
 - (bb) Refresher training was provided to the Procurement Unit staff in respect of local content and designated sectors.
 - (cc) Procurement guidelines were documented to re-enforce existing controls and practices.
 - (dd) Consequence management action was taken against the Manager and Head concerned and, in future, action will be taken against any SCM official, responsible for the irregular expenditure incurred.
 - (ii) The evaluation criteria was accurately applied and the essence of the issue is that the tender document content included the incorrect designated sector for local content. Furthermore, the audit issues raised are nominal given the enormous amount of transactions that are processed by the SCM Department.

ACTION: A MOOLMAN, K JACOBY, L MBANDAZAYO

C 103/10/22 2019/20: COMAF 34: FALSE DECLARATIONS BY SUPPLIERS (R2 059 756)

RESOLVED that;

- (a) the alleged false declaration made by suppliers (as per section 44 of the Municipal Supply Chain Management Regulation) during the 2020/21 financial year in the amount of R2 059 756,37 (two million and fifty-nine thousand seven hundred and fifty six rand and thirty seven cents) not be considered as false declarations and not be classified as irregular expenditure as the findings of the AGSA were subsequently investigated by the City's Forensic Services and SCM departments and acted upon and resolved.

NO ACTION OWNER

- (b) It be NOTED that:
- (i) The City places reliance on suppliers to declare conflicts of interest.
 - (ii) There is a reliance on National Treasury's Central Supplier Database (CSD) which is dependent on the service providers to update their information.
 - (iii) The City has limited access to the National Database of persons who are in the employ of the State and is dependent on the AGSA to provide the service.
- (c) It be NOTED that the Forensic outcomes were as follows:
- (i) FSD199: The state official resigned in June 2007. The vendor only registered with the City in September 2009. Matter was closed.
 - (ii) FSD201: The Director was confirmed to be a substitute teacher. Work was awarded and the declaration was not completed. Forensic Services department recommended that the abuse be interrogated further. The Legal Services department is in the process of finalising their ruling against the vendor.
 - (iii) FSD200: The Director is a non-executive director at the vendor. No fraudulent declaration. Matter was closed.

ACTION: A MOOLMAN, L MBANDAZAYO

C 104/10/22 IRREGULAR EXPENDITURE: TENDER NO. 30C/2018/19: PROVISION OF PROFESSIONAL CONSULTANT SERVICES FOR CONSTRUCTION PROJECTS FOR THE CITY OF CAPE TOWN

RESOLVED that:

- (a) the MPAC investigation case for Tender 30C/2018/19: Provision of Professional Consultant Services for Construction Projects, for the City of Cape Town be closed, for the reasons set out below:
- (i) The reported irregular expenditure has been reconsidered by the City Manager, given the new information.
 - (ii) The conclusion of the City Manager, after consideration of the new information (because of a legal opinion by the Senior Counsel (SC) and subsequent assessment), is that this matter does not equate to irregular expenditure, as the outcome of the screening test made no difference to the winning bidder rendering the breach immaterial.

NO ACTION OWNER

- (b) It be NOTED that the MPAC remain concerned with control issues regarding contract management, specifically transversal contract lead department responsibility, application, use and management by directorates.

NO ACTION OWNER

- (c) It be NOTED that:
- (i) Due process for the use of transversal tenders (including forms and authorities) are being reiterated in the City refer to the Supply Chain Management and Contract Management Website i.e. legislation, regulations, policies and systems & procedures.
 - (ii) Contract owners, specifically of transversal tenders, are required to monitor and manage their contracts.
 - (iii) SAP agreement numbers and ceiling values are documented and controlled (automated control).

NO ACTION OWNER

- (d) the Finance and Future Planning and Resilience Directorates be tasked with providing the City Directorates and Departments with clear instructions on how to use, manage and control transversal tenders and contracts and that Executive Director's apply this accordingly.

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

ACTION OWNER: K JACOBY, G MORGAN

C 105/10/22 PROVISION OF TRAINING BY AN ACCREDITED SERVICE PROVIDER(S) OR A TECHNICAL AND VOCATIONAL EDUCATION AND TRAINING (TVET) (IRREGULAR EXPENDITURE: R 28 400)

RESOLVED that:

- (a) the irregular expenditure of R28 400 (twenty eight thousand four hundred rand) (including VAT) (R46 100 less credit note of R17 700) related to payments after the contract period less the credit note for services not rendered therefore the remaining value should be certified as irrecoverable and the claim be written off as the City was enriched by the level 4 training received.

NO ACTION OWNER

- (b) the Energy Directorate:
- (i) Timeously monitor contracts to avoid a recurrence.
 - (ii) Apply appropriate consequence management, where necessary.

ACTION OWNER: K NASSIEP

- (c) It be NOTED that the following control improvements were implemented by the Energy Directorate:
- (i) Lessons were learnt in the use of this transversal tenders and the use of training tenders.
 - (ii) The Head of Training addressed the service achievements of the institution and a credit note was received for R17 700, as the trade testing was completed by another service provider and was achieved.
 - (iii) Contract tenure awareness was emphasised, including contract management and administration.
 - (iv) Staff attended the training with the service provider.
 - (v) Controls post the contract expiry improved, including monitoring of purchase orders beyond the contract tenure.
 - (vi) All officials involved with the procurement process completed training and awareness in respect of procurement and to follow-up with service providers on the submission of invoices.
 - (vii) The Training Centre Manager understands the responsibility and cost management requirements.
 - (viii) Checks and balances are completed, e.g. review of invoices to attendees before Goods Received Note is processed.
- (d) It be further NOTED that:
- (i) SAP automated controls were implemented i.e. SAP Agreement must be in place for every purchase order.
 - (ii) The City attempted to get invoices from the service provider, but efforts were delayed due to COVID-19 protocols within the learning institution.

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

ACTION: A MOOLMAN, K NASSIEP, L MBANDAZAYO

C 106/10/22 WATER AND SANITATION DIRECTORATE: GENERAL CLEANING AND GARDENING SERVICES (IRREGULAR EXPENDITURE: R1 288 225)

RESOLVED that:

- (a) the irregular expenditure of R1 288 224,80 (one million two hundred and eighty eight thousand two hundred and twenty four rand and eighty cents) as a result of,
- poor planning, R1 030 580 (one million and thirty thousand five hundred eighty rand) and
 - expenditure incurred without a valid contract, R257 644,80 (two hundred fifty seven thousand six hundred forty four rand and eighty cents) be certified as irrecoverable and the claim be written off as the City was enriched by the cleaning and garden services rendered.

NO ACTION OWNER

- (b) the Water and Sanitation Directorate:
- (i) Follow legislative processes and procedures, and submit reports to the relevant delegated authorities for approval as MPAC is concerned about the lack of urgency.
 - (ii) Constantly and timeously monitor contracts to avoid a recurrence.
 - (iii) Improve their contract, financial and project maturity through management oversight at all levels.

ACTION OWNER: M WEBSTER

- (c) It be NOTED that the following control improvements were implemented by the Water & Sanitation Directorate:
- (i) Lessons were learnt in the use of this transversal tender, i.e. the lead department must be consulted regarding expansions.
 - (ii) Transversal use arrangements are clearly defined, including arrangements with parent departments.
 - (iii) The City's MFMA section 116(3) Guideline document will be applied in the future.
 - (iv) Corporate processes were put in place to ensure expenditure is not processed beyond the contract expiry date.
 - (v) Consequence management measures were taken against the Project Manager.
 - (vi) The line department established a unit to deal with contracts.
 - (vii) A deviation was approved in terms of section 62 of the MFMA for the services from 1 January 2021 to 12 February 2021
 - (viii) To ensure business continuity, Expanded Public Works Programme resources were used to provide services.
 - (ix) Arrangements are now in place with the parent contract owner, i.e. Corporate Services.

- (x) The service provider was paid for the services rendered.

[The EFF and PAC recorded their votes against the above decision. GOOD noted the report with concern.]

ACTION: A MOOLMAN, M WEBSTER, L MBANDAZAYO

C 107/10/22 2019/20: COMAF 19: SERVICING AND MANAGEMENT OF PORTABLE FLUSH TOILETS (R13 113)

RESOLVED that:

- (a) the irregular expenditure of R13 112,70 (thirteen thousand one hundred and twelve rand and seventy cents) (excluding VAT), related to an AGSA finding for overcharging be closed. Line management at the time of the audit provided responses to nine of the twelve invoices. However, the verification of all twelve invoices by the line department revealed that the service provider did not overcharge the City and therefore the transaction is not irregular expenditure.

The above was a result of a timing issue between finalising the audit report and presenting the integrated annual report to Council.

NO ACTION OWNER

- (b) It be NOTED that the Water and Sanitation Directorate has taken the following actions to enhance records management and document trail exists of management oversight:
- (i) Service records are completed on the delivery notes.
 - (ii) Delivery notes are signed off by City officials, confirming service delivery.
 - (iii) City officials record the service details on a monitoring record.
 - (iv) Services are verified and captured on a spreadsheet (service summary sheet).
 - (v) Consequence management was completed in the form of counselling the Contract Manager.
 - (vi) Work instructions are being reviewed to improve efficiencies e.g. checklists, verification, record management and archiving.
 - (vii) The Head and Manager sign off the invoices, before submitting it to the Accounts Payable department for payment.
 - (viii) Since April 2020 the processes are more robust.
 - (ix) Document trail, in SharePoint site, has been initiated to address audit queries timeously.
 - (x) To ensure accountability and responsibility, all AGSA queries and findings for the directorate are dealt with through a single point of entry, i.e. Manager: Finance.

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

ACTION: A MOOLMAN, M WEBSTER, L MBANDAZAYO

C 108/10/22 2019/20: COMAF 37: ROTARY CORE AND PERCUSSION DRILLING IN THE TABLE MOUNTAIN GROUP (TMG) AQUIFER (IRREGULAR EXPENDITURE: R1 761 849)

RESOLVED that;

- (a) the irregular expenditure of R1 761 849.35 (one million, seven hundred and sixty one thousand and eight hundred and forty nine rand and thirty five cents) (excluding VAT), related to an AGSA finding where expenditure was incurred beyond the contract tenure, be certified as irrecoverable and the claim be written off as the City received the services (boreholes drilled).

NO ACTION OWNER

- (b) It be NOTED that the following remedial and corrective actions were implemented by the Water & Sanitation directorate:
- (i) Consequence management action (formal counselling) was taken against the Contract Manager and Groundwater Programme Lead.
 - (ii) Contract and project management capabilities were strengthened in the past year.
 - (iii) Contract expiry dates are monitored.
 - (iv) Staff were made aware of the section 116 guidelines.
 - (v) Corporate enhancements, such as SAP automated controls, were made to prevent payments after the contract expiry dates.
 - (vi) Other actions, presented by the directorate are:
 - A contract management monitoring tool was implemented.
 - A Capital and Contract Management Branch (CCMB) was established as well as a Quantity Surveying section within the CCMB.
 - Systems training was arranged for the leadership team.
 - Management monitoring tools were implemented, i.e. contract expiry monitoring tool, procurement matrix, Executive Director Checklist, contingency management, transversal contract management and City Manager memo monitoring.
 - Directorate monitoring and reporting is also standard practice and the Director: Bulk Services confirmed reporting accountability.
 - (vii) Performance management action was taken against the service provider as their performance was substandard. Penalties amounting to R233 250 were applied for the late completion of work.

- (c) It further be NOTED that the Water and Sanitation Directorate:
- (i) Interventions to date are yielding results as the irregular expenditure incidents reduced in the 2021/22 financial year.
 - (ii) Presented to the MPAC Task Team the trends and preventative measures and controls implemented in terms of unauthorised, irregular and fruitless and wasteful expenditure. The presentation is attached for collective insight by the MPAC members, refer to Annexure B. A presentation will also be done at a future ordinary MPAC.

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

ACTION: A MOOLMAN, M WEBSTER, L MBANDAZAYO

C 109/10/22 2019/20: COMAF 49: PROVISION OF BASIC SERVICES TO WINGFIELD REFUGEE / FOREIGN NATIONALS SHELTER (IRREGULAR EXPENDITURE: R7 608 666)

RESOLVED that:

- (a) the irregular expenditure of R7 608 665,65 (seven million, six hundred and eight thousand six hundred and sixty five rand and sixty five cents) (including VAT), related to an Auditor General of South Africa (AGSA) finding, be certified as recoverable from the National Department of Home Affairs.

ACTION OWNER: R SAYED

- (b) all Directorates within the City must ensure that:
 - (i) Actions taken are within the mandate of the City.
 - (ii) Commitments with other the tiers of government be documented and enforced.

ACTION OWNER: L MBANDAZAYO

- (c) It be NOTED that the following remedial and corrective actions were implemented by the Safety & Security Directorate:
 - (i) The accommodation for the refugees was transferred to the Department of Home Affairs from 16 April 2021 and is since then paying the tent costs.
 - (ii) Efforts were made to recover the expenditure from the Department of Home Affairs, but no funds were recovered to date.
 - (iii) The Provincial Treasury has paid their contributions as per the undertaking in April 2021.
 - (iv) Efforts were made to fund the costs from the COVID-19 grant, but was denied by National Treasury.

- (v) Lessons were learnt in respect of the local government/ legislative mandate applicable to the administration and the need to balance community well-being in a disaster situation.

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

ACTION: A MOOLMAN, V BOTTO, L MBANDAZAYO

C 110/10/22 MEMBERSHIP AND PARTICIPATION FEE 2020 (IRREGULAR EXPENDITURE: R21 458)

RESOLVED that:

- (a) the irregular expenditure of R21 457,56 (twenty one thousand four hundred and fifty seven rand and fifty six cents) (including VAT), related to expenditure without a valid contract/ authority, be certified as irrecoverable and the claim be written off as the City received the professional services.

NO ACTION OWNER

- (b) the Water and Sanitation Directorate:
 - (i) Investigate the possibility of whether a single provider contract (with evidence), under section 33 of the MFMA is warranted.
 - (ii) Procurement alternatives be explored, for example consult the National: Chief Procurement Office to determine if transversal contracts are available.
 - (iii) Business critical services planning and SCM demand planning must be timeously completed.

ACTION OWNER: M WEBSTER

- (c) It be NOTED that the following remedial and corrective actions were implemented by the Water and Sanitation: Scientific Services Department:
 - (i) Staff and the relevant supervisors were formally counselled for neglecting to timeously finalise the request for quotation process.
 - (ii) In-house training interventions were held on project and administrative processes.
 - (iii) Procurement processes in the branch will be centralised to ensure internal control.
 - (iv) A dedicated Project Manager will oversee internal processes in the future.
 - (v) The Project Manager will develop a Risk Management Plan for all Scientific Services related services and will be managed through various project life cycles.

- (vi) The membership and sample testing are closely monitored as the proficiency testing scheme is not aligned to the City's financial years.
- (vii) The service provider was advised that sample-testing procedures cannot be applied without a City purchase order being generated and provided.
- (viii) A contract with the service provider was subsequently secured.

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

ACTION: A MOOLMAN, M WEBSTER, L MBANDAZAYO

C 111/10/22 ABORTIVE MUNICIPAL NOTICE COSTS (FRUITLESS AND WASTEFUL EXPENDITURE: R26 284)

RESOLVED that:

- (a) the fruitless and wasteful expenditure of R26 284.23 (twenty six thousand two hundred and eighty four rand and twenty three cents) for advertisement cost incurred of,
 - R18 233,79 (eighteen thousand two hundred and thirty three rand and seventy nine cents) for the initial advert and
 - R8 050,44 (eight thousand and fifty rand and forty four cents) for the withdrawal notice to secure professional services that was subsequently aborted as local content issues had arisen, (per the Auditor-General of South Africa (AGSA) finding on local content) be certified as irrecoverable and the claim be written off as the City direction and past practices had to be reconsidered.

NO ACTION OWNER

- (b) the Water and Sanitation Directorate:
 - (i) Exercise due care and consider the risk exposure when carrying out operations as public funds must be respected.
 - (ii) Planning improvements are required to ensure business continuity, including demand planning to ensure tenders are timeously secured.

ACTION OWNER: M WEBSTER

- (c) It be NOTED that the following corrective and improvement actions were implemented by the Water and Sanitation Directorate:
 - (i) The AGSA findings were acknowledged and acted on. The replacement tender addresses the local content issues.
 - (ii) Replacement tender processes are better planned for, including the preferential procurement requirements e.g. local content.
 - (iii) Administrative demands are being scheduled, e.g. Council and committee meeting dates are diarised.

- (iv) Public participation processes are being adhered to.
 - (v) Through the capital spend of R3.5 billion and the contract amendment (tender 35C/2016/17) continuity was secured for key projects, e.g. reticulation and sewer pipelines.
 - (vi) Unauthorised, irregular, fruitless and wasteful expenditure is managed, monitored and avoided.
- (d) It further be NOTED that the Water and Sanitation directorate recognised that the parallel efforts to be proactive resulted in unnecessary costs that could have been avoided, but it was a calculated risk in the interest of service delivery and given the financial risk implications.

ACTION: A MOOLMAN, M WEBSTER, L MBANDAZAYO

C 112/10/22 2019/20: COMAF 60: PROVISION OF PROFESSIONAL SERVICES: SLUDGE DEWATERING AND HANDLING FACILITIES (IRREGULAR EXPENDITURE: R14 290 208)

RESOLVED that:

- (a) the irregular expenditure of R14 290 207,58 (fourteen million two hundred and ninety thousand two hundred and seven rand and fifty eight cents) (excluding VAT), related to an AGSA finding where expenditure was incurred beyond the contract expiry date and MTREF period (as the section 33 process was not comprehensively addressed), be certified as irrecoverable and the claim be written off as the City received the professional services (design and construction monitoring at various wastewater treatment plants).

NO ACTION OWNER

- (b) It be NOTED that the following remedial and corrective actions have been implemented by the Water and Sanitation Directorate:
 - (i) Staff was made aware of the section 33 processes and to consult Supply Chain Management (SCM) during the demand planning stage.
 - (ii) Contract expiry dates are monitored.
 - (iii) Outstanding payments were effected through an SCM condonation, without interest being charged.
 - (iv) Consequence management was taken against the Branch Manager and Project Manager, as part of a bundle of tenders.
 - (v) Other actions, presented by the directorate are:
 - A contract management monitoring tool was implemented.
 - A Capital and Contract Management Branch (CCMB) was established as well as a Quantity Surveying section within the CCMB.
 - Systems training was arranged for the leadership team.

- Management monitoring tools were implemented, i.e. contract expiry monitoring tool, procurement matrix, Executive Director Checklist, contingency management, transversal contract management and City Manager memo monitoring.
 - Directorate monitoring and reporting is also standard practice and the Director: Bulk Services confirmed reporting accountability.
- (vi) Corporate controls were applied resulting in the payment being blocked on the SAP system after the contract expiry date, i.e. contract tenure is loaded in the SAP system.
- (vii) All the directorate contracts were reviewed to ensure all contract tenures are in hand and the contract and project management capabilities improved.
- (c) It be further NOTED that the Water and Sanitation Directorate provided insights to the value received by the City from this contract.

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

ACTION: A MOOLMAN, M WEBSTER, L MBANDAZAYO

C 113/10/22 2019/20: COMAF 25: RECONSTRUCTION OF CONCRETE ROAD GUGULETHU PHASE 5A (IRREGULAR EXPENDITURE: R21 131 253)

RESOLVED that:

- (a) the irregular expenditure of R21 131 253,31 (twenty one million one hundred and thirty one thousand two hundred and fifty three rand and thirty one cents) (including VAT), related to the AGSA finding as a result of non-compliance with the MFMA, where expenditure was incurred beyond the contact lifespan (15 May 2019), be certified as irrecoverable and the claim be written off as the City received the services (reconstruction of concrete roads).

NO ACTION OWNER

- (b) the Urban Mobility Directorate further implement the following:
- (i) Ensure that service providers understand City processes, as the Court action could have been avoided.
 - (ii) Present a summary of all outstanding items at and yet to be presented to MPAC in respect of Unauthorised, Irregular and Fruitless and Wasteful (UIFW) expenditure. The schedule must be presented to the MPAC meeting of January 2023.

ACTION OWNER: D CAMPBELL

- (c) It be NOTED that the following remedial and corrective actions have been implemented by the Urban Mobility Directorate:
- (i) The deviations processes were explored.
 - (ii) The irregular expenditure was reported to and approved by the City Manager in terms of section 62 of the MFMA.
 - (iii) Oversight mechanisms were put in place to monitor the expiry of contracts and to alert the project managers at least 6 months in advance of the impending expiry date of the contract, thereafter monthly reminders for contracts due to expire in less than 6 months will send
 - (iv) MFMA sections 33 and 116 processes, have been embedded.
 - (v) All project managers are required to attend compulsory PMBOK training interventions, at which topics such as contract variations, expansions and amendments are addressed.
 - (vi) Timely action for expired contracts are applied i.e. replacement and/ or section 116 guidelines.
 - (vii) The delayed reporting was addressed and information will not be taken at face value in the future and due care will be exercised to ensure timely reporting of section 32 expenditure in the future.
 - (viii) Informal counselling session was held and completed with the project manager to provide coaching to ensure due processes are understood and anomalies are not repeated.
 - (ix) Court interdict was applied to reduce the community influence and actions to achieve the project deliverables and the works of the service providers. However, incidents continued.
 - (x) The City's Legal Services department and Legal representation as well as the appetite of the Judge was assessed in the interest of the City.
- (d) It be further NOTED that:
- (i) the delayed reporting and response by the Urban Mobility directorate was due incorrect interpretation and was immediately corrected.
 - (ii) the Executive Director: Urban Mobility confirmed that non-compliance cases are at MPAC and a further two cases should be tabled shortly.

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

ACTION: A MOOLMAN, D CAMPBELL, L MBANDAZAYO

C 114/10/22 REPORTING OF IRREGULAR EXPENDITURE AND/OR FRUITLESS AND WASTEFUL EXPENDITURE RELATING TO AN OVERPAYMENT TO A LABOUR BROKER IN ACCORDANCE WITH THE RECOMMENDATIONS OF A FORENSIC INVESTIGATION

RESOLVED that;

- (a) the amount of R804,00 excl. VAT (eight hundred and four rand) be noted as fruitless and wasteful expenditure, overpayment of the service provider, and be certified as recoverable and the expenditure be recovered from the service provider and officials, jointly and severely.

ACTION OWNER: R SAYED

- (b) the Corporate Services Directorate be required to act on the FSD-043-18-19 recommendations.

ACTION OWNER: E SASS

THE MEETING ENDED AT 16H20.

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**ALD F PURCHASE
SPEAKER**

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DATE