

## **MINUTES**

**OF A MEETING OF THE EXECUTIVE MAYOR AND MEMBERS OF THE MAYORAL COMMITTEE OF THE CITY OF CAPE TOWN HELD IN THE COUNCIL CHAMBER, 6<sup>TH</sup> FLOOR, PODIUM BLOCK, CIVIC CENTRE, CAPE TOWN ON TUESDAY, 1 OCTOBER 2024 AT 11:00**

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### **PRESENT**

Ald. G Hill-Lewis (Executive Mayor) (Chairperson)  
Ald. E Andrews  
Cllr Z Badroodien  
Ald. X Limberg  
Cllr S Mbandezi  
Cllr C Pophaim  
Ald. JP Smith  
Ald. G Twigg  
Ald. T Uys  
Cllr P van der Ross  
Ald. J Vos

### **LEAVE/APOLOGIES**

Cllr R Quintas

### **VISITING COUNCILLORS**

None

### **EXECUTIVE MANAGEMENT TEAM**

Mr L Mbandazayo (City Manager)  
Mr V Botto (ED: Safety & Security)  
Ms N Gqiba (ED: Human Settlements)  
Mr K Jacoby (Chief Financial Officer)  
Ms Z Mandlana (ED: Community Services & Health)  
Mr L Manus (ED: Water & Sanitation)  
Ms P Mayisela (Acting ED: Urban Waste Management)  
Mr R McGaffin (ED: Spatial Planning & Environment)  
Mr G Morgan (ED: Future Planning & Resilience)  
Mr K Nassiep (ED: Energy)  
Mr E Sass (ED: Corporate Services)

*Note: Some of the officials were present in the venue while others linked in via Skype.*

## **OTHER OFFICIALS**

Adv. T Davids  
Mr M De Jongh  
Ms E Engelbrecht  
Ms A Grodes  
Mr A Hazell  
Ms J Holt  
Mr A Joseph  
Mr D Linde  
Mr J Liebenberg  
Mr N Mkwane  
Ms N Singh  
Mr J Smale  
Mr J Styan  
Ms L Visagie  
Ms E Williams  
Mr K Wynne

## **PUBLIC AND PRESS**

Ms M Barnard (Netwerk 24)

## **EXECUTIVE COMMITTEE SERVICES**

Ms R Razack  
Mr M Carolus  
Mr G Josephs

### **MC 01/10/24 OPENING**

The Chairperson, Ald. G Hill-Lewis (Executive Mayor) welcomed all those present to the meeting.

### **MC 02/10/24 APOLOGIES/LEAVE OF ABSENCE**

An apology was received for Cllr R Quintas (Mayco Member for Urban Mobility).

Apologies were received for Ald. F Purchase (Speaker), Cllr D Visagie (Chief Whip), Ms D Campbell (ED: Urban Mobility) and Ms R Gelderbloem (ED: Economic Growth).

**RESOLVED** that leave of absence for this meeting be granted Cllr R Quintas.

**ACTION: G JOSEPHS**

**MC 03/10/24 CONFIRMATION OF MINUTES OF THE ORDINARY MAYCO MEETING HELD ON 17 SEPTEMBER 2024**

**RESOLVED** that the minutes of the ordinary Mayoral Committee meeting held on 17 September 2024, be confirmed.

**ACTION: G JOSEPHS**

**MC 04/10/24 MATTERS RECEIVING ATTENTION**

The following was noted in respect of the list of Matters Receiving Attention (MRA):

**1) Item MC 11/11/22 - The request for approval of an Informal Trading Plan in terms of the City of Cape Town's Informal Trading By-law for the area of Subcouncil 2**

It was noted that the report served before Mayco on 1 October 2024 vide item MC 26/10/24 and Mayco supported the item for onward submission to Council on 30 October 2024.

**2) Item MC 14/03/24 - Review and amendment of Council resolution number C 37/07/22: Proposed lease of a portion of City-owned land, being Erf 8139 Goodwood, bounded by Alexander, Alice and Rohm Streets, Goodwood: Klein Tygerdal Pre-Primary School**

On 19 March 2024, the above matter was referred back in order for the Property Transactions Department and the applicant to consider the lease amount and lease period.

On 3 September 2024, it was reported that, following protracted negotiations between the City and the applicant, an offer was received and the line department is in the process of preparing the terms and conditions in order for the item to be resubmitted to Mayco. The target date for the submission of the report is 5 November 2024.

**3) Item MC 50/06/24 - Draft Staff Housing Policy for the City of Cape Town**

On 8 July 2024, it was reported that the Public Housing Department (Human Settlements) will be targeting the Mayco meeting of 3 September 2024, to submit a report on the investigation of Corporate Services as the lead directorate in coordinating staff housing.

On 3 September 2024, it was reported that the investigation, consultation and engagement between the two directorates are ongoing. The Executive Mayor also indicated that the matter was

discussed with the City Manager and further follow-up will be undertaken.

The report is earmarked for submission to Mayco in November 2024.

**RESOLVED** that:

- (a) The following matter be removed from the Matters Receiving Attention list (item 1) as it served at Mayco on 1 October 2024 vide item MC 26/10/24:

***Item MC 11/11/22 - The request for approval of an Informal Trading Plan in terms of the City of Cape Town's Informal Trading By-law for the area of Subcouncil 2***

- (b) The progress reported by the respective directorates and line departments in respect of the items 2 and 3 on the Mayco Matters Receiving Attention list, be noted.

**ACTION: G JOSEPHS**

**EXECUTIVE MAYOR**

***FOR DECISION BY THE EXECUTIVE MAYOR  
TOGETHER WITH MEMBERS OF MAYCO***

**MC 05/10/24 APPROVAL FOR TECHNICAL ASSISTANCE FROM CHEMONICS INTERNATIONAL INC., PRIME CONTRACTOR FOR THE USAID - EMPOWER SOUTHERN AFRICA PROGRAMME (ESA)**

**RESOLVED** that:

- (a) The proposed donation of Technical Assistance to the City by Chemonics International Inc, Prime Contractor for the USAID Empower Southern Africa Programme (ESA), be accepted.
- (b) The Executive Director: Energy be authorised to finalise and sign an agreement with the Chemonics International Inc., Prime Contractor for the USAID Empower Southern Africa Programme, for the technical assistance provided for the City's Energy Resilience Programmes.

**ACTION: S PRINS; L WEIDEMAN; K NASSIEP**

**MC 06/10/24 REQUEST FOR APPROVAL FOR THE CREATION AND ABOLITION OF POSITIONS ON THE STAFF ESTABLISHMENT: REPORT NO. 104**

**RESOLVED** that:

- (a) The positions for Community Services and Health listed in Annexure A to the report on the agenda, be approved for creation and inclusion in the City's staff establishment as per the operational needs of the City and the positions listed for abolition be approved as per motivation.
- (b) The positions for Corporate Services listed in Annexure B to the report on the agenda, be approved for creation and inclusion in the City's staff establishment as per the operational needs of the City and the positions listed for abolition be approved as per motivation.
- (c) The positions for Economic Growth listed in Annexure C to the report on the agenda, be approved for abolition as per motivation.
- (d) The positions for Energy listed in Annexure D to the report on the agenda, be approved for abolition as per motivation.
- (e) The position for Finance listed in Annexure E to the report on the agenda, be approved for creation and inclusion in the City's staff establishment as per the operational needs of the City.
- (f) The positions for Future Planning and Resilience listed in Annexure F to the report on the agenda, be approved for creation and inclusion in the City's staff establishment as per the operational needs of the City and the positions listed for abolition be approved as per motivation.
- (g) The positions for Safety and Security listed in Annexure G to the report on the agenda, be approved for creation and inclusion in the City's staff establishment as per the operational needs of the City and the positions listed for abolition be approved as per motivation.
- (h) The positions for Spatial Planning and Environment listed in Annexure H to the report on the agenda, be approved for creation and inclusion in the City's staff establishment as per the operational needs of the City.
- (i) The positions for Urban Mobility listed in Annexure I to the report on the agenda, be approved for creation and inclusion in the City's staff establishment as per the operational needs of the City.

**ACTION: R POLLARD; B VAN SCHOOR; E SASS; L MBANDAZAYO**

**MC 07/10/24 SECTION 116(3) OF THE MFMA - AMENDMENT OF CONTRACT NO. 266G/2020/21: SUPPLY AND DELIVERY OF RETREAD TYRES, RETREADING AND RELATED SERVICES AS AND WHEN REQUIRED FOR THE CITY OF CAPE TOWN**

Mayco commented with regard to the contract extension section of the proposed amendment, that the requested contract extension period twelve (12) 12 months still does not take the department to the contract required by date and it might be more beneficial to consider an eighteen (18) months extension to avoid a further amendment process, which includes the resubmission of a report to Mayco at the end of the twelve (12) month period, if the replacement contract is not in place.

**RESOLVED** that:

- (a) The proposed amendment to Contract 266G/2020/21: Supply and Delivery of Retread Tyres, Retreading and Related Services as and when required for the City of Cape Town, by way of an increase contract period and inclusion of the contract price adjustment clause, for the reasons mentioned in the report on the agenda, be noted.
- (b) The comment in the preamble above with regard to the contract extension section of the proposed amendment, be noted.

**ACTION: M NDABA; Y AHMED; E SASS**

**MC 08/10/24 AMENDMENT OF CONTRACTS IN ACCORDANCE WITH SECTION 116(3) OF THE MFMA: TENDER 229S/2019/20 FOR THE SUPPLY, SUPPORT AND MAINTENANCE OF TELECOMMUNICATIONS NETWORK SECURITY INFRASTRUCTURE, SOFTWARE, SERVICES AND LICENSING**

**RESOLVED** that proposed amendment to Contract 229S/2019/20: Supply, Support and Maintenance of Telecommunications Network Security Infrastructure, Software, Services and Licensing, by way of an increase in contract period of twelve (12) months, for the reasons provided in Annexure A to the report on the agenda, be noted.

**ACTION: C MALYON; A STELZNER; E SASS**

**MC 09/10/24 SECTION 116(3) OF THE MFMA - AMENDMENT OF CONTRACT NO. 301Q/2019/20: TERM TENDER FOR THE EXTENSION, UPGRADE AND MAINTENANCE OF TREATED EFFLUENT AND ALTERNATIVE WATER RESOURCES INFRASTRUCTURE**

**RESOLVED** that the proposed amendment to Contract 301Q/2019/20: Term Tender for the Extension, Upgrade and Maintenance of Treated Effluent and Alternative Water Resources Infrastructure), by way of an increase contract (period for a period not exceeding 12 months from 01 January 2025 until 31 December 2025, or until the new replacement tender is implemented, whichever occurs first), for the reasons provided in Annexure A to the report on the agenda, be noted.

**ACTION: C MUBADIRO; Z BASHOLO; L MANUS**

**MC 10/10/24 FINANCIAL MONITORING REPORT: AUGUST 2024**

**RESOLVED** that:

- (a) The Financial Monitoring Report for the period ending 31 August 2024 be noted and referred to Mayco Members and EMT for remedial action, where required.
- (b) It be noted that savings on expenditure items will be set aside to reduce borrowing and to fund the City's capital programme.

**ACTION: C STROUD; K JACOBY**

**MC 11/10/24 THE APPOINTMENT OF A NON-EXECUTIVE DIRECTOR TO THE BOARD OF THE CITY OF CAPE TOWN'S MUNICIPAL ENTITY - THE CAPE TOWN INTERNATIONAL CONVENTION CENTRE (RF) SOC LTD**

**RESOLVED** that:

- (a) Ryan Ravens be appointed to the board of the CTICC with effect from 9 October 2024, as a non-executive director, with such appointment being made in accordance with section 93E of the Municipal Systems Act, 32 of 2000 and the satisfactory conclusion of the fit and proper tests to ensure compliance with section 93F of the Municipal Systems Act, and section 69 of the Companies Act, Act 72 of 2008.
- (b) The non-executive director in (a) above be appointed for a three (3) year period and be eligible for re-appointment at the end of the three (3) year term, provided that the non-executive director shall not serve for more than three (3) consecutive terms in terms of the municipal entity's Memorandum of Incorporation (MOI).
- (c) The Executive Mayor be authorised to sign the director's service contract.

**ACTION: L FORTUNE; D VALENTINE; K JACOBY**

**MC 12/10/24 THE APPOINTMENT OF A CHAIRPERSON TO THE BOARD OF THE CAPE TOWN INTERNATIONAL CONVENTION CENTRE COMPANY (SOC) LTD (CTICC) (LSU: Q2164; P0913)**

*Note: It was subsequent to the Mayco meeting determined that the matter under the above item number was delegated to Mayco in terms of Part 1, delegation 2(3) of the System of Delegations, with Mayco being the authority to appoint to, remove or recall a director of a municipal entity, appointed or nominated by the City, in accordance*

*with sections 93E and 93G of the Municipal Systems Act. The matter is for decision by the Executive Mayor together with Members of Mayco and not required for onward submission to Council for consideration. It was therefore resolved as set out below.*

**RESOLVED** that Nisaar Pangarker be appointed as chairperson of the Cape Town International Convention Centre (CTICC) board of directors, with effect from 9 October 2024 until such date that the Annual General Meeting (AGM) for the 2024/25 financial year takes place.

**ACTION: L FORTUNE; D VALENTINE; K JACOBY**

***FOR DECISION BY COUNCIL***

**MC 13/10/24 AWARDING OF CONTRACT WHICH WILL INCUR FINANCIAL OBLIGATIONS BEYOND THE BUDGET CYCLE: TENDER NO. 126S/2023/24 - PROVISION OF A SERVICE PROVIDER TO ASSIST THE CITY OF CAPE TOWN WITH THE MANAGEMENT OF ITS GENERAL SELF-INSURANCE FUND (LSU: R0500)**

It is **RECOMMENDED** that:

- (a) Council determines that the City of Cape Town will secure a financial benefit from the contract.
- (b) Council approves the entire contract exactly as it is to be executed incurring a financial obligation for six (6) financial years and in the estimated amount of R 259 466.75 (excluding VAT).
- (c) Council authorises the City Manager or his nominee to sign the above contract.

**ACTION: N MEISSENHEIMER; S ODENDAAL; D VALENTINE; K JACOBY**

**MC 14/10/24 TRANSFER AND DEPROCLAMATION OF CERTAIN ROADS CLASSIFIED AS MAIN ROADS FROM THE WESTERN CAPE GOVERNMENT TO THE CITY OF CAPE TOWN - PHASE 2 (LSU: R0998)**

It is **RECOMMENDED** that:

- (a) Council consent to the finalisation of the process to deproclaim and/or declassify certain proclaimed municipal main roads and to deproclaim and/or declassify and approve the transfer of certain proclaimed provincial main roads from the Western Cape Government to the City of Cape Town, as contained in Annexure A to the report on the agenda, following such process.



- (b) Council note that upon conclusion of the deproclamation and/or declassification process the roads contained in Annexure A to the report on the agenda, be accepted as designated arterial roads as defined in the Outdoor Advertising By-law, 2023 and that such roads be transferred to the City's asset register.
- (c) The Executive Director: Urban Mobility be authorised to sign the Memorandum of Understanding (MOA) in accordance with delegation 1(2) of Part 29 of the Council System of Delegations, and approval be granted that the City assume all the roles, responsibilities and functions of a road authority as it relates to the roads contained in Annexure A to the report on the agenda.

**ACTION: N MEISSENHEIMER; J OLIVER; H SCHOLTZ; D CAMPBELL**

**MC 15/10/24 AUTHORISATION TO COMMENCE WITH A PUBLIC PARTICIPATION PROCESS IN RESPECT OF THE PROPOSED GRANTING OF RIGHTS TO USE, CONTROL OR MANAGE CITY LAND, PORTION OF ERF 30805 CAPE TOWN, OFF CHAPEL AND CECIL ROADS, MOWBRAY: UNIVERSITY OF CAPE TOWN (LSU: R0748)**

It is **RECOMMENDED** that, in terms of Regulation 34(3)(a) of the Municipal Asset Transfer Regulations (MATR) 2008, Council authorises a public participation process regarding the proposed granting of rights to use, control or manage City-owned land, namely a Portion of Erf 30805 Cape Town, off Chapel and Cecil Roads, Mowbray measuring approximately ± 24 401 m<sup>2</sup> as indicated on Lease Plan 130009352 marked as Annexure A to the report on the agenda.

**ACTION: N MEISSENHEIMER; P KOTZE; C DAVIS; R SCHNACKENBERG; D JOUBERT; R GELDERBLOEM**

**MC 16/10/24 PROPOSED GRANTING OF IN-PRINCIPLE APPROVAL FOR THE TRANSFER BY WAY OF A PUBLIC COMPETITIVE PROCESS OF THE CITY-OWNED PROPERTY, IMPROVED ERF 70661 CAPE TOWN, SITUATED AT 12 SOUTHFIELD ROAD, PLUMSTEAD, ZONED GENERAL BUSINESS 1 (GB1) (LSU: P3930)**

It is **RECOMMENDED** that:

- (a) In terms of section 14(2)(a) and (b) of the Municipal Finance Management Act (MFMA), Act 56 of 2003:
  - (i) It be resolved that Erf 70661 Cape Town, situated at 12 Southfield Road, Plumstead, in extent of approximately 877m<sup>2</sup>, zoned General Business 1 (GB1) and shown lettered ABCD on Plan LIS 2858 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 such asset, 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 70661, Cape Town, as described in (a)(i) above.
- (c) Erf 70661 Cape Town, situated at 12 Southfield Road, Plumstead, be transferred by way of public competition, subject to conditions to be imposed by the Director: Property Transactions in the exercise of his delegated authority.
- (d) The comments and recommendation provided by the National Treasury as set out in Annexure D to the report on the agenda, be noted.
- (e) The resolution provided by Subcouncil 20 attached as Annexure C to the report on the agenda, be noted.

**ACTION: N MEISSENHEIMER; S SHABALALA; S HLENGWA; T LEWIS; D JOUBERT; R GELDERBLOEM**

**MC 17/10/24 PROPOSED GRANTING OF IN-PRINCIPLE APPROVAL FOR THE TRANSFER, BY PUBLIC COMPETITION, OF THE CITY-OWNED VACANT ERF 162167, CAPE TOWN (UNREGISTERED PORTION OF REMAINDER ERF 161787, CAPE TOWN), SITUATED AT 112 ST PATRICK AVENUE, SEAWINDS, ZONED LIMITED USE (LU) (LSU: P4162)**

It is **RECOMMENDED** that:

- (a) In terms of section 14(2)(a) and (b) of the Municipal Finance Management Act (MFMA), Act 56 of 2003:
  - (i) It be resolved that Erf 162167, Cape Town, situated at 112 St Patrick Avenue, Seawinds, in extent of approximately 652 m<sup>2</sup>, zoned Limited Use (LU) and shown lettered ABCDE on Disposal Plan LIS 2974 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 such asset, 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 162167, Cape Town, situated at 112 St Patrick Avenue, Seawinds, as described in (a)(i) above.
- (c) Erf 162167, Cape Town, situated at 112 St Patrick Avenue, Seawinds, be transferred by way of public competition, subject to conditions to be imposed by the Director: Property Transactions in the exercise of his delegated authority.

**ACTION: N MEISSENHEIMER; S SHABALALA; S HLENGWA; T LEWIS; D JOUBERT; R GELDERBLOEM**

**MC 18/10/24 PROPOSED EXEMPTED TRANSFER OF A PORTION OF ERF 2844-RE HOUT BAY, SITUATED AT KARBONKEL ROAD, HOUT BAY: PROVINCIAL GOVERNMENT OF THE WESTERN CAPE**

**PROPOSED CLOSURE OF A PORTION OF PUBLIC STREET, BEING A PORTION OF ERF 2844-RE HOUT BAY, SITUATED AT KARBONKEL ROAD, HOUT BAY (LSU: R0287)**

The Mayco Member for Economic Growth, Ald. J Vos, proposed an amendment to recommendation (d)(i) in the report on the agenda in order for the purchase price to be determined at 10% of the market value.

The above proposal was duly supported.

It is **RECOMMENDED** that:

- (a) It be resolved, in terms of Regulation 20(1)(f)(i) of the Municipal Asset Transfer Regulations, that a portion of Erf 2844-RE Hout Bay, shown lettered ABCDEFGHJLMN on Sketch 130009212 attached as Annexure A to the report on the agenda, is not required for the provision of any minimum level of basic municipal services and is surplus to the requirements of the Municipality.
- (b) It be confirmed, in terms of Regulation 20(1)(f)(ii) of the Municipal Asset Transfer Regulations, that the property indicated by the figure ABCDEFGHJLMN on Sketch 130009212 attached as Annexure A to the report on the agenda, be transferred for less than fair market value.
- (c) Council, in terms of section 4 of the City of Cape Town Immovable Property By-law, 2015, approve the closure of the Public Street, being a portion of Erf 2844-RE Hout Bay, situated at Karbonkel Road, Hout Bay in extent approximately 1 567.84 m<sup>2</sup> as shown and lettered ABCDEFGHJLMN on Sketch 130009212 attached as Annexure A to the report on the agenda.

- (d) The transfer of a portion of Erf 2844-RE Hout Bay, situated at Karbonkel Road, Hout Bay, and shown lettered ABCDEFGHJLMN on Sketch 130009212 attached as Annexure A to the report on the agenda, in extent of approximately 1 567.84 m<sup>2</sup>, to the Provincial Government of the Western Cape, or its successor(s)-in-title, be approved, subject *inter alia* to the following conditions, that:
- (i) **10%** of the market-related purchase price being **R300 000**, exclusive of VAT calculated at the rate applicable at the time of the transaction, be payable;
  - (ii) The purchase price shall escalate at 5% per annum compounded annually on a pro-rata basis commencing 6 months from the date of valuation (i.e. from 01 March 2024) until the date of registration;
  - (iii) The market value is to be reassessed if the transaction is not approved by the relevant decision-making authority of Council within 36 months from the date of valuation (i.e. by 30 August 2026);
  - (iv) Rates and municipal charges, if applicable, be levied;
  - (v) A suitable restrictive condition / reversionary clause should be inserted on the title deed that limits the use of the subject property for health care purposes.
  - (vi) Subject to such further conditions imposed by the Director: Property Transactions in terms of his delegated authority, including *inter alia* the following:
    - (aa) that all further statutory and land use requirements be complied with;
    - (bb) that all costs related and incidental to the transaction be borne by the purchaser;
    - (cc) that service servitudes be registered over the underground municipal services traversing the subject property.

**ACTION: N MEISSENHEIMER; A PHILLIPS; R KOLIA; R SCHNACKENBERG; D JOUBERT; R GELDERBLOEM**

**MC 19/10/24 AUTHORITY TO COMMENCE WITH A PUBLIC PARTICIPATION PROCESS IN RESPECT OF THE PROPOSED TRANSFER OF PORTIONS OF REMAINDER ERVEN 29453, 29456, 32716 AND 29458 CAPE TOWN, ERVEN 2907, 3248, 3352, 3914 AND 3556 PINELANDS, PORTION OF REMAINDER ERF 2917 PINELANDS AND UNREGISTERED ERF 3557 PINELANDS, OFF RAAPENBERG ROAD, MOWBRAY (LSU: R0871)**

It is **RECOMMENDED** that in terms of Regulation 5(3)(a) of the Municipal Asset Transfer Regulations, R.878 promulgated on 22 August 2008, Council authorises a public participation process to facilitate the determinations required by section 14(2)(a) and (b) of the Municipal Finance Management Act, 56 of 2003 for the proposed transfer of a high value capital asset being Portions of Remainder Erven 29453, 29456, 32716 and 29458 Cape Town, Erven 2907, 3248, 3352, 3914 and 3556 Pinelands, portion of Remainder Erf 2917 Pinelands and unregistered Erf 3557 Pinelands (hereafter collectively 'the subject property'), totalling in extent ±42.8136ha, shown lettered ABCDEFGHJKLMNPQRSTUVWXYZa<sup>1</sup>b<sup>1</sup>c<sup>1</sup>d<sup>1</sup>e<sup>1</sup>f<sup>1</sup>g<sup>1</sup>h<sup>1</sup>j<sup>1</sup>k<sup>1</sup>m<sup>1</sup>n<sup>1</sup>p<sup>1</sup>q<sup>1</sup>r<sup>1</sup>s<sup>1</sup>t<sup>1</sup> on Plan LIS 3172v3 attached as Annexure A to the report on the agenda, located off Raapenberg Road, Mowbray, also known as Portion A and Portion C and which form part of the King David Mowbray Golf Club.

**ACTION: N MEISSENHEIMER; S NHIWATIWA; L POTTS; R GELDERBLOEM**

**MC 20/10/24 REVIEW AND AMENDMENT OF COUNCIL RESOLUTION NUMBER C21/08/22: PROPOSED LEASE OF CITY LAND, BEING A PORTION OF REMAINDER ERF 32588 CAPE TOWN, SITUATED AT PACKER AVENUE, CAPE TOWN, EPPING INDUSTRIA: DHVDM INVESTMENTS (PTY) LTD (LSU: R0350)**

It is **RECOMMENDED** that Council Resolution No. C 21/08/22 dated 18 August 2022 attached as Annexure A to the report on the agenda, be reviewed and amended for it to read as follows:

*That the lease of a portion of City land, being a portion of Remainder Erf 32588 Cape Town situated at Packer Avenue, Epping Industria, shown hatched and lettered ABCDEF on Plan 130006089 attached as Annexure B to the report on the agenda, in extent approximately 582m<sup>2</sup>, to DHVDM Investments (Pty) Ltd, owner of Erf 104757 Cape Town, or its successor-in-title, be approved subject, to inter alia the following conditions, that:*

- (a) A market rental of R7 900 per month inclusive of rates and excluding VAT calculated at the rate applicable at the time of transaction be payable;*

- (b) *The monthly rental is to escalate at 6% per annum compounded annually commencing 2 months from date of valuation. Accordingly, the above rental is to be effective and payable as from 2022-01-01 (notwithstanding that the lease agreement might not be in place).*
- (c) *The lease will endure for a period of 10 years, subject to a review after 5 years;*
- (d) *The property be used for excess parking and/or storage purposes only;*
- (e) *Subject to such further conditions imposed by the Director: Property Transactions in terms of delegated authority;*
- (f) *Subject to compliance with any other statutory requirements;*
- (g) *No compensation will be payable for any improvement made to the property.*

**ACTION: N MEISSENHEIMER; P VAN SITPERT; B MALI-SWELINDAWO; R SCHNACKENBERG; D JOUBERT; R GELDERBLOEM**

**MC 21/10/24 PROPOSED CLOSURE AND DISPOSAL OF A PORTION OF REMAINDER ERF 3545 LANGA, SITUATED AT PHARELA AVENUE (ZONE 8), LANGA: NOMTU GLADYS MZOLISA (TYIWA) (LSU: R0791)**

It is **RECOMMENDED** that:

- (a) It be resolved that, in terms of section 14 of the Local Government Municipal Finance Management Act 56 of 2003, the subject property, a Portion of Remainder Erf 3545 Langa, situated at Pharela Avenue (Zone 8), Langa, in extent approximately 76 m<sup>2</sup> as shown hatched and lettered ABCDE on Plan 130009455 attached as Annexure A to the report on the agenda, is not required to provide the minimum level of basic municipal services, and the fair market value of the asset and the economic and community value to be received in exchange for the asset have been considered.
- (b) In terms of regulation 5(1)(b)(ii) of the Municipal Asset Transfer Regulations, in-principle approval be granted for the transfer of a Portion of Remainder Erf 3545 Langa, situated at Pharela Avenue (Zone 8), Langa, in extent approximately 76 m<sup>2</sup> as shown hatched and lettered ABCDE on Plan 130009455 attached as Annexure A to the report on the agenda.

- (c) Council, in terms of section 4 of the City of Cape Town Immovable Property By-law, 2015, approve the closure of the subject property being a Portion of Remainder Erf 3545 Langa, situated at Pharela Avenue (Zone 8), Langa, in extent approximately 76 m<sup>2</sup> as shown hatched and lettered ABCDE on Plan 130009455 attached as Annexure A to the report on the agenda.
- (d) The transfer of a Portion of Remainder Erf 3545 Langa, situated at Pharela Avenue (Zone 8), Langa, in extent approximately 76 m<sup>2</sup> as shown hatched and lettered ABCDE on Plan 130009455 attached as Annexure A to the report on the agenda, to Nomtu Gladys Mzolisa (Tyiwa), or her successor(s)-in-title, be approved, subject to the following conditions, that:
  - (i) A purchase price of R70 000.00 excluding VAT, be payable;
  - (ii) The purchase price shall escalate at 5% per annum compounded annually on a pro-rata basis commencing 6 months after date of valuation, i.e. from 01 March 2024 until date of registration;
  - (iii) Occupational rental of R350.00 per month shall be payable commencing 6 months from date of valuation, i.e. 01 March 2024, escalating at 5% per annum, until date of registration;
  - (iv) The valuation is to be reviewed if the proposed transfer is not approved by the delegated authority within 36 months from date of valuation, i.e. 31 August 2026;
  - (v) Rates and municipal charges, if applicable, be levied;
  - (vi) Subject to such further conditions to be imposed by the Director: Property Transactions in terms of his delegated authority, including *inter alia* the following:
    - (aa) that all further statutory and land use requirements be complied with;
    - (bb) that the subject property be consolidated with the applicant's Erf 833 Langa;
    - (cc) that all costs related and incidental to the transaction be borne by the purchaser.

**ACTION: N MEISSENHEIMER; S CAROLUS; C DAVIS; R SCHNACKENBERG; D JOUBERT; R GELDERBLOEM**

**MC 22/10/24 PROPOSED GRANTING OF IN-PRINCIPLE APPROVAL SALE OF ERVEN 27456, 27457 AND 27490, BOUND BY MTHAWELANGA STREET, NTUTYANA STREET AND NGCWALAZI DRIVE IN KHAYELITSHA (LSU: N1558)**

The Mayco Member for Economic Growth, Ald. J Vos, proposed that, with regards to the sales price, the Director: Property Transactions to consider whether a reduced price can be considered given the Non-profit Organisation (NPO) nature of the applicant.

The above proposal was duly supported.

It is **RECOMMENDED** that:

- (a) In terms of Sections 14(2)(a) and (b) of the Local Government: Municipal Finance Management Act 56 of 2003:
  - (i) It be resolved that Erven 27456, 27457 and 27490, bound by Ntutyana Street (north), Ngcwalazi Drive (east) and Mthawelanga Street (west) in Khayelitsha (Ilitha Park), approximately 840 m<sup>2</sup> (i.e. 283 m<sup>2</sup>, 266 m<sup>2</sup> and 291 m<sup>2</sup> respectively) in total extent and zoned Community 2, shown on the locality plan and aerial photograph in Annexure A to the report on the agenda, are not needed to provide 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 disposal of Erven 27456, 27457 and 27490, Khayelitsha as described in (a)(i) above.
- (c) The comments of Subcouncil 10 as set out on page 2 of the report on the agenda, be noted.
- (d) The full valuation is to be reviewed if not approved by the relevant decision-making authority of Council within 36 months from date of valuation, i.e. by 2027-08-01.
- (e) *With regards to the sales price, the Director: Property Transactions to consider whether a reduced price can be considered given the Non-profit Organisation (NPO) nature of the applicant.*

**ACTION: N MEISSENHEIMER; T MADIKANE; T LEWIS; D JOUBERT; R GELDERBLOEM**



**MC 23/10/24 AUCTION NUMBER: 022/2023/2024 AUCTION FOR THE LEASE OF A PORTION OF ERF 2188, GREEN POINT, SITUATED AT FRITZ SONNENBEG ROAD, GREEN POINT, ZONED GENERAL BUSINESS SUBZONE 1 (GB1) (LSU: R0630)**

It is **RECOMMENDED** that:

- (a) Council approves the granting of rights to use manage and/or control a portion of Erf 2188 Green Point situated at Fritz Sonnenberg Road, Green Point, in extent approximately  $\pm 3131$  m<sup>2</sup>, zoned General Business subzone 1(GB1) shown on Plan LIS 2581 attached as Annexure A to the report on the agenda, to MSA Devco (Pty) Ltd t/a McDonald's South Africa ("the Lessee") for the sum of R420 000.00 (excluding VAT) per month, together with 3% of gross annual turnover rental, for a period of 5-years with a renewal option of 5-years.
- (b) The lease amount be subject to escalation at the rate of 6% per annum compounded annually on a pro-rata basis commencing six months after the date of auction until date of lease implementation.
- (c) The rental and rates is to be reviewed 5 years from date of commencement.
- (d) The above rental excludes any operational costs (i.e. electricity, cleaning, security, insurance, water, etc.).
- (e) The Lessee is responsible for the costs of all improvement to the premises. Cape Town Stadium (SOC) (RF) (known as the "the lessor", or the "Municipal Entity") or the City, will not be liable to compensate the Lessee for any alternations and/or additions and/or improvements to the property. All improvements will revert to the City at the expiry of the lease.
- (f) The property to be used as restaurant and parking.
- (g) Subject to compliance with any other statutory requirements.
- (h) The lease be subject to any further conditions imposed by the Director: Property Transactions in terms of his delegated authority.
- (i) Council approves the sublease of a portion of Erf 2188 Green Point situated at Fritz Sonnenberg Road, Green Point, in extent approximately  $\pm 3131$  m<sup>2</sup>, zoned General Business subzone 1(GB1) shown on Plan LIS 2581 attached as Annexure A to the report on the agenda, between Cape Town Stadium (SOC) (RF) (known as the "the Lessor", or the "Municipal Entity") and MSA Devco (Pty) Ltd t/a McDonald's South Africa ("the Lessee").

**ACTION: N MEISSENHEIMER; C EASTLAND; S MUKORI; L  
EMSLEY; D JOUBERT; R GELDERBLOEM**

**MC 24/10/24 GRANTING OF IN-PRINCIPLE APPROVAL: PROPOSED  
GRANTING OF RIGHTS TO USE, CONTROL AND/OR MANAGE  
CITY-OWNED LAND BEING VARIOUS PORTIONS OF ERVEN AT  
KOMMISSARIS STREET, NEDERBURGH STREET AND JIP DE  
JAGER DRIVE, WELGEMOED, BELLVILLE FOR SPORTING  
PURPOSES TO BELLVILLE GOLF CLUB**

**PROPOSED GRANTING OF RIGHTS TO USE, CONTROL AND/OR  
MANAGE CITY-OWNED LAND BEING VARIOUS PORTIONS OF  
ERVEN AT KOMMISSARIS STREET, NEDERBURGH STREET  
AND JIP DE JAGER DRIVE, WELGEMOED, BELLVILLE FOR  
SPORTING PURPOSES TO BELLVILLE GOLF CLUB OR THEIR  
SUCCESSOR IN TITLE (LSU: R0446)**

It is **RECOMMENDED** that:

- (a) In terms of regulation 34(1) (b) of the Municipal Asset Transfer Regulations (MATR), R.878 promulgated on 22 August 2008, in-principle approval be granted for the granting of the right to use, control and/or manage City-owned land, being various erven at Kommissaris Street, Nederburgh Street and Jip De Jager Drive, Welgemoed, Bellville, measuring approximately 518 205 m<sup>2</sup> on Lease Plans 130006662v1 and 130006662v2 attached as Annexures A1 - A4 to the report on the agenda.
- (b) The granting of the right to use, control and/or manage City owned land by way of a lease over various erven at Kommissaris Street, Nederburgh Street and Jip De Jager Drive, Welgemoed, Bellville, measuring approximately 518 205 m<sup>2</sup> on Lease Plans 130006662v1 and 130006662v2 attached as Annexure A1 - A4 to the report on the agenda, to Bellville Golf Club, or their successor-in-title, be approved subject to, *inter alia*, the following conditions that:
  - (i) A tariff rental of R11 055.65 per annum, excluding VAT calculated at the rate applicable at the time of transaction be payable;
  - (ii) The rental will be adjusted annually in terms of the rental tariff structure as approved by Council;
  - (iii) The lease will endure for a period of twenty (20) years, with an option to renew for an additional ten (10) years, and with a cancellation clause of two (2) years;
  - (iv) The property be used for sporting purposes only;

- (v) Subject to such further conditions to be imposed by the Director: Property Transactions in terms of his delegated authority;
- (vi) No compensation will be payable to the lessee for any improvement made to the property;
- (vii) Subject to compliance with any other statutory requirements;
- (c) The objection received during the first round of the public participation process on 28 October 2022, not be upheld for the reasons mentioned in the report on the agenda.

**ACTION: N MEISSENHEIMER; A ABRAHAMS; L EMSLEY; D JOUBERT; R GELDERBLOEM**

**MC 25/10/24 PROPOSED CLOSURE OF PUBLIC PLACE FOR REMAINDER ERF 1300, OTTERY, CAPE TOWN, ZONED PUBLIC OPEN SPACE (POS2); AND PORTION OF REMAINDER ERF 58699 (UNCONSTRUCTED LANSTA ROAD), LANSDOWNE, CAPE TOWN, ZONED TRANSPORT 2 (TR2)**

**AND**

**PROPOSED APPROVAL OF MFMA SECTION 14 REQUIREMENTS IN RESPECT OF THE SALE OF CITY-OWNED ERVEN 1291 AND 1292 & REMAINDER 1293, 1294, 1295, 1296, 1297, 1298, 1299 AND 1300, BOUNDED BY ENSLIN, CRESCENT AND SAUER ROADS, OTTERY, CAPE TOWN, ZONED PUBLIC OPEN SPACE (POS2); AND ERF 62594 AND PORTION OF REMAINDER ERF 58699 (UNCONSTRUCTED LANSTA ROAD) SITUATED AT CORNER SMUTS AND RUBY ROADS, LANSDOWNE, CAPE TOWN, ZONED COMMUNITY 1 (CO1) AND TRANSPORT 2 (TR2) RESPECTIVELY FOR SOCIAL HOUSING PURPOSES (LSU: R0634)**

It is **RECOMMENDED** 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) Council resolves that Erven 1291 and 1292 & Remainder 1293, 1294, 1295, 1296, 1297, 1298, 1299 and 1300 bounded by Enslin, Crescent and Sauer Roads, Ottery, in extent approximately 1,4357 hectares currently zoned Public Open Space (POS2) on the LIS Plan TCP33 attached as Annexure A1 to the report on the agenda, is not required for the provision of the minimum level of basic municipal services;
  - (ii) Council resolves that Erf 62594 and portion of Remainder 58699 (unconstructed Lansta Road) situated at the corner of

Smuts and Ruby Roads, Lansdowne, measuring approximately 1,6242 hectares in extent, currently zoned Community 1 (COI) and Transport 2 (TR2) respectively shown on the LIS Plan TCP69, attached as Annexure A2 to the report on the agenda, is not required for the provision of the minimum level of basic municipal services;

- (iii) Council confirms that the fair market value of the assets described in (a) (i) and (ii) above and the economic and community value to be received in exchange for the assets described in (a)(i) and (ii) above, have been considered.
- (b) Council confirms that when considering the sale of the properties at less-than-market value, the criteria detailed in the report on the agenda have been duly taken into account.
- (c) In terms of Section 4 of Council's Immovable Property By-law 2015, Council approves the public place closure of Remainder Erf 1300 bounded by Enslin, Crescent and Sauer Roads, Ottery; and Portion of Remainder Erf 58699 (unconstructed Lansta Road), Lansdowne, Cape Town.
- (d) The resolutions provided by Subcouncils 11 and 18, be noted.
- (e) The comments and objections from the general public be noted and the directorate's responses thereto, be supported.
- (f) The objections received from the general public not be upheld.
- (g) The comments and recommendations provided by Provincial Treasury, be noted.

**ACTION: N MEISSENHEIMER; N MLUNGU; L VALETA; N GQIBA**

**MC 26/10/24 REQUEST FOR APPROVAL OF A REVISED INFORMAL TRADING PLAN FOR SUBCOUNCIL 2 IN TERMS OF THE CITY OF CAPE TOWN'S INFORMAL TRADING BY-LAW (LSU: R0990)**

It is **RECOMMENDED** that:

- (a) Based on the process described in the Informal Trading By-law, Council adopts the revised informal trading plan for Subcouncil 2 as indicated in Annexures 1 to 26 of the attached Subcouncil report (Addendum A to the report on the agenda);
- (b) The area indicated in Annexure 1, which is the area of Subcouncil 2, to be declared an area in which the carrying on of the business of street vendors, peddlers or hawkers is prohibited, with the exception of the informal trading bays indicated in Annexures 2 to

26 of the attached Subcouncil report (Addendum A to the report on the agenda);

- (c) The informal trading bay locations, indicated in Annexures 2 to 26 of the attached Subcouncil report (Addendum A to the report on the agenda), to be declared as areas that are restricted to persons in possession of a valid informal trading permit issued by the City of Cape Town for the particular trading spaces;
- (d) The informal trading bays indicated in Annexures 2 to 26 of the attached Subcouncil report (Addendum A to the report on the agenda), to be let out by means of a permit system and that no street vending, peddling or hawking be permitted in these demarcated informal trading bays without a valid permit for the particular informal trading bays;
- (e) The trading hours for all approved informal trading sites be from 06h00 to 18h00 from Mondays to Sundays;
- (f) Council note the comments from the public participation process [Annexure 30 of the attached Subcouncil report (Addendum A to the report on the agenda)] and support the responses provided by Area Economic Development;
- (g) Council not uphold the objections received during the public participation process for the reasons mentioned in the Subcouncil 2 report (Addendum A to the report on the agenda);
- (h) In terms of the provisions of the Informal Trading By-law, Council to revoke the proclamation published in the Province of the Western Cape: Provincial Gazette Notice 7711 dated 9th December 2016;
- (i) The approved Revised Informal Trading Plan for Subcouncil 2, to be published in the Provincial Gazette in terms of the Informal Trading By-law.

**ACTION: N MEISSENHEIMER; V JANUARY; C JONAS; L GREYLING; R GELDERBLOEM**

**MC 27/10/24 REQUEST FOR AUTHORISATION THAT THE EXECUTIVE DIRECTOR: CORPORATE SERVICES TO MAKE APPLICATION TO THE INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA (ICASA) FOR ZERO RATING TWO OF THE CITY'S DIGITAL PLATFORMS (LSU: R0863)**

It is **RECOMMENDED** that Council authorises the Executive Director: Corporate Services to apply to the Independent Communications Authority of South Africa (ICASA) to zero-rate the City App and its functionalities, including the Fault Reporting Tool and other critical

features that play a pivotal role in engaging with the public and addressing community issues effectively.

**ACTION: N MEISSENHEIMER; P NONGQONGQO; A STELZNER;  
E SASS**

**EXECUTIVE MAYOR**

***FOR DECISION BY THE EXECUTIVE MAYOR  
TOGETHER WITH MEMBERS OF MAYCO***

**MC 28/10/24 SECTION 116(3) OF THE MFMA - AMENDMENT OF CONTRACT NO. 208Q/2020/21: TERM TENDER FOR AD-HOC CIVIL ENGINEERING REPAIRS AND MAINTENANCE FOR CITY OF CAPE TOWN (HUMAN SETTLEMENTS DIRECTORATE)**

**RESOLVED** that the proposed amendment to Contract No. 208Q/2020/21: Term Tender for Ad-hoc Civil Engineering Repairs and Maintenance for City of Cape Town, by way of an increase in the contract period, for the reasons provided in Annexures A to D to the report on the agenda, be noted.

**ACTION: A PAULSEN; N GQIBA**

***FOR DECISION BY COUNCIL***

**MC 29/10/24 PROPOSED CALENDAR OF MEETINGS FOR COUNCIL AND ITS COMMITTEES: JANUARY 2025 TO DECEMBER 2025 (LSU: R1033)**

It is **RECOMMENDED** that:

- (a) The Calendar of meetings for Council and its Committees, and for the Executive Mayor and Mayoral Committee, for the period January 2025 to December 2025, attached to the report on the agenda as Annexure A, 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, delegation 1(5) of the Council's System of Delegations document approved by Council, the Chief Whip approves, in consultation with the relevant chairperson of a committee, any change of a meeting time and dates of meetings, 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 2025 to July 2025 and, December 2025 to January 2026

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 2025 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 Part 1, delegation 11(6) of the Council's System of Delegations document.

**ACTION: N MEISSENHEIMER; S ABEL; R RAZACK; V NGCOBOZI; E SASS**

**MC 30/10/24 FINALISATION OF THE SECTION 78(3) REPORT ON THE V&A WATERFRONT**

It is **RECOMMENDED** that:

- (a) Council notes the finalisation of the City's assessment of the possibility of providing certain municipal services in the V&A Waterfront precinct via an external mechanism, in terms of section 78 (3) of the Local Government: Municipal Systems Act, Act 32 of 2000, as amended ("the Act").
- (b) Council accepts the recommendation made pursuant thereto: that the appointment of an appropriate external mechanism for this purpose is reasonable and appropriate.
- (c) Council approves the investigation of the appointment of an appropriate external mechanism by the City to so do, including the service provider and terms of any such appointment, taking into account the requirements of section 73(2) and 78(5) of the Act, for approval by Council in terms of section 78(4) in due course.

**ACTION: N MEISSENHEIMER; M MILLER; L GREYLING; R GELDERBLOEM**

**THE MEETING ENDED AT 11:17**

**CHAIRPERSON:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

