**COUNCIL MINUTES: 25 MAY 2023**

**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, 25 MAY 2023 AT 10H00.**

**MEMBERS PRESENT:**

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<th>Cllr S Abbass (DI)</th>
<th>Cllr R Davids (DA)</th>
<th>Ald C R Justus (DA)</th>
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<td>Cllr M F Achmat (AJ)</td>
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<td>Ald X T Limberg (DA)</td>
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<td>Cllr N Jowell (DA)</td>
<td>Cllr T M Mjuza (ANC)</td>
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Cllr M A Mkutswana (ANC)  Ald J P Smith (DA)  Cllr C M K Wannenburgh
Cllr Y Mohamed (DA)  Cllr J Solomon (DA)  (GOOD)
Cllr T Mokhathi (DA)  Cllr L Somdaka (ANC)  Ald B R W Watkyns (DA)
Ald S Moodley (DA)  Cllr N P Sono (PA)  Cllr N Williams (CCC)
Cllr A Moses (DA)  Cllr L P Sonyoka (ANC)  Cllr J Witbooi (DA)
Cllr N Mvinjelwa (DA)  Cllr Z W Sophazi (ANC)  Cllr J Woodman (DA)
Cllr P S Mzolisa (DA)  Ald X R Sotashe (ANC)  Cllr B Yeko (EFF)
Ald I D Neilson (DA)  Cllr K Southgate (DA)  Cllr S Zumana (ANC)
Cllr D Nelson (DA)  Cllr S L Stacey (DA)
Cllr M Nikolai (DA)  Cllr C J Steenberg (PA)
Cllr B Ngomobolo (ANC)  Cllr N Stuurman (EFF)
Cllr M L Nqavashe (DA)  Cllr N R E Sukers (ACDP)
Cllr L Ntshuntese (EFF)  Cllr Z Sulelo (DA)
Cllr N A Ntshweza (ANC)  Cllr P S Swart (DA)
Cllr G D Paige (ACDP)  Cllr R Tagodien (PA)
Cllr B L Payiya (ANC)  Cllr S Taliep (DA)
Cllr G C Peck (DA)  Cllr P P Tause (ANC)
Cllr M Petersen (DA)  Cllr M Temlett (DA)
Cllr L Phakade (ANC)  Cllr H P Terblanche (DA)
Cllr S Philander (DA)  Cllr A Tetani (ANC)
Cllr T I Pimpi (ANC)  Cllr S C Thompson (ANC)
Cllr A Plaatjies (DA)  Ald T Thompson (DA)
Cllr C Pophaim (DA)  Cllr G Timm (DA)
Cllr A J Potts (DA)  Ald G Twigg (DA)
Ald S Pringle (DA)  Cllr N V Tyandela (EFF)
Cllr C B Punt (DA)  Ald T Uys (DA)
Ald F Purchase (DA)  Cllr B van der Merwe (DA)
Cllr R M Quintas (DA)  Ald J F H van der Merwe (DA)
Cllr M H Raise (DA)  Ald A van der Rheede (DA)
Cllr S Rigby (DA)  Cllr P E van der Ross (DA)
Ald S Rossouw (DA)  Cllr B van Reenen (DA)
Cllr S Salie (AJ)  Cllr A van Zyl (DA)
Cllr N Satarien (CCC)  Cllr R Viljoen (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)

APOLOGIES

Cllr N A Botya (EFF)
Ald P H Chapple (DA)
Cllr D Christians (DA)
Cllr B Clarke (DA)
Cllr X D Diniso (ANC)
Cllr C Kobeni (DA)
Cllr F P Lombard (DA)
Cllr G P Marais (FF Plus)
Cllr M J Marr (DA)

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Cllr T Mpengezi (ANC)
Cllr L M Mqina (ANC)
Cllr S Ndamane (PAC)
Cllr D Ngubelanga (AIC)
Ald M Nieuwoudt (DA)
Cllr S Nodliwa (ANC)
Cllr A Ntsodo (DA)
Cllr T Nyamakazi (ANC)
Cllr Z L Qoba (ANC)
Cllr J N Stevens (ANC)

ABSENT

The following Councillors were absent without an apology:

Cllr M Booi (DA)
Cllr P East (DA)
Cllr N Makasi (ANC)
Cllr X G Peter (ANC)

The following Councillors submitted an apology for late arrival:

Cllr L Benge (GOOD)
Cllr E Botha-Rossouw (FF Plus)
Cllr M Dambuza (EFF)
Cllr D C De Vos (ACDP)
Cllr A Z M I Elyas (DA)
Cllr W Harris (DA)
Cllr D G Jacobs (CCC)
Cllr M R Kleinschmidt (DA)
Cllr N Makamba-Botya (EFF)
Cllr D Z Masiu (DA)
Cllr N Stuurman (EFF)
Cllr N R E Sukers (ACDP)
Cllr N V Tyandela (EFF)

The following Councillors submitted an apology for leaving early:

Cllr D Badela (ANC)
Cllr N E Grose (DA)
Executive Mayor G G Hill-Lewis (DA)
Cllr M Joseph (GOOD)
Cllr N Jowell (DA)
Cllr M L Nqavashe (DA)
Cllr Z Sulelo (DA)
Ald J Vos (DA)

PRESENT

Executive Management Team
COUNCIL MINUTES: 25 MAY 2023

Mr L Mbandazayo - City Manager
Mr E Sass - ED: Corporate Services
Ms Z Mandlana - ED: Community Services and Health
Ms N Gqiba - ED: Human Settlements
Ms R Gelderbloem - ED: Economic Growth
Mr G Morgan - ED: Future Planning and Resilience

Executive Committee Services

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

Legal Services

Ms R Sayed
Mr Z Mohamed

LIST OF ACRONYMS FOR INFORMATION

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SECTION 1 OPENING OF MEETING

The Speaker, Ald F Purchase welcomed all Councillors, officials, guests, the media and the public connected via the live YouTube link. She also extended a warm welcome to the new Councillor, namely Cllr S Abbass (DI).

A moment of silence was observed.

Councillors were called upon to register their attendance electronically.

It was noted that the Executive Mayor would address Council at a later stage. The Mayoral Address is however recorded in numerical sequence.

SECTION 2 MAYORAL ADDRESS

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

“Madam Speaker, Fellow City of Cape Town Councillors, Honoured guests and members of the public, Goeiemôre, molweni, as-salaamu alaikum, shalom, good morning. It is my pleasure to welcome here today a special guest from our closest neighbouring metro, the Mayor of Nelson Mandela Bay Metro, Retief Odendaal. Mayor Odendaal and the coalition government he leads has done incredible work over the last nine months to begin to fix basic service delivery, to deal with a crippling Day Zero water crisis far worse than the one we faced, and to begin to turn around their City's finances. We have watched with great admiration the Mayor's can-do attitude to every crisis he has faced, even getting down on hands and knees to fix office chairs in City Hall himself, to save money on buying new ones. We are inspired by people rolling up their sleeves and tackling problems in South Africa, and refusing to allow state failure to stop them.

We congratulate the Mayor and his coalition team for bringing hope to the people of Gqeberha and the people of the whole Eastern Cape, and we hope this coalition team will remain steadfast in government for a long time to come. I read there is a cynical attempt to oust this coalition government by a no-confidence motion to be debated tomorrow, and already purportedly supported by the doomsday coalition of the ANC and the EFF. That motion is not in the interests of the people of Nelson Mandela Bay. It is only in interests of the politicians and cronies who would get their hands back on the cookie jar.

Any party supporting that motion tomorrow will be punished by the voters for stopping the incredible progress being made, and for putting that City back in the same hands of those who are responsible for all that is going wrong in South Africa today.
In my Council speech this time last year, I said that we should brace ourselves for a 'winter of discontent'. And while it was a tough year, the truth is: we ain't seen nothing yet. After two weeks of plummeting, yesterday evening the rand hit its all-time record low. It now costs R19, 23 to buy just one dollar – and we'll see if it plumbs new depths today.

Today, the Monetary Policy Committee will announce what most economists say will be a 50-basis-point hike in interest rates. This means that, if you were paying R10,000 a month on your bond 12 months ago, you are now paying R15 650. R500 of basic groceries this time last year costs R570 now. The whole country is subject to an 18,5% electricity price hike, paying ever more for something that is available less and less. And now we have an outbreak of cholera in the north of the country following critical failure to invest in water and sanitation infrastructure going back to 2005. And why is this? It is because we are living in a country where the National Government has lost control.It cannot keep food prices reasonable; it cannot protect people from criminals; it doesn't invest in critical infrastructure; it cannot grow the economy; it cannot create jobs; and it cannot keep the lights on. Like many of you, I watched the ANC Secretary General Fikile Mbalula's interview on BBC's Hard Talk this week. If you didn't know better you would think that he was an innocent bystander watching the country crumple and buckle like a car crash happening in front of him. Incredibly, the ANC Secretary General acknowledged that South Africa is becoming a failed state. This is a shocking thing to say. The definition of a "failed state" is one in which "the state can no longer perform its basic security and development functions, where the state is no longer in control".

Now, apart from the fact that any political leader who goes on global television and says that the state in which he has played and continues to play a leading role in, is failing, should be immediately fired -- what was really remarkable about his comment is that he didn't take responsibility for it. Nor did he offer any solutions to fix the crisis. It makes you wonder how his party wins even a single vote. What a stark contrast this draws from the city of Nairobi, from where I've just returned from a brief but encouraging visit. Nairobi is a city facing tremendous challenges of poverty, unemployment and crime, with its own history of racial segregation and oppression. Yet it is a city on the move. It is dealing with those challenges in fresh and exciting ways, and it is becoming a powerhouse. Nairobi is ahead of Cape Town in ease of doing business, and in digital accessibility of its services. We can learn much from our colleagues there.When we were considering which city we'd like the first city-to-city co-operation agreement of this administration to be with, we wanted it to be an African city making a global impact – and Nairobi was the first choice.

We are proud to welcome that great city as our sister city, and I wish to thank Governor Sakaja Johnson for his generous hosting and friendship. There is a city refusing to be cowed by the failure, conflict and despotism in the region around it. It is showing the living proof that people can deal
with extremely difficult living circumstances if they know there is steady progress forwards, halting as it may be, but progress sure and steady. That is exactly our mission here. Just as Nairobi is a city of hope in East Africa, so we are a city of hope in South Africa. When we asked the people of Cape Town to vote for us in 2021, we listened to them. We heard their problems, we heard what made them feel anxious about their future, and then we came up with solutions that we promised to implement if elected into office.

We promised to deliver on seven pledges that each dealt with a specific area of state failure that were and are making people feel hopeless:

In short, these pledges were to:

- End load-shedding over time;
- Make Cape Town Safer;
- Clean up our city, with a focus on litter and on the health of our rivers and vleis;
- Make Cape Town the easiest place to do business in Africa;
- Accelerate land release for affordable housing;
- To deliver better basic services by investing a lot more in infrastructure;
- To expand public transport and fight for control of the trains.

When we were elected into office, we made sure that these pledges became priority programmes of this government and we put budget behind them. We did this because it is important to honour the commitment we made to the citizens of this city; and, if we don't make good on our promises, we know they will remove us from office and give somebody else a chance. This is good, it is how democracy is supposed to work. Today we mark just over one year since those Mayoral Priority Programmes began, each with its own clear targets, budgets, line of responsibility, and dashboards. As we work to achieve these goals, we always remember our reason for being here – our sense of clear higher purpose – which is that when we succeed in these things, then our city-wide economy will grow faster and will lift people out of poverty and into work over time.

In that way we will expand the frontiers of human freedom in our city, because we know that grinding poverty and real freedom are incompatible. So if that is our higher purpose, then there are few better days in government than when we see real evidence that it's working. We had such confirmation last week, when StatsSA's Quarterly Labour Force stats let us know that 40 000 more Capetonians found work in the last 3 months, many no doubt for the very first time. This means we have now had four consecutive quarters of more people getting into work in Cape Town. Four consecutive quarters of jobs growth. Since this time last year, there are 279 000 more people in work in Cape Town. That is 279 000 people who had either lost their jobs during Covid or had never had a job at all, who have one now.

And as encouraging as that number is, it is even better to hear that we have now fully recovered and exceeded our jobs numbers since Covid-
19. There are now officially more people employed in Cape Town today than there have ever been before. While Cape Town maintains SA’s lowest unemployment rate, at 23.4%, there are still far, far too many people without jobs. That is why we are making the right investments now, with a R43bn investment over the next three years in vital basic services infrastructure to drive economic growth and job creation – more than Joburg and Durban combined. This investment alone will create an estimated 135 000 jobs in our city over three years. And help deliver more dignified basic services in the poorest communities of our city.

When we quadruple our sewer pipe replacement programme from 25km a year to 100km a year, we grow jobs in that segment of the construction and engineering industry, and we improve basic services especially in townships and in poorer communities. As much as we celebrate each quarter of jobs growth, we must immediately look to the future. The question is what will turn 4 straight quarters of jobs growth in Cape Town into 40 quarters of jobs growth in Cape Town? The answer lies in being diligent and disciplined in the pursuit of our pledges, and determined in our efforts to protect our city from the failure around us. It is a simple formula that I will repeat often – if we protect our city from state failure, if we invest properly for the city’s future, if we stick to sound money and clean government, then investment and jobs will come and our city will flourish.

Ease of Doing Business

Speaker, that is why we recently launched our very own Ease of Doing Business Index, a first for South Africa. Through this index, and the city-wide business survey that underpins it, we will hold ourselves publicly accountable for our ambition to be the easiest city to do business in Africa. Many governments talk about reducing red tape. But we are actually doing something publicly trackable and accountable about reducing red tape in our government. Our Index goes beyond the defunct World Bank Index, and now rates our performance on ten critical indicators, which the City will track to improve the time, costs, and red tape associated with all our business-facing services, including building plan approvals, service installations, and business licensing.

Already we are seeing progress, for example:

- Slashing the average number of days to get an informal trading permit from 43 to 26, with an online permitting system and a R256m injection into trading bay upgrades and services over the next three years
- Upgrades to the City’s digital ‘C3’ system for reporting service delivery issues, including a new status update function for outstanding requests

This also builds on the internal culture change we are driving, through initiatives like the ‘stupid rule button’ which all staff now have access to, and which has already resulted in dozens of innovations of efficiency gains.
**Power**

Speaker, as one commentator noted wryly, we can be the easiest place to do business in the world, but unless there is electricity, it won't make much difference. After setting a new benchmark with our Ease of Doing Business Index, we will soon make history again when our Power Heroes campaign starts up in the spring. The Power Heroes campaign will offer incentives for residents to sign up for remote demand management during peak times, such as power-hungry geysers and pool pumps. This will put the power to end load-shedding in every home. In fact, should just 25 000 of Cape Town's more than 600 000 electricity customers sign-up as Power Heroes, we can protect against an additional one full stage of load-shedding during peak hours. For every 20 000 customers we add to the programme, we will be able to expand the hours of the day that we can protect against loadshedding. The programme is entirely voluntary, and costs nothing for those who sign up, so we are calling on as many families as possible to sign up to be Power Heroes.

**Affordable Housing Land Release**

Speaker, we also said that this growing, thriving city must be able to provide more affordable housing. On Council's agenda for approval today are guidelines for the discounting of public land to help maximise the number of affordable housing units we can get on the land we release. In the past, many of our land release efforts have been stalled by a lack of clear, institutionalised guidelines for how we discount our land for social and affordable housing. With these path-breaking guidelines, we are enabling accelerated city land release for more affordable housing, in line with our pledge. Put simply, the City discounts land we release to enable social housing institutions and private developers to run viable projects. Projects generally need to be mixed-use to be viable, with some retail space and market residential units cross-subsidising the social housing units on the site. We saw this exact model being successfully employed in Nairobi again this week.

These guidelines will provide market clarity on what factors the City will consider in discounting the land we release. These factors make it clear that the purpose of us releasing land for affordable housing is not to maximise our gain from the land sale. The purpose is squarely and explicitly to maximise the number of affordable units delivered. This will guide our any decision on land release and, importantly, it does so legally and constitutionally. The future of affordable housing is all about private sector delivery, with the state playing an enabling role through subsidies, bulk services, and discounted land for viable affordable housing development. And today, we are doing precisely that.

I am pleased to announce today that we are seeking Council's approval for the release of New Market Street for social housing development. This 10 300 square metre property is well-located on the verge of Cape Town's CBD in Woodstock, close to all the amenities one could possibly
hope for. While the original feasibility study foresaw 165 social units in a mixed-use development, our more recent analysis is enabling us to maximise the social housing yield to 200 units. This will be cross-subsidised by retail space, and over 300 gap and market rental units. We have also rezoned the property to shorten development timeframes post the release. We pledged faster land release for more affordable housing, and in the year this priority project has been running, we have delivered five inner city land parcels, totalling over 1 300 social housing units, through this Council.

They are:
- Newmarket Street (Cape Town) – 200 social housing units
- Salt River Market (Salt River) – 215
- Pickwick (Salt River) - 600
- Fruit & Veg (CBD) – 180
- Earl Street (Woodstock) – 160

And this month, tenants started to move in to our well-located 204-unit Maitland Mews social housing development. It was a pleasure to have the National Minister of Human Settlements, most of the nine provincial housing MECs, and several of the MayCo members from other Metros there to see the project and welcome the first tenants. Sometimes one assumes that what we are doing here in Cape Town is the norm, and one only finds out by chance that it is in fact not being done elsewhere.

For example, when we were welcoming residents to their Maitland Mews apartments, it came out in our discussions with our national colleagues that only we in Cape Town are offering rates discounts for social housing projects in perpetuity, to help keep rents down forever. Only Cape Town is offering free water to those social housing units. And now today we will also have clear and transparent guidelines for how we discount the land for those social housing projects. Cape Town may have had a slow start on social housing, but now we are laying the groundwork for much faster progress. And we look forward to welcoming many more residents to affordable social housing units in future as our land release programme builds momentum.

On the topic of our discussions with our national counterparts, I’d also like to use this opportunity to set out the facts around our receipt of extra funds from the National Department of Human Settlements, and some of the misinformation that has been spread about our use of these funds. On the 30 March this year – the second last day of the national government's financial year – the City received an unexpected deposit of R111 million in our account. The EFT we all dream of receiving. I had had a general discussion with the Minister in which she had said she would try to find us more money. There had been no commitments, or discussions around amounts or timing.

When we enquired what the money had been sent to us for, we received a letter 5 days later, on 4 April, informing us that the money was to be used for basic services for 16 new informal settlements that had been established during Covid, and for servicing the relocated residents from
the PRASA Central Line relocation programme. I replied to this letter to express our appreciation for the extra allocation, and to convey our concern that the money required an official rollover permission to allow us to spend it lawfully. This reply has been twisted, including by the Minister and by some here, to suggest we rejected the allocation. We did no such thing, as a basic reading of the reply will show. To put that to rest, I’d like to table the reply now for distribution to party whips. We are still absolutely committed to spending this additional, unexpected allocation, and we are grateful for it. But we must and will spend it lawfully, and that does require that it should come along with a Treasury rollover guarantee.

While we have already rolled out basic services to 10 of those 16 informal settlements, with the rest on the budget for rollout from July, we would be happy to use this money to install additional services or to ringfence it for once PRASA’s relocation programme is complete. But such a large sum received without notice, and without time to plan projects, cannot reasonably be spent by the end of our financial year end in June. Indeed, since PRASA has not yet even secured land on which to relocate the Central Line illegal occupants, we could not feasibly spend it on those residents. So it is not an "excuse" to say that we will spend lawfully.

To regard that as an "excuse", gives you some clue as to why local government finances in our country are in the mess they are in. Just how much of a mess they're in was emphasized again yesterday by RatingsAfrika, when they released their annual municipal financial sustainability index. The MFSI is misleadingly named, because one of its major measures is actually the ability of a municipality to deliver to basic services – confirming what we have often said in Cape Town – well run municipalities can do more for the poor and deliver better basic services. Cape Town once again came out in the words of RatingsAfrika "head and shoulders above other metros". The leading municipalities in the country in this year's index were Saldanha, Midvaal, George, and Cape Town.

What do they all have in common? This is not just a coincidence. They are all run by the party that will never accept failure for South Africa. To loop back to Fikile Mbalula’s car crash interview on BBC's Hard Talk in which he admits South Africa could become a failed state but takes no responsibility for it, nor offers any solutions for it. That is the difference between these winning municipalities - they are winning because they are all run by the party that does not accept failure and which will do something about it. And so to Mr Mbalula and to all who accept his admission of defeat I say to you, to amend the words of the Iron Lady herself – You fail if you want to. Cape Town is not for failing. Thank you.”

SECTION 3

C 02/05/23 APOLOGIES / LEAVE OF ABSENCE

The Chief Whip of Council, Cllr D Visagie announced the applications for leave of absence as listed below.
RESOLVED that the following applications for leave of absence as announced by the Chief Whip, BE NOTED:

Cllr N A Botya (EFF)
Ald P H Chapple (DA)
Cllr D Christians (DA)
Cllr B Clarke (DA)
Cllr X D Diniso (ANC)
Cllr C Kobeni (DA)
Cllr F P Lombard (DA)
Cllr G P Marais (FF Plus)
Cllr M J Marr (DA)
Cllr T Mpengezi (ANC)
Cllr L M Mqina (ANC)
Cllr S Ndamane (PAC)
Cllr D Ngubelanga (AIC)
Ald M Nieuwoudt (DA)
Cllr S Nodliwa (ANC)
Cllr A Ntsodo (DA)
Cllr T Nyamakazi (ANC)
Cllr Z L Qoba (ANC)
Cllr J N Stevens (ANC)

ACTION: L KELLEM

SECTION 4 ANNOUNCEMENTS BY THE SPEAKER

The Speaker reminded Councillors to ensure that they submit their declarations of interest, as there are a few outstanding.

SECTION 5 OFFICIAL NOTICES / URGENT MATTERS

There were no official notices or urgent matters raised.

C 03/05/23 CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL MEETING: 26 APRIL 2023

RESOLVED that the minutes of the ordinary Council meeting held on 26 April 2023, be confirmed, subject to the following corrections:

Pg. 6 - It be noted that Cllr M Joseph [GOOD] left the meeting at 14H00.

Pg. 7 - that the names of Cllrs L Ntshuntshe (EFF), Cllr L Simangweni (ANC) and A Mckenzie (DA) be recorded as absent.

Pg. 21 – that the name of Cllr D Nelson (DA) be replaced with Ald I Neilson (DA) under the heading “APOLOGIES”

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 04, 08 and 15  
Volume 2B - Items 24, 25, 28, 29, 30, 31, 32, 34, 35, 36, 37 and 38  
Volume 3 - Items 39 and 40  
Volume 4 - Items 46, 47, 48, 51 and 53. [Reports for information and noting.]

GOOD indicated that in-principle they agreed on Items C04, C08, C09, C14, C18, C19, C22 to C25, C27 to C32, C34 to C38, C41 to C42, C47 to C49, C51 and C53. GOOD also agreed to the following items with concerns: C05, C07, C10, C15, C16, C21, C26, C39, C41A, C50 and C52. It was further noted that GOOD were not in support of Items C06, C11, C12, C13, C17, C20 and C33 on the agenda.

206 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:

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C 04/05/23 APPOINTMENT OF TWO AUDIT AND PERFORMANCE AUDIT COMMITTEE MEMBERS

RESOLVED that:
(a) Council approved the reappointment of the two Audit and Performance Audit Committee (APAC) members, Mr Prittish Dala and Ms Sizo Mzisi, for a term of three years commencing on 1 October 2023 to 30 September 2026, in accordance with the existing rates for an ordinary APAC member as approved by Council

(b) Mr Prittish Dala be reappointed to the Audit Committee of the Cape Town Stadium (RF) SOC Ltd and Ms Sizo Mzisi be reappointed to the Audit Committee of the Cape Town International Convention Centre (RF) SOC Ltd for the period commencing 1 October 2023 to 30 September 2026.

ACTION: S DU TOIT, L MBANDAZAYO

C 05/05/23 AWARDING OF CONTRACT WHICH WILL INCUR FINANCIAL OBLIGATIONS BEYOND THE BUDGET CYCLE: TENDER 85S/2021/22: PROVISION OF A WET REFUSE COLLECTION SERVICE TO VARIOUS SUBURBS OF ATLANTIC AREA (CAMPS BAY, BANTRY BAY, CLIFTON, BAKOVEN, HOUT BAY, LLANDUDNO, PARKLANDS, BLOUBERG, MELKBOSSSTRAND, ATLANTIS, MAMRE, DUINEFONTEIN) AND SURROUNDING AREAS

RESOLVED that:

(a) Council determined that the City of Cape Town will derive Financial Benefit from the contract.

(b) the entire contract exactly as it is to be executed incurring a financial obligation for five (5) Financial Years and in the estimated amount of R143 700 024,40 (excl. VAT), be approved;

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

ACTION: T MAGUBANE, R KERAAN, L MDUNYELWA, S ABEL

C 06/05/23 AWARDING OF A CONTRACT WHICH WILL INCUR FINANCIAL OBLIGATIONS BEYOND THE RELEVANT BUDGET CYCLE: BLUE FLAG PROGRAMME FOR BEACHES: APPOINTMENT OF THE WILDLIFE AND ENVIRONMENT SOCIETY OF SOUTH AFRICA (WESSA) FOR THE RECREATION & PARKS DEPARTMENT

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 10 (ten) financial years and in the estimated amount of R4 601 473.70 (excluding VAT), be approved
(c) the City Manager or his nominee be authorised to sign the above contract(s).

**ACTION:** E KNOTT, N BASSADIEN, Z MANDLANA, S ABEL

**C 07/05/23**

**AWARDING OF A CONTRACT WHICH WILL INCUR FINANCIAL OBLIGATIONS BEYOND THE BUDGET CYCLE: PROVISION OF PROFESSIONAL SERVICES: TRANSPORT ENGINEERING, PLANNING & MANAGEMENT (288C/2021/22)**

**RESOLVED** that:

(a) Council determined that the City of Cape Town will derive significant financial economic benefits from the contracts.

(b) the entire 4 (four) contracts exactly as they are to be executed incurring a financial obligation for 6 (six) financial years and in the estimated amount of R64 161 486 including Contract Price Adjustment (CPA), and excluding VAT, be approved.

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

**ACTION:** G ELLIOT, S GLASS, N SLINGERS, D CAMPBELL, S ABEL

At this stage, the Executive Mayor addressed Council - however his Mayoral Address is recorded in numerical sequence.

**C 08/05/23**

**AWARDING OF CONTRACT WHICH WILL INCUR FINANCIAL OBLIGATIONS BEYOND THE BUDGET CYCLE: TENDER NO. 13S/2022/23 REMOVAL, TRANSPORTATION AND DISPOSAL OR REUSE OF DEWATERED WASTEWATER SLUDGE FROM VARIOUS WASTEWATER TREATMENT WORKS**

**RESOLVED** that:

(a) Council determined that the City of Cape Town will derive financial benefit from the contract.

(b) the entire contract exactly as it is to be executed incurring a financial obligation for 5 (five) financial years and in the estimated amount of R227 437 004.00 (excluding VAT and CPA) and R245 500 835.78 (excluding VAT and including CPA), be approved.

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

**ACTION:** M KILLCIK, M WEBSTER, S ABEL

**C 09/05/23**

**PROPOSED NEW MYCITI BUS FACILITY IN WYNBERG**
RESOLVED that:

(a) the public comments and concerns received in respect of the proposed MyCiTi Bus Facility in Wynberg, as set out in Annexure C to the report on the agenda, be noted and the responses provided by the Urban Mobility Directorate, be supported.

(b) the implementation of the new MyCiTi Bus Facility in Wynberg, be approved.

ACTION: N BILLINGS, M WUST, D CAMPBELL

C 10/05/23 APPROVAL OF THE CITY OF CAPE TOWN’S COMPREHENSIVE INTEGRATED TRANSPORT PLAN (CITP) 2023 – 2028

RESOLVED that:

(a) the Comprehensive Integrated Transport Plan (CITP) 2023 - 2028 attached as Annexure A to the report on the agenda, be approved.

(b) the list of comments in Appendix 5 of the attached CITP, and the Public Participation Summary Report in Annexure B to the report on the agenda, be noted.

(c) the Comprehensive Integrated Transport Plan (CITP) 2023 - 2028 be forwarded to the MEC: Urban Mobility of the Western Cape Government in terms of Section 36(4) for consideration and approval, and to the National Minister of Transport for approval of the commuter rail component in terms of Section 36(5) of the National Land Transport Act.

ACTION: N SASMAN, N SLINGERS, D CAMPBELL

C 11/05/23 BO-KAAP LOCAL SPATIAL DEVELOPMENT FRAMEWORK: RECOMMENDATION FOR APPROVAL

Ald E Andrews proposed that the subject report be deferred to the Special Council meeting scheduled for 31 May 2023, as Councillors could not access the annexures to the report on the Cityweb via a link provided on the agenda for the meeting.

The proposal was duly supported.

RESOLVED that the subject report be deferred to the Special Council meeting scheduled for 31 May 2023.

ACTION: N MEISSENHEIMER, F CUMMING, E NAUDE, R McGAFFIN
DISTRICT SIX LOCAL SPATIAL DEVELOPMENT FRAMEWORK: RECOMMENDATION FOR APPROVAL

Ald E Andrews proposed that the subject report be deferred to the Special Council meeting scheduled for 31 May 2023, as Councillors could not access the annexures to the report on the Cityweb via a link provided on the agenda for the meeting.

The proposal was duly supported.

RESOLVED that the subject report be deferred to the Special Council meeting scheduled for 31 May 2023.

ACTION: N MEISSENHEIMER, F CUMMING, E NAUDE, R McGAFFIN

TWO RIVERS LOCAL SPATIAL DEVELOPMENT FRAMEWORK: RECOMMENDATION FOR APPROVAL

RESOLVED that:

(a) the Two Rivers Local Spatial Development Framework (2023): Volumes 1 and 2, attached as Annexure 1 to the report on the agenda, in terms of sub sections 12, 13 and 14 of the Municipal Planning By-Law (MPB-L), be adopted

(b) the objections received from the public consultation process not be upheld for the reasons stated in the report on the agenda.

(c) Council noted the Public Participation Report (PPR), attached as Annexure 2 to the report on the agenda, containing the consultation process, comments received and related responses as per sub-section 13(3) of the Municipal Planning By-Law be noted and the responses be accepted.

ACTION: F CUMMING, E NAUDE, R McGAFFIN

APPLICATION FOR THE WAIVING OF DEVELOPMENT CHARGES TO ENABLE THE REGISTRATION OF A TRANSFER OF ERF 11440 MFULENI MZAMOMHLE EDUCARE

RESOLVED that:

(a) Council approved that the Property Management Department offset the development charges in the amount R45 582.30 in respect of Erf 11440, Mfuleni to enable the transfer of the property to Mzamomhle Educare.

(b) Council noted that the Property Management Department offset the development charges amount of R45 582.30 against AFF/00005/10 Property Management DC Exemptions in respect of Mzamomhle.
Educare for the applicable development charges liabilities and revenue foregone to enable the transfer of Erf 11440, Mfuleni (in line with paragraphs 11.4(b) and 11.5 of the Policy on Development Charges for Engineering Services (adopted 9 May 2020)) and the Council-approved exemption criteria.

**ACTION:** A KLUE, D GEYSMAN, R SCHNAKENBERGH, F VOTERSON, M SIMS, R GELDERBLOEM

**C 15/05/23**  
**INSURANCE RENEWALS 2023/24**

**RESOLVED** that:

(a) the payment of the insurance premiums totalling R149 677 865 to Aon South Africa (Pty) Ltd, be authorised  

(b) having regard for the period between the obtaining of these terms and final placement of the Fund's requirements, the Chief Financial Officer, or his nominee, be authorised to accept firm quotations not exceeding 15% greater than the recommended provisional premiums in the event of Aon South Africa (Pty) Ltd being unable to obtain cover at the provisional terms indicated.

**ACTION:** S ODENDAAL, D VALENTINE, K JACOBY

**C 16/05/23**  
**SERVICE LEVEL AGREEMENT WITH THE WESTERN CAPE GOVERNMENT: DEPARTMENT OF HEALTH AND WELLNESS IN RESPECT OF PERSONAL PRIMARY HEALTH CARE SERVICES FOR THE 2023/24 FINANCIAL YEAR**

**RESOLVED** that:

(a) approval be granted to enter into the Service Level Agreement retrospectively in respect of Personal Primary Health Care with the Western Cape Government: Health and Wellness from 1 April 2023.  

(b) the Executive Director: Community Services and Health be authorised to sign the agreement on behalf of the City of Cape Town.

**ACTION:** P NKURUNZIZA, Z MANDLANA

**C 17/05/23**  
**REVIEW OF COUNCIL’S SYSTEM OF DELEGATION**

Ald M Kempthorne proposed that the subject report be withdrawn for further information.  

The proposal was duly supported.  

**RESOLVED** that subject matter be withdrawn for further information.
ACTION: R WOOTTON, R RAZACK, L NDABA, E SASS, L MBADAZAYO

C 18/05/23 CLEARING OF ALIEN INVASIVE PLANTS (AIP) IN THE CATCHMENTS OF THE WESTERN CAPE WATER SUPPLY SYSTEM (WCWSS) FOR THE PERIOD 2023/24 - 2025/26 FINANCIAL YEARS: MEMORANDUM OF AGREEMENT WITH THE NATURE CONSERVANCY (TNC)

RESOLVED that:

(a) the Agreement with The Nature Conservancy attached as Annexure A (Draft Memorandum of Agreement between the City of Cape Town and The Nature Conservancy) to the report on the agenda, be approved.

(b) the Executive Director: Water and Sanitation be authorised to sign the contract, as well as any amendments to the associated Business Plan (Annexure B to the report on the agenda) that may be required as the project progresses.

(c) the funding requirement relating to the Grants/Sponsorships (Cost element - 457200) be approved and the amount of R75 million be transferred to The Nature Conservancy over a three-year period.

ACTION: M KILLICK, M WEBSTER

C 19/05/23 APPROVAL OF THE WATER ABSTRACTION AND EFFLUENT DISPOSAL AGREEMENT BETWEEN THE CITY OF CAPE TOWN MUNICIPALITY AND ESKOM SOC LIMITED

RESOLVED that:

(a) authority be granted to enter into a water abstraction and effluent disposal agreement between the City of Cape Town and Eskom SOC Ltd.

(b) authority be granted to the Executive Director: Water and Sanitation to sign the agreement with Eskom SOC Ltd.

(c) the payment of the full cost of maintenance of the access roads used by the City of Cape Town’s staff members in Koeberg Nature Reserve and usage fee be borne by the City of Cape Town in accordance to the agreement, be approved.

ACTION: P MSIMANGO, S BASHE, M WEBSTER

C 20/05/23 DISBURSEMENT OF FUNDS RECEIVED THROUGH THE GIVE DIGNITY SNAPSCAN CAMPAIGN

RESOLVED that:
COUNCIL MINUTES: 25 MAY 2023

(a) the content of the report on the disbursement of funds received through the Give Dignity SnapScan Campaign, be noted.

(b) the disbursement of funds to qualifying organisation as per Annexure A to the report on the agenda, be approved.

ACTION: N DU TOIT, A SAULS, Z MANDLANA

C 21/05/23 TO REVIEW AND RESCIND COUNCIL RESOLUTION C18/12/21 PERTAINING TO THE RECONFIGURATION OF LIS SERVICES

RESOLVED that:

(a) Parts (a) to (f) contained in Council resolution C18/12/21 be rescinded.

(b) possible future closure(s) only be considered in the context of a metro-wide assessment of access to libraries; and that leased properties not be a basis for closure: but rather a broader consideration of full costs of operation, usage, levels and user preferences.

ACTION: S ALEXANDER, C JONAS, L GREYLING, R GELDERBLOEM

C 22/05/23 REQUEST FOR APPROVAL OF THE PROPOSED REVISION OF AN INFORMAL TRADING PLAN FOR WARD 4 IN SUBCOUNCIL 3 IN TERMS OF THE CITY OF CAPE TOWN'S INFORMAL TRADING BY-LAW

RESOLVED that:

(a) based on the process prescribed in the Informal Trading By-law, the informal trading plan for Subcouncil 3 as indicated in attached Annexures A to Q (as shown in Addendum A to the report on the agenda), be adopted

(b) the area indicated in Annexures A to Q (as shown in Addendum A to the report on the agenda), which is the area of Subcouncil 3, be declared as an area in which the carrying of the business of street vendor, peddler or hawker is prohibited, with the exception of the informal trading bays reflected in Annexures A to Q (as shown in Addendum A to the report on the agenda).

(c) the area indicated in Annexures A to Q (as shown in Addendum A to the report on the agenda) be declared as an area that is restricted to persons in possession of a valid informal trading permit issued by the City of Cape Town for the particular trading spaces.
(d) the trading bays mentioned in Annexures A to Q (as shown in Addendum A to the report on the agenda) be let out by means of a permit system. No street vending, peddling or hawking are permitted in these informal trading bays if a person is not in possession of a valid permit for the particular trading spaces.

(e) the trading hours for all approved informal trading sites be approved from 06:00 to 19:00 - Monday to Sunday.

(f) the size of all the bays would range between 3 metres and 6 metres, and may be adjusted on the need and prevailing conditions of the sites.

(g) the comments in Annexure T (as shown in Addendum A to the report on the agenda) collected from the external public participation process during the comment period, which ran from 29 August 2022 until 30 September 2022, and the responses provided by Area Economic Development, be supported.

(h) the objections contained in the report on the agenda not be upheld for the reasons stated in the report on the agenda.

ACTION: S ALEXANDER, C JONAS, L GREYLING, R GELDERBLOEM

C 23/05/23 REQUEST FOR APPROVAL OF AN INFORMAL TRADING PLAN IN TERMS OF THE CITY OF CAPE TOWN'S INFORMAL TRADING BY-LAW FOR THE ATLANTIS HERITAGE MARKET, ROBINVALE, ATLANTIS IN AREA OF WARD 32

RESOLVED that:

(a) based on the process prescribed in the Informal Trading By-Law, the informal trading plan for the Heritage Market in Ward 32 in Subcouncil 1 as indicated in attached Annexure A (as shown in Addendum A to the report on the agenda), be adopted

(b) the area indicated in attached Annexure A (as shown in Addendum A to the report on the agenda), which is the area of the Heritage Market in Ward 32 in Subcouncil 1, be declared as an area in which the carrying of the business of street vendor, peddler or hawker is prohibited, with the exception of the informal trading bays reflected in Annexure A (as shown in Addendum A to the report on the agenda).

(c) the area indicated in Annexure A (as shown in Addendum A to the report on the agenda) be declared as an area that is restricted to persons in possession of a valid informal trading permit issued by the City of Cape Town for the particular trading spaces.
(d) the trading bays mentioned in Annexure A (as shown in Addendum A to the report on the agenda) be let out by means of a permit system. No street vending, peddling or hawking are permitted on these informal trading bays if a person is not in possession of a valid permit for the particular trading spaces.

(e) the trading hours for all approved informal trading sites be seasonally adopted from 08:00 to 18:00 from Thursdays to Sundays.

(f) the size of all the bays will be 3 metres by 3 metres. This size has been determined/suggested so that maximum opportunities could be created within the space.

**ACTION:** S ALEXANDER, C JONAS, L GREYLING, R GELDERBLOEM

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**C 24/05/23**  
**GRANTS-IN-AID ALLOCATIONS FOR 2022/2023 AS RECOMMENDED BY SOCIAL DEVELOPMENT AND EARLY CHILDHOOD DEVELOPMENT’S ARTS AND CULTURE BRANCH**

**RESOLVED** that the proposed Grants-in-Aid allocation for 2022/2023 totalling R3 230 046.00 as recommended by the Social Development and Early Childhood Development Department’s Arts and Culture Branch, and supported by the Section 67 Grants-in-Aid Committee, as set out in Annexure A to the report on the agenda, be approved.

**ACTION:** R JUTZEN, F BISSCHOFF, Z MANDLANA

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**C 25/05/23**  
**PROPOSED GRANT-IN-AID ALLOCATION TO THE CAPE OF GOOD HOPE SPCA IN 2022/2023 FINANCIAL YEAR: CITY HEALTH DEPARTMENT**

**RESOLVED** that:

(a) the disbursement of R748 676 (15% VAT where applicable) to be made to the Cape of Good Hope SPCA in the form of a grant for the 2022/23 financial year, be approved

(b) the funds be disbursed and managed in terms of Section 67 of the Municipal Finance Management Act, Act 56 of 2003 and the City of Cape Town’s Grant Policy.

(c) the Director: City Health, in consultation with Legal Services, concludes a Memorandum of Agreement with the Cape of Good Hope SPCA.

**ACTION:** B LEEDO, P NKURUNZIZA, Z MANDLANA
COUNCIL MINUTES: 25 MAY 2023

C 26/05/23  GRANTS-IN-AID ALLOCATIONS FOR 2022/2023 AS RECOMMENDED BY SOCIAL DEVELOPMENT AND EARLY CHILDHOOD DEVELOPMENT: PEOPLE LIVING ON THE STREET PROGRAMME

RESOLVED that:
(a) the proposed Grants-in-Aid allocation for 2022/2023 totalling R8 393 790 as recommended by the Social Development and Early Childhood Development Department and supported by the Section 67 Grants-in-Aid Committee, as set out in Annexure A to the report on the agenda, be approved

(b) approval be granted for R3 393 790 to be viremented from cost centre 18050560 and cost element 452070 and R5 000 000 to be viremented from cost centre 18050560 and cost element 413650, to cost centre 18050500 and cost element 457100.

(c) approval be granted for the actual payment of these Grant-in-Aid Allocations from Cost Centre 18050500: Social Development and ECD Management, GL 457100 Grant-in-Aid: Grants Policy to the list of approved beneficiaries attached to the report on the agenda.

ACTION: N DU TOIT, F BISSCHOFF, Z MANDLANA

C 27/05/23  REQUEST FOR APPROVAL OF THE HAND OVER OF PROTEA PARK AND SAXON SEA CLINICS TO THE WESTERN CAPE GOVERNMENT: HEALTH AND WELLNESS

RESOLVED that Protea Park and Saxon Sea Clinics be handed over to the Western Cape Government: Health and Wellness to be able to render comprehensive Primary Health Care Services.

ACTION: A ZIMBA, P NKURUNZIZA, Z MANDLANA

C 28/05/23  APPLICATION FOR THE DETERMINATION OF A SPECIAL RATING AREA (SRA) KNOWN AS THE CLIFTON CITY IMPROVEMENT DISTRICT (CLIFTON CID)

RESOLVED that:
(a) the City of Cape Town determined the area as reflected in the body of the report on the agenda as a special rating area (SRA), known as the Clifton CID, in terms of the Special Rating Areas By-law, 2012, as amended;

(b) the City of Cape Town approved the application submitted by Peter Brundyn, duly authorised representative of Red Coral Investments (Pty) Ltd, the registered owner of 1 Nettleton Road, Clifton, to establish the Clifton CID in terms of section 9 of the Special Rating Areas By-law;
(c) the City of Cape Town imposed the levying of an additional rate on properties in the Clifton CID from 1 July 2023 in terms of section 22(1)(b) of the Local Government: Municipal Property Rates Act (MPRA), Act 6 of 2004;

(d) a Finance Agreement be concluded between the City of Cape Town and the Clifton CID Management Committee in terms of section 12(6) of the Special Rating Areas By-law.

**ACTION:** J JOUBERT, R McGAFFIN

**C 29/05/23** APPLICATION FOR THE DETERMINATION OF A SPECIAL RATING AREA (SRA) KNOWN AS THE PARK ISLAND CITY IMPROVEMENT DISTRICT (PICID)

RESOLVED that:

(a) the City of Cape Town determined the area as reflected in the body of the report on the agenda as a special rating area (SRA), known as the Park Island City Improvement District (PICID), in terms of the Special Rating Areas By-law, 2012 as amended;

(b) the City of Cape Town approved the application submitted by Willem Boudewijn Giljam, the registered owner of Erf 93376 at 29 Park Island Way, Marina da Gama, to establish the PICID in terms of section 8.1 (a) of the Special Rating Areas By-law;

(c) the City of Cape Town imposed the levying of an additional rate on properties in the PICID from 1 July 2023 in terms of section 22(1)(b) of the Local Government: Municipal Property Rates Act (MPRA), Act 6 of 2004;

(d) a Finance Agreement be concluded between the City of Cape Town and the PICID Management Committee in terms of section 12(6) of the Special Rating Areas By-law.

**ACTION:** J JOUBERT, R McGAFFIN

**C 30/05/23** APPLICATION FOR THE DETERMINATION OF A SPECIAL RATING AREA (SRA) KNOWN AS THE UPPER KENILWORTH IMPROVEMENT DISTRICT (UKID)

RESOLVED that:

(a) the City of Cape Town determined the area as reflected in the body of the report on the agenda as a special rating area (SRA), known as the Upper Kenilworth Improvement District (UKID), in terms of the Special Rating Areas By-law, 2012, as amended;
(b) the City of Cape Town approved the application submitted by Christopher John Bertie, the registered owner of Erf 65868 at 13 A Mains Avenue, Kenilworth, to establish the UKID in terms of section 8.1 (a) of the Special Rating Areas By-law;

(c) the City of Cape Town imposed the levying of an additional rate on properties in the UKID from 1 July 2023 in terms of section 22(1)(b) of the Local Government: Municipal Property Rates Act (MPRA), Act 6 of 2004;

(d) a Finance Agreement be concluded between the City of Cape Town and the UKID Management Committee in terms of section 12(6) of the Special Rating Areas By-law.

ACTION: J JOUBERT, R McGAFFIN

C 31/05/23 APPLICATION TO AMEND THE BUSINESS PLAN (BOUNDARIES) OF THE GREEN POINT CITY IMPROVEMENT DISTRICT (GPCID)

RESOLVED that:

(a) the application be exempt from complying with the provisions of Chapter 1 of the Special Rating Area (SRA) By-law, defining the establishment process of a SRA, for the reasons contained in the report on the agenda in terms of section 14(4) of the Special Rating Area By-law.

(b) the application to amend the Green Point City Improvement District (GPCID) Business Plan by changing the boundaries of the Special Rating Area as per the plan attached to the report on the agenda be approved in terms of section (14(1) of the Special Rating Area By-law.

(c) the GPCID’s amended Business Plan for the period 1 July 2023 to 30 June 2026, be approved

(d) the City of Cape Town imposed the levying of an additional rate on all properties within the extended area of the GPCID from 1 July 2023 in terms of section 22(1)(b) of the Local Government: Municipal Property Rates Act (MPRA), Act 6 of 2004.

ACTION: J JOUBERT, R McGAFFIN

C 32/05/23 APPLICATION FOR THE DETERMINATION OF A SPECIAL RATING AREA (SRA) KNOWN AS THE PINELANDS COMMUNITY IMPROVEMENT DISTRICT (PLCID)

RESOLVED that:
(a) the City of Cape Town determined the area as reflected in the body of the report on the agenda as a special rating area (SRA), known as the Pinelands Community Improvement District (PLCID), in terms of the Special Rating Areas Bylaw, 2012, as amended;

(b) the City of Cape Town approved the application submitted by Alexander Donald McGuffog, the registered owner of 10 Mountain View Road, Pinelands, to establish the PLCID in terms of section 8.1 (a) of the Special Rating Areas By-law;

(c) the City of Cape Town imposed the levying of an additional rate on properties in the PLCID from 1 July 2023 in terms of section 22(1)(b) of the Local Government: Municipal Property Rates Act (MPRA), Act 6 of 2004;

(d) a Finance Agreement be concluded between the City of Cape Town and the PLCID Management Committee in terms of section 12(6) of the Special Rating Areas By-law.

ACTION: J JOUBERT, R McGAFFIN

C 33/05/23 GUIDELINES FOR THE DETERMINATION OF ANY REDUCTION IN PRICE (AGAINST MARKET VALUE) WITH RESPECT TO PROPOSED DISPOSALS OF CITY-OWNED LAND FOR COMBINED HOUSING DEVELOPMENTS (I.E. MIXED-USE AND / OR MIXED INCOME)

RESOLVED that:

(a) the Guidelines for the Determination of Any Reduction In Price (Against Market Value) with respect to Proposed Disposals of City-Owned Land for Combined Housing Developments (i.e. Mixed-Use and/or Mixed-Income), attached as Annexure A to the report on the agenda, be adopted

(b) the factors outlined in the Guidelines be considered in the discounting of land price at less than fair market value where disposal of land for combined housing developments is contemplated.

ACTION: L VALETA, N GQIBA

C 34/05/23 THE GRANTS-IN-AID ALLOCATION FOR 2022/23 AS RECOMMENDED BY SUBCOUNCIL 2 AND SUBMITTED TO THE GRANTS-IN-AID COMMITTEE FOR CONSIDERATION

RESOLVED that the proposed Grants-in-Aid allocation for 2022/23 totalling R200 000, as recommended by Subcouncil 2, and supported by the Grants-in-Aid Committee, as set out in Annexure A to the report on the agenda, be approved.
ACTION: A VAN RHYN, Z SISWANA, A BOSMAN, E SASS

C 35/05/23 THE GRANTS-IN-AID ALLOCATION FOR 2022/23 AS RECOMMENDED BY SUB COUNCIL 8 AND SUBMITTED TO THE GRANTS-IN-AID COMMITTEE FOR CONSIDERATION

RESOLVED that the proposed Grants-in-Aid allocation for 2022/23 totalling R300 000, as recommended by Sub Council 8, and supported by the Grants-in-Aid Committee, as set out in Annexure A to the report on the agenda, be approved.

ACTION: E WILLIAMS, A BOSMAN, E SASS

C 36/05/23 THE GRANTS-IN-AID ALLOCATION FOR 2022/23 AS RECOMMENDED BY SUBCOUNCIL 14 AND SUBMITTED TO THE GRANTS-IN-AID COMMITTEE FOR CONSIDERATION

RESOLVED that the proposed Grants-in-Aid allocation for 2022/23 totalling R300 000, as recommended by Sub Council 14, and supported by the Grants-in-Aid Committee, as set out in Annexure A to the report on the agenda, be approved.

ACTION: A DANIELS, A BOSMAN, E SASS

C 37/05/23 THE GRANTS-IN-AID ALLOCATION FOR 2022/23 AS RECOMMENDED BY SUBCOUNCIL 17 AND SUBMITTED TO THE GRANTS-IN-AID COMMITTEE FOR CONSIDERATION

RESOLVED that the proposed Grants-in-Aid allocation for 2022/23 totalling R200 000, as recommended by Subcouncil 17, and supported by the Grants-in-Aid Committee, as set out in Annexure A to the report on the agenda, be approved.

ACTION: G RORWANA, E SASS

C 38/05/23 THE GRANTS-IN-AID ALLOCATION FOR 2022/23 AS RECOMMENDED BY SUBCOUNCIL 20 AND SUBMITTED TO THE GRANTS-IN-AID COMMITTEE FOR CONSIDERATION

RESOLVED that the proposed Grants-in-Aid allocation for 2022/23 totalling R284 000, as recommended by Subcouncil 20, and supported by the Grants-in-Aid Committee, as set out in Annexure A to the report on the agenda, be approved.

ACTION: R WHITE, E SASS

C 39/05/23 PROPOSED GRANTING OF IN PRINCIPLE APPROVAL FOR THE TRANSFER OF CITY-OWNED IMPROVED PROPERTY BY PUBLIC COMPETITIVE PROCESS, ERF 104334 CAPE TOWN SITUATED AT SITUATED AT 54 BISSET STREET, NEWLANDS, ZONED SINGLE RESIDENTIAL 1: CONVENTIONAL HOUSING
RESOLVED that:

(a) in terms of section 14(2)(a) and (b) of the Municipal Finance Management Act (MFMA), Act 56 of 2003:
   (i) it be resolved that Erf 104334, situated at 54 Bisset Street, Newlands, Cape Town in extent approximately 614m² and zoned Single Residential 1 (SR 1): Conventional Housing as indicated on Plan LIS 2710 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 104334, Cape Town as described in (a)(i) above;

(c) Erf 104334 situated at 54 Bisset Street, Cape Town, be transferred by way of public competition, subject to conditions to be imposed by the Director: Property Management in the exercise of his delegated authority;

(d) the comments and recommendations provided by the Western Cape Provincial Treasury, be noted;

(e) the comments and recommendations provided by the National Treasury, be noted;

(f) the resolution provided by Subcouncil 20 attached as Annexure C to the report on the agenda, be noted.

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

C 40/05/23 CORPORATE SERVICES PORTFOLIO COMMITTEE ANNUAL REPORT FOR THE PERIOD FEBRUARY TO NOVEMBER 2022

RESOLVED that the Corporate Services Portfolio Committee Annual Report for the period February to November 2022, as set out in Annexure A to the report on the agenda, be approved.

ACTION: M CAROLUS, R RAZACK, L NDABA, E SASS

C 41/05/23 PROPOSED CHANGES TO MEMBERSHIP OF COMMITTEES
RESOLVED that Cllr S Abbass (DI) be appointed as a member of the Human Settlements Portfolio Committee.

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

C 41A/05/23 PROPOSED CLOSURE AND GRANTING OF IN-PRINCIPLE APPROVAL FOR THE TRANSFER BY PUBLIC COMPETITION OF THE CITY-OWNED VACANT PORTION OF REMAINDER ERF 14888, CAPE TOWN, SITUATED AT NEWMARKET STREET, FORESHORE, RECENTLY REZONED FROM TRANSPORT 2 TO MIXED-USE 3

RESOLVED that:

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

i) Council resolved that Portion of Remainder Erf 14888 Cape Town, situated at Newmarket Street, Foreshore, in extent approximately 9,058.38 m², recently rezoned from Transport 2 to Mixed-Use 3 on the attached Plan LIS 2791, is not required for the provision of the minimum level of basic municipal services;

ii) Council 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, Council approves in principle the transfer of Portion of Remainder Erf 14888, situated at Newmarket Street, Foreshore, as described in (a)(i);

(c) Portion of Remainder Erf 14888 Cape Town, situated at Newmarket Street, Foreshore, be transferred by way of public competition, subject to conditions to be imposed by the Director: Property Management in the exercise of their delegated authority;

(d) Council confirmed that when considering the sale of the property at less than market value, the contents of Regulation 13(2) of the MATR have been duly taken into account;

(e) in terms of section 4 of Council’s Immovable Property By-Law 2015, the public place closure of Portion of Remainder Erf 14888 Cape Town, situated at Newmarket Street, Foreshore, be approved;

(f) the comments and recommendations provided by National and Provincial Treasury, be noted;
(g) the resolution provided by Subcouncil 16, be noted.

**ACTION:** N MLUNGU, T LEWIS, L VALETA, D JOUBERT, N GQIBA

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**C 42/04/23**  
**QUESTION RECEIVED FROM ALD C BRYNARD**

The questions, as reflected on page 1 of Volume 4 of the agenda, were posed by Ald C Brynard (CAPEXIT) and related to the loan from the French Agency, Agency Francaise De Developpement, and questioned what is the City's total debt owed to any given bank, institution or outside entity in terms of loans, how much of this debt was generated by the DA led City of Cape Town government, as well as what the annual repayment amount on all debt the City owes, with the inclusion of the aforementioned agency’s recent loan.

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

**ACTION:** C KNOTT, OFFICE OF THE EXECUTIVE MAYOR

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**C 43/04/23**  
**QUESTION RECEIVED FROM CLLR K GXASHEKA**

The questions, as reflected on page 2 of Volume 4 of the agenda, were posed by Cllr K Gxasheka (ANC) and related to the beneficiaries of Nonkqubela Site B in Ward 89, who received their serviced sites in 2002 and moved into their PHP houses and enquired when these beneficiaries would receive their title deeds.

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

**ACTION:** C KNOTT, OFFICE OF THE EXECUTIVE MAYOR

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**C 44/04/23**  
**QUESTION RECEIVED FROM CLLR J CUPIDO**

The questions, as reflected on page 2 of Volume 4 of the agenda, were posed by Cllr J Cupido (GOOD) and related to the Shot Spotter and the new contract awarded, as it was noted that cost to the City of Cape Town amounted to R888,888.88 a month over three (3) years.

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

**ACTION:** C KNOTT, OFFICE OF THE EXECUTIVE MAYOR

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**C 45/04/23**  
**QUESTION RECEIVED FROM CLLR J CUPIDO**

The questions, as reflected on pages 4 to 5 of Volume 4 of the agenda, were posed by Cllr J Cupido (GOOD) and related to the Expended Public
Works Programme (EPWP) to provide work opportunities and income support to poor and unemployed people through the labour-intensive delivery of public and community assets and services, thereby contributing to development, and questioned how many deviations applications were received by the City to ensure the same people get the opportunity.

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

**ACTION:** C KNOTT, OFFICE OF THE EXECUTIVE MAYOR

C 46/05/23 REPORTING ON MINOR BREACHES OF PROCUREMENT PROCESSES APPROVED BY THE SUPPLY CHAIN MANAGEMENT BID ADJUDICATION COMMITTEE FOR THE PERIOD 01 - 31 MARCH 2023

RESOLVED that the report and annexed list of minor breaches for the period 1 - 31 March 2023, as ratified by the Bid Adjudication Committee, be noted.

**ACTION:** B CHINASAMY, K JACOBY

C 47/05/23 INFORMATION TECHNOLOGY (IT) GOVERNANCE CHARTER AND FRAMEWORK

RESOLVED that the revisions made to the Information Technology (IT) Governance Charter and Framework attached as Annexure A to the report on the agenda, which adopts King IV, and was approved by the City Manager, as the delegated authority, be noted.

**ACTION:** F FOFLONKER, T BOSMAN, E SASS

C 48/05/23 2022/2023 QUARTERLY PROGRESS REPORT ON CORPORATE PERFORMANCE AND PERFORMANCE OF THE CITY’S ENTITIES (CTICC AND CAPE TOWN STADIUM)

RESOLVED that the 2022/2023 third quarter progress report on Corporate Performance and Performance of the City’s Entities, be noted.

**ACTION:** M ABASS, A BENJAMIN, C JANUARY, G MORGAN

C 49/05/23 CAPE TOWN WATER OUTLOOK – MARCH 2023

RESOLVED that the Cape Town Water Outlook - March 2023, attached as Annexure A to the report on the agenda, be noted.

**ACTION:** L FISHER-JEFFES, B NIGEL, Z BASHOLO, M WEBSTER
COUNCIL MINUTES: 25 MAY 2023

C 50/05/23  DECISIONS TAKEN BY THE SECTION 79 PORTFOLIO COMMITTEES IN TERMS OF DELEGATED AUTHORITY: JANUARY TO MARCH 2023

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

ACTION: M CAROLUS, R RAZACK, L NDABA, E SASS

C 51/05/23  REPORT IN TERMS OF SUPPLY CHAIN MANAGEMENT REGULATIONS, REGULATION 36, AND THE SUPPLY CHAIN MANAGEMENT POLICY (2023), CLAUSE 332, FOR THE PERIOD 14 APRIL 2023 TO 14 MAY 2023: 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 (2023), clause 332, for the period 14 April 2023 to 14 May 2023, attached as annexure A, be noted and be disclosed as a note to the Council’s annual financial statements.

ACTION: G POSTINGS, L MBANDAZAYO

C 52/05/23  QUARTERLY REPORT OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE AS AT 31 MARCH 2023

RESOLVED that the activities and work plan status of the Municipal Public Accounts Committee for the period up to 31 March 2023, be noted.

ACTION: A MOOLMAN, L MBANDAZAYO

C 53/05/23  RESOLUTIONS TAKEN BY THE EXECUTIVE MAYOR IN TERMS OF DELEGATED POWERS AND DECISIONS TAKEN TOGETHER WITH THE MEMBERS OF THE MAYORAL COMMITTEE: MAY 2023

RESOLVED that the resolutions taken by the Executive Mayor in terms of delegated powers and decisions taken together with the members of the Mayoral Committee for the period May 2023, be noted.

ACTION: C KNOTT, OFFICE OF THE EXECUTIVE MAYOR

ADDITIONAL ITEMS:

The following resolutions of items CIC04 to CIC11 related to the Municipal Public Accounts Committee matters were moved to the open agenda, as announced by the Speaker at the second Special Council meeting held on 31 May 2023.

The resolutions are however recorded as Items C 54/05/23 to C 61/05/23.
C 54/05/23  AUDITOR GENERAL OF SOUTH AFRICA (AGSA): EXTERNAL REGULATORY AUDIT: SCHEDULE OF UNCORRECTED MISSTATEMENTS

RESOLVED that:

(a) the irregular expenditure, as disclosed on the Auditor-General of South Africa’s (AGSA’s) schedule of uncorrected misstatements, related to the Supply Chain Management (SCM) deviation which was considered, signed and approved by the City Manager, as per his legislative authority, be disputed as not irregular expenditure by the City, as per the new AGSA dispute resolution processes.

ACTION OWNER: L MBANDAZAYO

(b) the irregular expenditure, as disclosed on the AGSA’s schedule of uncorrected misstatements, related to the process followed to ratify the breach in the incorrect advertising timelines, be certified as irrecoverable and written off as the City received the goods in respect of supply and delivery of black refuse bags.

NO ACTION OWNER

(c) the irregular expenditure of R572 000 (five hundred and seventy-two thousand rand) (excluding VAT), as disclosed on the AGSA’s schedule of uncorrected misstatements, related to the non-compliance with the Municipal SCM Regulation 12(3)(b) and SCM policy for procuring as a single transaction, be certified as irrecoverable and written off as the City received the goods and services.

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

ACTION OWNER: L MBANDAZAYO

C 55/05/23  CONSTRUCTION OF NON-MOTORISED TRANSPORT FACILITIES ALONG MAJOR ROADS IN EERSTE RIVER (PHASE 2) (IRREGULAR EXPENDITURE: R998 831)

RESOLVED that:

(a) the expenditure of R998 831,37 (nine hundred and ninety-eight thousand eight hundred and thirty-one rand and thirty-seven cents) (excluding VAT), incurred post the contract validity period due to delays by the third party to relocate the power line, be noted as irregular expenditure and be certified as irrecoverable and the expenditure be written off as the City received the construction services.

NO ACTION OWNER
(b) the Urban Mobility Directorate:

(i) Takes cognisance, recognises and applies the City’s legislative frameworks, as the MFMA surpasses all other contractual frameworks, including Medium Term Revenue and Expenditure Framework (MTREF) requirements.

(ii) Promptly consults the City’s Legal Services department where interventions are required to ensure service delivery is achieved and project deliverables are met.

(iii) Ensures that the Professional Service Provider fulfils the role between the City and the construction contractor, including managing the City’s interest related to costings, deliverables and due timelines, as well as apply professional liability claims where necessary.

(iv) Secures appropriate engagements with other parastatals on City dependencies related construction projects to ensure timely and effective working arrangements, specifically Telkom and ESKOM.

ACTION OWNER: D CAMPBELL

C 56/05/23  
RECREATION AND PARKS DEPARTMENT AREA 1: CONTRAVENTION OF SUPPLY CHAIN MANAGEMENT POLICY (FRUITLESS & WASTEFUL EXPENDITURE: R1 339 944 AND IRREGULAR EXPENDITURE: R8 794 803)

RESOLVED that:

(a) the fruitless and wasteful expenditure of R1 339 943,64 (one million three hundred and thirty-nine thousand nine hundred and forty-three rand and sixty-four cents)(excluding VAT), incurred where services were rendered beyond the mowing meterage and frequency, be noted as recoverable. The recovery should be jointly and severally from both the service provider and the officials.

ACTION OWNER: R SAYED

(b) the irregular expenditure of R8 794 802,70 (eight million seven hundred and ninety-four thousand eight hundred and two rand and seventy cents) (excluding VAT), incurred due to tender evaluation criteria discrepancies as a result of non-compliance with clause 221 of the City’s 2013 Supply Chain Management policy, be certified as irrecoverable and be written off as the City received the mowing services.

NO ACTION OWNER

(c) the Forensics Services Department expedite the completion of the reports related to this service provider.
ACTION OWNER: CHIEF FORENSIC SERVICES

(d) the Community Services and Health Directorate ensures that:
   (i) Service providers exploiting the City should be subjected to service provider restriction processes, as unethical conduct cannot be tolerated.
   (ii) Management applies their role, where staff are suspected of corrupt, unethical, collusion and fraudulent behaviour, as these staff cannot be permitted to carry out acts that put public funds at risk.

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

ACTION OWNER: Z MANDLANA

C 57/05/23 REPAIRS AND MAINTENANCE TO ATHLONE SWIMMING POOL (IRREGULAR EXPENDITURE: R34 305)

RESOLVED that:

(a) the expenditure of R34 304,50 (thirty-four thousand three hundred and four rand and fifty cents) (including VAT), incurred without prior approval and a valid contract, be noted as irregular expenditure and be certified as irrecoverable and the expenditure be written off as the City received the repairs and maintenance services in respect of the Athlone Swimming Pool.

NO ACTION OWNER

(b) the Community Services and Health: Recreation and Parks Department:
   (i) Exercises due care in managing construction service providers, including the fundamentals of contract, project and financial management which were evident to be lacking.
   (ii) Applies City legislative frameworks in the future, specifically:
        • the MFMA, which is the primary legislation applicable to local government.
        • the MFMA: section 116(3) guideline processes.

ACTION OWNER: Z MANDLANA

C 58/05/23 DELIVERY OF POTABLE WATER TO INFORMAL SETTLEMENTS (IRREGULAR EXPENDITURE: R25 289 479 AND FRUITLESS AND WASTEFUL EXPENDITURE: R1 724 024)

RESOLVED that:

(a) the expenditure of R25 289 478,60 (twenty-five million two hundred and eighty-nine thousand four hundred and seventy-eight rand and sixty cents) (excluding VAT), in respect of the contract for the supply,
installation and retrofitting of water efficient technologies and the contract for the hire of mechanical plant, trucks and equipment during the national state of disaster, be noted as irregular expenditure and be certified as irrecoverable and the claim be written off as the water was supplied and the water storage tanks installed.

NO ACTION OWNER

(b) the expenditure of R1 724 023,50 (one million seven hundred and twenty-four thousand and twenty-three rand and fifty cents) (excluding VAT), in respect of the overpayment on the contract for the supply, installation and retrofitting of water efficient technologies, be noted as fruitless and wasteful expenditure and certified as recoverable and the funds be recovered from the service provider as the service provider could not provide evidence for the claims invoiced, duplicate invoices were noted and no explanation for the alterations on the delivery notes could be provided.

ACTION OWNER: R SAYED

(c) the Water and Sanitation Directorate:
   (i) Follows due process when using transversal tenders, and should not manipulate control documents and should obtain the necessary signatures from Supply Chain Management (SCM).
   (ii) Adheres to the City’s system of delegation and the authority to use transversal tenders.
   (iii) Ensures appropriate controls are in place to manage contracts, and supporting evidence is kept on record to motivate costs and to avoid fruitless and wasteful expenditure.
   (iv) In the future, disciplines all responsible for the incident, despite other matters such as medical boarding, in order to meet the Local Government reporting requirements.
   (v) Maintains the delivery notes within the line departments to motivate the invoice approval/ sign-off.
   (vi) Expedites the capacitation of the directorate’s Finance Management functions.

ACTION OWNER: M WEBSTER

(d) the Water and Sanitation Portfolio Committee obtains the turn-around strategy of the Executive Director: Water and Sanitation and continuously monitors and manages the action plans related to the directorate’s control environment needs and enhancements, including management standards, service delivery standards (equitable delivery), modernisation, capacity strategies, adherence to City legislative frameworks, accountability and responsibility for the role of officials, monitoring and controls.

[The EFF and PA recorded their votes against the above decision.]
COUNCIL MINUTES: 25 MAY 2023

ACTION OWNER: M WEBSTER, I NEILSON

C 59/05/23  SUPPLY, DELIVERY AND / OR RENTAL OF HAZARDOUS WASTE CONTAINERS (IRREGULAR EXPENDITURE: R93 701)

RESOLVED that the irregular expenditure of R93 701,40 (ninety-three thousand seven hundred and one rand and forty cents) (including VAT), incurred as a result of services rendered after the contract term without authority and non-compliance to clause 293 of the SCM policy, be noted as irregular expenditure and be certified as irrecoverable and written off as the City received the hazardous waste services.

NO ACTION OWNER
FOR INFORMATION: K NASSIEP

C 60/05/23  2020/21: COMAF 39: CONSTRUCTION OF 100 MEGALITRE ONTERMANSKLOOF RESERVOIR (IRREGULAR EXPENDITURE: R1 390 548)

RESOLVED that:

(a) the expenditure of R1 390 547,51 (one million three hundred and ninety thousand five hundred and forty-seven rand and fifty-one cents) (excluding VAT), incurred in vain, be noted as fruitless and wasteful expenditure and the expenditure of:

(i) R15 340,00 (excluding VAT) for 260 bags of cement be recovered from the construction contractor's termination account due to the liquidation and the material shelf life that was subsequently exceeded. The Legal Services Department is to recover the amount and report back to Council if prospects of recovery are slim.

ACTION OWNER: R SAYED

(ii) R332 798, 13 (excluding VAT) for the steel rebar, held at the steel service provider site with no indication that the steel was the property of the City, be recovered from the construction service provider's termination account and the professional service provider. The Legal Services Department is to recover the amount from the appropriate liable party(ies) and report back to Council if prospects of recovery are slim.

ACTION OWNER: R SAYED

(iii) R790 876,00 (excluding VAT) for valves, related to the absence of a cession at which were repossessed as the construction company did not pay for the steel, be recovered. The steel supplier had unlawfully removed the City's property. The Legal Services Department is to recover the amount from the appropriate liable party(ies).
ACTION OWNER: R SAYED

(iv) R251 533.38 (excluding VAT) in respect of extension of time due to construction permit delays, be certified as **irrecoverable** and be written off as the City processes were not aligned as the General Conditions of Contract was in conflict with the City's Supply Chain Management Policy.

NO ACTION OWNER

(b) the Water and Sanitation: Bulk Water Department:
   (i) Exercises due care in the future, including challenging the AGSA’s findings if the department is not in agreement with such findings and recognises the time demand of addressing audit findings.
   (ii) Improves the business processes in respect of procurement, contract and project management, given the lessons learnt from incidents and scenarios of this matter.
   (iii) Consults the Legal Services Department where legislative frameworks require interpretation and direction to ensure public funds are safeguarded.
   (iv) Ensures due diligence is more robust, including the need for controls, such as bank guarantee processes.
   (v) Expedites the City’s claim against the professional service provider’s indemnity insurance to ensure losses to the City is curtailed and/or to secure alternative recovery mechanisms, i.e. recovery from retention/ final account.

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

ACTION OWNER: M WEBSTER

C 61/05/23 CANCELLATION OF TENDER: SMART POLE PILOT PROJECT
(FRUITLESS AND WASTEFUL EXPENDITURE: R5 315)

RESOLVED that:

(a) the expenditure of R5 315,18 (five thousand three hundred and fifteen rand and eighteen cents) (excluding VAT), be noted as fruitless and wasteful expenditure as the expenditure was made in vain and value for money was not received and be recovered.

NO ACTION OWNER

(b) the fruitless and wasteful expenditure of R5 315,18 (excluding VAT) must be recovered as no clarity was sought on the legislative expectation:
   (i) Recover the amount jointly and severally from the officials via debt recovery and civil action, if financially viable, whichever is applicable.
(ii) In conjunction with the line department, recover the funds from every staff member involved with the process, including senior officials responsible for the business processes, financial control and departmental management as per section 78 of MFMA.

**ACTION OWNER: R SAYED**

(c) The Energy: Electricity Generation and Distribution Department:
   (i) Exercises due care in future, including challenging the AGSA’s findings if the department is not in agreement with such findings.
   (ii) Improves the business processes within the department regarding market research and exploration, specifically within the legislative frameworks of the City and recent AGSA findings and recommendations.
   (iii) Achieves SCM planning commitments in terms of demand and risk management.
   (iv) Consults the Legal Services Department, where legislative frameworks require interpretation and direction, to ensure that public funds are safeguarded.

**ACTION OWNER: K NASSIEP**

(d) The Executive Director: Energy places on record management's disagreements and / or points of clarity to appropriately resolve conflicts.

**ACTION OWNER: K NASSIEP**

(e) It be **NOTED** that the following remedial and corrective actions were taken by the Energy: Electricity Generation and Distribution (EG&D) Department:
   (i) Detailed consultation with Supply Chain Management (SCM) and Bid Committees, including records management.
   (ii) More clarity has been obtained in respect of the local content requirements and are better understood, appropriately applied and observed moving forward, i.e. local content is for evaluation but not for functionality evaluation.
   (iii) SCM templates were reviewed to avoid any further confusion relating to local content stipulations.

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

**ACTION OWNER: K NASSIEP**

THE MEETING ENDED AT 13H55.