

MINUTES

OF THE MEETING OF THE COUNCIL OF THE CITY OF CAPE TOWN HELD IN THE COUNCIL CHAMBER, 6TH FLOOR, PODIUM BLOCK, CIVIC CENTRE, 12 HERTZOG BOULEVARD, CAPE TOWN, ON WEDNESDAY, 25 JANUARY 2012 AT 10H00.

MEMBERS PRESENT:

Cllr A Abrahams (DA)	Cllr P A East (DA)	Cllr D M Khatshwa (ANC)
Cllr A N Abrahams (DA)	Cllr A J Ehrenreich (ANC)	Cllr M E Kleinsmith (DA)
Cllr F L Abrahams (ANC)	Cllr D Elese (ANC)	Cllr A L Komeni (ANC)
Cllr M M Abrahams (ANC)	Cllr C J Esau (DA)	Cllr N F Kopman (ANC)
Cllr A Adams (PAC)	Cllr G D Fourie (DA)	Cllr J Krynauw (COPE)
Cllr Y Adams (CMC)	Cllr P Francke (DA)	Cllr N Landingwe (ANC)
Cllr D America (DA)	Cllr A Gabier (ANC)	Ald K H Lategan (DA)
Cllr D Amira (DA)	Cllr P J Gabriel (ANC)	Cllr B Le Roux (DA)
Cllr E P Andrews (DA)	Cllr A Gabuza (ANC)	Cllr C N Leputhing (ANC)
Cllr J A Andrews (DA)	Cllr T Gqada (DA)	Cllr S P Liell-Cock (DA)
Cllr E Anstey (DA)	Cllr T L Gqola (ANC)	Cllr A Lili (ANC)
Cllr M T Arendse (DA)	Cllr A Green (DA)	Cllr X T Limberg (DA)
Cllr R Arendse (DA)	Cllr A J Griesel (DA)	Cllr S A Little (DA)
Cllr S W P Arendse (DA)	Cllr S C Gympies (DA)	Cllr M Mabandla (ANC)
Cllr S N August (DA)	Cllr B Hadebe (ANC)	Cllr L Maci (ANC)
Cllr D E Badela (ANC)	Cllr B Hansen (DA)	Cllr C J Mack (DA)
Cllr R Bazier (ANC)	Cllr G Haskin (ACDP)	Cllr M N Makanda (ANC)
Cllr R Beneke (DA)	Cllr W Hassiem (AMP)	Cllr K Makeleni (ANC)
Cllr N L Bent (DA)	Cllr M Haywood (DA)	Cllr L C Makeleni (ANC)
Cllr N Bloor (DA)	Cllr L A Hebe (ANC)	Cllr K Mamba (ANC)
Cllr W E Brady (DA)	Cllr M G E Hendricks (AJ)	Cllr S Mamkeli (DA)
Ald J Bredenhand (ANC)	Cllr J A Heuvel (DA)	Cllr T Mangali (ANC)
Cllr H I Brenner (DA)	Cllr P C Heynes (ANC)	Cllr G W March (DA)
Cllr M T Britz (DA)	Cllr E N Hinana (DA)	Cllr P I Marman (DA)
Cllr E N Brunette (DA)	Cllr J Hoosain (DA)	Cllr V Matanzima (DA)
Cllr J H H Burger (DA)	Ald C W Ipser (DA)	Cllr M S Matha (ANC)
Cllr D W Bryant (DA)	Cllr L I Isaacs (DA)	Cllr J J Maxheke (ANC)
Cllr C A Brynard (DA)	Cllr V R Isaacs (DA)	Cllr S Mbandezi (ANC)
Ald G Cavanagh (DA)	Cllr I R Iversen (DA)	Cllr M E Mbonde (ANC)
Cllr P Chapple (DA)	Cllr I R Jackson (DA)	Cllr J McCarthy (DA)
Cllr D J Christians (DA)	Cllr B M Jacobs (DA)	
Cllr F C Christians (ACDP)	Cllr J Jacobs (DA)	
Cllr C P V Claasen (DA)	Cllr L Jaffer (ANC)	
Cllr C C Clayton (DA)	Cllr W D Jaffha (DA)	
Cllr B A Cortje-Alcock (DA)	Cllr L V James (DA)	
Cllr D G Cottee (ANC)	Cllr C Janse van Rensburg (DA)	
Cllr A C Crous (DA)	Cllr M I Jansen van Vuuren (DA)	
Cllr D J D'Alton (DA)	Cllr I K Jefferies (DA)	
Cllr M Davids (DA)	Cllr C Jordaan (DA)	
Ald P de Lille (DA)	Cllr L D Jordaan (DA)	
Cllr S P Diamond (DA)	Ald C Justus (DA)	
Cllr V D Dyantyi (ANC)	Cllr A C K Kannenberg (DA)	
	Cllr M L Kempthorne (DA)	

Cllr V N Mfusi (ANC)	Cllr R S Simons (ANC)
Cllr C Mhlanga (DA)	Cllr S Sims (DA)
Cllr J H Middleton (DA)	Ald M C Sitonga (ANC)
Cllr P Mngxunyeni (ANC)	Cllr J D Slabbert (DA)
Cllr N M Mofoko (ANC)	Ald J D Smit (DA)
Cllr A C Moses (DA)	Ald J P Smith (DA)
Cllr R M Moses (DA)	Cllr N P Sono (ANC)
Cllr N A Moshani (ANC)	Cllr E J Sonnenberg (DA)
Cllr M E Msindwana (ANC)	Cllr M M Sopaqa (ANC)
Cllr M A Mkutswana (ANC)	Cllr X R Sotashe (ANC)
Cllr K H Morkel (COPE)	Cllr M J Taylor (UDM)
Cllr W S Mxolose (ANC)	Cllr C R Thomas (DA)
Cllr T Ndamase (ANC)	Cllr G H J Thomas (DA)
Cllr A X Ndongeni (ANC)	Cllr T B Thompson (DA)
Cllr N Ndzulwana (ANC)	Cllr J Thuynsma (ANC)
Ald I D Neilson (DA)	Cllr G Timm (DA)
Cllr S M Nenzani (ANC)	Cllr M S Toko (DA)
Cllr Y A Ngqame (DA)	Cllr G G Twigg (DA)
Cllr N S Ngqose (ANC)	Cllr T A Uys (DA)
Cllr M Nguzo (ANC)	Cllr B van Dalen (DA)
Cllr M Nikelo (DA)	Cllr C G van der Merwe (DA)
Cllr L Nkohla (ANC)	Cllr J F van der Merwe (DA)
Cllr F M Nkuzana (ANC)	Cllr A A van der Rheede (DA)
Cllr S Nonkeyizana (ANC)	Cllr L van der Walt (DA)
Cllr E Notana (ANC)	Cllr B M van Minnen (DA)
Cllr C Ntotoviyane (ANC)	Cllr M Velem (ANC)
Cllr M L Nqavashe (ANC)	Cllr J D Venter (DA)
Cllr M Nqulwana (ANC)	Cllr R Viljoen (DA)
Cllr N C Nyakatya (ANC)	Cllr J Visser (DA)
Cllr R A O'Connell (DA)	Ald J Vos (DA)
Cllr M J Oliver (DA)	Cllr S T Vuba (DA)
Cllr G I Pascoe (DA)	Ald B Walker (DA)
Cllr X B Pakela-Mapasa (DA)	Ald B Watkyns (DA)
Cllr X Peter (ANC)	Cllr M Weavers (DA)
Cllr M J Petersen (DA)	Cllr A Williams (NPSA)
Cllr S Pienaar (DA)	Cllr S K Yozi (ANC)
Cllr I Pretorius (DA)	Cllr L G Zondani (ANC)
Cllr S B Pringle (DA)	
Cllr T Pupa (ANC)	
Ald F Purchase (DA)	
Ald D L Qually (DA)	
Cllr Z L Qoba (ANC)	
Cllr B Rass (DA)	
Cllr R Rau (DA)	
Cllr S J Rossouw (DA)	
Cllr T Sakathi (ANC)	
Cllr C J Scheepers (ANC)	
Ald A M Serritslev (DA)	
Cllr N Sikhakhane (COPE)	
Cllr G R Siljeur (ACDP)	

APOLOGIES

Cllr F Adams (DA)
Cllr C B Bew (DA)
Cllr A Fourie (FF+)
Cllr X Gwangxu (DA)
Cllr B N Herron (DA)
Cllr T T Honono (ANC)
Ald F Kearns (DA)
Cllr N Makasi (ANC)
Cllr P Maxiti (DA)
Cllr M Mzalisi (ANC)
Ald M J Nieuwoudt (DA)
Cllr S Philander (DA)
Cllr M P Pietersen (DA)
Cllr F H L Raymond (DA)
Cllr B A Schafer (DA)
Cllr B van der Merwe (DA)
Cllr C H S van Wyk (DA)
Cllr S Yalezo (DA)

The following Councillors submitted their apologies for late arrival:

Cllr L V James (DA)
Ald B Walker (DA)

The following Councillors submitted their apologies for leaving early:

Cllr A N Abrahams (DA)
Ald G Cavanagh (DA)
Cllr G Haskin (ACDP)
Cllr I R Iversen (DA)
Cllr A C Moses (DA)
Cllr T Pupa (ANC)

ABSENT***The following Councillors were absent without an apology:***

Cllr D Mphila (ANC)

Executive Support and Committee Services

G Kenhardt - Director : Executive Support
R Razack - Manager : Executive Committee Services
N Meissenheimer
G Josephs
D Daniels

H Kayane
R Tippoo
L von Molendorff

SECTION 1 OPENING OF MEETING

The Speaker welcomed all the Councillors, officials, the media and members of public to the Council meeting. A special word of welcome was also extended to the new Executive Directors who had joined the City and to the officials of the Auditor-General's office.

A moment of silence was observed.

All Councillors were then called upon to register their attendance electronically.

SECTION 2 MAYORAL ADDRESS

The Executive Mayor, Ald P de Lille addressed the meeting as follows:

"Mr Speaker, Good morning, goeiedag, molweni.

Before we begin, I would like to congratulate the ANC on its 100 years anniversary. It is a tremendous achievement and we thank those who sacrificed so much for this country.

I would like to welcome everyone back to Council for the start of a new year. Councillors and City officials, we have a busy year ahead of us. It will be a year full of challenges and difficulties. Like all legislative sessions, it will have triumphs and failures too. We must prepare ourselves for all that governing requires of us as public servants. Though many of us have taken a break recently, the work of this Council never stops. I wish to pay special tribute to our uniformed services in the Safety and Security Directorate, from the Metro Police, to the Emergency Services, to the Disaster Risk Management Services of this City who kept us and our visitors safe throughout.

Thanks to their efforts, we had an almost incident-free festive season, a safety record that any major city can be proud of. Furthermore, I would like to thank the other City officials, led by the City Manager and the Deputy City Manager, who worked throughout the festive season, ensuring we had water to drink and electricity to turn the lights on and all the other work that goes unseen and unsung in this City.

And I would like to say a special thank you to the budget department, Mr Johan Steyl and his team, who have been working day and night, forsaking time with their families. To you all, I say thank you, baie dankie, nkosi.

This festive season, we truly demonstrated that this City is becoming more inclusive and that our plans to foster social unity are producing results. We witnessed unprecedented numbers of Capetonians and visitors alike flocking to City facilities, from beaches, to pools, to parks; secure in the knowledge that they would find these facilities safe, clean and well-maintained.

At the beginning of this month, we had a successful Minstrel Carnival. Cape Town's minstrels were able to march through our streets along their historic route in an incident free celebration of our diversity and heritage. A truly historic day, it was an honour to be part of that inclusive spirit that courses through this City, where all those who want to help us build a better future for ourselves and our children can come together and be one people in one united metro.

But I am sad to say that this vision of a better society is not shared by everyone. There are those who would sooner see this City destroyed, riven in two by violence and aggression, than be a part of a shared destiny. I tell this Council now; those agents of division will not win.

In stark contrast to events that bring people together like the Minstrel Carnival, some people have a different idea of spectacles this City should play host to. There are always those who will act destructively, who will undo the good work of others to pursue selfish political motives.

I think here in particular of Mario Wanza, a would-be but failed public servant who claims to speak on behalf of the people of the Cape Flats. Mr Wanza and a variety of so-called civic organisations who have signalled their intention, in their own words, 'Invade Rondebosch Common,' this Friday. Let me be very clear as the mayor who does speak on behalf of the entire City: I will not allow these agents of destruction to use their misguided, naïve and brutal misunderstandings of the politics of race to divide this City.

That they would invade a peaceful community of students, retirees, young and old professionals of all races, men and women peacefully living their lives speaks to the character of these movements. It is a character we know all too well. They are people who so lack the courage of their convictions that they send in women and children first, as they did in Kapteinsklip last year.

These cowards use others as fodder to advance their agendas. I tell the people of Cape Town this - they will not succeed. Because we will not let them.

Mr Speaker, I call on every single member of this Council to stand united against those trying to divide this City. I ask everyone, especially the leader of the opposition, who wears a different hat as the provincial secretary of COSATU, to call on all of our people to work together to build a better City for us all. And if we can find that unity, then surely we will not falter.

Mr Speaker, I believe that the business of governing, while continuous, goes through stages of evolution. They are the phases of development of administrations born in democratic systems. They are the lifespans of the electorate and so go through different periods. And I believe we are moving into a different period in this government's life. In as much as we put plans in place and continue on our trajectory and our mission to reach ever greater heights, we must realise that we cannot control everything. We must be forewarned with the knowledge that we still bear the burden of our past and the scars of our history.

We must never fail to understand that what we do in this year and the rest of the years of this term will still never completely address the inequalities, the divisions and the pain in our society.

But knowing these things, knowing where we may fall short, we can govern with strength, integrity and truth. We can continue with our programme of action as honest brokers. And seeing the truth of our limitations, we can strive to move beyond them. The time for excuses is over. That honeymoon period when one can make excuses for being a new administration is now gone. The novelty of a new term of office has settled down into the stable expectations of a leadership well entrenched and seized with its obligations and responsibility.

The framework for the implementation of our mandate is in place. Delivery has never ceased in this City. But delivery must now be completely in accordance with this government's five pillars for Cape Town: the opportunity City; the safe City; the caring City; the inclusive City; and the well-run City. This is no longer the new government. But it is still and will continue to be the best government for the people of our great city. We will continue to use modern management techniques to improve the efficiency of the City. In this regard, I am pleased that we continue to implement excellent financial monitoring systems in this system and that we continue to have the best managed finances of any Metro in the country.

Mr Speaker, on the Council agenda today is the adjustments budget. It contains the specific measurements and numbers concerning the changes we wish to make for the duration of the financial year. It will be noted that there are some significant shifts in amounts, specifically regarding capital expenditure. Such shifts are necessary functions of modern accounting and represent a key reprioritisation of the budget. Such reprioritisation allows our budget to remain versatile and for us to adjust to changing circumstances in the City.

Indeed, it is precisely because this administration has created such a focus on monitoring capital spending that we are able to make changes where they are required, especially as limitations and challenges arise. Those challenges especially arise as a consequence of a ruling in the Constitutional Court last year that allows for ever greater licence for parties to appeal tenders awarded. Such appeals, especially on larger projects where the majority of capital expenditure is consumed, take time to resolve. The time to obey the law results in project delays, which results in under-spending.

But throughout it all, we are doing what we can to work as efficiently as possible. Indeed, the reprioritisation has given this administration some unique opportunities to fulfil our specific mandate.

For instance, I am proud that our project to connect the entire City is given renewed life in this reprioritisation. The Fibre Optic Network project, under the Adjustment budget, if approved by the Council, will receive an additional R19 million. This and other such changes are the hallmark of good government and allow us to spend our money where we need to. I would remind this Council that if we were living in an ANC-run metro, such money would not be reprioritised: it would simply be stolen. But good management extends beyond budgeting, as important as that is. Good management also entails plans and goals for the year ahead and detailed maps on how to achieve those goals. We have just concluded a highly successful Mayco breakaway where we discussed each directorate's strategic focus areas, their delivery programmes and their alignment with the IDP for the new financial year.

Mr Speaker, soon it will be my great privilege to unveil the IDP to this Council. Our working draft at the moment, a draft put together after the most extensive public participation process conducted by this City, one that reached over a million people, is the full expression of democratic will translated seamlessly into a programme of governance. The democratic will of the people and a programme of government.

What was once two separate languages have been bridged by a new dialect, a dialect that shall be the everyday vernacular of the City.

Mr Speaker, it is also my great privilege to provide this Council with an update on the Mayor's Job Creation programme. In the period between July and December last year, the City of Cape Town created 11 309 work opportunities. Due to our performance, the City is due for an Expanded Public Works Programme (EPWP) incentive grant from the National Department of Public Works to the value of R7,4 million. In addition, a further 120 projects have been submitted to the line departments for consideration.

I am proud that as we build the opportunity City, we do not neglect the direct alleviation that this programme provides to thousands of our citizens and their families. Such relief helps us build an inclusive City. We are doing all we can to foster inclusion. I have also been informed, and it is my privilege to announce to this Council, that the process of renaming streets and naming new streets and public spaces will soon deal with addressing another painful aspect of our past.

The chairperson of Council Street-Naming Committee, Councillor Brett Herron, has signalled his intent to place on the agenda of that Committee the proposal to rename those streets still designated NY, which is commonly held to stand for Native Yard, in Cape Town.

Such a measure, if it meets with the committee's approval, and that of the public, would, I believe, be a great step towards a better City, one free of at least some of the wounds of our history that still remain. Those steps are working towards changing an aspect of the City. We should also look for new buildings and new streets where we can bring in new names. But of course, not everything that can be changed should be changed. Thanks to a draft white paper on safety and security, drafted by the Civilian Secretariat for the National Police and available for public comment, the existence of our Metro Police is under threat.

This draft white paper proposes that metro and municipal police services be abolished and that they all fall under the purview of the National South African Police Services (SAPS). This has been the agenda of Minister of Police, Nathi Mthethwa, for some time. One of the primary questions any government must ask itself is: how do we keep our citizens safe? There is an additional layer of complexity that is added for local governments that enters the equation: how can safety be managed whilst preserving the functions between different levels of government?

The final Constitution adopted in 1996 seemingly clearly stated that the country would need a single police service. However, the Constitution also made provision for local police services. In our guiding charter, then, there is the recognized legitimacy for local communities to protect themselves.

Indeed, that vision was in line with the international trend towards devolved police powers for certain local problems. The philosophy of a community-based approach to crime fighting was adopted by Cape Town in 2006 with the realization that one of the key stakeholders in the community is the City government itself. Since then, Cape Town has specialized its Metro Police service. The City of Cape Town has deployed several very successful intelligence-driven specialised units (Ghost Squad, Copperheads, Vice Squad, Drug Busters, etc.) who have had great success in combating crime due to good intelligence, careful planning and excellent training. The Metro Police have helped keep the people of Cape Town safe. If given the chance, they would continue to keep us safe.

It would be a tragedy if their good work was discontinued because of the imperatives of politics. Whether it applies to land invasions or centralising impulses from the National Government, we should never allow politics to jeopardise the safety of our citizens. We will fight this move to do away with Metro Police with every resource at our disposal. But we will fight nevertheless. We will fight because though governments may evolve, and political circumstances may change, the essential principles of good government, democracy and constitutionalism remain constant.

In conclusion, I tell you that we will fight for the citizens of Cape Town and our constitutional duty to keep them safe. I thank you."

At this stage, the Speaker afforded Cllr X Sotashe the opportunity to address Council on the ANC's 100th year celebration.

SECTION 2.1 20 MINUTES FOR QUESTIONS AND ANSWERS

The following questions were put to the Executive Mayor:

Cllr G Pascoe

Cllr G Pascoe said that it was concerning to learn that community members intend to occupy the Rondebosch Common on Friday, 27 January 2012 and requested the Executive Mayor to appeal to the Leader of the Opposition in Council, Cllr A Ehrenreich, to refrain from encouraging members of the community to illegally occupy City land.

Answer

The Executive Mayor, Ald P de Lille, appealed to the communities to refrain from lawlessness and to be patient. She said that the City will not tolerate illegal actions and will not aid the agendas of those who wish to separate communities. She further said that the City will partner with those who want to work towards a better future.

Ald P de Lille reiterated that the City wants to work together with a range of role-players in trying to address the issues of the past by building a truly better future.

Cllr M Arendse

Cllr M Arendse referred to the Administration's guiding principle of a Caring City and asked the Executive Mayor to explain what the City is doing to assist poor communities to report service delivery issues within their areas to the City's Call Centres?

Answer

The Executive Mayor, Ald P de Lille said the City will soon be launching a pilot project for an emergency telephone service. Ald P de Lille said that this pilot project would enable residents in informal settlements to communicate directly with the City's Water and Sanitation Department to report any defects in basic service infrastructure such as leaking taps and blocked sewerages and forms part of the City's plans to improve service delivery in informal settlements.

Cllr A Ehrenreich

Cllr A Ehrenreich asked the Executive Mayor to give a commitment that the social inequalities which exist within the City would be adequately addressed in order to build an inclusive City, as well as a truly better future for the City?

Answer

The Executive Mayor, Ald P de Lille confirmed the City's mandate in terms of the Constitution and its commitment to build an inclusive City. She said that the City's new 5 Year Plan, its guiding principles and the World Design Capital status would lead the way in pursuit of a truly better future for the City and its residents.

Cllr A Adams

Cllr A Adams requested the Executive Mayor to elaborate on the DA Youth's DASO Campaign and to indicate whether or not she considers the campaign to be immoral.

Answer

The Executive Mayor said that she did not cover the campaign in her speech and that she was therefore not prepared to debate the matter.

Ald de Lille, however, said that moral decay was a general concern in South Africa and that all resources available should be utilised to eradicate the situation.

Cllr F Christians

Cllr F Christians said that he was tuned into a local radio station earlier when a listener called in to complain about approximately 45 Traffic Services vehicles being stationary at Gallows Hill Traffic Centre around 7:00 in the morning while they should actually be operational. He requested the Executive Mayor to give an explanation for this state of affairs.

Answer

The Executive Mayor said that the matter would be investigated and a report would be provided to the councillor.

Cllr P Mnxgxunyeni

Cllr P Mnxgxunyeni expressed concern with the fact that he had encountered problems to get through to the City's Call Centre, as well as that the C3 Notification system was inactive over the festive period.

Answer

The Executive Mayor requested Cllr P Mnxgxunyeni to provide the specific details of the unavailability of the Call Centre and the C3 Notification system to her office in order for the matter to be followed up.

NOTED.

SECTION 3**C 01/01/12 APOLOGIES / LEAVE OF ABSENCE**

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

Cllr F Adams (DA)
Cllr C B Bew (DA)
Cllr A Fourie (FF+)
Cllr X Gwangxu (DA)
Cllr B N Herron (DA)
Cllr T T Honono (ANC)
Ald F Kearns (DA)
Cllr N Makasi (ANC)
Cllr P Maxiti (DA)
Cllr M Mzalisi (ANC)
Ald M J Nieuwoudt (DA)
Cllr S Philander (DA)
Cllr M P Pietersen (DA)
Cllr F H L Raymond (DA)
Cllr B A Schafer (DA)
Cllr B van der Merwe (DA)
Cllr C H S van Wyk (DA)
Cllr S Yalezo (DA)

ACTION : T ALBERTYN

SECTION 4 ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced that all Councillors need to ensure that they declare their interests. He further thanked those Councillors who had already submitted their forms in the prescribed manner and advised them of the cut-off date for submissions.

SECTION 5 OFFICIAL NOTICES / URGENT MATTERS

None

C 02/01/12 CONFIRMATION OF MINUTES : 08 DECEMBER 2011

RESOLVED that the minutes of the ordinary Council meeting held on 08 December 2011, be confirmed.

C 03/01/12 QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

The questions received from Cllrs A Fourie (FF+) and Cllr G Hendricks (Al Jama-ah) were provided to all Councillors as

reflected on pages 1 to 13 of the separate booklet pertaining to Item C 03/01/12.

The Executive Mayor's responses on the respective questions were also circulated as Annexures B, D and F in the separate booklet.

Supplementary questions:

Cllr G Hendricks enquired if the Executive Mayor would consider appointing a designated Fire Chief for the informal settlements.

Ald J P Smith responded that the respective Fire Departments respond to all fires within the international best practise time of 14 minutes. He further indicated that nearly R200 million had been utilised to increase fire stations and acquire additional fire equipment to reduce the fires and fatalities in informal settlements.

NOTED.

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

Volume 1 - Items 7 and 16.

Volume 2 - Items 21, 22, 28, 32, 33, 35, 37 and 38.

202 Councillors were present in the Chamber when this announcement was made.

C 04/01/12 PROPOSED LEASE OF PUBLIC PASSAGE, ERF 21793 MITCHELLS PLAIN, ABUTTING ERF 16243, BETWEEN MIAMI WAY & MERRYDALE AVENUE, PORTLANDS, MITCHELLS PLAIN : FAROUK ADAMS & SADIEYAH ADAMS

Items C04 and C05 were discussed simultaneously, but the minutes are recorded in its correct numerical sequence.

Cllr D Christians, seconded by Cllr G March, proposed that the item be referred back, due to the absence of a Citywide policy on Lane Closures, lack of public participation and proper consultation, as well as the lack of information in the report from the relevant departments.

The proposal was duly supported.

RESOLVED that the report pertaining to the proposed lease of public passage, Erf 21793, Mitchells Plain, abutting Erf 16243, between Miami Way & Merrydale Avenue, Portlands, Mitchells Plain, be referred back.

ACTION : R SCHNACKENBERG, R GELDERBLOEM, J STEYL

C 05/01/12 APPLICATION TO PURCHASE PUBLIC PASSAGE AND PUBLIC PLACE, ERF 1399 MITCHELLS PLAIN, SITUATED BETWEEN PALOMINO WAY AND STIRRUP CLOSE, WESTRIDGE, MITCHELLS PLAIN : MRS V COGILL

Cllr D Christians, seconded by Cllr G March, proposed that the item be referred back, due to the absence of a Citywide policy on Lane Closures, lack of public participation and proper consultation, as well as the lack of information in the report from the relevant departments.

The proposal was duly supported.

RESOLVED that the report pertaining to the application to purchase Public Passage and Public Place, being Erf 1399 Mitchells Plain, situated between Palomino Way and Stirrup Close, Westridge, Mitchells Plain, be referred back.

ACTION : R SCHNACKENBERG, R GELDERBLOEM, J STEYL

C 06/01/12 RESERVATION OF A PORTION OF ALPHEN CENTRE, MAIN ROAD, CONSTANTIA TO OPERATE AS AN OCCUPATIONAL HEALTH CLINIC: SPECIALISED TECHNICAL SERVICES

Cllr E Brunette, seconded by Cllr H Brenner, proposed that the item be referred back to the Property Management department for further discussion with the relevant officials, in order to investigate alternative locations for the Occupational Health Clinic.

The proposal was duly supported.

RESOLVED that the report pertaining to reservation of a portion of Alphen Centre, Main Road, Constantia to operate as an Occupational Health Clinic: Specialised Technical Services, be referred back.

ACTION : R SCHNACKENBERG, R GELDERBLOEM, J STEYL

C 07/01/12 PROPOSED AMENDMENT OF NOTARIAL LEASE NO K1314/98: CITY LAND AND PREMISES SITUATED ON ERVEN 1495, 2980, 2981, 2982 AND 2984, OFF MIDHURST WAY, CONSTANTIA : UPBEATPROPS 138 (PTY) LTD (SUBLET TO VIRGIN ACTIVE HEALTH CLUBS)

RESOLVED that the duration clause of the current lease agreement for City Land and premises situated on Erven 1495, 2980, 2981, 2982 and 2984, Midhurst Way, Constantia, in extent approximately 8325 m²,

shown on the sketch as Annexure “A” to the report on the agenda, to Upbeatprops 138 (Pty) Ltd be amended subject, inter alia, to the following conditions:

- (a) the duration clause of the lease agreement be amended to read as follows:-

“It is recorded that the said Lease commenced on 1 January 1978 and will terminate on 31 December 2030, unless sooner terminated as hereinafter set forth.”

- (b) the turnover rental of 1,5% of the first R300 000 of the annual turnover plus 2,5% of any amount of the said annual turnover in excess of R300 000, exclusive of VAT, be paid;
- (c) rates and municipal charges, if applicable, be levied;
- (d) the use of the property be for gym and ancillary purposes only;
- (e) subject to such further conditions to be imposed by the Director: Property Management in terms of her delegated authority
- (f) the lessee is to ensure that the necessary land use permissions, if applicable, are in place for the duration of the lease period.

ACTION : R SCHNACKENBERG, R GELDERBLOEM, J STEYL

C 08/01/12 PROPOSED LEASE OF PORTION OF ROAD RESERVE (BEING A PORTION OF ERF 1142, STRAND) ADJACENT TO ERF 1184, BEACH ROAD, STRAND : GOLDEN HIND PROPERTIES CC

Cllr D Venter, seconded by Cllr J Middleton, proposed the following amendment to the recommendation:

“that the objections received to lease a portion of road reserve (being a portion of erf 1142, Strand) for commercial purposes (restaurant outdoor seating), (± 65 m² in extent), indicated by the letters ABCD on the plan ET64 as Annexure “A” to the report on the agenda, to the property owner of the adjacent erf 1184, Messrs Golden Hind Properties CC or his successor-in-title, be upheld and the application be refused.”

The proposal was duly supported.

RESOLVED that the objections received to lease a portion of road reserve (being a portion of erf 1142, Strand) for commercial purposes (restaurant outdoor seating), (± 65 m² in extent), indicated by the letters ABCD on the plan ET64 as Annexure “A” to the report on the

agenda, to the property owner of the adjacent erf 1184, Messrs Golden Hind Properties CC or his successor-in-title, be upheld and the application be refused.

ACTION : R SCHNACKENBERG, R GELDERBLOEM, J STEYL

C 09/01/12 PROPOSED DEMOLITION OF A DILAPIDATED HOUSE SITUATED ON ERF 38662, 143 KROMBOOM ROAD, CRAWFORD, ATHLONE

Cllr Y Adams raised concern on the excessive fruitless expenditure on security services rendered at the dilapidated house or any similar premises in the City, which would be demolished in any case. He also questioned if local labour is utilized by the successful tenderers for security services.

Ald I Neilson responded that security services are rendered by contracted tenderers and certainly such matters need to be examined on how services are executed. In respect of dilapidated or vacant properties, he emphasised that it is important to move quickly to demolish such properties or get new tenants.

RESOLVED that:

- (a) it be noted that, in terms of Section 14 of the Local Government Municipal Finance Management Act, No. 56 of 2003, the property is not required to provide the minimum level of basic municipal services
- (b) approval be granted for disposal by way of demolition of a dilapidated house situated on Erf 38662, 143 Kromboom, Crawford, Athlone for the reasons as set out in the report on the agenda.

ACTION : R SCHNACKENBERG, R GELDERBLOEM, J STEYL

C 10/01/12 PROPOSED ALIENATION OF PUBLIC OPEN SPACE, ERF 11400, MILNERTON : ACUCAP INVESTMENTS (PTY) LTD (BAYSIDE CENTRE)

Cllr M van Vuuren, seconded by Cllr R Moses, proposed the following amendment to the recommendation:

“condition 2.4 on page 262 of the agenda: – the entrance and land is to be available for pedestrian access only and no vehicles shall be permitted to use or park thereon.”

The proposal was duly supported. The amendment has been effected in resolution (b)(iv) below.

RESOLVED that:

- (a) in terms of Section 14(2)(a) of the MFMA, Erf 11400 Milnerton is not needed to provide the minimum level of basic municipal services; and
- (b) Erf 11400 Milnerton, in extent 657m² and indicated as ABCD on the sketch marked Annexure “A” to the report on the agenda, be alienated to the owner of abutting Erf 21460 Milnerton, Messrs Acucap Investments (Pty) Ltd or their successors in title for the amount of R400 000, 00 excluding VAT of 14% being R56 000, 00 (in total – R456 000, 00), which purchase price shall escalate at a rate of 10% p/a from date of final approval by Council until date of registration. The above transaction will be subject to the further conditions imposed by the Director: Property Management in exercise of his delegated duties. These to include that:
 - (i) No structures are to be permitted on the property and a zero bulk condition shall be imposed on the property as a Title Deed condition. The extent of the said Erf 11400 Milnerton shall not be used for the calculation of the permissible floor area (bulk) in respect of the consolidated property, without the prior consent of the City of Cape Town;
 - (ii) The portion to be alienated must be officially closed, rezoned to General Business 2 and consolidated with the applicant’s existing property, Erf 21460 Milnerton;
 - (iii) A service servitude has to be registered over the sewer pipeline traversing the subject property;
 - (iv) The entrance and land is to be used for pedestrian access only and no vehicles shall be permitted to park thereon; and
 - (v) All costs related to the transaction/s shall be borne by the applicant.

ACTION : R SCHNACKENBERG, R GELDERBLOEM, J STEYL

C 11/01/12 PROPOSED SALE AND TRANSFER OF REMAINDER ERF 52219, MITCHELLS PLAIN TO THE CAPE TOWN COMMUNITY HOUSING COMPANY (PTY) LTD FOR THE DEVELOPMENT OF INSTITUTIONAL SUBSIDY HOUSING UNITS

RESOLVED that:

- (a) for the reasons as set out in the report on the agenda, authority be granted for the sale and transfer of Remainder Erf 52219, Mitchells Plain, measuring approximately 15.167 ha in extent shown marked hatched on the locality Plan A to the report on the agenda, to the Cape Town Community Housing Company (Pty) Ltd at a subsidised land price of R110 000/ha (exclusive of VAT) for purposes of development in terms of the Institutional Housing Programme specifically for the income group below R3 500 per month
- (b) the purchase price of R110 000/ha (exclusive of VAT) will escalate at 5% per annum from date of signature of the Deed of Sale on behalf of the City until the purchase price is paid in full
- (c) the Cape Town Community Housing Company (Pty) Ltd be required to take transfer of the land within a period of six months from date of the signature of the Deed of Sale on behalf of the City
- (d) all costs associated with this transaction be for the account of the Cape Town Community Housing Company (Pty) Ltd
- (e) it be included as a condition of sale that the Cape Town Community Housing Company (Pty) Ltd must use qualifying beneficiaries on the City's database in the marketing and sale of the institutional housing units
- (f) the proceeds from the sale be paid into CRR (Housing Development Fund) in terms of the provisions of the Housing Act (Act 107 of 1997)
- (g) the Director: Strategy, Support and Co-ordination be authorised to, on behalf of the City of Cape Town, negotiate and sign the Deed of Sale and other documentation that are required to give effect to the above decision.

ACTION : M ODENDAL, S MAQUETUKA

C 12/01/12 REPORT BACK : TECHNICAL KNOWLEDGE TRANSFER AGREEMENT BETWEEN THE CITY OF CAPE TOWN AND BARCELONA ACTIVA

RESOLVED that:

- (a) the Director Information Services & Technology, in collaboration with the relevant line departments, be mandated to introduce on-line services/transactions for e.g. revenue processes, land use applications, building permits, public participation etc. in order to

boost the business environment

- (b) approval be granted for a one (1) year extension of the Co-operation Agreement with the City of Barcelona until 11 November 2012 to allow for the conclusion of the fourth (4th) and final phase of the Technical Knowledge Transfer Process with Barcelona Activa.

ACTION : T SIGANDA, C WALTERS, J HUGO

C 13/01/12 FRIENDS OF BLAAUWBERG CONSERVATION AREA (FOBCA) : APPROVAL TO ENTER INTO A MEMORANDUM OF AGREEMENT (MOA) FOR THE CONTINUED IMPLEMENTATION OF A COMMUNITY BASED CONSERVATION WITHIN THE WITZANDS AQUIFER NATURE RESERVE INCLUDING MAMRE FRIENDS OF BLAAUWBERG CONSERVATION AREA (FoBCA):

Cllr F Abrahams indicated that the community organisations in Atlantis and Mamre were not duly consulted. She further expressed that the process was done very secretly and therefore did not support this memorandum of agreement.

The Executive Mayor appealed that the Blaauwberg initiative be proceeded with and that FoBCA be requested to include the new initiative that was established afterwards.

RESOLVED that:

- (a) the conclusion of the Memorandum of Agreement (MoA) between the City of Cape Town and the Friends of Blaauwberg Conservation Area (FoBCA) be approved and that the Director: Environmental Resource Management (or his nominee), in consultation with the Legal Services Department, be tasked with finalising the MoA
- (b) subject to the approval of resolution (a) above, an amount of R165 000 (excl. VAT) be transferred from Cost Centre 18020154 GL 455100 over two fiscal years i.e. R82 500 (2011/2012) and R82 500 (2012/2013) to FoBCA for the continued implementation of a community based Conservation initiative within Witzands Aquifer Nature Reserve, including Mamre.

ACTION : J WOOD, I BROMFIELD

C 14/01/12 CHANGES TO THE CORPORATE SCORECARD AND RELEVANT DIRECTORATE AND DEPARTMENT SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLANS (SDBIPs) FOR 2011/2012

This item was discussed in conjunction with item C 40, but the minutes are reflected in the correct numerical sequence.

Ald D Qually mentioned that this item was due to be considered at the December 2011 Council meeting and therefore the decision be retrospective to December 2011.

Ald D Qually, seconded by Cllr G Pascoe, proposed the following amendment to the recommendation:

“that Council approves the changes to the 2011/2012 Corporate Scorecard and the relevant Directorate and Department Service Delivery and Budget Implementation Plans (SDBIPs).”

The proposal was duly supported.

RESOLVED that the changes to the 2011/2012 Corporate Scorecard and the relevant Directorate and Department Service Delivery and Budget Implementation Plans (SDBIPs), retrospectively from December 2011, be approved.

ACTION : C JANUARY, M MARSDEN

C 15/01/12 MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CAPE TOWN, CAPE BIRD CLUB AND BIRDLIFE SOUTH AFRICA REGARDING THE FALSE BAY ECOLOGY PARK (FBEP)

RESOLVED that:

- (a) the conclusion of the Memorandum of Understanding (MoU) between the City of Cape Town, the Cape Bird Club and Birdlife South Africa regarding the False Bay Ecology Park (FBEP), be approved
- (b) the Director: Environmental Resource Management, as representative of the City of Cape Town, sign the MoU with the Cape Bird Club and Birdlife South Africa
- (c) subject to the approval of (a) above, the funding allocations as indicated in the MoU be paid to the Cape Bird Club from the Environmental Resource Management Department's operational budget.

ACTION : J JACKSON, I BROMFIELD

C 16/01/12 PAYMENT OF TRANSFER COSTS ON BEHALF OF THE FOUNDATION FOR COMMUNITY WORK (FCW) AND THE ROCKLANDS EDUCARE CENTRE TO ENABLE THE TRANSFER OF PROPERTY TO THE CITY OF CAPE TOWN

RESOLVED that:

- (a) the payment of the transfer costs to the amount of R40 000 be approved for the Scorpio Crèche and the Rocklands Educare Centre site by the Social Development Department in order to facilitate the transfer of the property into the City's name
- (b) funds be viremented from Cost Centre 18050001 (Social Development Facilitation Management), GL 455100 (Contracted Services) to Cost Centre 18050001, GL 412750 (Legal Fees & Expenses).

ACTION : G I STEPHENS, N BIKO

C 17/01/12 CITY FESTIVE SEASON PREPAREDNESS PLAN : 2011/2012

RESOLVED that:

- (a) the report on the City's Festive Season Preparedness Plan for 2011/2012, be noted
- (b) it be noted that a Festive Season Coordinating Committee comprising representatives from all relevant directorates has been established and mandated by EMT to play a City-wide coordination role regarding readiness for the festive season and the integration of festive season operational planning by the various line departments
- (c) it be noted that EMT tasked the Executive Director: Safety and Security to head up the Festive Season Coordinating Committee
- (d) it be noted that all major incidents will be dealt with in terms of the latest revision of the Multi-Disciplinary Incident Management Plan and the Municipal Disaster Management Plan
- (e) it be noted that EMT Members will monitor and evaluate the preparedness of their directorates for the festive season.

ACTION : A VISSER, R BOSMAN

- C 18/01/12 REPORT IN TERMS OF SUPPLY CHAIN MANAGEMENT REGULATIONS SECTION 36 AND THE SUPPLY CHAIN MANAGEMENT POLICY SECTION 299 FOR THE PERIOD FOR SEPTEMBER AND OCTOBER 2011 : FOR INFORMATION PURPOSES**

RESOLVED that the matters as authorised by the City Manager in terms of Section 36 of the Supply Chain Management Regulations and Section 299 of the Supply Chain Management Policy for the period September 2011 and October 2011 attached as Annexures “A” and “B” to the report on the agenda, be noted and be included as a note to Council’s Annual Financial Statements.

ACTION : A VORSTER, M MARSDEN

- C 19/01/12 RESOLUTIONS TAKEN BY THE EXECUTIVE MAYOR IN TERMS OF DELEGATED POWERS AND DECISIONS TAKEN TOGETHER WITH THE MEMBERS OF THE MAYORAL COMMITTEE : FROM OCTOBER TO NOVEMBER 2011**

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 October to November 2011, be noted.

ACTION : R RAZACK, S ABEL, G JOSEPHS

At this stage, the time being 12:50, the meeting adjourned for lunch and resumed at 13:30.

- C 20/01/12 CAPE METROPOLITAN TRANSPORT FUND : AUDITED ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2011**

RESOLVED that the Audited Financial Statements of the Cape Metropolitan Transport Fund for the year ended 30 June 2011, attached as Annexure A to the report on the agenda, be approved.

ACTION : P LEKAY, D VALENTINE, J STEYL

- C 21/01/12 REPORT OF THE CITY OF CAPE TOWN AUDIT COMMITTEE ON THE CITY'S PERFORMANCE MANAGEMENT SYSTEM FOR THE PERIOD 01 JANUARY 2011 TO 30 JUNE 2011 AS REQUIRED BY REGULATION 14 OF THE MUNICIPAL PLANNING AND PERFORMANCE MANAGEMENT REGULATIONS**

RESOLVED that the Audit Committee’s report on the assessment of the City’s Performance Management System for the period 01 January 2011 to 30 June 2011 be noted and the Audit Committee’s

recommendation as set out below, be approved:

- (a) Management implement the necessary controls in the Performance Management System to ensure the accuracy of the documentary evidence which supports the City's performance results and that the necessary supervisory controls be exercised to verify the integrity of performance information reported to Council;
- (b) Management ensures that the City's Performance Scorecard contain a minimum number of annual targets. Performance targets should be more progressive to enable the progressive monitoring thereof;
- (c) Management ensures that performance targets take into account factors that influence the achievement of the targets at a specific time of the year e.g. Seasonality should be taken into account when the performance targets are set.

ACTION : S THOMAS, Z ABRAMS

C 22/01/12 CONSOLIDATED PERFORMANCE REPORT (2010/2011) OF THE CAPE TOWN INTERNATIONAL CONVENTION CENTRE COMPANY (PTY) LTD (CONVENCO)

RESOLVED that:

- (a) the tabled Convenco Annual Financial Statements and the Audit Report from the Office of the Auditor-General as contained in the Annual Report, be noted
- (b) the tabled Annual Report of Convenco be forwarded to SCOPA for the preparation of the oversight report
- (c) the Convenco Supply Chain Management Policy report, be noted.

ACTION : L MULLER, J STEYL

C 23/01/12 SECTION 67 GRANT : PHILLIPI EAST DEVELOPMENT INITIATIVE (PEDI) A SECTION 21 COMPANY

Cllr R Bazier requested the Chief Whip to provide a proper list of Directors, who currently serve on PEDI. Ald A Serritslev mentioned that the composition of the Board is determined by the Board members and certain structures. She further indicated that she would remain on the Board with the addition of Cllrs B Herron and X Gwangxu, as allocated by the Executive Mayor to represent the City.

RESOLVED that:

- (a) a disbursement of R1 248 000 (14% VAT where applicable) be made to the Phillipi East Development Initiative in the form of a Section 67 Grant for the 2011/2012 financial year
- (b) the funds in (a) above 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 Allocation of Section 67 Grants Policy
- (c) funds to the amount of R1 248 000 (14% VAT where applicable) to the above beneficiary be debited to cost centre 19060034, Economic and Human Development Management, GL 457100, GIA: MFMA Section 67
- (d) the Economic and Human Development Department, in consultation with the Legal Services Department, conclude a Memorandum of Agreement with the Phillipi East Development Initiative, a Section 21 company.

ACTION : N LALENDLE, C JAFTHA, J HUGO**C 24/01/12 APPROVAL OF SUPPLEMENTAL FUNDING FROM OUTSURANCE INSURANCE COMPANY LTD : SAFETY AND SECURITY DIRECTORATE - 2011/2012 OPERATING BUDGET****RESOLVED** that:

- (a) the Operating Income of the Safety and Security Directorate for the 2011/2012 financial year be increased by R726 751,36 against profit centre 18040024, revenue element 856500 (G11.00056-F1) to reflect the grant funding from Outsurance Insurance Company Ltd.
- (b) the Operating Expenditure of the Safety and Security Directorate for the 2011/2012 financial year be increased by R726 751,36 against cost centre 18040024 cost element 600110 (G11.00056-F1) to fund the employment of 14 Traffic Pointsman Officers for the period 1 July 2011 to 30 June 2012 as a result of the agreement with Outsurance Insurance Company Ltd.
- (c) authority be granted for the supplemental funding for operating expenditure to the amount of R726 751,36 on the Operating Budget funded from External Grants from Outsurance Insurance Company Ltd.

ACTION : N WILLIAMS, H THOMAS, R BOSMAN

C 25/01/12 DEMOLITION OF OFFICE BUILDING : STEENBRAS POWER STATION, ERF 923-9, GORDON'S BAY

RESOLVED that authority be granted for:

- (a) the damaged office building on Erf 923-9, Gordon's Bay being written off at its current asset value of R256 700
- (b) the demolition of the damaged office building
- (c) the reconstruction of the office building to a safe and proper standard to provide the same facilities.

ACTION : P EYBERS, L DHLAMINI

C 26/01/12 REPORT OF SCOPA : ITEMS EMANATING FROM THE CITY'S 2009/10 ANNUAL REPORT RELATING TO THE LATE PAYMENT OF INTEREST (SOUTH AFRICAN REVENUE SERVICES)

RESOLVED that the recommendation of SCOPA in respect of late payment interest paid to SARS as contained in Annexure A to the report on the agenda, be condoned.

ACTION : S THOMAS, Z ABRAMS

C 27/01/12 REPORT OF SCOPA : ITEMS EMANATING FROM THE CITY'S 2009/10 ANNUAL REPORT RELATING TO FIFA WORLD CUP COSTS

RESOLVED that the recommendation of SCOPA relating to the FIFA World Cup costs as contained in Annexure A to the report on the agenda, be condoned.

ACTION : S THOMAS, Z ABRAMS

C 28/01/12 REPORT OF SCOPA : ITEMS EMANATING FROM THE CITY'S 2009/10 ANNUAL REPORT RELATING TO FRUITLESS AND WASTEFUL EXPENDITURE - GRANT AND SUBSIDIES (NON-COMPLIANCE WITH MOA)

RESOLVED that the recommendation of SCOPA in respect of the item, Grants and Subsidies (Non-compliance with MoA) as contained in Annexure A to the report on the agenda, be supported.

ACTION : S THOMAS, Z ABRAMS

**C 29/01/12 REPORT OF THE SCOPA SUBCOMMITTEE : UNAUTHORISED
AND IRREGULAR EXPENDITURE : DUPLICATE WAGE PAYMENT
SICOCA IKAPA PROJECT**

RESOLVED that the recommendation of SCOPA relating to the SICOCA IKAPA project duplicate wage payment as contained in Annexure A to the report on the agenda, be condoned.

ACTION : S THOMAS, Z ABRAMS

**C 30/01/12 TABLING OF CITY'S ANNUAL REPORT AND EXECUTIVE
SUMMARY FOR 2010/11**

RESOLVED that:

- (a) the City's Annual Report and Executive Summary for 2010/2011 attached as Annexures A and B respectively to the report on the agenda be considered as required by Section 127 of the MFMA, and the steps below be followed:
 - (i) the Annual Report and Executive Summary for 2010/2011 now be made public;
 - (ii) representations be invited from local communities;
 - (iii) copies of the Annual Report and Executive Summary be distributed to the institutions referred to in Section 127 (5) of the MFMA.
- (b) the annual report be dealt with in accordance with the steps contained in Sections 129 and 130 of the MFMA and that an oversight report be adopted by Council by 31 March 2012.

ACTION : W CLAASSENS, M VAN DER MERWE

C 31/01/12 COUNCILLORS REMUNERATION AND ALLOWANCES

This item was discussed in conjunction with item C41, but the minutes are reflected in the correct numerical sequence.

RESOLVED that:

- (a) the amendments in Government Notice R1064 dated 14 December 2011, be noted
- (b) the maximum determinations in respect of salaries, allowances and benefits of the different members of Municipal Councils as set out in Addendum A to the report on the agenda be

implemented with effect from 01 July 2011 for all its members after consultation with the local MEC responsible for Local Government

- (c) Chairpersons of Section 79 Committees be designated as full-time councillors as recommended by the National Minister for Co-operative Governance and Traditional Affairs by way of Government Notice R1064 dated 14 December 2011, subject to the financial implications as a result of these determinations to be determined and a separate report on the matter being submitted to Mayco for a recommendation to Council and further subject to the Establishment Notice being amended accordingly by the relevant authority
- (d) all Councillors arrange a meeting via Councillor Support to structure their salary package.

ACTION : G LUBBE, J VAN AS, J STEYL

C 32/01/12 SECTION 67 GRANTS : SECTION 21 COMPANY

RESOLVED that:

- (a) a disbursement of R1 500 000, (14% VAT where applicable) be made to Interactive Africa in the form of a Section 67 grant for 2011/12 financial year
- (b) the funds in (a) above 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 Allocation of Section 67 Grants Policy
- (c) authority be granted for the R1 500 000 (VAT where applicable) to be viremented to cost centre 19060034 as follows:
 - (i) R850 000 from cost centre 19080003, Projects, Strategy and Support, GL 457100: MFMA Section 67;
 - (ii) R650 000 from cost centre 19080001, Economic and Human Development Management, GL 413500, Projects.
- (d) funds to the amount of R1 500 000 (14% VAT where applicable) be debited to cost centre 19060034, Economic and Human Development Management, GL 457100: MFMA Section 67
- (e) the Economic and Human Development Department, in consultation with the Legal Services Department, conclude a Memorandum of Agreement with the above entity

- (f) it be noted that funds will only be disbursed to Interactive Africa once their most recent Audited Financial Statements have been submitted to the City.

ACTION : T SIGANDA, F KOLALA, O ASMAL

C 33/01/12 ENTERING INTO A THREE YEAR MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF CAPE TOWN AND THE UNIVERSITY OF CAPE TOWN'S AFRICAN CENTRE FOR CITIES : THE MISTRA URBAN FUTURES KNOWLEDGE TRANSFER PARTNERSHIP

RESOLVED that:

- (a) the MISTRA Urban Futures Knowledge Transfer Project partnership with the University of Cape Town's (UCT) African Centre for Cities (ACC) be approved and supported
- (b) the City Manager be authorised to sign the MISTRA Urban Futures Memorandum of Agreement (MoA) with ACC attached as Annexure A to the report on the agenda
- (c) approval be granted for a once off payment in the amount of R700 000.00 (including VAT) in the 2011/12 financial year, towards the MISTRA Urban Futures Knowledge Transfer Project partnership with the University of Cape Town, (exempt from the Grant-in-Aid Policy as per section 5.2.9 of the policy) and that these funds be administered by the University of Cape Town's (UCT) African Centre for Cities (ACC)
- (d) the Executive Director : Economic, Environmental and Spatial Planning be delegated to nominate the senior officials to sit on the MISTRA Partnership Steering Committee as defined in the MoA.

ACTION : G OELOFSE, C WALTERS, J HUGO

C 34/01/12 SECTION 33 MFMA - CONTRACTS HAVING FUTURE BUDGETARY IMPLICATIONS

RESOLVED that the progress on identifying and verifying contracts with an MFMA Section 33 implication and the proposed corrective actions to be undertaken, be noted.

ACTION : A VORSTER, M MARSDEN

C 35/01/12 AWARDING OF CONTRACT LONGER THAN 3 YEARS : TENDER NUMBER 441S/2010/11 - PROVISION OF OPERATION, MAINTENANCE AND MANAGEMENT SERVICES AT THE ZANDVLIET WASTEWATER TREATMENT WORKS

RESOLVED that:

- (a) as per the Supply Chain Bid Adjudication Committee meeting of 26 September 2011 (resolution attached as Annexure B to the report on the agenda) and for the reasons set out in the report on the agenda, the contract attached as Annexure C to the report on the agenda, exactly as it is to be executed with the Joint Venture between Water and Sanitation Services South Africa (Pty) Ltd and Zana Manzi Services (Pty) Ltd for Tender No. 441S/2010/11, be approved - Provision of Operation, Maintenance and Management Services at the Zandvliet Wastewater Treatment Works from date of commencement for a 15 year period with an approximate contract value of R1.75 million per month, subject to contract price adjustment
- (b) the contract based on the significant financial benefits which will be derived from the contract, be approved
- (c) authority be granted to the City Manager, or his delegate, to sign the contract.

ACTION : K SAMSON, P KING, P MASHOKO, L DHLAMINI

C 36/01/12 TARIFF FOR MyCiTi SERVICES FOR THE 2011/2012 FINANCIAL YEAR - AMENDMENTS

UNANIMOUSLY RESOLVED that:

- (a) the non-implementation of the Council approved annual tariff increase regarding the MyCiTi service between 1 January 2012 and the date of the Council decision regarding the adjustment budget, be condoned
- (b) the adjustment of MyCiTi tariffs for the 2011/12 financial year as set out in Annexure A to the report on the agenda, be approved.

[202 Councillors were in favour of the above resolution]

ACTION : D BOSCH, D VALENTINE, A BASSIER, D HUGO, M WHITEHEAD, E SCOTT, B ASCOTT, J STEYL

C 37/01/12 REALIGNMENT OF LEGAL SERVICES

RESOLVED that the Legal Services function be realigned to the Office of the Deputy City Manager with the Director : Legal Services reporting directly to the Deputy City Manager.

ACTION : K PIETERSEN, L MBANDAZAYO, M MARSDEN

C 38/01/12 ANNUAL REPORT (2010/2011) OF THE KHAYELITSHA COMMUNITY TRUST (KCT)

RESOLVED that:

- (a) the tabled Khayelitsha Community Trust (KCT) Annual Financial Statements and the Audit Report from the Office of the Auditor-General as contained in the Annual Report, be noted
- (b) the tabled Annual Report of Khayelitsha Community Trust be forwarded to SCOPA for the preparation of the oversight report.

ACTION : R WOOTTON, J STEYL

C 39/01/12 2011/12 MID-YEAR BUDGET AND PERFORMANCE ASSESSMENT / ADJUSTMENT BUDGET

Ald I Neilson introduced the report and briefly explained the City's financial performance for the mid-year, as well as the proposed budget adjustments for the remainder of the year.

Ald I Neilson, seconded by Cllr I Iversen, proposed the following amendments to the recommendation:

“Ward Allocations – that the WBS elements included in the adjustment proposals as set out in the attached schedule Annexure A2, be reduced by the amounts reflected and the total amount of R7,362,863 be added to the bulk provision C10.25012 – F1 in the 2012/2013 financial year.”

The ANC was not in support of the above proposal.

Ald B Walker, seconded by Cllr S Sims, proposed the following amendments to the recommendation:

“that R6.7 million be transferred from C12.172127 Small Business Support (funded ex EFF) in the 2011/12 financial year and be reallocated to the following:

<i>Provision of affordable business infrastructure in support of small businesses in Communities (Athlone)</i>	<i>R1,3m</i>	<i>Transfer R1,3m to the Roads & Stormwater Department to construct / upgrade the Athlone Fish Market Facility which is situated on a road reserve</i>
<i>Provision of key economic infrastructure to help lever development and investment in targeted priority areas / nodes : Atlantis, Philippi and East City Precinct (Fringe)</i>	<i>R5,4m</i>	<i>To be spent by the Information Systems & Technology Department to implement broadband programme against Economic Development Budget provision</i>
		<i>Total R6,700,000</i>

Ald Walker's amendment was duly supported.

Cllr A Ehrenreich proposed that the report on the adjustment budget be referred back for further consideration. This proposal was overruled by the Speaker.

The recommendations as amended by Aldermen Neilson and Walker were put to the vote, with the results as follows:

In favour : 116
 Against : 70
 Abstentions : 1

The majority of Council members voted in favour and the amended recommendation, as set out below, was therefore adopted.

RESOLVED that:

- (a) in terms of Section 28 and 72 of the MFMA, the amendments proposed for incorporation into the 2011/12 Adjustments Budget attached as Annexure A to the report on the agenda including the amendments as set out in the schedule attached as Annexure B to the report on the agenda, be adopted
- (b) in respect of Ward Allocations, the WBS elements included in the adjustment proposals as set out in the attached schedule Annexure A2, be reduced by the amounts reflected and the total amount of R7,362,863 be added to the bulk provision C10.25012 – F1 in the 2012/2013 financial year
- (c) R6.7 million be transferred from C12.172127 Small Business Support (funded ex EFF) in the 2011/12 financial year and be reallocated to the following:

Provision of affordable business infrastructure in support of small businesses in Communities (Athlone)	R1,3m	Transfer R1,3m to the Roads & Stormwater Department to construct / upgrade the Athlone Fish Market Facility which is situated on a road reserve
Provision of key economic infrastructure to help lever development and investment in targeted priority areas / nodes : Atlantis, Philippi and East City Precinct (Fringe)	R5,4m	To be spent by the Information Systems & Technology Department to implement broadband programme against Economic Development Budget provision
		Total R6,700,000

ACTION : L MULLER, J STEYL, K FOURIE, Z NQANQALI

C 40/01/12 2011/2012 MID-YEAR ADJUSTMENT BUDGET UPDATE TO THE CORPORATE SCORECARD

Ald D Qually, seconded by Cllr G Pascoe, proposed the following addition to the recommendation:

“The financial figures in the Corporate Scorecard be adjusted to match the January 2012 adjustment budget.”

The proposal was duly supported.

RESOLVED that:

- (a) the changes to the 2011/2012 Corporate Scorecard as set out in Annexure A to the report on the agenda, be approved
- (b) the financial figures in the Corporate Scorecard be adjusted to match the January 2012 adjustment budget.

ACTION : C JANUARY, M VAN DER MERWE, M MARSDEN

C 41/01/12 DESIGNATION OF SECTION 79 COMMITTEE CHAIRPERSONS AS FULLTIME COUNCILLORS

RESOLVED that:

- (a) Chairpersons of all Committees listed in Annexure B to the report on the agenda, established in terms of Section 79 of the Local Government Municipal Structures Act, 1998 (Act No 117 of 1998) as determined in Government Notice 1064 dated 14 December 2011 (Annexure A to the report on the agenda) be designated as full-time councillors with effect from the date of approval by the Minister for Local Government

- (b) the recommendation contained in paragraph (a) above be submitted to the Minister for Local Government for consideration in terms of Clause 12 and 18(4) of the Local Government Municipal Structures Act, 1998
- (c) an application be submitted to the Minister for Local Government to amend the City of Cape Town Establishment Notice in order for Chairpersons of Section 79 Committees to be designated as full-time councillors
- (d) the Chief Financial Officer identify funding on both Capital and Operating Budget flowing from paragraph (a) above as detailed in the Financial Implications and Financial Footnote sections in the report on the agenda.

ACTION : T HOLLIS-TURNER, M MARSDEN, J STEYL

C 42/01/12 RESOLUTIONS TAKEN BY THE EXECUTIVE MAYOR IN TERMS OF DELEGATED POWERS AND DECISIONS TAKEN TOGETHER WITH THE MEMBERS OF THE MAYORAL COMMITTEE : FROM NOVEMBER 2011 TO JANUARY 2012

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 November 2011 to January 2012, be noted.

ACTION : R RAZACK, S ABEL, G JOSEPHS

C 43/01/12 MOTION RECEIVED FROM CLLR J THUYN SMA

Cllr J Thuynsma advised that this motion could be withdrawn.

RESOLVED that the motion by Cllr J Thuynsma, be withdrawn.

C 44/01/12 MOTION RECEIVED FROM CLLR J THUYN SMA

Ald D Qually briefly responded to Cllr J Thuynsma's motion relating to the access for people with disabilities at municipal buildings and facilities.

Ald Qually, seconded by Cllr G Pascoe, proposed that the motion be noted and referred to the relevant Portfolio Committees for any policy amendments that they may deem necessary.

The proposal was duly supported.

RESOLVED that the motion be noted and referred to the relevant Portfolio Committees for any policy amendments that they may deem necessary.

ACTION : N MEISSENHEIMER, R TIPPOO

THE MEETING ENDED AT 16:50.

.....
ALD J D SMIT
CHAIRPERSON

.....
DATE