

MINUTES

OF A MEETING OF THE EXECUTIVE MAYOR AND MEMBERS OF THE MAYORAL
COMMITTEE OF THE CITY OF CAPE TOWN HELD IN THE COUNCIL CHAMBER,
6TH FLOOR, PODIUM BLOCK, CIVIC CENTRE, CAPE TOWN ON WEDNESDAY, 22
JULY 2009 AT 11H00

COMMITTEE MEMBERS

Ald. D Plato (Executive Mayor) (Chairperson)
Ald. I Neilson (Executive Deputy Mayor)
Ald. C Justus
Cllr G Pascoe
Ald. F Purchase
Cllr G Ras
Cllr S Sims
Cllr JP Smith
Cllr E Thompson
Ald. B Walker
Cllr D Ximbi

LEAVE/APOLOGIES

Cllr M Nieuwoudt

VISITING COUNCILLORS

Ald. D Smit (Speaker)
Cllr A Serritslev (Chief Whip)
Cllr P Gabriel

EXECUTIVE MANAGEMENT TEAM

Mr A Ebrahim (City Manager)
Ms Z Abrams (Chief Audit Executive)
Mr D Beretti (ED: Corporate Services)
Mr R Bosman (ED: Safety & Security)
Dr I Bromfield (ED: City Health)
Mr E Chinnappen (ED: Transport, Roads & Stormwater)
Mr M Marsden (ED: Service Delivery Integration)
Mr M Mohamed (ED: Economic, Social Development & Tourism)
Dr B Msengana (ED: Utility Services)
Ms L Mtwazi (ED: Community Services)

Mr M Richardson (Chief Finance Officer)
Mr H Smit (ED: Housing)
Mr P van Zyl (ED: Strategy & Planning)

OTHER OFFICIALS

Mr D Alcock
Mr C Bruwer
Mr D Bryant
Mr H Carstens
Ms K Hatton
Ms G Jeffries
Mr J Kruger
Mr L Mbandazayo
Mr U Nocanda
Ms R Singh
Mr C Vizzi

INTERPRETER

Prof. I Cilliers

PUBLIC AND PRESS

Ms M Barnard (Die Burger)
Ms L Dentlinger (Cape Argus)
Ms A Lewis (Cape Times)

EXECUTIVE SUPPORT: OFFICE OF THE CITY MANAGER

Ms G Kenhardt
Ms R Razack
Mr G Josephs
Mr R Riffel

MC 01/07/09

OPENING

The Executive Mayor, Ald. D Plato, welcomed all present at the meeting and requested Cllr E Thompson to open the meeting with prayer.

MC 02/07/09 APOLOGIES/LEAVE OF ABSENCE

An apology was received from Cllr M Nieuwoudt (Mayco Member: Planning & Environment), who was on sick leave.

The Executive Mayor informed the meeting that Cllr M Nieuwoudt (Mayco Member: Planning & Environment) would be undergoing surgery soon and, on behalf of the Mayco, wished her a successful operation and a speedy recovery.

RESOLVED that leave of absence for this meeting be granted to Cllr M Nieuwoudt.

MC 03/07/09 CONFIRMATION OF MINUTES: 17 JUNE 2009

RESOLVED that the minutes of the Mayoral Committee meeting held on 17 June 2009 be confirmed, subject to the word "it" being replaced with the word "they" in the last paragraph on page 13 of the agenda.

EXECUTIVE MAYOR

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

MC 04/07/09 FINANCIAL MONITORING REPORT: MAY 2009

RESOLVED that the contents of the Financial Monitoring Report for the period ending 31 May 2009 be noted and referred to EMT for remedial action, where required.

ACTION: J STEYL; M RICHARDSON; EMT; G KENHARDT

**MC 05/07/09 ESTABLISHMENT OF A BUDGET STEERING COMMITTEE IN
TERMS OF MFMA REGULATIONS**

Ald. Neilson proposed that:

- i) the following persons be appointed to serve on the Budget Steering Committee as additional members:
 - Cllr G Ras (Mayco Member: Community Services);
 - Cllr I Iversen (Chairperson: Finance Portfolio Committee);

- Mr D Beretti (ED: Corporate Services);
 - Dr I Bromfield (ED: City Health)
- ii) a further recommendation (d) be added as set out below.

The above proposal was duly supported.

RESOLVED that:

- (a) a Budget Steering Committee be established into the MFMA regulations
- (b) in terms of paragraph 4 (2) of the regulations, the following persons be appointed to serve on the Budget Steering Committee:

Membership of Budget Steering Committee	
Councillor responsible for financial matters	<i>Ald. I Neilson</i>
Municipal Manager	<i>Mr A Ebrahim</i>
Chief Finance Officer	<i>Mr M Richardson</i>
Senior Managers responsible for at least the 3 largest votes in the Municipality: Utility Services Transport, Roads & Stormwater Community Services	<i>Dr B V Msengana</i> <i>Mr E Chinnappen</i> <i>Ms L Mtwazi</i>
Senior Manager responsible for IDP, service integration	<i>Mr M Marsden</i>
Manager responsible for budgeting	<i>Mr J Steyl</i>
Manager responsible for planning	<i>Ms C Stone</i>
Technical experts on infrastructure	<i>Dr F Bisschoff</i> <i>Mr B Coetzee</i>
Additional members	<i>Cllr G Ras</i> <i>Cllr I Iversen</i> <i>Mr D Beretti</i> <i>Dr I Bromfield</i>

- (c) the Terms of Reference of the Budget Steering Committee as set out in paragraph 8 of the report on the agenda be approved

- (d) it be noted that the Mayoral Committee will meet with the Budget Steering Committee at its initial meeting.

ACTION: J STEYL; M RICHARDSON

MC 06/07/09

PROPOSED ESKOM NUCLEAR POWER STATION: CITY COMMENTS ON THE REVISED PLAN OF STUDY FOR THE ENVIRONMENTAL IMPACT ASSESSMENT

The Deputy Executive Mayor, Ald. Neilson, held the view that the plan of study as well as the responses of the environmental consultants undertaking the EIA on the issues raised by the City in its comments on the draft scoping report were unacceptable. He said that the City should reject the revised study plan to build a new nuclear plant at Koeberg as the two critical issues, i.e. the safety of residents in a nuclear emergency and the removal of nuclear waste have been ignored in the process.

Ald. Neilson pointed out the following concerns, which were not considered in the assessment of Koeberg for a second nuclear plant:

- the revised plan did not give Eskom responsibilities for the removal of nuclear waste from the site;
- the current Koeberg power station placed significant restrictions on the City's natural expansion towards the north;
- the current Koeberg power station affected the cost of infrastructure and services to ensure evacuation in a nuclear emergency.

He indicated that the City would only review its stance on the matter once the critical issues are included as conditions before any approval is considered, in order to avoid that the granting of a record of decision without attaching certain conditions to the project.

The Executive Mayor, Ald. Plato, said that in taking the above stance, the City was acting in the interests of its citizens.

It was proposed that the responses of the environmental consultants undertaking the Environmental Impact Assessment process for the development of a second nuclear power facility at Koeberg be rejected as the two critical issues, i.e.

the safety of residents in a nuclear emergency and the removal of nuclear waste have been ignored in the process.

The above proposal was duly supported.

RESOLVED that:

- (a) the responses of the environmental consultants undertaking the Environmental Impact Assessment process for the development of a second nuclear power facility at Koeberg be rejected as the two critical issues, i.e. the safety of residents in a nuclear emergency and the removal of nuclear waste, have been ignored in the process
- (b) the City continue to participate in the EIA process in order to ensure that the potential impacts on Cape Town are assessed, and that appropriate measures to mitigate unwanted impacts are identified and included as conditions in any future environmental authorization
- (c) the City establish clear lines of communication with the National Nuclear Regulator, in order to ensure that the NNR is informed of the City's concerns and that these are taken into account in the Nuclear Licensing procedure.

ACTION: K WISEMAN; O ASMAL; P VAN ZYL

MC 07/07/09

KHAYELITSHA BUSINESS DISTRICT (KBD) NEW COUNCIL OFFICES

Ald. Purchase proposed that recommendation (b) in the report on the agenda be deleted.

The above proposal was duly supported.

RESOLVED that the report on the progress with regard to the needs assessment for the establishment of new municipal offices in Khayelitsha be noted.

**ACTION: A HUMAN; R GELDERBLOEM; M MOHAMED;
G JOSEPHS**

MC 08/07/09

PROPOSAL CALL PROCESS: PRO-ACTIVE SALE/LEASE OF A PORTION OF ERF 21750 "VELODROME" ATHLETIC TRACK SITE BELLVILLE

Ald. Purchase proposed that recommendation (b) in the report on the agenda be amended as follows:

*“(b) this item **remain on** the Mayco Outstanding Matters List as a recommendation from the Bid Adjudication Committee to Council in terms of the Municipal Asset Transfer Regulations is expected.”*

The above proposal was duly supported.

RESOLVED that:

- (a) the report on the progress with regard to the proposal call process for the sale/lease of a portion of Erf 21750, Bellville be noted
- (b) this item remain on the Mayco Outstanding Matters List as an award is expected in October 2009 (recommendation from the Bid Adjudication Committee to Council in terms of Asset Management Regulations).

**ACTION: A HUMAN; R GELDERBLOEM; M MOHAMED;
G JOSEPHS**

C 09/07/09

REMOVAL FROM THE MAYORAL COMMITTEE OUTSTANDING LIST OF A REPORT MC 10/07/08 PROPOSED DIRECT NEGOTIATION ARISING FROM AN APPLICATION TO LEASE MUNICIPAL PROPERTY BEING PORTION OF ERF 50404, CAPE TOWN (FORMER RONDEBOSCH BOWLING CLUB), AVENUE DE MIST, RONDEBOSCH: CAPE TOWN CYCLE TOUR TRUST)

Ald. Purchase proposed that the recommendation in the report on the agenda be amended as set out below.

The above proposal was duly supported.

RESOLVED that:

- (a) item 4 (*MC 10/07/08 Proposed Direct negotiation arising from an Application to lease municipal property being portion of Erf 50404, Cape Town (former Rondebosch Bowling Club) Avenue de Mist, Rondebosch: Cape Town Cycle Tour Trust*) remain on the Outstanding Matters List

- (b) the Director: Sport and Recreation be tasked with deciding the future of the property.

**ACTION: W ANDERSON; R GELDERBLOEM; M MOHAMED;
G JOSEPHS**

MC 10/07/09

**UPDATE REPORT – BUSINESS SUPPORT VOUCHER
PROGRAMME (BSVP)**

Ald. Purchase, Mayco Member for Economic Development & Tourism, proposed that the report on the agenda be withdrawn in order for the Economic Department to submit a further report, which should include information on the benefits of this programme to the City in respect of enterprise development.

The above proposal was duly supported.

RESOLVED that the progress report on the Business Support Voucher Programme (BSVP) be withdrawn.

ACTION: D ALCOCK; C VIZZI; T SIGANDA; M MOHAMED

MC 11/07/09

**REPORT MACASSAR AFRISAM PROJECT PUBLIC PRIVATE
PARTNERSHIP**

RESOLVED that:

- (a) the progress on the report be noted and item *MC 54/08/08 Request for Council Approval in Establishing a Partnership with Afrisam for the Management and Operation of a Job Centre and Industrial Park in Macassar* be removed from the Mayco Outstanding Matters List
- (c) the Economic, Social Development and Tourism Portfolio Committee be requested to, on submission of the report, assess and evaluate the business plan before submitting it to Mayco for consideration.

ACTION: G WILLIAMS; T SIGANDA; M MOHAMED

MC 12/07/09

**UPDATE ON ITEM MC 37/04/09: AUTHORITY TO PROCEED
WITH MUNICIPAL PLANNING BY-LAW AND RECENT
PROVINCIAL INITIATIVES**

RESOLVED that:

- (a) the drafting of a Municipal Planning By-law as recommended in item MC 37/04/09 not be proceeded with at this stage
- (b) a further report be submitted to the Executive Mayor via the Planning & Environment Portfolio Committee during October 2009 to advise on the progress on the Provincial initiative in this regard and to take a final decision on whether or not to proceed with the drafting of a Municipal By-Law at Municipal level.

ACTION: F OGLE; C WALTERS; P VAN ZYL; G JOSEPHS

FOR DECISION BY COUNCIL

MC 13/07/09

DRAFT MINUTES OF THE QUARTERLY AUDIT COMMITTEE MEETING HELD ON 28 MAY 2009

Cllr Ras referred to page 280 of the agenda and proposed that a report on the outcome of the HR Allowances investigation be submitted to Mayco.

The above proposal was duly supported.

RECOMMENDED that the draft minutes of the quarterly Audit Committee meeting of 28 May 2009, be noted.

RESOLVED that a report on the outcome of the HR Allowances investigation as alluded to at the bottom of page 280 of the agenda be submitted to Mayco.

**ACTION: N MEISSENHEIMER; R VOSLOO; Z ABRAMS;
D BERETTI; M MARSDEN**

MC 14/07/09

DRAFT MINUTES OF THE SPECIAL AUDIT COMMITTEE MEETING HELD ON 10 JUNE 2009

RECOMMENDED that the draft minutes of the special Audit Committee meeting of 10 June 2009, be noted.

ACTION: N MEISSENHEIMER; R VOSLOO; Z ABRAMS

MC 15/07/09

REQUEST FOR ADDITIONAL FUNDS TO COVER THE SHORTFALL FOR THE PAYMENT OF THE SOUTH AFRICAN LOCAL GOVERNMENT ASSOCIATION (SALGA) ANNUAL MEMBERSHIP FEES

The Mayco Member for Corporate Services, Ald. B Walker, said that:

- the City had already finalised its 2009/2010 budget when Salga's invoice was received on 26 May 2009.
- the proposed 42% Salga membership fee increase was unaffordable for the City in view of service delivery needs and unfunded mandates;
- the City was dissatisfied with the service Salga provides and that this was conveyed to the Association at various levels of engagement with Salga.

In view of the above, Ald. B Walker proposed that:

- i) the increased Salga membership fees not be approved and that only the amount of R6 million budgeted for in the 2009/2010 financial year in respect of annual membership fees be paid to Salga;
- ii) part (b) of the recommendation as set out in the report on the agenda not be considered.

The above proposal was duly supported.

RECOMMENDED that the increased membership fees payable to Salga from R6 million to R8,5 million not be approved and that only the amount of R6 million budgeted for in the 2009/2010 financial year in respect of annual membership fees be paid to Salga.

**ACTION: N MEISSENHEIMER; B MOTHIBI; G KENHARDT;
M RICHARDSON
SAFETY & SECURITY PORTFOLIO**

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

MC 16/07/09

ANIMAL BY-LAW, 2009

The Mayco Member for Safety & Security, Cllr JP Smith, motivated the need for the second round of public participation on the revised version of the draft Animal By-Law, 2009. Cllr JP Smith highlighted that implementation of this by-law would necessitate the establishment of a dedicated animal unit within the Safety &

Security Directorate and the outsourcing and relocation of the animal pound in Atlantis and that these matters would be addressed in a follow up report to the appropriate Committee of Council.

Cllr JP Smith pointed out a number of typographical and formatting errors (numbering, spacing, etc.) on pages 323, 332 and 336 of the agenda and requested the Legal Services Department to correct the errors before releasing it into the public domain.

RESOLVED that the revised version of the draft Animal By-Law, 2009, attached to the report on the agenda be adopted and released for further public participation and comment.

ACTION: L MALIN; ADV. I ROBSON; R BOSMAN

EXECUTIVE MAYOR

FOR DECISION BY COUNCIL

MC 17/07/09

DELEGATION OF AUTHORITY TO NEGOTIATE WITH PRIVATE MEDIA OWNERS IN ORDER TO MAXIMISE 2010 HOST CITY ADVERTISING REVENUE

Ald. Neilson, Deputy Executive Mayor, proposed that the report on the agenda be withdrawn.

The above proposal was duly supported.

RESOLVED that the report on authorization for the Manager: 2010 Event Marketing to negotiate revenue sharing deals with private media owners be withdrawn.

**ACTION: C BRUWER. L BARCHARD; L DE REUCK;
M MARSDEN; M RICHARDSON**

ADDITIONAL MATTER:

MC 18/07/09

MAYORAL COMMITTEE OUTSTANDING MATTERS LIST AS AT 15 JULY 2009

A discussion ensued during which Mayco Members and EMT members advised on the items relevant to their Portfolios/Directorates.

RESOLVED that the Mayco Outstanding Matters List as at 15 July 2009 be noted.

(Note: the details as to the progress/action reported on at this meeting for the respective items on the Mayco Outstanding Matters List, were incorporated into the updated list).

ACTION: G JOSEPHS; EMT

The meeting ended at 11:33

CHAIRPERSON _____ **DATE:** _____