

CONFIDENTIAL



AGENDA
for an
ORDINARY MEETING

**MANGAUNG
METROPOLITAN
COUNCIL**

**Council Chamber
First Floor
Bram Fischer Building
Bloemfontein**

**THURSDAY
JUNE 30, 2016
AT 10:00**

**MANGAUNG
METROPOLITAN
MUNICIPALITY**

MANGAUNG METROPOLITAN MUNICIPALITY**Bram Fischer Building
BLOEMFONTEIN****June 24, 2016****THE SPEAKER, EXECUTIVE MAYOR AND ALL MEMBERS OF THE
METROPOLITAN MUNICIPAL COUNCIL OF THE
MANGAUNG METROPOLITAN MUNICIPALITY**

Ladies and gentlemen

Notice is hereby given in terms of the provisions of
Section 18(2) read in conjunction with Section 29(1) of the Local Government:
Municipal Structures Act, 1998 (Act No 117 of 1998) and
Rule 3 and Rule 10(1) of the Council's Standing Rules and Orders that

an ordinary meeting of the**MUNICIPAL COUNCIL OF THE
MANGAUNG METROPOLITAN MUNICIPALITY****to be held in the****COUNCIL CHAMBER, FIRST FLOOR
BRAM FISCHER BUILDING
BLOEMFONTEIN****on****TUHRSDAY, JUNE 30, 2016****AT 10:00**

to consider the item/s as set out in this agenda.


**ACTING MUNICIPAL MANAGER
ADVOCATE TB MEA**

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	NONE	(30)

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AGENDA

(OPEN COUNCIL)

**103.
OPENING**

**104.
APPLICATIONS FOR LEAVE OF ABSENCE**

Note:

- (i) **Attendance Register:** Every member attending a meeting shall sign his/her name in the attendance register kept for this purpose before the commencement of the meeting.
- (ii) **Leave Register:** In order to streamline administrative processes Councillors are friendly requested to submit applications for leave of absence in the appropriate register kept for this purpose. Members are requested to fill in this register either before the commencement of the meeting or after the termination thereof.
- (iii) **Name-plates** Councillors are friendly requested to please take along their name-plates and to display it throughout the meeting.
- (iv) **Apologies during the course of the Council meetings** Councillors are friendly requested to complete in full and submit the relevant apology form for this purpose.
- (v) **Code of Conduct** Councillors are reminded of item 3, Schedule 1 of the Code of Conduct for Councillors which reads as follows, namely:

3. **Attendance at Meetings:**

A councillor must attend each meeting of the municipal council and of a committee of which that councillor is a member, except when-

- (a) leave of absence is granted in terms of an applicable law or as determined by the rules and orders of the council; or
- (b) that councillor is required in terms of this Code to withdraw from the meeting.@

MEETING RULES:

1. All Councillors must arrive at **least 15 minutes before the commencement** of the Council and all other Committee meetings;
2. All **cellular phones must be switched off before commencement** of the Council and all other Committee meetings;
3. Councillors may **not talk longer than ten (10) minutes** on any matter;
4. Unless expressly otherwise determined, a Councillor may **speak only once on a matter**;
5. A Councillor who speaks must **confine his or her speech strictly to the matter under discussion**.

**105.
OFFICIAL ANNOUNCEMENTS BY THE SPEAKER**

(i) Personal

**BIRTHDAYS OF COUNCILLORS FOR THE MONTH OF JUNE
CONGRATULATIONS AND BEST WISHES**

COUNCILLOR S DYSIBA	06 JUNE
COUNCILLOR JD POWELL	06 JUNE
COUNCILLOR MA RAMETSE	19 JUNE
COUNCILLOR AP TERBLANCHE	22 JUNE
COUNCILLOR TA JACOBS	26 JUNE

(ii) General

**106.
REPORTS OF THE SPEAKER IN TERMS OF RULES 15(1) AND 99(4)**

**107.
APPLICATIONS AND APPEALS FROM COUNCILLORS IN TERMS OF RULES 14(1),
67 AND 72**

**108.
REPORT RECEIVED FROM THE SPEAKER**

**A. RECOMMENDED UNIFORM STANDING RULES AND ORDERS FOR
MUNICIPALITIES**

Annexure: Report dated June 24, 2016 received from the Acting City Manager
(Pages

RECOMMENDATION

- (a) That Council take note of the proposed Standing Rules And Orders for meetings of Council and its Committees as received from South African Local Government Association (SALGA);
- (b) That the proposed Standing Rules And Orders for meetings of Council and its Committees received from South African Local Government Association (SALGA) be approved and

- (c) That the recommended Uniform Standing Rules and Orders, after the approval of Council, be submitted to the MEC: COGTA for their proclamation in the Provincial Government Gazette.

B. REPORT ON THE EMPLOYMENT CONTRACTS OF SECTION 56 AND 57 EMPLOYEES

This item would be discussed "In Committee".

The report thereof will be availed at the meeting.

**109.
MOTIONS OF SYMPATHY AND CONGRATULATIONS BY THE SPEAKER**

**110.
MOTIONS OF SYMPATHY AND CONGRATULATIONS BY OTHER COUNCILLORS**

**111.
DEPUTATIONS AND INTERVIEWS**

**112.
DISCLOSURE OF INTEREST**

**113.
MINUTES OF THE PREVIOUS MEETINGS**

Ordinary meeting: Thursday, March 31, 2016

114.

QUESTIONS OF WHICH NOTICE HAVE BEEN GIVEN**A. INFORMATION REQUESTED IN TERMS OF RULE 38 OF THE STANDING RULES AND ORDERS**

None.

B. RESPONSES IN TERMS OF RULE 52 QUESTIONS OF THE STANDING RULES AND ORDERS

1. Annexure: Response dated April 20, 2016 received from the Acting City Manager to questions raised by Councillor AS Zerwick from a letter dated April 8, 2016 (**Slaying of rhinoceros at Kwaggafontein**) (Volume 1: Pages 50 – 53).
2. Annexure: Response dated June 13, 2016 received from the Acting City Manager to questions raised by Councillor T van der Walt from a letter dated June 6, 2016 (**Implementation of the SCM Policy in terms of the Municipal Systems Act**) (Volume 1: Pages 54 – 79).
3. Annexure: Response dated June 20, 2016 received from the Acting City Manager to questions raised by Councillor T van der Walt from a letter dated June 14, 2016 (**request foe speed calming measures in Oliver Tambo road**) (Volume 1: Pages 80 – 82).
4. Annexure: Response dated June 1, 2016 received from the Acting City Manager to questions raised by Councillor GDP Kotze from a letter dated January 11, 2016 (**refuse removal during the festive season until January 10, 2016**) (Volume 1: Pages 83 – 85).
5. Annexure: Response dated June 4, 2016 received from the Acting City Manager to questions raised by Councillor PJJ van Biljon from a letter dated May 3, 2016 (**progress regarding the Kenneth Kaunda road**) (Volume 1: Pages 86 – 88).

C. RESPONSES IN TERMS OF RULE 53 QUESTIONS OF THE STANDING RULES AND ORDERS

1. Annexure: Response dated February 11, 2016 received from the Acting City Manager to questions raised by Councillor T van der Walt at an ordinary meeting of the Council held February 25, 2016, item 147 (**Report on the performance of the Supply Chain Management for the quarter ending March 2016**). (Volume 1: Pages 89 – 90)

2. Annexure: Response dated June 4, 2016 received from the Acting City Manager to questions raised by Councillor GDP Kotze at an ordinary meeting of the Council held May 5, 2016, item 8 **(Coledon Modder sub-system: imposition of water restrictions to Mangaung metro municipality based on government gazette no 39679 dated 12 February 2016)**. (Volume 1: Page 91)
3. Annexure: Response dated June 12, 2016 received from the Acting City Manager to questions raised by Councillor FR Botes at an ordinary meeting of the Council held May 5, 2016, item 8 **(Coledon Modder sub-system: imposition of water restrictions to Mangaung metro municipality based on government gazette no 39679 dated 12 February 2016)**. (Volume 1: Page 92)

115.

OVERVIEW AND MATTERS BY THE EXECUTIVE MAYOR

NOTE BY SECRETARIAT: The purpose of this item is to afford the Executive Mayor, Councillor TM Manyoni, an opportunity to address the Council on matters that are of National importance and may reflect and has an impact on the Mangaung Metropolitan Municipality.

REPORTS OF THE EXECUTIVE MAYOR

116A	ITEMS RECEIVED FROM THE CITY MANAGER AND EXECUTIVE MAYOR AND FOR CONSIDERATION BY THE COUNCIL
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1.
2015/16 MID-YEAR AUDIT COMMITTEE REPORT TO COUNCIL

Annexure: Report received from the Chief Financial Officer and submitted by the Acting City Manager. (Volume 2: Pages 1000 – 1110)

RECOMMENDATION that Council consider and approve the report as submitted by the Audit Committee.

2.
EPWP POLICY REVIEW REPORT FOLLOWING PUBLIC HEARINGS

Annexure: Report dated May 13, 2016 received from the HOD: Strategic Projects and Service Delivery Projects, recommended by the Acting City Manager and approved by the Executive Mayor (Volume 2: Pages 1111 – 1246)

RECOMMENDATION

- (a) That the Council take note of the amendments to the MMM Expanded Public Works Programme Policy and Implementation Plan attached hereto as Annexure C and
- (b) That Council approves the amended Expanded Public Works Programme Policy and Implementation Plan attached hereto as Annexure D.

3.
DONATION OF OUTDOOR GYM EQUIPMENT BY SPORT AND RECREATION SOUTH AFRICA (SRSA)

Annexure: Report dated 19 May 2016, received from the HOD: Social Services, recommended by the Acting City Manager. (Volume 3: Pages 1247 – 1254)

RECOMMENDATION

- (a) That Council take note of the content of the report;
- (b) That Council approves the donation of Outdoor Gym Equipment by Sport and Recreation South Africa (SRSA);
- (c) That a Memorandum of Understanding be concluded and
- (d) That the Outdoor Gym equipment be placed at site, erf Number 50793 in Bloemfontein based on its location and availability of space.

**4.
REQUEST FOR AN AMENDMENT IN THE APPROVED CONDITIONS OF SALE OF
THE PROPOSED PORTION OF THE FARM SELOSESHA TOWNLANDS**

Annexure: Report dated April 18, 2016 received from the HOD: Human Settlements and Housing, recommended by the Acting City Manager and approved by the Executive Mayor (Volume 3: Pages 1267 – 1272)

RECOMMENDATION that Council condone and approve an alternative portion as identified by the Land Surveyor as well as the amendment of the conditions of sale of the Farm Selosesha Townlands 900 subject to the following terms and conditions to be accepted by the applicant in writing, namely:

- (a) That the purchase price be revised in line with the new extent of 2.8128 hectares;
- (b) That the Council appoint a Conveyancer for the subdivision, drawing up of the Deed of Sale, transfer and the registration for the account of the applicant;
- (c) That the applicant be responsible for all town planning actions necessary and that all costs be borne by the applicant;
- (d) That where applicable the applicant will be responsible for the traffic impact study and the costs therefore shall be borne by the applicant;
- (e) That where applicable, the applicant will contribute towards the cost of strengthening and upgrading the external supply network on a pro rate basis if the demand exceed the existing supply capacity to the erf. Cost thereof will be furnished on receipt of the application and after discussion with the Development Section of Centlec (Pty)Ltd Forthare Street, Bloemfontein;
- (f) That where applicable, existing services be secured by means of the registration of a servitude in favour of the Council and costs thereof shall be for the applicant;
- (g) That, where applicable, the applicant will bear the full costs for any other alteration that needs to be made to the existing electrical network that is a direct result of the proposed development and
- (h) That the property will be provided with water and sewer connections at a standard tariffs for the account of the applicant.

**5.
MANGAUNG METROPOLITAN MUNICIPALITY: ESTABLISHMENT OF CIVILIAN
AND OVERSIGHT COMMITTEE**

Annexure: Report dated June 17, 2016 received from the Acting City Manager. (Volume 3: Pages 1273 – 1275)

RECOMMENDATION

- (a) That the Mangaung Metropolitan Municipal Council take note of this report;
- (b) That the Mangaung Metropolitan Municipal Council approves the establishment of the Civilian and Oversight Committee for the Mangaung Metropolitan Police Department;
- (c) That the Acting City Manager be mandated as the custodian of the Civilian and Oversight Committee to ensure compliance in a properly structured manner as prescribed in Section 64J in South African Police Service Act of 1995 (as amended) and
- (d) That the full complement of names of the members of the Civilian and Oversight Committee be submitted for approval after the municipal election scheduled for August 2016.

**6.
SALE OF LAND FOR DEVELOPMENT: DISPOSAL OF ASSETS THAT ARE NO
NEEDED TO PROVIDE MINIMUM LEVEL OF MUNICIPAL BASIC SERVICES**

Annexure: Report dated September 11, 2015 received from the HOD: Human Settlements, recommended by the Acting City Manager and approved by the Executive Mayor. (Volume 3: Pages 1276 – 1282)

RECOMMENDATION

- (a) That the Mangaung Metropolitan Municipal Council, in compliance with Section 14(2)(a) of the MFMA, declare the assets listed under paragraph 5 of the report as assets that are not needed to provide the minimum level of municipal basic services and approve the disposal by way of sale and development thereof to enhance economic growth and social development;
- (b) That the Mangaung Metropolitan Municipal Council in compliance with Section 14(2)(b) consider and approve the fair market value of the said assets and that the said values be used as the reserve prices for the disposal of the assets under paragraph 5 of the report;

- (c) That the Mangaung Metropolitan Municipal Council take note that the public participation process as required in terms of Regulation 5(1)(a) of the Local Government: Municipal Asset Transfer Regulation is not applicable to facilitate the determination in terms of Section 14(2)(a) and (b) of the MFMA as none of the land parcels listed has a value exceeding R50 million and that the combined value of all parcels listed does not exceed one (1) percent of the total value of municipal capital assets and
- (d) That the sale of the listed capital assets be advertised in the newspapers calling for bids in line with the Supply Chain Management Policy and the Policy for Disposal of the Municipality's Land and other Immovable Capital Assets to ensure that the process is fair, equitable, transparent and competitive as required in terms of Section 14(5) of the MFMA.

7.

FINAL REPORT: UNSOLICITED BID RECEIVED FROM THE BLOEMFONTEIN CELTIC FOOTBALL CLUB TO LEASE DR PETRUS RANTAI MOLEMELA STADIUM ON ERF 6942, MOSHOESHOE ROAD, KAGISANONG, BLOEMFONTEIN (A CAPITAL ASSET OF HIGH VALUE) FOR A LONG TERM PERIOD

Annexure: Report dated June 07, 2016 received from the Head: Human Settlements and recommended by the Acting City Manager. (Volume 3: Pages 1283 – 1378)

RECOMMENDATION

- (a) That the Mangaung Metropolitan Municipal Council take note of the legislative process followed in dealing with the application by the Bloemfontein Celtic Football Club to lease Dr Petrus Rantai Molemela Stadium on Erf 6942, Moshoeshoe Road, Kagisanong and in line with Sub-regulation 34(1)(b) of the Local Government: Municipal Asset Transfer Regulations, 2008 (MAT Regulations, 2008) approve in principle the said application, and further take note that a meeting of the Bid Adjudication Committee must in line Regulation 37 of the Local Government: Municipal Supply Chain Management Regulations, 2005 be convened to finalise the application, after which a written agreement will be entered into a line with Sub-regulation 45(2) of the MAT Regulations, 2008;
- (b) That the rental be set at an amount of R128 640, 00 (One hundred and Twenty Eight thousand, Six hundred Forty rand) per annum for the first year, with a new rental and escalation to be determined on lease anniversary based on the lessee's annual financial statements that must be furnished by the lessee to the lessor at least six (6) months prior to the first anniversary;
- (c) That the rental shall be payable in advance, on inception of the lease agreement and thereafter in advance on its annual anniversary;
- (d) That a lease agreement be for a period of twenty (20) years with an option to renew for a further period to be negotiated and agreed upon between the parties (the Lessor and the Lessee) at least six (6) prior to the expiry date;

- (e) That notwithstanding the date of approval, the commencement date be the first day of the month following the respective signing dates of the lease agreement by the Lessor and the Lessee, the last date of signature being the signing date for this purpose;
- (f) That the lease Lessee shall not cede, assign, delegate, or sublet the lease property or any part thereof without prior written consent of the Lessor;
- (g) That the lease property shall at no point serve as security for the Lessee's obligations and that the Lessee shall not have a right to mortgage or encumber the lease property or any part thereof;
- (h) That a maintenance plan for all the improvements on the lease property shall be drafted and be agreed upon between the Lessor and the Lessee and that the Lessee shall adhere to maintenance requirements per the approved maintenance plan and that the consequences of failure to adhere thereto must be incorporated in the said plan;
- (i) That the Legal Services must ensure that the lease agreement to be concluded adequately deals with the consequences should Celtic be relegated to the lower league, the consequences should Celtic relocate to another area outside Mangaung as well the consequences should Celtic ownership change;
- (j) That the Lessee shall be responsible for taking out the adequate insurance policy in favour of the lease property and be responsible for all the premiums;
- (k) That the lease agreement be registered against the title of 6942, Moshoeshoe Road, Kagisanong, Bloemfontein (Land on which the stadium is constructed) and that the notarial registration of the lease agreement be for the sole account of Celtic;
- (l) That a meeting of the Bid Adjudication Committee be open for public as required by regulation 37 of the MAT Regulations and as per the National Treasury letter of approval and support and
- (m) That a public notice informing the public of such a meeting be published in the local newspapers.

8. FINAL REPORT:UNSOLICITED BID RECEIVED FROM THE FREE STATE RUGBY UNION TO LEASE THE OLD GREY SPORTS CLUB ON PORPTION 15 OF ERF 26408, WILLOWS; BLOEMFONTEIN. (A CAPITAL ASSET OF HIGH VALUE) FOR A LONG TERM PERIOD OF 99 YEARS

Annexure: Report dated June 07, 2016 received from the Head: Human Settlements and recommended by the Acting City Manager. (Volume 4: Pages 1379 – 1433)

RECOMMENDATION

- (a) That the Mangaung Metropolitan Municipal Council take note of the legislative process followed in dealing with the application Free State Rugby Union to lease Old Grey Sports Club , Portion 15 of Erf 26408, Park Road, Willows; Bloemfontein for a long term period of ninety nine (99) years as well as the effort by the City to correct an error in law in respect of the said legislative process and in line with Sub-Regulation 34(1)(b) of the Local Government: Municipal Asset Transfer Regulations, 2008 (MAT Regulations, 2008) (MAT Regulations, 2008) approve in principle the said application, and further take note that a meeting of the Bid Adjudication Committee must in line Regulation 37 of the Local Government: Municipal Supply Chain Management Regulations, 2005 be convened to finalise the application, after which a written agreement will be entered into a line with Sub-regulation 45(2) of the MAT Regulations, 2008;
- (b) That a nominal rental of R2300,00 be payable by the lessee for the entire duration of construction period and only after the lease agreement has been signed;
- (c) That the rental be set at an amount of R55 000, 00 (Fifty Five thousand rand) per month for the first year from the date that appears on the certificate of occupation issued by the relevant authority;
- (d) That the said rental shall at least six months prior to its anniversary (a year from the date of the issuing of occupation certificate)be reviewed by considering the amount that could be levied for rates and taxes if the property was privately owned;
- (e) That the final rental payable be an amount of R55 000,00 (Fifty Five thousand rand) per month or the amount that could be levied for rates and taxes, whichever is greater;
- (f) That the final rental amount escalate at a rate of 8% per annum on the anniversary date of the lease agreement;
- (g) That a lease period be for a period of thirty (30) years with an option to renew for a further period to be negotiated and agreed upon between the parties (the Lessor and the Lessee) at least six (6) prior to the expiry date;
- (h) That notwithstanding the date of approval, the commencement date be the first day of the month following the respective signing dates of the lease agreement by the Lessor and the Lesser, the last date of signature being the signing date for this purpose;

- (i) That the lease Lessee shall not cede, assign, delegate, or sublet the lease property or any part thereof without prior written consent of the Lessor;
- (j) That the lease property shall at no point serve as security for the Lessee's obligations and that the Lessee shall not have a right to mortgage or encumber the lease property or any part thereof;
- (k) That a maintenance plan for all the improvements on the lease property shall be drafted and be agreed upon between the Lessor and the Lessee and that the Lessee shall adhere to maintenance requirements per the approved maintenance plan and that the consequences of failure to adhere thereto must be incorporated in the said plan;
- (l) That the Lessee shall be responsible for taking out the adequate insurance policy in favour of the lease property and be responsible for all the premiums;
- (m) That the lease agreement be registered against the title of Portion 15 of erf 26408 Park Road, Willows, Bloemfontein and that the notarial registration of the lease agreement be for the sole account of the Lessee;
- (n) That all improvements shall become the property of Mangaung Metropolitan Municipality by means of accession and that control thereof shall pass to the Mangaung Metropolitan Municipality on termination of the lease agreement free of charge;
- (o) That a meeting of the Bid Adjudication Committee be open for public as required by regulation 37 of the MAT Regulations and as per the National Treasury letter of approval and support and
- (p) That a public notice informing the public of such a meeting be published in the local newspapers.

**9.
UNSOLICITED BID: APPLICATION RECEIVED FROM PHG GROUP OF ENTITIES
TO ACQUIRE A PORTION OF STREET (ERF 30482) BETWEEN ERF 120 HELICON
HEIGHTS AND ERF 30376 EXTENSION 213, BLOEMFONTEIN**

Annexure: Report dated June 17, 2016 received from the Head: Human Settlements and recommended by the Acting City Manager. (Volume 4: Pages 1434 – 1462)

RECOMMENDATION

- (a) That the Mangaung Metropolitan Municipal Council take note of the contents of this submission and the fact that the unsolicited bid received from PHG Group of Entities on behalf of B&L Trust, the owner of erf 120 Helicon Heights and erf 30376 Extension 5 to acquire a portion of street (erf 30482) is exempted from of processes required in terms of the Local Government : Municipal Asset Transfer Regulations, 2008 (MAT Regulations, 2008) due to the fact that the value of the street portion does not amount to five (5) percent or one (1) percent of the total

value of the municipality assets. The total value of the erven in question amounts to R130 000,00 whereas 5% of the total value of the City's assets has been confirmed by the Asset Management Sub Directorate to be R535 154 531,08 which amount represents 1% of the said total value;

- (b) That because of the fact that the land parcel in question is a street which may be beneficial the number of motorists in the future, the Mangaung Metropolitan Municipal Council authorize (MMM) to solicit public comments as well as comments from interested parties, National and Provincial Treasury, in compliance with section 113 of the Local Government : Municipal Finance Management Act 56 of 2003, read together with Section 21A of the Local Government : Municipal System Act 32 of 2000 and Regulations 37 of the Local Government : Municipal Supply Chain Management Regulations of 2005, to consider an unsolicited bid received from PHG Group of Entities on behalf of B&L Trust, the owner of erf 120 Helicon Heights and erf 30376 Extension 5 to acquire a portion of street (erf 30482) in order to expand the North Ridge Mall Shopping Centre;
- (c) That the Local Government : Municipal Supply Chain Management Regulations, 2005 prescribe peremptory processes that must be followed by a municipality when considering unsolicited bids;
- (d) That the public participation as prescribed by the Local Government : Municipal Supply Chain Management Regulations, 2005 must run for 30 days;
- (e) That the selling price of the portion of street (erf 30482) be set at R130 000,00 (on hundred and thirty thousand rand) plus VAT;
- (f) That upon receipt of both the necessary comments in terms of Local Government : Municipal Supply Chain Management Regulations, 2005 all comments and any counterproposal received be presented to both the National and Provincial Treasuries for comments;
- (g) That on receipt of the National and Provincial Treasury comments, the matter be referred to the Bid Adjudication Committee for finalization and
- (h) That the approval hereof be subject to any condition/s that may be imposed when considering the general land use or town planning application relating to the proposed extension of the mall.

**10.
APPLICATION TO ACQUIRE A SERVITUDE OVER THE FARM SUNNYSIDE 2620,
BLOEMFONTEIN FOR THE CONSTRUCTION OF 132/11 KV ELITE DISTRIBUTION
CENTER**

Annexure: Report dated June 10, 2016 received from the Head: Human Settlements and recommended by the City Manager. (Volume 4: Pages 1463 – 1467)

RECOMMENDATION

- (a) That the Mangaung Metropolitan Municipality Council, in line with the Delegation of Power Policy Number 86 approve and grant to CENTLEC a 120mx80m with 30m wide line servitude over the Remainder of a portion the Reminder of the Farm Sunnyside 2620, Bloemfontein for the construction of a 132/11Kv Elite Distribution Centre and
- (b) That CENTLEC shall be responsible for all costs relating to the construction of the said substation as well as the registration of the required servitude with the Registrar of Deeds.

**11.
APPLICATION TO LEASE AERIAL RIGHTS (SPACE ABOVE GROUND LEVEL)
OVER A PORTION OF MELVILLE DRIVE, BRANDWAG, BLOEMFONTEIN**

Annexure: Report dated June 15, 2016 received from the Head: Human Settlements and recommended by the Acting City Manager. (Volume 4: Pages 1468 – 1493)

RECOMMENDATION

- (a) That the Mangaung Metropolitan Municipal Council approve the application submitted by MDA Town and Regional Planners on behalf of their client (Pareto Limited) to lease aerial rights over a portion of Melville Drive between Mimosa Mall and the Brandwag, Bloemfontein in order to erect an aerial bridge that will accommodate a walkway and retail space only on one floor;
- (b) That the floor area of the said air rights may not exceed 1 707m² in total;
- (c) That the rental be set an amount of R21 333,33 (twenty one thousand three hundred and thirty three rand) per month;
- (d) That a lease period be for a period the duration equal to the physical existence aerial bridge;
- (e) That notwithstanding the date of approval, the commencement date be the first day of the month following the respective signing dates of the lease agreement by the Lessee and the Lessor, the last date of signature being the signing date for this purpose;
- (f) That the rental escalates at a rate of 8% per annum on the anniversary date of the lease agreement;

- (g) That the rental be reviewed every ten (10) years during the run of the lease;
- (h) That the property be used exclusively for the intended air bridge and parking and not for any business purposes;
- (i) That the Lessee shall not sublet the property or improvements thereon, or allow anybody else to occupy the property without prior written approval of the Lessor, which approval shall not be unreasonably withheld;
- (j) That any material alteration of the property may not be done by the Lessee without prior written consent of the Municipality;
- (k) That before any construction can commence, Roads and Storm Water sub-directorate, Metro Traffic Engineering Unit and Centlec shall be consulted for their final approval;
- (l) That the surveying and the notarial registration of the lease agreement be for the account of the developer;
- (m) That this approval and the proposed development be subject to all necessary statutory land development processes or town planning processes and any conditions to be imposed as a result of the said processes, including height restriction/relaxation and
- (n) That the Legal Services Unit be tasked to draft the appropriate lease agreement on receipt of approval of this application and acceptance of the terms and conditions by the applicant.

12.

APPLICATION TO LEASE AERIAL RIGHTS (SPACE ABOVE GROUND LEVEL) OVER A PORTION OF PRELLER STREET AT PRELLER RETAIL AREA IN DAN PIENAAR

Annexure: Report dated May 20, 2016 received from the Head: Human Settlements and recommended by the Acting City Manager. (Volume 5: Pages 1494 – 1509)

RECOMMENDATION that the Mangaung Metropolitan Municipal Council approve the application submitted by MCS Consulting Services on behalf of their client (MMR Properties CC) to lease aerial rights over Preller Street at Preller Retail Area in Dan Pienaar to develop four (4) mezzanine floors parking bays and that the application be approved subject to the following terms and conditions to be accepted by the applicant/developer in writing, namely:

- (a) That notwithstanding the date of approval, the commencement date be the first day of the month following the respective signing dates of the lease agreement by the Lessee and the Lessor or when the construction on the airspace commences, whichever is earlier;

- (b) That the lease term be for as long as the aerial bridge exists;
- (c) That the rental be set at an amount of R50 900,00 (fifty thousand nine hundred rand) per month, VAT excluded;
- (d) That the rental escalate at a rate of 8% per annum on the anniversary date of the lease agreement;
- (e) That an amount equal to the monthly rental be deposited into Mangaung Metropolitan Municipality bank account as a refundable deposit on or before the commencement date;
- (f) That the rental be reviewed every ten (10) years during the run of the lease;
- (g) That the property be used exclusively for the intended air bridge and parking and not for any business purposes;
- (h) That the Lessee shall not sublet the property or improvements thereon, or allow anybody else to occupy the property without prior written approval of the Lessor, which approval shall not be unreasonably withheld;
- (i) That any material alteration of the property may not be done by the Lessee without prior written consent of the Municipality;
- (j) That before any construction can commence, Roads and Storm Water sub-directorate, Metro Traffic Engineering Unit and Centlec shall be consulted for their final approval;
- (k) That the surveying and the notarial registration of the lease agreement be for the sole account of the developer;
- (l) That this approval and the proposed development be subject to all necessary statutory land development processes or town planning processes and any conditions to be imposed as a result of the said processes, including height restriction/relaxation and
- (m) That the Legal Services Unit be tasked to draft the appropriate lease agreement on receipt of approval of this application and acceptance of the terms and conditions by the applicant.

**13.
UNSOLICITED BID: PROPOSAL BY ARNOBEX (PTY) LTD TO ACQUIRE ERVEN
2721, 2722, 2723, 2724, 2725, 3441, 3442 AND 3443 CALEB MOTSHABI**

Annexure: Report dated June 17, 2016 received from the Head: Human Settlements and recommended by the Acting City Manager. (Volume 5: Pages 1510 – 1525)

RECOMMENDATION

- (a) That the Mangaung Metropolitan Municipal Council (Council) take note of the contents of this submission and the fact that the unsolicited bid received from Arnobex (Pty) Ltd has not passed the test to be treated and accepted as unsolicited bid;
- (b) That the bid be rejected and that all the land parcels earmarked for community facility be kept as such to be developed for the purpose for which they were created and that all businesses sites be advertised for sale through the normal bidding processes;
- (c) That a follow up report be submitted to Council at a later stage so that Council can approve the land prices as required by section 14(2)(b) of the MFMA;
- (d) That should Council decide to accept the bid, the City Manager as the accounting officer of the Mangaung Metropolitan Municipality (MMM) be authorised to solicit public comments as well as comments from interested parties, National and Provincial Treasury, in compliance with section 113 of the Local Government: Municipal Finance Management Act 56 of 2003, read together with Section 21A of the Local Government: Municipal Systems Act 32 of 2000 and Regulation 37 of the Local Government: Municipal Supply Chain Management Regulations of 2005, to consider an unsolicited bid received from Arnobex (Pty) Ltd to acquire erven 2721, 2722, 2723, 2724, 2725, 3441, 3442 and 3443 Caleb Motshabi, Bloemfontein;
- (e) That the Local Government: Municipal Supply Chain Management Regulations, 2005 prescribe peremptory processes that must be followed by a municipality when considering unsolicited bids;
- (f) That the public participation as prescribed by the Local Government: Municipal Supply Chain Management Regulations, 2005 must run for 30 days;
- (g) That upon receipt of both the necessary comments in terms of Local Government: Municipal Supply Chain Management Regulations, 2005 all comments and any counterproposals received be presented to both the National and Provincials Treasuries for comments and
- (h) That on receipt of the National and Provincial Treasury comments, the matter be referred to the Bid Adjudication Committee for finalization.

**14.
APPLICATION TO LEASE COUNCIL VACANT INDUSTRIAL LAND: ERVEN 76, 78
AND 79 BLOEMDUSTRIA, BLOEMFONTEIN FOR DEVELOPMENT PURPOSES**

Annexure: Report dated June 14, 2016 received from the Head: Human Settlements and Housing and recommended by the Acting City Manager. (Volume 5: Pages 1526 – 1554)

RECOMMENDATION

- (a) That the Mangaung Metropolitan Municipal Council take note of the unsolicited bid from Mafuri Turnkey Accelerated Construction (Pty) Ltd to lease erven 76, 78 and 79 Bloemdustrya Industrial Area in order to develop a concrete panel manufacturing plant;
- (b) That the Mangaung Metropolitan Municipal Council mandate its accounting officer, the City Manager, to solicit public comments as well as comments from other interested parties, the National and Provincial Treasury authorizes the City Manager as the accounting officer of the Mangaung Metropolitan Municipality to solicit public comments as well as comments from other interested parties, the National and Provincial Treasury Departments, in compliance with section 113 of the Local Government : Municipal Finance Management Act 56 of 2003, read together with Section 21A of the Local Government : Municipal System Act 32 of 2000 and Regulation 37 of the Local Government : Municipal Supply Chain Management Regulations of 2005 to consider unsolicited bid received from Mafuri Turnkey Accelerated Construction (Pty) Ltd to ease erven 76, 78 and 79 Bloemdustrya Industrial area;
- (c) That a nominal rental of R2 300,00 be payable by the lessee for the entire duration of construction period and only after the lease agreement has been signed;
- (d) That the rental be set at an amount of R8 250,00 (eight thousand two hundred and fifty rand) per month for the first year from the date that appears on the certificate of occupation issued by the relevant authority;
- (e) That the said rental shall at lease six (6) months prior to its anniversary (a year from the date of the issuing of occupation certificate) be reviewed by considering the amount that could be levied for rates and taxes if the property was privately owned;
- (f) That the final rental payable be an amount of R8 250,00 (eight thousand two hundred and fifty rand) per month or the amount that could be levied for rates and taxes, whichever is greater;
- (g) That the final rental amount escalate at a rate of 8% per annum on the anniversary date of the lease agreement;
- (h) That a lease period be for a period of thirty (30) year with an option to renew for a further period to be negotiated and agreed upon between the parties (the Lessor and the Lessee) at lease six (6) prior to the expiry date;

- (i) That notwithstanding the date of approval, the commencement date be the first day of the month following the respective signing dates of the lease agreement by the Lessee and the Lessor, the last date of signature being the signing date for this purpose;
- (j) That the Lessee shall not cede, assign, delegate, or sublet the lease property or any part thereof without prior written consent of the Lessor;
- (k) That the lease property shall at no point serve as security for the Lessee's obligations and that the Lessee shall not have a right to mortgage or encumber the lease property or any part thereof;
- (l) That a maintenance plan for all the improvements on the lease property shall be drafted and be agreed upon between the Lessor and the Lessee and that the Lessee shall adhere to maintenance requirements per the approved maintenance plan and that the consequences for failure to adhere thereto must be incorporated in the said plan;
- (m) That the Lessee shall be responsible for taking out adequate insurance policy in favour of the lease property and be responsible for all the premiums;
- (n) That the lease agreement be registered against the title of Portion 15 of erf 26408, Park Road, Willows, Bloemfontein and that the notarial registration of the lease agreement be for the sole account of the Lessee;
- (o) That a meeting of the Bid Adjudication Committee be open for public as required by Regulation 37 of the MAT Regulations and as per the National Treasury letter of approval and support;
- (p) That a public notice informing the public of such a meeting be published in the local newspapers and
- (q) That all the improvements shall become the property of Mangaung Metropolitan Municipality by means of accession and that control thereof shall pass to the Mangaung Metropolitan Municipality on termination of the lease agreement free of charge.

**15.
DECLARATION OF AREAS IDENTIFIED AS INTERGRATIONS ZONES WITHIN
MANGAUNG METROPOLITAN MUNICIPALITY AS RESTRUCTURING ZONES FOR
THE DEVELOPMENT OF SOCIAL HOUSING**

Annexure: Report dated June 20, 2016 received from the Head: Human Settlements and recommended by the Acting City Manager. (Volume 5: Pages 1555 – 1560)

RECOMMENDATION

- (a) That Council designate Hillside View, Vista Park II, Vista Park III, Brandkop 702, Cecilia Park; Airport Node, Thaba Nchu – Botshabelo Node, Waaihoek Precinct/Oranjesig and Raceway Park as Restructuring Zones for the development of social housing and
- (b) That after Council resolution, the land parcels in (a) above be submitted to the Provincial Department of Human Settlements for proper gazetting and submission to the National Department of Human Settlements as a matter of procedure.

**16.
SALE OF THREE RESIDENTIAL COUNCIL PROPERTIES IN THABA NCHU**

Annexure: Report received from the Head: Human Settlements and recommended by the Acting City Manager. (Volume 5: Pages 1561 – 1598)

RECOMMENDATION

- (a) That Council takes note of the contents of this report and in line with section 14(2) of the MFMA, takes a decision that the following properties; namely erf 829 Thaba Nchu Extensions 14 (Annex. 1) erf 831 Thaba Nchu (Annex. 2) and erf 607 Thaba Nchu Extensions 12 (Annex. 3) are not earmarked to provide the minimum level of basic municipal services;
- (b) That Council approves the sale of the three properties mentioned in a) above at the prices determined by the City Valuer on August 06, 2014;
- (c) That the current tenants be given the first option to buy when the houses are sold;
- (d) That all legal fees pertaining to the drawing up of the Deed of Sale as well as the transfer and registration costs be for the sole account of each tenant and
- (e) That these or any of the properties be sold on the open market through public auction if the current tenant/s decide/s not to buy.

17.
**ACQUISITION OF FARMS ALONG THE N8 TO SUPPORT EMERGING FARMERS
WITH GRAZING LAND**

Annexure: Report received from the Head: Human Settlements and recommended by the Acting City Manager. (Volume 5: Pages 1599 – 1606)

RECOMMENDATION

- (a) That the Mangaung Metropolitan Municipal Council take note of the request by the Directorate Planning and Economic Development;
- (b) That the Mangaung Metropolitan Municipal Council, in line with Power A86 of the Delegation of Powers Policy approve the acquisition of the following farms as per the request by the Directorate Planning and Economic Development, namely:
 - 1. The Farm Vadersgift 350, measuring 271 ha in extent;
 - 2. The Farm Virginia 1435, measuring 513 ha in extent and
 - 3. The Farm Waterval 1291, measuring 531 ha in extent;
- (c) That the City Manager be mandated, through the HOD: Human Settlements to negotiate with the owners of the above-listed farms for the purpose of acquiring the said farms and
- (d) That the City Manager through the CFO, be mandated to source funding for this purpose.

18.
DISPOSAL: GRASSLANDS OLD PLOT HOUSES AND RELATED PROPERTIES

Annexure: Report received from the Head: Human Settlements and recommended by the Acting City Manager. (Volume 6: Pages 1607 – 1849)

RECOMMENDATION

- (a) That the Mangaung Metropolitan Municipal Council take note of the contents of this report, especially paragraph 4 that is dealing with the reality and challenges as it relates to the economic status and well-being of most of the former owners;
- (b) That the Mangaung Metropolitan Municipal Council deliberate on the possibility of giving away properties listed under Table A above for free to the former owner, especially the historically disadvantaged as a gesture and a sign of appreciation to them for availing their land for redistribution and as acknowledgement of their plight as the victims of the so prevalent land grabs and
- (c) That all the listed properties under Table B report be sold to the mentioned occupants at the values arrived at by the Valuer.

19.
TABLING OF THE END OF TERM REPORT OF MANGAUNG METROPOLITAN MUNICIPALITY (2011 – 2016)

Annexure: Report received from the Acting City Manager. (Volume 6: Pages 1850 – 1851 and a glossy booklet)

RECOMMENDATION

- (a) That Mangaung Metropolitan Municipal Council note the End of Term report (2011 – 2016) for Mangaung Metropolitan Municipality;
- (b) That Mangaung Metropolitan Municipal Council note the End of Term report (2011 – 2016) will be published on the website;
- (c) That Mangaung Metropolitan Municipal Council note the copies of the End of Term report (2011 – 2016) and the corresponding summary report thereon will be circulated to the citizens of Mangaung Metropolitan Municipality and
- (d) That Mangaung Metropolitan Municipal Council note that the End of Term report (2011 – 2016) and the corresponding summary report thereon will be submitted to the Provincial and National Departments of Cooperative Governance and Traditional Affairs and Provincial and National Treasuries.

20.
DELEGATIONS OF POWERS REPORT

Annexure: Report received from the Acting City Manager. (Pages 1852 – 1853)

RECOMMENDATION that this report, together with Annexures be considered and approved by Council.

21.
PROGRESS ON MERGER OF MANGAUNG METRO AND NALEDI LOCAL MUNICIPALITY

Annexure: Report received from the Acting City Manager. (Pages 1854 – 1859)

RECOMMENDATION

- (a) That Council approve the report;
- (b) That Council gives permission for processes of the Work Streams to continue to prepare for the new systems and processes of the new Municipality that will be established after the August 3, 2016 municipal elections.

**22.
SECTION 56 EMPLOYEES FROM NALEDI LOCAL MUNICIPALITY: CLOSE-UP
REPORT 2011/2016**

This item would be discussed "In Committee".

The report thereof will be availed at the meeting.

**23.
FILLING OF VACANCIES TO REPLACE COUNCILLORS THAT HAVE
RECENTLY RESIGNED**

This item would be discussed "In Committee".

The report thereof will be availed at the meeting.

**24.
COLLABORATION AND ENDORSEMENT OF THE BRAM FISCHER FOUNDATION**

This item would be discussed "In Committee".

The report thereof will be availed at the meeting.

116B	ITEMS RECEIVED FROM THE CITY MANAGER AND EXECUTIVE MAYOR IN TERMS OF DELEGATED POWERS	(PAGE NO) ANNEXURE NO
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NONE.

116C	ITEMS RECEIVED FROM THE CITY MANAGER AND EXECUTIVE MAYOR FOR INFORMATION FOR THE COUNCIL	(PAGE NO) ANNEXURE NO
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NONE.

117.
MOTIONS

118.
CLOSING

/RM