



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MARCH 21, 2007

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

Consent Discussion

SUBJECT:
RECOMMENDING COMMITTEE: ELIGIBLE FOR ADOPTION AT THIS MEETING:

Bill No. 2007-10 Repeals Chapters 10.44 and 11.68 of the Municipal Code, relating to solicitation and Red Bull Physical Pedestrian Mall, respectively, and redesignates Chapters 10.44A and 11.68A as Chapters 10.44 and 11.68, respectively. Proposed by: Bradford R. Jerbic, City Attorney.

Fiscal Impact:

- No Impact Augmentation Required
 Budget Funds Available

Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:

Last November, in response to a decision by the Ninth Circuit Court of Appeals, the City Council adopted two new chapters regarding solicitation activities and the Pedestrian Mall to replace those that were the subject of the litigation in question. The existing chapters were retained on the books for purposes of preserving the City's litigation position. The need to retain those chapters (Chapters 10.44 and 11.68) has passed, so this bill will repeal them and renumber as their replacements the new provisions that were adopted in November.

RECOMMENDATION:

ADOPTION at 3/21/2007 City Council meeting pursuant to the 3/20/2007 Recommending Committee.

First Reading 3/7/2007; First Publication 3/10/2007

BACKUP DOCUMENTATION:

1. Bill No. 2007-10
2. Business Impact Statement

Motion made by LOIS TARKANIAN to Approve as First Amendment

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0
LARRY BROWN, LOIS TARKANIAN, STEVE WOLFSON, OSCAR B. GOODMAN, GARY REESE, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

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Minutes:

Second Reading and bill adopted as a First Amendment as Ordinance No. 5896. Clerk to proceed with second publication.

CITY ATTORNEY JERBIC suggested a first amendment to re-title Sections Three and Four and add a new Section Three, which reads as follows: and reflecting the redesignation of chapters as described in Section Two of this ordinance, the codifier is authorized and directed to change throughout the code any remaining cross references to Chapters 10.44A and 11.68A, or portions thereof, so that they correctly reflect the redesignations intended by Section Two.

COUNCILMAN WOLFSON asked if the bill only entails the renumbering of statutes, to which CITY ATTORNEY JERBIC answered that the bill discards the old laws and rennumbers the new laws. This was necessary in order to preserve the right to appeal.

COUNCILMAN ROSS asked if adding the suggested amendment would require that the bill be sent back to Recommending Committee for consideration. CITY ATTORNEY JERBIC indicated that the new laws were already approved by the Council; the amendment is solely a matter of cleanup.

TOM McGOWAN, Las Vegas resident, was perplexed about ~~the~~ in the bill and questioned to which pedestrian mall it refers. CITY ATTORNEY JERBIC answered that the only pedestrian mall is the Fremont Street Experience. The bill simply removes the laws not approved by the Ninth Circuit Court. MR. McGOWAN noted that the change in law was mandatory. He suggested the City also do the same for other pedestrian walkways.

