



Las Vegas

Agenda Item No.: 66.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF SEPTEMBER 15, 2010

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

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

ABEYANCE ITEM Bill No. 2010-31 updates the regulations governing certain commercial, entertainment and solicitation activities within the Pedestrian Mall. Proposed by: Bradford R. Jerbic, City Attorney and Councilman Gary Reese

Fiscal Impact

☐

No Impact

☐ Augmentation Required

☐

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This bill will update the regulations governing certain commercial, entertainment and solicitation activities within the Pedestrian Mall. The bill is intended to address the results of litigation regarding the Pedestrian Mall, allowing for protected expression subject to reasonable time, place and manner regulations.

RECOMMENDATION:

ADOPTION as a First Amendment at 8/18/2010 City Council meeting pursuant to the 8/3/2010 Recommending Committee.

First Reading - 7/7/2010; First Publication - 8/6/2010

BACKUP DOCUMENTATION:

1. Bill No. 2010-31
2. Business Impact Statement
3. Letter and Copy of Santa Monica Municipal Code by Allen Lichtenstein
4. PowerPoint Presentation with Videos and Photographs and Exhibits 1-9 by Staff
5. Berger case law by Maggie McLetchie
6. Verbatim Transcript from 8/3/2010 Recommending Committee Meeting
7. Bill No. 2010-31 First Amendment

Motion made by GARY REESE to Strike Items 36, 37, 47 and 62 and Hold in abeyance Items 14 and 49 to 10/6/2010, Item 31 to 10/20/2010 and Item 66 to 11/3/2010

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

RICKI Y. BARLOW, LOIS TARKANIAN, STEVE WOLFSON, OSCAR B. GOODMAN, GARY REESE, STEVEN D. ROSS, STAVROS S. ANTHONY; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

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Minutes:

CITY ATTORNEY BRAD JERBIC explained that he requested this matter be held in abeyance to 11/3/2010 to amend the bill with language that both the City and the American Civil Liberties Union (ACLU) accord with. The language will be presented in a new bill, and he has yet to brief Fremont Street Experience representatives.

ATTORNEY ALLEN LICHTENSTEIN indicated that the ACLU has agreed with some provisions and needs to clarify some other language.

COUNCILMEN REESE and WOLFSON appreciated the efforts of ATTORNEYS LICHTENSTEIN and JERBIC in working together for the benefit of the people.

COUNCILMAN BARLOW stated that he wants an end to this long-time battle, while ensuring the safety of everyone that frequents the Fremont Street Experience.

