CITY OF CORAL GABLES

OFFICE OF THE CITY ATTORNEY

- MEMORANDUM-

TO: **CITY COMMISSION** **DATE:** **August 19, 2011**

FROM: **CRAIG E. LEEN**
CITY ATTORNEY

SUBJECT: **REQUEST FOR INFORMATION REGARDING TRUCK ORDINANCES**

At the Commission Meeting on July 19, 2011, the City Attorney received a request from Commissioner Anderson to provide legislative history and possible amendments relating to the truck ordinances encoded at sections 4-411 and 4-412 of the Zoning Code. Attached are materials responsive to this request.

These materials include: (1) a copy of sections 4-411 and 4-412 of the Zoning Code, (2) legislative history (prior ordinances and resolutions relating to trucks); (3) a legal memorandum and proposed amendments to the truck ordinances prepared by special counsel in 2005; (4) minutes from the Planning and Zoning Board meeting in 2005, at which the proposed amendments to the truck ordinances were considered; and (5) a copy of the Third District's en banc decision in *Kuvin v. City of Coral Gables*, 62 So. 3d 625 (Fla. 3d DCA 2010) upholding the validity of the City's truck ordinances, along with the dissenting opinion in that case.

In addition, the City Attorney's Office has prepared and attached a memorandum providing a survey of ordinances enacted by other jurisdictions related to trucks, which demonstrate different possible approaches to amending the truck ordinances.

Finally, as requested, the City Attorney will make a presentation at the upcoming Commission meeting during the discussion period that will address the legislative history of sections 4-411 and 4-412, and that will discuss possible approaches to amending the truck ordinances for the Commission's consideration.

cc: City Manager
City Clerk