

City of Coral Gables City Commission Meeting
Agenda Item I-2
November 10, 2015
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Jim Cason
Commissioner Pat Keon
Commissioner Vince Lago
Vice Mayor Frank Quesada
Commissioner Jeannett Slesnick

City Staff

City Manager, Cathy Swanson-Rivenbark
City Attorney, Craig E. Leen
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia

Public Speaker(s)

Agenda Item I-2 [Start:3:24:12 p.m.]

Status update regarding discussions with the United States Postal Service relating to mail delivery to townhomes at 515 to 533 Anastasia Avenue.

Mayor Cason: I-2

City Attorney Leen: I-2 is a status update regarding discussions with the United States Postal Service relating to mail delivery to townhomes at 515 to 533 Anastasia Avenue. What has happened in this matter is, I did speak with the United States Postal Service, someone in their general counsel's office and my understanding also with an attorney from the United States Attorney's Office, and I had a couple of conversations with the Assistant U.S. Attorney and then we had a conversation where I went out to the townhomes and looked at them and talked to them over the phone. I also had special counsel send us a memo on this issue. Here's how the issue

turns out. The Postal Service is taking the position that for new residences that they may stop doing home delivery, and it sounds like from reading their web page and from what I was told that this may be very general. They've been grandfathering houses and residences where they've been presently doing home delivery, they continue to do it and they will continue to do it for the foreseeable future, that's what they've said, but for new developments, particularly ones which are multi-family, what they prefer to do and what their policy is, essentially is that they have a box that's put like in the right-of-way or attached to one of the multi-family residences where everyone will get their mail in the same place, similar to like an apartment building. The problem is, is that Coral Gables Zoning Code does not permit that. It doesn't permit a structure to be placed between the building and the street, like one of these large mailboxes, it's very clear, it doesn't allow it, with very limited exceptions and it does not include a mailbox. So we wrote a City Attorney opinion on the issue, we provided it to the Postal Service. I also had Craig Collar, who is our special counsel look at Postal Service policies, because this could be a recurring issue honestly, so we looked at Postal Service policies and it did appear that they had a limited degree of discretion. And what I'm going to do is forward you some of the background materials in case you are interested, but I didn't want to forward to you right before today's meeting, because I figure I would just tell you. So the U.S. Postal Service does have a degree of discretion, so here's what we did. We had a phone call; they accept that they cannot put a structure between the building and the street. They would like to attach it to the side of the townhomes, but the problem is if you go out to the townhomes, I think it is 533, if you go to 533 and you look at it, there is no space between the other property and the town, there is a little strip of land and it's going to be ugly, it's going to be right next adjacent to a multi-family property and people are going to have to basically walk to the side of a townhouse to get their mail. So it didn't work and I sent them a photo of it. They told me that they would be willing to consider alternatives. Some of the alternatives may include some sort of funding to provide for this, maybe by a fee of some sort or perhaps the Commission in this one particular case supportive. It shouldn't be extremely expensive; I'm just telling you what they said. It shouldn't be extremely expensive because you are talking about a marginal cost, the postal worker already goes there, so when you are talking about six townhomes, so I can't imagine the fee would be much. So ultimately I said, well why don't you just allow it in this one case and then we can address it in other cases later. So they

said they are going to look at the alternatives. One thing that came up is that the Postal Service has asked that the City allow there to be a parking lot, right now the Postal Service has a parking lot at their branch office and they would like to use it in the evenings, they would like to basically have someone run it and rent out the spots. Technically our Zoning Code doesn't permit that, but because they are a fellow government entity under Temple Terrace we can have a balancing of interest, which we've done before with the School Board. We could balance our interests and we could agree to allow them to do this and the Parking Director has told me there is a benefit to the City it helps.

Commissioner Lago: Why would they rent it?

Commissioner Keon: For valet parking.

City Attorney Leen: Lease it, lease it.

Commissioner Lago: I've never heard of that before, the U.S. Post Office now leasing space.

City Attorney Leen: Look I don't want to link them – although I think we probably could because everything involves the Zoning Code and to what extent does the Zoning Code apply to the Postal Service and other government entities. The position that Coral Gables takes is that it does apply unless the City says that it doesn't and it applies a balancing of interest and it makes sure that the City is not being taken advantage of and that the purposes of our Zoning Code are being met, that's the position we took with the School Board, it's the position we take with Miami-Dade County, it's the position we take with the federal government.

Commissioner Lago: But my issue is that if we pay them that nominal fee, this type of design template is being replicated in different parts of the City, so this is going to happen over and over and over again, this townhome development. I think it's happening in four-five different places just in a two or three block radius.

City Attorney Leen: The issue is this one has already been built and they actually have the mailboxes and right now they are not receiving mail delivered. They have to go to the Post Office to pick it up. So future developments can develop their properties with a place to put this

mailbox, not outside, it could be in a place where people could access. But this has not been designed that way.

Mayor Cason: So you are waiting to hear back from them on some proposal, so why don't you come back to us the next meeting and let us know if there is any...

City Attorney Leen: Of course.

Commissioner Lago: What their proposed fee would be.

City Attorney Leen: By the way, it was more me raising the possibility of the parking lot and the idea that there could be a fee. It would be more paid by the property owners, it's almost like – it's not really an impact fee, but something like that where we can work it in, because we want people – we have a real conundrum here because we do not allow this, but we don't want to hurt our residents. I'm speaking for what I believe your position would be. We don't want to harm our residents and not let them have their mail delivered to their house. So it's a real issue and we've got to figure out a solution.

Commissioner Keon: Are they considered, townhouses are considered multi-family residences?- aren't they individual residences that are attached?- why are they multi-family residences. I can understand like for...

City Manager Swanson-Rivenbark: Charles, I believe single family and duplex and anything more than duplex even if its townhome is viewed as multi-family or no?

Commissioner Keon: Is that according to what some central statute?- according to what?

Mayor Cason: Our Zoning Code – MF2 and MF4.

Commissioner Keon: Well then, why don't we change the designation of townhouses from multi-family?

City Attorney Leen: This is how the Postal Service treats....

Commissioner Keon: Multi-family.

City Attorney Leen: Yes – and by the way...

Commissioner Keon: But we do not call them multi-family.

City Attorney Leen: They are telling me even single family homes they would do this for. I'm just telling you. So for example, if there was a new sub-division, now the sub-divisions will have bulk mailboxes, which are shared. Now right now all of our single family homes, let's say one was demolished and a new one was built, my understanding is they would continue to deliver because they've been delivering to that property in the past. But if we had land where we could have a new sub-division, my understanding is their position would be they would not deliver.

Commissioner Keon: That's fine, you could build it in accordance with that, but I ...

Commissioner Lago: You can't change the rules half way through.

Commissioner Keon: Who is our U.S. Congress person?- is it Ileana Ros Lehtinen?

City Attorney Leen: That was another idea I had. It might be useful for the Commission to do a resolution asking the Postal Service to allow it for this particular townhome and to talk to us about how to resolve it in the future.

Commissioner Keon: Why don't you just call Ileana's office, the Congresswoman's office and ask her, tell her it's a problem, ask her to meet with you all.

City Attorney Leen: That really should come from the Commission, because once we do that...

Commissioner Keon: Can we direct you to do that?

City Attorney Leen: Yes. You would direct it in a resolution.

Commissioner Keon: Can I make a motion that we direct Craig to contact our U.S. Representatives.

Mayor Cason: Yes you may.

Vice Mayor Quesada: Seconded.

Commissioner Keon: And Senators.

City Attorney Leen: Can we do a resolution asking for them to resolve this and then we'll include that to notify our Congresswoman and Senators, if necessary.

Commissioner Keon: Yes.

City Attorney Leen: And could it be general also to include the City Manager's office also?

Commissioner Keon: Yes.

Commissioner Lago: Just to close this off. I'd also like for staff through the City Manager, if possible, to kind of look forward to the projects that are already proposed, in construction, that have already come to the City for approval, so that they incorporate some sort of mailbox structure so it doesn't become an eyesore later on, because this potentially could become just that.

City Attorney Leen: And one other thing. Why don't you invite to the next meeting the Branch Manager of the Postal Service, because we've been having a number of issues with them. There is also an issue about painting mailboxes, which they are doing now, but it might be worthwhile. If the person comes, my feeling is they talk to you directly, instead of your attorney, they might respond more. I mean I've been very polite, but ultimately you speak for the people.

Mayor Cason: Invite them and see if they come,

Commissioner Keon: OK. So if I make a motion to direct you and the Manager to speak with.

Mayor Cason: And you made it and there was a second.

City Attorney Leen: We'll prepare a resolution, we'll include all that.

Mayor Cason: City Clerk.

Vice Mayor Quesada: Yes

Commissioner Slesnick: Yes

Commissioner Keon: Yes

Commissioner Lago: Yes

Mayor Cason: Yes

(Vote: 5-0)

Mayor Cason: Thank you.

[End: 3:34:11 p.m.]