

# MIAMI BEACH

## **COMMITTEE MEMORANDUM**

TO: Public Safety and Neighborhood Quality of Life Committee Members

FROM: Eric Carpenter, City Manager

DATE: September 18, 2024

TITLE: DISCUSS THE SCHOOL BOARD JOINT USE AGREEMENT REVIEW REGARDING MIAMI BEACH NAUTILUS MIDDLE SCHOOL FENCE REQUEST AT POLO PARK.

### **RECOMMENDATION**

The Administration is supportive of the concept of adding an additional layer of security at the school site. Staff is optimistic that a solution may be found where a fence could be added without eliminating access to the children's playground and tennis/pickleball courts during school hours. If such a solution is found, staff recommends working with Miami-Dade County Public Schools on this item. Staff will be prepared to discuss this item at Public Safety and Neighborhood Quality of Life Committee ("PSNQLC").

### **BACKGROUND/HISTORY**

At the July 24, 2024 Commission meeting, the Mayor and City Commission referred an item (C4 P) to the PSNQLC, to discuss the School Board Joint Use Agreement ("JUA") review regarding Miami Beach Nautilus Middle School fence request at Polo Park. (Exhibit A).

The School Board of Miami-Dade County, Florida, transmitted a letter dated July 12, 2024 regarding the monitoring of the current legislative session in an attempt to implement changes that may be required in the immediate future. Through this monitoring, the School Board has become aware of the new regulations being promulgated regarding school safety and security. Specifically, an additional emphasis is being placed on locking and monitoring access points to school sites when students are present on campus.

During the School Board's compliance review, they identified Miami Beach Nautilus Middle School as an area of concern. Per their review, there are perimeter fencing enclosure areas lacking where, during regular school hours, students are present for outdoor activities. Additionally, the School Board site administration has observed individuals utilizing the basketball courts and baseball fields during school hours resulting in intervention by the resource officer.

The School Board is aware of the long and fruitful history of collaboration with the City of Miami Beach regarding Miami Beach Nautilus Middle School, as well as the forty-year Joint Use Agreement that has been in effect since 1994. At this time, the School Board is requesting a review of the Joint Use Agreement to determine the best way to allow for fencing to be placed around Miami Beach Nautilus Middle School to limit access to the property during instructional time.

### **ANALYSIS**

The JUA regarding Polo Park was adopted by the City of Miami Beach per Resolution No. 93-21003 at its December 1, 1993 meeting and the School Board in accordance with Board Item No. A-17 at its December 8, 1993 meeting. The original term of the agreement is for forty (40) years

commencing on January 20, 1994. A Settlement Agreement was executed on December 9, 2009.

Per the JUA, the premise may be utilized as a playground, athletic and recreation area. The School Board has full control, custody, right and use of the premises during regular school hours on regular school days. During summer school and for after-school activities the administrators of Miami Beach Nautilus Middle School and City's Parks Department shall coordinate access. The City staff, as well as the general public, have the right to access and use of the following areas of the premises during school hours: tot lot, racquetball and tennis courts. Per the JUA, the School Board has reserved the right to promulgate and enforce reasonable rules and regulations governing the use of the recreational facilities by the public during school hours.

The School Board will submit any documentation necessary to satisfy the requirements of the Improvements section (IV) of the agreement and is willing to pay for the fencing and its installation at Polo Park.

### **FISCAL IMPACT STATEMENT**

N/A

### **Does this Ordinance require a Business Impact Estimate?** (FOR ORDINANCES ONLY)

The Business Impact Estimate (BIE) was published on .

See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

### **FINANCIAL INFORMATION**

N/A

### **CONCLUSION**

Parks and Recreation Staff is scheduled to meet onsite at Nautilus Middle School and Polo Park on Friday, September 13, 2024, to discuss the proposed fence location and any potential park operational impacts. Staff will be prepared to discuss this item at committee.

### **Applicable Area**

Middle Beach

### **Is this a "Residents Right to Know" item, pursuant to City Code Section 2-17?**

Yes

### **Is this item related to a G.O. Bond Project?**

No

### **Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying?** No

If so, specify the name of lobbyist(s) and principal(s):

### **Department**

Parks and Recreation

### **Sponsor(s)**

**Co-sponsor(s)**

**Condensed Title**

Discuss the School Board JUA Agreement Re Nautilus Middle School Fence Request at Polo Park