

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE PUBLIC SAFETY AND NEIGHBORHOOD QUALITY OF LIFE COMMITTEE, AT ITS NOVEMBER 6, 2024 MEETING, APPROVING OPTION 1, PRESENTED TO THE COMMITTEE IN CONNECTION WITH THE INSTALLATION OF A FENCE AND SIDEWALK (IMPROVEMENTS) AT POLO PARK, ADJACENT TO THE SOFTBALL FIELD AND BASKETBALL COURTS OF MIAMI BEACH NAUTILUS MIDDLE SCHOOL, AS A SECURITY MEASURE; AND FURTHER AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE ANY AND ALL DOCUMENTS AND/OR AGREEMENTS WITH THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA (SCHOOL BOARD) RELATING TO THE INSTALLATION OF THE IMPROVEMENTS AT THE SOLE COST OF THE SCHOOL BOARD AND UPON TERMS MUTUALLY AGREEABLE TO THE PARTIES.**

**WHEREAS**, on October 21, 1992, the Mayor and City Commission approved Resolution No. 92-20635, authorizing the execution of an Exchange Agreement between the City and the School Board of Miami-Dade County, Florida (the "School Board"), for the exchange of the City-owned property located at 805 42<sup>nd</sup> Street, Miami Beach, Florida and at the time commonly known as "Polo Park", for the School Board-owned property located at 4301 N.. Michigan Avenue, Miami Beach, Florida and commonly known at the time as "Nautilus Middle School"; and

**WHEREAS**, on December 1, 1993, the Mayor and City Commission adopted Resolution No. 93-21003, authorizing the City to execute a Construction Agreement and a Joint Use Agreement for the construction, joint use and coordination of, recreational and other facilities to be located on the property at the time commonly known as the Nautilus Middle School property; and

**WHEREAS**, the School Board approved the Joint Use Agreement with the City in accordance with Board Item No. A-17 at its December 8, 1993 meeting; and

**WHEREAS**, on January 20, 1994, School Board and the City executed the Construction Agreement and Joint Use Agreement ("JUA"), which JUA contains an original term of forty (40) years, with one additional twenty (20) year renewal term, at the option of the School Board and; and

**WHEREAS**, on December 1, 2002, the City and the School Board executed a Settlement Agreement resolving a disagreement between the parties associated with the proper construction of the tennis courts, and on December 9, 2009, the parties executed a Restated Settlement Agreement, finalizing the negotiations and acceptance of the improvements under the Construction Agreement, and following certain payments to the City, acceptance by the City of the improvements; and

**WHEREAS**, per the JUA, the City permits the School Board to utilize certain portions of what is now Polo Park as a playground, athletic and recreation area ("Demised Premises"); and

**WHEREAS**, the School Board has full control, custody, right and use of the Demised Premises during regular school hours on regular school days; and during summer school and

for after-school activities the administrators of Miami Beach Nautilus Middle School and City's Parks Department coordinate access; and

**WHEREAS**, the City staff, as well as the general public, have the right to access and use of the following areas of the Demised Premises during school hours: tot lot, racquetball and tennis courts; and

**WHEREAS**, 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; and

**WHEREAS**, the School Board 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, and through this monitoring, the School Board has become aware of the new regulations being promulgated regarding school safety and security; and

**WHEREAS**, an additional emphasis is being placed on locking and monitoring access points to school sites when students are present on campus; and

**WHEREAS**, during the School Board's compliance review, the School Board identified Miami Beach Nautilus Middle School as an area of concern, in that, per their review, there are perimeter fencing enclosure areas lacking where, during regular school hours, students are present for outdoor activities; and

**WHEREAS**, 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; and

**WHEREAS**, the School Board is aware of the long and fruitful history of collaboration with the City regarding Miami Beach Nautilus Middle School, as well as the terms of the JUA, that has been in effect since 1994; and

**WHEREAS**, the School Board requested a review of the JUA 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; and

**WHEREAS**, at the July 24, 2024 City Commission meeting, the Mayor and City Commission referred an item (C4 P) to the Public Safety and Neighborhood Quality of Life Committee ("PSNQLC" or "Committee") to discuss the JUA vis-à-vis Miami Beach Nautilus Middle School's request to install a fence at Polo Park; and

**WHEREAS**, during the September 18, 2024 PSNQLC meeting, City staff informed the Committee that they met with representatives from the School Board onsite at Miami Beach Nautilus Middle School and Polo Park on Friday, September 13, 2024, to discuss the proposed fence location and any potential park operational impacts, and City staff requested to come back to the next meeting with an update, as City Staff was in the process of discussing different options with the School Board; and

**WHEREAS**, the School Board has recommended to proceed with the fence layout indicated in Option 1 (Attachment B to the Committee Memorandum), which also includes the construction of a sidewalk area (collectively, the "Improvements"), with the School Board paying for the installation of the Improvements at Polo Park; and

**WHEREAS**, during the November 6, 2024 PSNQLC meeting, the Committee gave a favorable recommendation, approving Option 1, in connection with the installation of the Improvements at Polo Park, adjacent to the field and basketball courts of Miami Beach Nautilus Middle School, as a security measure; and

**WHEREAS**, the City Manager recommends accepting the recommendation of the PSNQLC, at its November 6, 2024 meeting, approving Option No. 1 for the construction of the Improvements, as this option doesn't eliminate access to the children's playground and tennis/pickleball courts during school hours and provides additional security for the school kids attending Miami Beach Nautilus Middle School; and further authorizing the City Manager to negotiate and execute any and all documents and/or agreements with the School Board relating to the installation of the Improvements at the sole cost of the School Board and upon terms mutually agreeable to the parties.

**NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission hereby accept the recommendation of the Public Safety and Neighborhood Quality of Life Committee, at its November 6, 2024 meeting, approving Option 1, presented to the Committee in connection with the installation of a fence and sidewalk (Improvements) at Polo Park, adjacent to the softball field and basketball courts of Miami Beach Nautilus Middle School, as a security measure; and further authorize the City Manager to negotiate and execute any and all documents and/or agreements with the School Board of Miami-Dade County, Florida (School Board) relating to the installation of the Improvements at the sole cost of the School Board and upon terms mutually agreeable to the parties.

**PASSED and ADOPTED** this 11<sup>th</sup> day of December 2024.

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Steven Meiner, Mayor

**ATTEST:**

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Rafael E. Granado, City Clerk

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION



\_\_\_\_\_  
City Attorney

11/24/2024  
\_\_\_\_\_  
Date