

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: December 11, 2024

TITLE: 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 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.

### **RECOMMENDATION**

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 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.

### **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, (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. 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. The School Board requested 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.

During the September 18, 2024 PSNQLC meeting, staff informed the Committee that they met with representatives from the School Board 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 requested to come back to the next meeting with an update as they are working through options with the School Board.

During the November 6, 2024 PSNQLC meeting, the Committee gave a favorable recommendation, approving option 1, in connection with the installation of a fence and sidewalk (Improvements) at Polo Park, adjacent to the 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.

### **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 has recommended to proceed with the fence layout indicated in Option 1 (Attachment B). They will be paying for the fencing and installation at Polo Park. Administration agrees and accepts the option selected by the School Board. This option doesn't eliminate access to the children's playground and tennis/pickleball courts during school hours.

### **FISCAL IMPACT STATEMENT**

There is no budget impact for the City. The School Board will be paying for the fencing and installation at Polo Park.

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

If applicable, 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**

The Parks and Recreation Department, along with the Office of Education and Performance Initiatives, will collaborate with the School Board to finalize the agreement and ensure the successful completion of the project.

### **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**

Accept PSNQLC Recommendation JUA School Board Nautilus Middle Fence (Parks and Recreation)