

## MEMORANDUM

Agenda Item No. 5(B)

**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

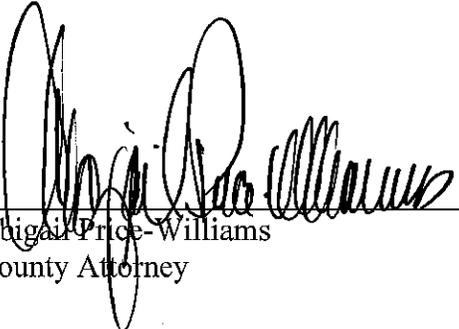
**DATE:** May 17, 2016

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Resolution naming the Miami  
International Airport District  
gym the "Officer Mario Gutierrez  
Fitness Center" by a three-fifths  
vote of Board members present

Resolution No. R-346-16

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.



Abigail Price-Williams  
County Attorney

APW/cp



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** May 17, 2016

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Agenda Item No. 5(B)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_\_, 3/5's , unanimous \_\_\_\_\_) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 5(B)  
5-17-16

RESOLUTION NO. R-346-16

RESOLUTION NAMING THE MIAMI INTERNATIONAL AIRPORT DISTRICT GYM THE "OFFICER MARIO GUTIERREZ FITNESS CENTER" BY A THREE-FIFTHS VOTE OF BOARD MEMBERS PRESENT

**WHEREAS**, Officer Mario Gutierrez has worked for the Miami-Dade Police Department (MDPD) since 1992; and

**WHEREAS**, he completed his basic training on October 30, 1992, as a graduate of the Basic Law Enforcement Class No. 143, at which time he was assigned to the Intracoastal District, where he worked as a uniform patrol officer and field training officer; and

**WHEREAS**, during this period Officer Gutierrez distinguished himself as a team player and took an interest in tactical and survival training; and

**WHEREAS**, after a decade of service to the residents and visitors of the Intracoastal District, Officer Gutierrez was given the opportunity to join the MDPD Special Patrol Bureau's Motorcycle Unit, where he enforced traffic laws, responded to traffic complaints, addressed intersections with high incidents of crashes, and conducted countless escorts, processions, and motorcycle presentations, from September 2002 through November 2009; and

**WHEREAS**, in November 2009, Officer Gutierrez was transferred to the Airport District, where he initially served as a uniform patrol officer; and

**WHEREAS**, Officer Gutierrez was eventually transferred to the District's Motorcycle Unit, where he continues to serve the visitors and employees of Miami International Airport to date; and

**WHEREAS**, during his career, Officer Gutierrez has received 86 letters of commendation from MDPD and private citizens, many for dedication, outstanding performance of duty, and professionalism; and

**WHEREAS**, Officer Gutierrez's vast training and experience have been called upon on several occasions during the performance of his duties, and in several instances, despite overwhelming odds against him, Officer Gutierrez has displayed a will to fight to survive; and

**WHEREAS**, on Tuesday, October 29, 2013, while on routine patrol in the Triangle Area of the Airport District, Officer Gutierrez drove into the Shell Gas Station at 2501 NW 42 Avenue; and

**WHEREAS**, upon entering the property, Officer Gutierrez discovered that a male had lifted the lid to the junction valve connecting the station's two 8,000-gallon gasoline storage tanks; and

**WHEREAS**, Officer Gutierrez noticed that the male had started a fire on top of the valve system, while attempting to cause a large explosion; and

**WHEREAS**, the subject also removed a fuel pump hose from the adjacent gas pump and placed it inside the open lid, attempting to further fuel the fire; and

**WHEREAS**, Officer Gutierrez was faced with a life threatening decision of whether to retreat to a secure location or attempt to stop the actions of the perpetrator; and

**WHEREAS**, Officer Gutierrez understood the magnitude of the situation, knowing that if an explosion did occur, it would level the entire gas station and potentially kill everyone in the immediate vicinity; and

**WHEREAS**, disregarding his own safety, Officer Gutierrez decided to advance on the subject, attempting to disrupt his actions; and

**WHEREAS**, Officer Gutierrez had the foresight to activate the emergency shut off valve to the fuel pumps, rendering them inoperable; and

**WHEREAS**, after a malfunction in the deployment of his electronic control device, which had no effect on the subject, Officer Gutierrez and the subject became involved in a violent physical confrontation; and

**WHEREAS**, the subject was armed with a knife and managed to charge and stab Officer Gutierrez; and

**WHEREAS**, as the fight ensued, the subject lost control of the knife and produced a second weapon, a screwdriver, which he used to continue to stab Officer Gutierrez; and

**WHEREAS**, Officer Gutierrez fought for his life and retention of his firearm, even after the subject nearly severed his thumb as a result of a bite; and

**WHEREAS**, throughout the incident, Officer Gutierrez had a sheer determination and will to survive; and

**WHEREAS**, eventually, Officer Gutierrez was able to gain control of his firearm, discharge it, and ultimately kill his assailant; and

**WHEREAS**, despite multiple stab wounds to his extremities and torso, along with a severe bite wound, Officer Gutierrez refused to give up; and

**WHEREAS**, on Tuesday, August 26, 2014, Officer Gutierrez responded to the Miami Intermodal Center as back-up on a call of an unknown male casing the area; and

**WHEREAS**, while Officer Gutierrez was speaking with the male, the male became combative, and Officer Gutierrez attempted to arrest him; and

**WHEREAS**, the subject violently fought with Officer Gutierrez; and

**WHEREAS**, although the subject was successfully taken into custody, Officer Gutierrez suffered lacerations to a hand and both forearms; and

**WHEREAS**, in addition, Officer Gutierrez was exposed to the subject's blood; and

**WHEREAS**, most recently, on Monday, December 14, 2015, only a few short months after undergoing a triple-bypass cardiac surgical procedure, Officer Gutierrez was involved in a vehicle crash while operating a marked County vehicle; and

**WHEREAS**, the driver of the other vehicle failed to yield the right-of-way to Officer Gutierrez while making a turn in front of him; and

**WHEREAS**, as a result, Officer Gutierrez's vehicle collided with the other vehicle, causing extensive damage to both vehicles; and

**WHEREAS**, Officer Gutierrez suffered a serious head injury during the crash, and he was transported to Aventura Hospital Intensive Care Unit as a trauma alert patient; and

**WHEREAS**, Officer Gutierrez recovered from his injuries and was ultimately released to full duty; and

**WHEREAS**, it is recognized that endurance, strength, and physical conditioning are often critical factors in determining the outcome of encounters between police officers and criminals, or even rendering assistance to others during emergency conditions; and

**WHEREAS**, Officer Gutierrez has faced adversity and even the threat of death on more than one occasion, and he has prevailed; and

**WHEREAS**, Officer Gutierrez is a fighter and a survivor, and for his commendable service this Board wishes to name the Miami International Airport District's newly renovated gym as the "Officer Mario Gutierrez Fitness Center"; and

**WHEREAS**, this proposed naming is located in County Commission District 6; and

WHEREAS, Rule 9.02 provides that the Board may, by a three-fifths vote of Board members present, name a County road, facility or property after a living individual who "has made a direct, significant lifetime contribution to this community",

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

**Section 1.** The foregoing recitals are hereby incorporated into this resolution and the Board finds that Officer Mario Gutierrez has made direct, significant lifetime contributions to this community pursuant to Rule 9.02(d).

**Section 2.** Having considered this matter at a public hearing and by a three-fifths vote of Board members present, the Board names the Miami International Airport District gym the "Officer Mario Gutierrez Fitness Center".

**Section 3.** The Board directs the Clerk of the Board to transmit a certified copy of this resolution to the United States Postal Service, the Miami-Dade Aviation Department, the Miami-Dade Police Department, and the Miami-Dade Fire Rescue Department.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa. It was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **José "Pepe" Diaz** and upon being put to a vote, the vote was as follows:

	Jean Monestime, Chairman	aye	
	Esteban L. Bovo, Jr., Vice Chairman	aye	
Bruno A. Barreiro	aye	Daniella Levine Cava	aye
Jose "Pepe" Diaz	aye	Audrey M. Edmonson	aye
Sally A. Heyman	absent	Barbara J. Jordan	aye
Dennis C. Moss	absent	Rebeca Sosa	aye
Sen. Javier D. Souto	aye	Xavier L. Suarez	aye
Juan C. Zapata	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 17<sup>th</sup> day of May, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.



MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: ***Christopher Agrippa***  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

MP

Matthew Papkin