

CITY OF EL PASO, TEXAS  
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: Parks and Recreation

AGENDA DATE: May 4, 2010 (Hearing and Action)

CONTACT PERSON/PHONE: Nanette Smejkal (915) 541-4331

DISTRICT(S) AFFECTED: All Districts

**SUBJECT:**

An Emergency Ordinance Pursuant to Section 3.10 of the Charter of the City of El Paso that City Code Section 13.24.040 regulating the hours of operation of city parks does not apply to certain members of the United States Army while in uniform and conducting training and operations authorized by the United States Army on May 6, 2010 through May 7, 2010 to address the public emergency described and set forth in this ordinance.

**BACKGROUND / DISCUSSION:**

Parks and Recreation Department received a request from Department of the Army to conduct a training exercise during hours of closure, see attached map. Staff recommends approval.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

N/A

**BOARD / COMMISSION ACTION:**

N/A

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\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) \_\_\_\_\_ **FINANCE:** (if required) \_\_\_\_\_

**DEPARTMENT HEAD:**

\_\_\_\_\_  
(Example: if RCA is initiated by Purchasing, client department should sign  
also)

*Information copy to appropriate Deputy City Manager*

APPROVED FOR AGENDA:

CITY MANAGER: \_\_\_\_\_

DATE: \_\_\_\_\_



DEPARTMENT OF THE ARMY  
B Company, 2d Battalion, 5th Infantry Regiment  
3d Infantry Brigade Combat Team, 1st Armored Division  
Building A411, Thunder Horse Road  
Fort Bliss, TX 79918

AFAD-LTN-BCO

26 April 2010

MEMORANDUM FOR EL PASO CITY COUNSEL

SUBJECT: Exception to Policy for use of City Park Roadway and Access Gate Control (McKelligon Canyon rd.) during 2200-0600hrs on 6&7 May 2010.

1. The light infantry company (123 male soldiers) of which I command will be conducting a 15 mile night hike through the Franklin mountains (Ron Coleman trail) on 6&7 May in preparation for conducting combat operations in Afghanistan. The Texas state parks have already approved the use of the portion of state controlled land for this training exercise.
2. The reason for requesting the use of McKelligon Canyon rd. during the training exercise is to permit our use of the paved road for foot travel for a portion of our intended route (William Beaumont medical center compound to Ron Coleman trailhead). Additionally, having McKelligon Canyon rd. access gate control will facilitate non-standard military vehicle casualty evacuation should one of my soldiers become injured in the mountains. Without gate access, an injured soldier would have to be carried by his fellow soldiers for an additional 2.5 miles. We will not utilize any other portion/facilities of the city park during this training exercise.
3. We have conducted this event during daytime on 4 different occasions already this year. All the men of my company understand and respect the importance of the parks system. Furthermore, we have served over 615 volunteer hours at the Wyler Aerial Tramway improving/building the trail network for all to enjoy.
4. The point of contact for this memorandum is the undersigned at 915-726-8260 or [beau.d.pendergraft@conus.army.mil](mailto:beau.d.pendergraft@conus.army.mil).

PENDERGRAFT BEAU D. IN 165016200

BEAU D. PENDERGRAFT  
CPT, IN  
Commanding

**EMERGENCY ORDINANCE NO: \_\_\_\_\_**

**AN EMERGENCY ORDINANCE PURSUANT TO SECTION 3.10 OF THE CHARTER OF THE CITY OF EL PASO THAT CITY CODE SECTION 13.24.040 REGULATING THE HOURS OF OPERATION OF CITY PARKS DOES NOT APPLY TO CERTAIN MEMBERS OF THE UNITED STATES ARMY WHILE IN UNIFORM AND CONDUCTING TRAINING AND OPERATIONS AUTHORIZED BY THE UNITED STATES ARMY ON MAY 6, 2010 THROUGH MAY 7, 2010**

**WHEREAS**, the El Paso City Council is empowered to adopt an emergency ordinance to meet a public emergency affecting life, health, property, or the public peace;

**WHEREAS**, such ordinance may not levy taxes, grant, renew or extend a franchise, authorize a conveyance of real property, or authorize the borrowing of money;

**WHEREAS**, the City Council of the City of El Paso has been informed that, in the interest of national security, the Army finds it necessary to immediately train a United States Army light infantry company for conducting combat operations in Afghanistan by accessing portions of McKelligon Canyon Park during times in which the park is closed to the public on May 6, 2010 through May 7, 2010; and

**WHEREAS**, the City Council finds that this ordinance is appropriate to address this public emergency affecting national security and the public peace by allowing the members of the company to be in McKelligon Canyon Park during hours in which the park is otherwise closed.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. That an emergency exists under Section 3.10 of the El Paso City Charter affecting national security and the public peace because of the necessity of timely training a United States Army light infantry company for conducting combat operations in Afghanistan, and using portions of McKelligon Canyon Park during the hours when the park is closed to the public on May 6, 2010 and May 7, 2010 is necessary for the army to address issues of national security and the preservation of the public peace.

2. That City Code Section 13.24.040 does not apply to members of the United States Department of the Army B Company, 2d Battalion, 5<sup>th</sup> Infantry Regiment, 3d Infantry Brigade Combat Team, 1<sup>st</sup> Armored division on May 6, 2010 through May 7, 2010 who are in McKelligon Canyon Park, while in uniform and conducting training and operations authorized by the United States Army.

PASSED AND APPROVED this 4th day of May, 2010.

CITY OF EL PASO

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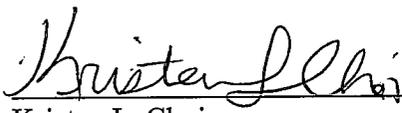
John F. Cook  
Mayor

ATTEST:

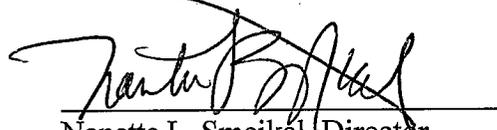
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Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Kristen L. Choi  
Assistant City Attorney

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Nanette L. Smejkal, Director  
Parks and Recreation Department

— Soldier's Route  
— Gate  
— Park Boundary

McKelligon Canyon Rd, El Paso, TX 79930



Image U.S. Geological Survey  
© 2010 Google  
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Google

2709 ft  
31°49'56.81" N 106°28'38.06" W

elev 4581 ft

May 24, 2008

Pierce Ave  
Eye alt 15095 ft

Alabama St