



CITY COUNCIL WORKSHOP/REGULAR MEETING

October 2, 2023 at 6:30 PM

Hewitt City Hall, 200 Patriot Court, Hewitt, TX 76643

AGENDA

Steve Fortenberry, Mayor, Ward 3

Erica Bruce, Mayor Pro Tem, Ward 3 – **Michael S. Bancale**, Council Member, At-Large

Johnny Stephens, Council Member, Ward 1 – **Johnny Price**, Council Member, Ward 2

Bob Potter, Council Member, Ward 2 – **Brad Turner**, Council Member, Ward 1

The meeting will be streamed live on the city's website at www.cityofhewitt.com/790/Hewitt-TX-TV.

Pursuant to Texas Government Code Sec. 551.127, on a regular, non-emergency basis, members may attend and participate in the meeting remotely by video conference. Should that occur, a quorum of the members will be physically present at the location noted above on this agenda.

WORKSHOP MEETING - 6:30 PM

WORKSHOP DECLARATION OF A QUORUM AND CALL TO ORDER

WORKSHOP AGENDA

1. Briefing and discussion concerning the Capital Improvement Projects on Briarfield and E. Wall Streets.

WORKSHOP ADJOURNMENT

REGULAR MEETING - 7:00 PM

DECLARATION OF A QUORUM AND CALL TO ORDER

PLEDGE OF ALLEGIANCE

SPECIAL PRESENTATION(S) AND RECOGNITION(S)

2. Special presentation to the Hewitt Police Department by Belton Police Chief Gene Ellis on behalf of the Texas Police Chiefs Association in recognition of reaccreditation as a Texas Best Practices Recognized Agency.

3. Special presentation by Mayor Pro Tem Dr. Erica Bruce.

PUBLIC COMMENTS

The City Council invites citizens to speak on any topic not already scheduled for a public hearing. The Texas Open Meetings Act prohibits the Council from discussing, responding to, or acting on any comments or items not properly posted on the agenda. (Note: Members of the public who wish to speak must complete a "Public Comment Form" and present it to the City Secretary before the meeting.)

REGULAR AGENDA ITEMS

4. Approval of minutes for the Regular Meeting held September 18, 2023.
5. Discussion and possible action authorizing the purchase and construction of a new pavilion in Warren Park.
6. Discussion and possible action on **Resolution No. 2023-10** submitting a candidate nomination for the McLennan Central Appraisal District (MCAD) Board of Directors for the year 2024.
7. Discussion and possible action on Amended Technology Use Of City Equipment policy.
8. Discussion and possible action on **Ordinance No. 2023-12** adopting a temporary construction speed zone of 45 miles per hour on IH 35 southbound frontage road during the construction of a right turn lane onto Alliance Parkway.

ADJOURNMENT

I certify that the above notice of meeting was posted on the Public Notice Board located in front of City Hall on **September 27, 2023**, by 5:00 PM.

CITY OF HEWITT

Lydia Lopez

Lydia Lopez, TRMC/CMC
City Secretary

In compliance with the Americans with Disabilities Act, the City of Hewitt will provide reasonable accommodations for persons attending and/or participating in City Council meetings. The facility is wheelchair accessible, with accessible parking available at the front of the building. Requests for sign interpreters or special services must be received forty-eight (48) hours prior to the meeting by calling the City Secretary at 254.296.5602 or by fax at 254.666.6014.



COUNCIL AGENDA ITEM FORM

MEETING DATE: October 2, 2023

AGENDA ITEM #: 4.

SUBMITTED BY: Lydia Lopez, City Secretary

ITEM DESCRIPTION:

Approval of minutes for the Regular Meeting of September 18, 2023.

STAFF RECOMMENDATION/ITEM SUMMARY:

Attached is a draft copy of the meeting minutes. Please review and advise if any corrections are needed.

FISCAL IMPACT:

Amount Budgeted - N/A

Line Item in Budget - N/A

SUGGESTED MOTION:

I move approval of the minutes as presented but to allow for corrections.

ATTACHMENTS:

1. 2023-09-18 City Council Regular Meeting Minutes



CITY COUNCIL REGULAR MEETING

September 18, 2023 at 7:00 PM

Hewitt City Hall, 200 Patriot Court, Hewitt, TX 76643

MINUTES

Steve Fortenberry, Mayor, Ward 3

Erica Bruce, Mayor Pro Tem, Ward 3 – **Michael S. Bancale**, Council Member, At-Large

Johnny Stephens, Council Member, Ward 1 – **Johnny Price**, Council Member, Ward 2

Bob Potter, Council Member, Ward 2 – **Brad Turner**, Council Member, Ward 1

REGULAR MEETING - 7:00 PM

DECLARATION OF A QUORUM AND CALL TO ORDER

Mayor Steve Fortenberry called the Regular Meeting to order at 7:00 PM, announced all members were present, and declared a quorum.

PLEDGE OF ALLEGIANCE

Mayor Fortenberry led the Pledge of Allegiance.

SPECIAL PRESENTATION(S) AND RECOGNITION(S)

1. Introduction of new Assistant Chief of Police.

Police Chief John McGrath introduced the incoming Assistant Police Chief Heath Vanek, who will begin his new position on October 1, 2023.

PUBLIC COMMENTS

The City Council invites citizens to speak on any topic not already scheduled for a public hearing. The Texas Open Meetings Act prohibits the Council from discussing, responding to, or acting on any comments or items not properly posted on the agenda. (Note: Members of the public who wish to speak must complete a "Public Comment Form" and present it to the City Secretary before the meeting.)

Mayor Fortenberry read the statement above and inquired if the City Secretary received any public comment forms. The City Secretary received no public comment forms.

REGULAR AGENDA ITEMS

2. Approval of minutes for the Regular Meeting of August 21, 2023.
MOTION: Mayor Pro Tem Erica Bruce moved approval of the minutes as presented but to allow for corrections.
SECOND: Council Member Bob Potter
AYES: Bancale, Potter, Price, Stephens, Turner, Bruce, and Fortenberry
NAYES: None
ABSENT: None
MOTION PASSED.
3. Presentation of the report from the City Engineer Miles Whitney, P.E.
Update on pending utility projects
Update on pending street projects
Update on pending drainage projects.
City Engineer Miles Whitney presented a review of the listed projects.
4. Briefing and discussion concerning Financial Statements ending August 31, 2023.
City Manager Bo Thomas advised that Finance Director Lee Garcia previously sent the August Financial Statements electronically for the Council to review and inquired if the Council had any questions. The Council raised no questions or concerns.
5. Discussion and possible action regarding a request from Randy Rodriguez for a waiver of penalty and interest on property taxes.
City Manager Bo Thomas presented.
MOTION: Council Member Michael Bancale moved to waive the penalties and interest on property tax as requested by Randy Rodriguez.
SECOND: Council Member Johnny Price
AYES: Bancale, Potter, Price, Stephens, Turner, and Bruce
NAYES: Fortenberry
ABSENT: None
MOTION PASSED.
6. Discussion and possible action to ratify the expenditure of \$96,775.19 for the purchase of one Administrative and one Investigative vehicle for the Police Department.
City Manager Bo Thomas presented.
MOTION: Council Member Johnny Price moved to ratify the expenditure of \$96,775.19 to Bird Kultgen Ford for the vehicles purchased by the Police Department.
SECOND: Mayor Pro Tem Erica Bruce
AYES: Bancale, Potter, Price, Stephens, Turner, Bruce, and Fortenberry
NAYES: None
ABSENT: None
MOTION PASSED.

7. Discussion and possible action to authorize the City Manager to renew an existing Interlocal Agreement with the City of Waco for The Heart of Texas Regional Marketing Plan.
City Manager Bo Thomas presented.
MOTION: Mayor Pro Tem Erica Bruce moved approval to authorize the City Manager to renew an existing Interlocal Agreement with the City of Waco for The Heart of Texas Regional Marketing Plan.
SECOND: Council Member Michael Bancale
AYES: Bancale, Potter, Price, Stephens, Turner, Bruce, and Fortenberry
NAYES: None
ABSENT: None
MOTION PASSED.
8. Discussion and possible action concerning the selection of an architect for the design phase of Fire Station No. 2.
City Manager Bo Thomas presented.
MOTION: Council Member Michael Bancale moved to select Martinez Architects for the design proposal for Fire Station No. 2.
SECOND: Council Member Brad Turner
AYES: Bancale, Potter, Price, Stephens, Turner, Bruce, and Fortenberry
NAYES: None
ABSENT: None
MOTION PASSED.
9. Briefing and possible action on **Resolution No. 2023-08** amending Texpool authorized representatives.
City Manager Bo Thomas presented.
MOTION: Mayor Pro Tem Erica Bruce moved approval of **Resolution No. 2023-08** amending Texpool authorized representatives.
SECOND: Council Member Bob Potter
AYES: Bancale, Potter, Price, Stephens, Turner, Bruce, and Fortenberry
NAYES: None
ABSENT: None
MOTION PASSED.
10. Discussion and possible action on **Resolution No. 2023-09** approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the Company's 2023 Rate Review Mechanism Filings.
City Manager Bo Thomas presented.
MOTION: Council Member Bob Potter moved approval of **Resolution No. 2023-09** approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division.
SECOND: Mayor Pro Tem Erica Bruce
AYES: Bancale, Potter, Price, Stephens, Turner, Bruce, and Fortenberry
NAYES: None
ABSENT: None
MOTION PASSED.

ADJOURNMENT

MOTION: Mayor Pro Tem Erica Bruce moved to adjourn the Regular Meeting at 7:43 PM.

SECOND: Council Member Michael Bancale

AYES: Bancale, Potter, Price, Stephens, Turner, Bruce, and Fortenberry

NAYES: None

ABSENT: None

MOTION PASSED.

Approved: _____

ATTEST:

Lydia Lopez, City Secretary

Steve Fortenberry, Mayor



COUNCIL AGENDA ITEM FORM

MEETING DATE: October 2, 2023

AGENDA ITEM #: 5.

SUBMITTED BY: Scott Coleman, Director of General Services

ITEM DESCRIPTION:

Discussion and possible action authorizing the purchase and construction of a new pavilion in Warren Park.

STAFF RECOMMENDATION/ITEM SUMMARY:

Purpose: Seek approval for constructing a 2400 square foot pavilion in Warren Park, aligning with the City of Hewitt's 5-year Strategic Plan

Proposal Overview:

Pavilion Size: The Pavilion will cover 2400 square feet.

Usage Configuration: It will consist of 1600 square feet of open gathering space, with plans for future table and seating installation. Additionally, 800 square feet will be enclosed, designed for two future restrooms and future storage facilities.

Location: The pavilion's placement will offer scenic views of the park's ponds along the southern property boundary.

Public Access and Reservations: The pavilion will be open to the public and offer reservation options, potentially generating additional revenue.

Attachments: Please refer to the attached files for construction information, location specifics, and an artist's rendering.

FISCAL IMPACT:

Bond Funds \$68,400.00

SUGGESTED MOTION:

I move approval authorizing the purchase and construction of the new Warren Park Pavilion by Rice Construction Services, LLC for \$68,400.00

ATTACHMENTS:

1. Warren Park Pavillion proposal
2. Visual Rendering
3. Proposed Site Location

Rice Construction Services, LLC

PO BOX 264
McGregor, TX 76657
254 722-0118
rscbuildsit@gmail.com

Proposal

9/21/2023

TO:

Scott Coleman
City of Hewitt
254-640-1836

JOB DESCRIPTION
Construct a 40x60x10 Pavillion at Warren Park

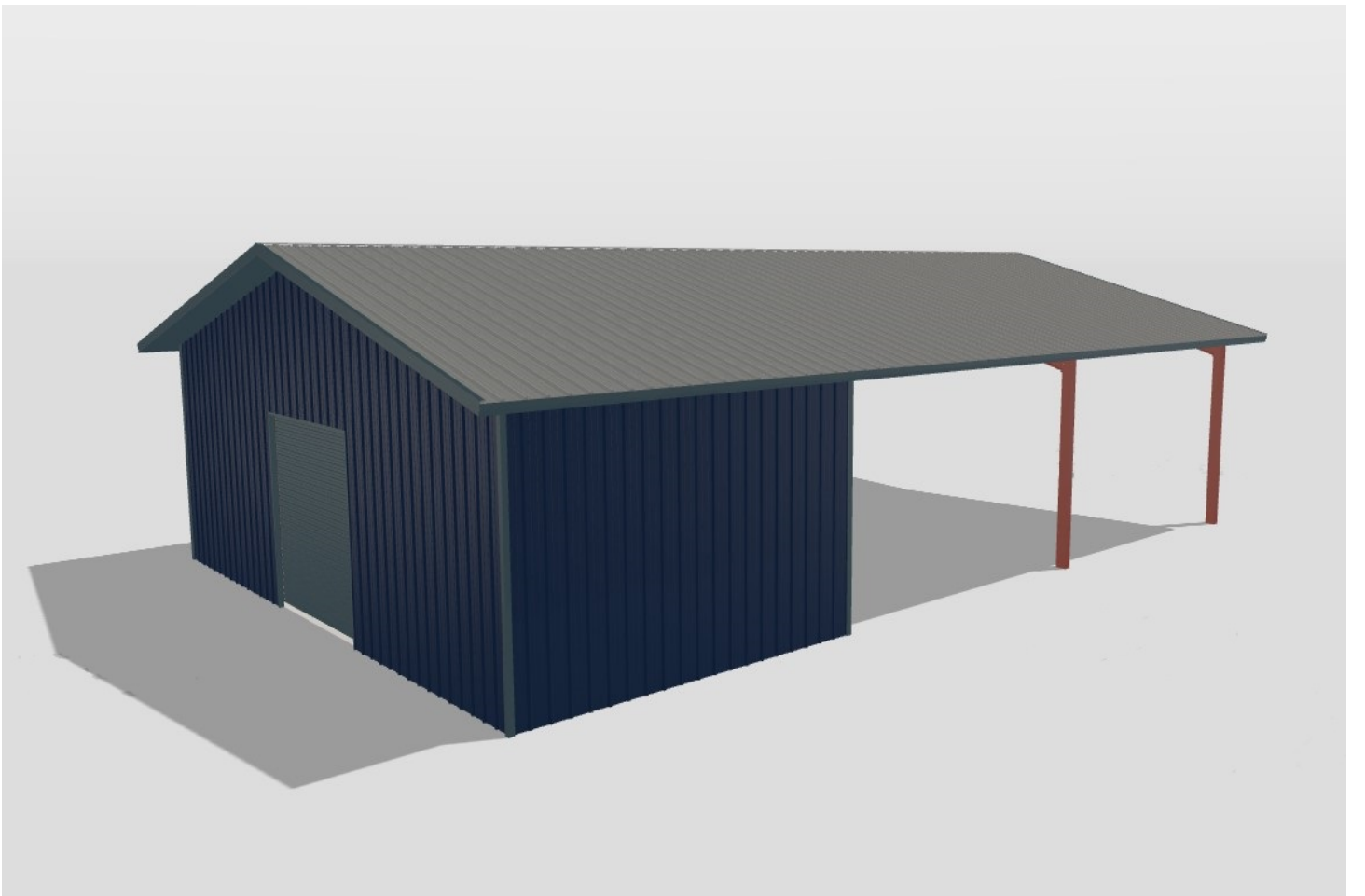
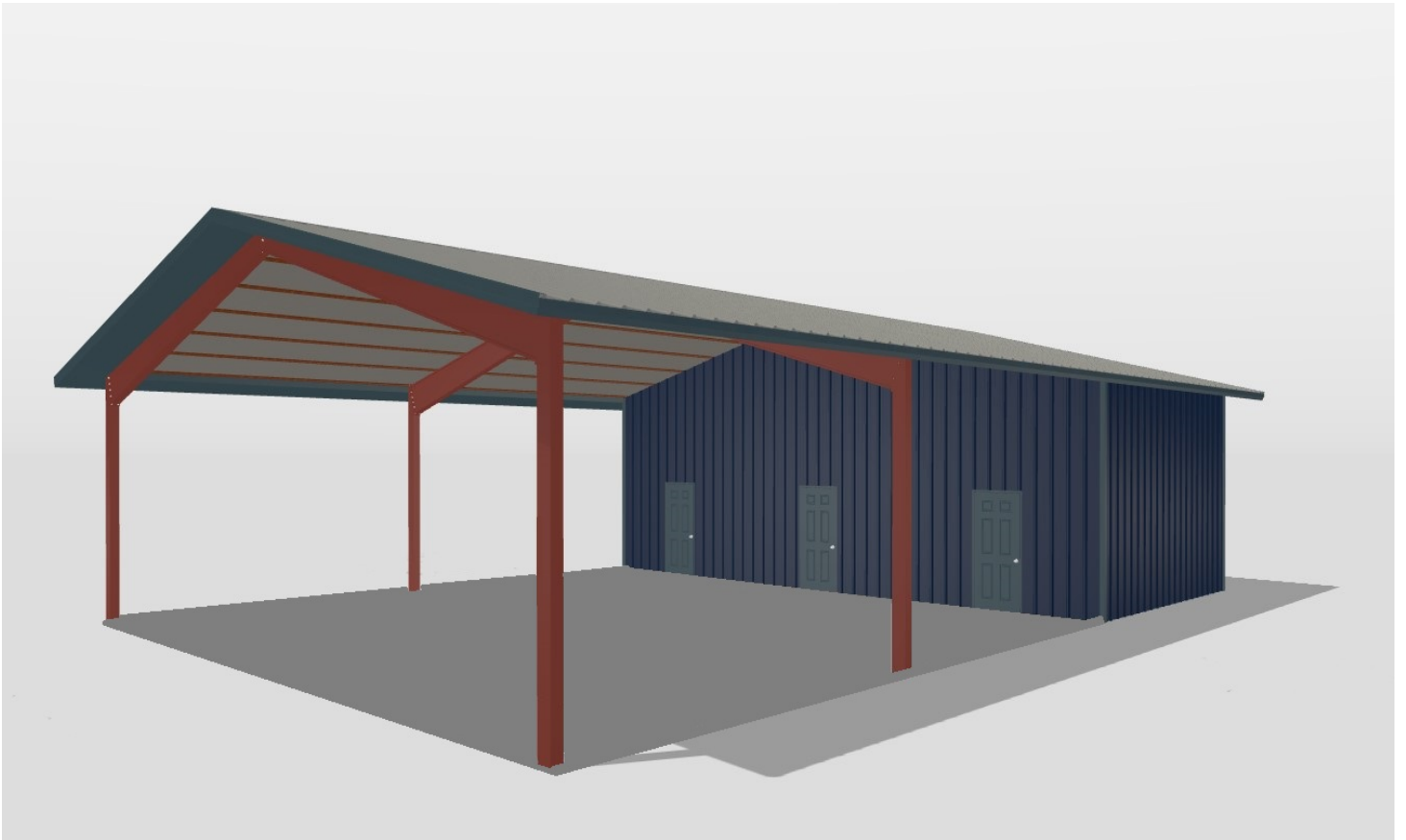
	AMOUNT
Construct a 40x60x10 steel pavillion including 20x40 section enclosed for three rooms with 3 walk in doors and 1- roll up door. Concrete included at 6" thick for enclosed 20x40 section, and 4" thick for remaining 40x40 open section. Concrete will include 12"x24" perimeter beams and minimal #3 rebar on 16" centers both ways. Building will include I beam columns and trusses and 8" purlins in roof and walls. Exterior of 20x40 area will be sheeted and the two future restrooms will have liner panel sheeting inside. All tin and trim will be 26 gauge and colored to match.	\$68,400.00
Total Proposal	\$68,400.00

Trenton Rice

PREPARED BY

#####

DATE







COUNCIL AGENDA ITEM FORM

MEETING DATE: October 2, 2023

AGENDA ITEM #: 6.

SUBMITTED BY: Bo Thomas, City Manager

ITEM DESCRIPTION:

Discussion and possible action on **Resolution No. 2023-10** submitting a candidate nomination for the McLennan Central Appraisal District (MCAD) Board of Directors for the year 2024.

STAFF RECOMMENDATION/ITEM SUMMARY:

Attached are the voting procedures and Board of Directors eligibility requirements for service on the MCAD Board. The attached resolution is the official format where nominees can be submitted to the Chief Appraiser. The deadline for submitting nominees is October 15, 2023. The voting entitlements are included in the backup and the City of Hewitt currently has 64 votes.

FISCAL IMPACT:

Amount Budgeted - N/A
Line Item in Budget - N/A

SUGGESTED MOTION:

I move approval of **Resolution No. 2023-10** submitting candidate nominee
_____ for the McLennan Central Appraisal District (MCAD) Board of
Directors.

ATTACHMENTS:

1. A BOD LTR Voting Procedures
2. D McCAD BOD Eligibilities
3. B 2024-25 ENTITY VOTING ENTITLEMENTS
4. 2023-10 Resolution submitting McCAD Nomination 2024

McLENNAN CENTRAL APPRAISAL DISTRICT

2024 BOARD OF DIRECTORS TAXING UNIT VOTING PROCEDURES

McLennan CAD Taxing Units:

It is again time to deliver the voting entitlements, for eligible taxing units, to nominate candidates for the five (5) positions serving on the McLennan Central Appraisal District Board of Directors.

Due to Senate Bill 2 of the second special session this will be a one-year term. Afterwards, the board of directors will be appointed to staggered four-year terms. Additionally, the board will grow to nine (9) positions consisting of the five (5) entity appointed members, the tax assessor-collector, and three (3) elected during the May general election.

Each taxing unit is entitled to nominate, via resolution adopted by its governing body (sample enclosed), one (1) candidate for **each** of the five (5) open positions of the board of directors. The presiding officer of the governing body of each taxing unit shall submit the name and address of the unit's nominee(s) to the chief appraiser **before October 15th**. **Before October 30th**, the chief appraiser shall prepare a ballot, listing the candidates, and shall deliver a copy of said ballot to the presiding officer of each taxing unit that is entitled to vote.

Each governing body shall determine its vote, via resolution, and submit it to the chief appraiser **before December 15th**. Entities that are entitled to cast at least 5% of the total votes must determine its vote by resolution adopted at the first or second open meeting of the governing body that is held after the date the chief appraiser delivers the ballot to the presiding officer of the governing body (Midway ISD, Waco ISD, McLennan County, MCC, City of Waco). Your voting entitlement may be cast for one candidate or it may be distributed amongst any number of candidates the governing body would like to choose. The chief appraiser shall count the votes, declare the five (5) newly elected board members, who received the largest, cumulative total votes and submit those results, **before December 31st**, to each governing body.

Please mark these important dates on your calendar for the governance of the McLennan Central Appraisal District:

- **Before October 15th**: Each governing body will submit their choice of nominee names and addresses, via resolution, to the chief appraiser.
- **Before October 30th**: The chief appraiser will prepare and deliver a ballot to the presiding officer of each taxing unit.
- **Before December 15th or within 3 days of the 2nd meeting following receipt of ballot:** Each governing body will vote, via resolution, and return the ballot to the chief appraiser.
- **Before December 31st**: The chief appraiser will send the election results to each governing body, as well as to the candidates.

There is a very small window of time in which to consider this issue. Please remember to include these procedures and dates on the agenda of your next scheduled meeting, in order to plan how your taxing unit would like to prepare for and act on this matter. Your vote is extremely important in order to ensure the continued dedicated leadership of this board.

The voting entitlement has been determined from the preceding year (2022) supplemented tax levy.

Respectfully submitted,

Joe Don Bobbitt, RPA
Chief Appraiser



**McLENNAN CENTRAL APPRAISAL DISTRICT
BOARD OF DIRECTORS ELIGIBILITY**

Eligibility:

To be eligible to serve, a person must have resided in the appraisal district for at least two (2) years immediately preceding the date of taking office. The person may not be an employee of a taxing entity served by the appraisal district, but may be an elected official or a member of the governing body. A person may not be appointed if related within the second degree of consanguinity (blood) or affinity (marriage) to either an appraiser who appraises property for use in the appraisal district's appraisal review board proceedings or a tax representative who represents taxpayers for compensation before the appraisal district's appraisal review board. Owing delinquent taxes for more than 60 days after the date the person knew or should have known of the delinquency, disqualifies a person from serving on the CAD board of directors.

Term:

All directors, other than the county tax assessor collector, will serve a one (1) year term, beginning on January 1st of 2024. Due to SB2 the 2024 term will be one year and then we will transition to staggered four (4) year terms.

Meetings:

Meetings at a minimum are held at least once a calendar quarter, at the convenience of the majority of the board. Currently meetings are planned for 9am on the second Thursday of each odd numbered month.

Compensation:

Directors may not receive a salary, per diem, or other compensation. The appraisal district may reimburse for reasonable and necessary expenses incurred in the performance of a director's duties, if included in the appraisal district budget.

General Statement of Functions:

The board of directors has the following primary responsibilities:

- Establish the appraisal district's appraisal office;
- Adopt the appraisal district's annual operating budget;
- Contract for necessary services;
- Hire a chief appraiser;
- Hire a taxpayer liaison officer;
- Appoint members to the Appraisal Review Board; and
- Make general policy on the appraisal district's operation.

The board's authority over appraisals is limited. The board does not appraise property or review values on individual properties. The board has no authority to officially review ARB decisions. The board does have some authority over appraisals through its duties to contract, budget, and settle litigation.

**MCLENNAN COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS
ALLOWABLE VOTES BY ENTITY**

TAXING UNIT	Preceding YR Tax Levy 2022	PERCENT OF TOTAL LEVY	CALCULATED 2024 TERM VOTES
SCHOOL DISTRICTS			
AXTELL ISD	1,975,208.59	0.363180%	18
BOSQUEVILLE ISD	3,119,706.41	0.573618%	29
BRUCEVILLE-EDDY ISD	2,494,471.01	0.458656%	23
CHINA SPRING ISD	16,076,487.74	2.955971%	148
CONNALLY ISD	11,173,487.10	2.054460%	103
CRAWFORD ISD	3,525,821.27	0.648290%	32
GHOLSON ISD	768,384.94	0.141282%	7
HALLSBURG ISD	1,172,763.53	0.215635%	11
LA VEGA ISD	14,252,199.95	2.620541%	131
LORENA ISD	9,476,472.59	1.742432%	87
MART ISD	1,598,656.06	0.293944%	15
McGREGOR ISD	6,722,080.87	1.235984%	62
MIDWAY ISD	82,456,438.95	15.161202%	758
MOODY ISD	2,378,807.47	0.437389%	22
OGLESBY ISD	8,949.04	0.001645%	0
RIESEL ISD	5,082,609.73	0.934536%	47
ROBINSON ISD	12,015,671.53	2.209312%	110
VALLEY MILLS ISD	1,087,402.02	0.199940%	10
WACO ISD	103,321,188.69	18.997587%	950
WEST ISD	7,860,111.17	1.445233%	72
COUNTY			
McLENNAN COUNTY	89,442,490.77	16.445722%	822
McLENNAN COMMUNITY COLLEGE	34,746,939.79	6.388893%	319
CITY			
BELLMEAD, CITY OF	2,021,120.55	0.371622%	19
BEVERLY HILLS, CITY OF	675,264.58	0.124160%	6
BRUCEVILLE-EDDY, CITY OF	390,445.28	0.071791%	4
CRAWFORD, CITY OF	426,399.22	0.078402%	4
GHOLSON, CITY OF	35,324.74	0.006495%	0
GOLINDA, CITY OF	25,038.40	0.004604%	0
HALLSBURG, CITY OF	21,085.94	0.003877%	0
HEWITT, CITY OF	6,932,322.22	1.274641%	64
LACY-LAKEVIEW, CITY OF	1,508,925.48	0.277445%	14
LEROY, CITY OF	25,858.68	0.004755%	0
LORENA, CITY OF	902,190.56	0.165885%	8
MART, CITY OF	589,947.69	0.108473%	5
McGREGOR, CITY OF	3,266,198.91	0.600553%	30
MOODY, CITY OF	420,780.96	0.077369%	4
RIESEL, CITY OF	246,705.00	0.045361%	2
ROBINSON, CITY OF	5,954,461.12	1.094842%	55
VALLEY MILLS, CITY OF	10,674.79	0.001963%	0
WACO, CITY OF	101,604,918.03	18.682018%	934
WEST, CITY OF	1,412,741.45	0.259760%	13
WOODWAY, CITY OF	6,638,037.24	1.220531%	61
TOTAL	543,864,790	100%	5,000

**CITY OF HEWITT
RESOLUTION NO. 2023-10**

**RESOLUTION OF CANDIDATE NOMINATIONS FOR THE
McLENNAN CENTRAL APPRAISAL DISTRICT BOARD OF
DIRECTORS FOR THE YEAR 2024.**

WHEREAS, Section 6.03 (g) of the Texas Property Tax Code, requires that each taxing unit entitled to vote may nominate by resolution one candidate for each of the five positions to be filled and submit those nominations to the Chief Appraiser of the McLennan Central Appraisal District before October 15, 2023.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HEWITT, TEXAS:

That the Council submits the following nomination(s) for Board of Directors of the McLennan Central Appraisal District for 2024:

ACTION TAKEN this 2nd day of October, 2023, in Regular Session of the governing body of the above mentioned taxing unit; as authorized under Section 6.03 of the Texas Property Tax Code, for the purpose of nominating candidates to the Board of Directors of the McLennan Central Appraisal District.

CITY OF HEWITT

Steve Fortenberry, Mayor

ATTEST:

Lydia Lopez, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Michael W. Dixon, City Attorney



COUNCIL AGENDA ITEM FORM

MEETING DATE: October 2, 2023

AGENDA ITEM #: 7.

SUBMITTED BY: Jessica Higgins, Human Resource Director/Civil Service Director

ITEM DESCRIPTION:

Discussion and possible action on Amended Technology Use Of City Equipment policy.

STAFF RECOMMENDATION/ITEM SUMMARY:

Governor Abbott required state agencies to ban video-sharing applications on all state-owned and state-issued devices. The Texas Department of Information Resources (DIR) released a sample policy, and staff revised the current Technology policy to integrate the mandatory requirements.

FISCAL IMPACT:

Amount Budgeted -N/A

Line Item in Budget - N/A

SUGGESTED MOTION:

I approve of the amended Technology Use of City Equipment policy.

ATTACHMENTS:

1. AMENDED 7.6 TECHNOLOGY USE 2023.9.25

7.6 TECHNOLOGY USE OF CITY EQUIPMENT

This policy is designed to establish general standards for using City technology and to safeguard and protect the City's technology resources from anything other than authorized, intended, and lawful uses.

Employees are representatives of the City in all their communications. Responsible use of the City's technology systems requires discretion, professionalism, and awareness of potential liability. Employees must always understand that communication and use of any of the City's technology are public records under the Public Information Act and may be subject to discovery requests.

DEFINITIONS

Throughout this policy, the following will be referenced:

City-owned devices are cell phones, tablets, desktop and laptop computers, and other internet-capable devices.

Texas Public Information Act is a law that all City official business documents, emails, and other information are to be assembled, collected, and maintained under the law and is public information subject to disclosure to the public unless otherwise exempted from disclosure by the Act or other law.

Prohibited Technologies are software, applications, developers, hardware, equipment, and manufacturers the Department of Information has listed online, <https://dir.texas.gov/information-security/prohibited-technologies>, as prohibited.

Technology is the City's entire network, which includes but is not limited to, host computers, file servers, fax servers, web servers, workstations, stand-alone computers, laptops, smartphones, tablets, software, data files, and all internal and external computer and communications networks (i.e., Internet, networks, and email) that may be accessed directly or indirectly from or through the City's computer network.

TECHNOLOGY USE GUIDELINES

The guidelines specified in this policy apply to all employees, contract personnel, and volunteers with access to or use of City-funded technology.

The following guidelines have been established for using the Internet, city-owned cell phones, tablets, laptops, email, and other technology appropriately, ethically, and professionally.

- City-owned devices shall not be used for transmitting, publishing, displaying, retrieving, accessing, or storing any information of a defamatory, discriminatory, harassing, or pornographic nature.
- Employees shall not intentionally download malicious programs by opening suspicious emails, downloading, or pop-ups into the network, servers, or desktop computers (e.g., viruses, worms, Trojan horses, malware, ransomware, etc.)
- Employees shall not use technology to play or download any games, communicate disparaging, abusive, profane, or offensive language; create, view, or display materials that might adversely or negatively reflect upon the City or be contrary to the City's best interests; and engage in any gambling or illegal activities, including piracy, cracking, extortion, blackmail, copyright infringement, and unauthorized access.
- Employees shall not intentionally cause a security breach or disruption of the City's system and/or network services. Security breaches include, but are not limited to, accessing data without authorization, exporting data without authorization, providing to a third party, or providing access to data to others that the City does not authorize.
- Employees obtaining information may not copy, retrieve, modify, or forward copyrighted materials unless authorized.
- Employees shall not use technology in a way that disrupts its use by others, such as streaming video, music, or other media that is not work-related.
- Employees shall not interfere with or disrupt network users, services, or equipment, including but not limited to damaging equipment, spreading viruses, impersonating another user, or destroying communications or electronic files.

- Employees shall not use technology for personal or financial gain, outside employment, personal business operations, or to advertise or solicit funds for political, religious, or other personal causes.
- Employees shall coordinate all technology-related purchases with their Department Director. Directors should only purchase computers, laptops, or other electronics other than cell phones from Extraco Technology using our contracted representative.
- Employees shall not delete internal and external emails because they are subject to the Public Information Act.
- Employees shall not share their network user login and password information and stored passwords in an unsecured/visible location.
- Employees shall not leave their technology unattended while logged in.
- Employees and contractors shall not install or operate prohibited applications on personal devices for City business.
- Attempting to access another employee's account, information resources, files, or documents without authorization.

PROHIBITED APPLICATIONS ON CITY-OWNED DEVICES

On December 7, 2022, Governor Greg Abbott required state agencies to ban video-sharing applications on all state-owned and state-issued devices and networks over the Chinese Communist Party's ability to use the application for surveilling Texans. Governor Abbott also directed the Texas Department of Public Safety (DPS) and the Texas Department of Information Resources (DIR) to develop a plan providing state agencies guidance on managing personal devices used to conduct state business. The up-to-date list of prohibited technologies is published at <https://dir.texas.gov/information-security/prohibited-technologies>.

Except where approved exceptions apply, the use or download of prohibited applications or websites is prohibited on all City-owned devices, including cell phones, tablets, desktop and laptop computers, and other internet-capable devices.

PERSONAL USE OF TECHNOLOGY

Personal use of the City's technology is not a part of the City's benefits package and does not give an employee a right or entitlement to such access and use. Limited personal use of technology may be permissible with approval from the Director.

Personal use shall not interfere with business needs, operations, or productivity, result in or subject the City to additional cost or liability, productivity, or performance, pose additional risk to security, reliability, or privacy, cause or tend to cause damage to the City's reputation or credibility or conflict with the intent or requirements of any City policy.

The City will not provide technical support for personal devices or accounts except as specified in city policies and regulations.

TECHNOLOGY USE PRIVACY/MONITORING

The City reserves the right to monitor the use of city-supplied technology. All data stored on City systems, including but not limited to email, documents, and photos, are subject to public disclosure requests and the property of the City. There is no right to privacy in an employee's personal use of City resources.

TECHNOLOGY USE EXCEPTIONS

Exceptions to the guidelines may only be approved by the City Manager, and authority may not be delegated. All approved exceptions or other prohibited technologies must be reported to DIR.

Exceptions to the policy will only be considered when they are required for a specific City need, such as enabling criminal or civil investigations or sharing information with the public during an emergency.

IMPORTANT NOTICE APPLICABLE TO ALL OFFICIALS AND EMPLOYEES

Senate Bill 944 made significant changes to the Texas Public Information Act that became effective September 1, 2019. These changes include that:

- All texts, emails, messaging, or other forms of electronic communication created or received by an employee on their personal devices (cell phone, tablet, computer, etc.) are public information if made or received in an official capacity or related to City business.
- The City owns public information on personal devices, and City employees are only a temporary custodian of that information with no ownership.
- City employees must protect and maintain such information by backing it up or archiving it on their own private devices, and they must make it available to the City within ten days after requested by the City to respond to a public information request; failure to do so, or intentional tampering with the information, may give rise to criminal penalties and will give rise to disciplinary action.

TECHNOLOGY USE POLICY COMPLIANCE

Protection of our technology system is a priority for the City. Compliance with this policy will be verified through various methods.

An employee found to have violated this policy may be subject to disciplinary action, including termination of employment.



COUNCIL AGENDA ITEM FORM

MEETING DATE: October 2, 2023

AGENDA ITEM #: 8.

SUBMITTED BY: Jim Devlin, Assistant City Manager

ITEM DESCRIPTION:

Discussion and possible action on **Ordinance No. 2023-12** adopting a temporary construction speed zone of 45 miles per hour on IH 35 southbound frontage road during the construction of a right turn lane onto Alliance Parkway.

STAFF RECOMMENDATION/ITEM SUMMARY:

The Texas Department of Transportation is requesting that a temporary construction speed zone be established during the construction of the Alliance Parkway Right Turn Lane project (Project CSJ 0015-01-258). The temporary speed limit will be 45 miles per hour on the southbound IH 35 frontage road, beginning from 1.10 miles north of Sun Valley Blvd. and ending at the intersection of the southbound IH 35 frontage road and Sun Valley Blvd. TxDot will begin the construction project in June of 2024. This temporary construction speed zone will expire once the construction project has been completed, with an expected completion date of September 2024.

Section 545.356(b) of the Texas Transportation Code gives the governing body of a municipality the same authority as the Texas Transportation Commission to alter prima facie speed limits when a highway is under repair, construction, or maintenance.

FISCAL IMPACT:

Amount Budgeted - N/A

Line Item in Budget - N/A

SUGGESTED MOTION:

I move approval of **Ordinance No. 2023-12** adopting a temporary construction speed zone of 45 miles per hour on IH 35 southbound frontage road during the construction of a right turn lane at Alliance Parkway.

ATTACHMENTS:

1. 2023-12 ORDINANCE ESTABLISHING TEMPORARY CONSTRUCTION SPEED ZONE

ORDINANCE NO. 2023-12

AN ORDINANCE OF THE CITY OF HEWITT, MCLENNAN COUNTY, TEXAS, ADOPTING A TEMPORARY CONSTRUCTION SPEED ZONE OF 45 MILES PER HOUR ON IH 35 SOUTHBOUND FRONTAGE ROAD DURING THE CONSTRUCTION OF A RIGHT TURN LANE ONTO ALLIANCE PARKWAY (PROJECT CSJ 0015-01-258); REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR AN EFFECTIVE DATE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BYLAW.

WHEREAS, Section 545.352 of the Texas Transportation Code establishes prima facie reasonable and prudent speed limits for streets and highways situated in the State of Texas; and

WHEREAS, Section 545.356(b) of the Texas Transportation Code gives the governing body of a municipality the same authority as the Texas Transportation Commission to alter prima facie speed limits when a highway is under repair, construction, or maintenance; and

WHEREAS, Chapter 2, Section 3 of the *Procedures for Establishing Speed Zones* adopted by the Texas Transportation Commission states that normal speed studies are not required on sections of a highway under construction; and

WHEREAS, construction will soon commence on the Southbound Frontage Road as part of the Alliance Parkway Right Turn Lane project (Project CSJ 0015-01-258).

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HEWITT, TEXAS THAT:

Section 1. A temporary construction speed zone is being established during construction of the Alliance Parkway Right Turn Lane project (Project CSJ 0015-01-258). The temporary speed limit shall be 45 miles per hour on the Southbound Frontage Road of IH 35 from 1.10 miles North of FM 2063 (Sun Valley Blvd) to Farm to Market 2063 (Sun Valley Blvd). This temporary speed limit shall expire upon completion of the Project. It shall be unlawful for any person to drive a motor vehicle at a speed in excess of the speed so declared in this section when signs are in place giving notice thereof.

Section 2. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. That the terms and provisions of this ordinance shall be deemed to be severable and that if any section, subsection, sentence, clause, or phrase of this ordinance shall be declared to be invalid or unconstitutional, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance and the remainder of such ordinance shall

continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

Section 4. That a violation of this ordinance shall be a misdemeanor for which the punishment shall be a fine of any sum not exceeding \$200.00.

Section 5. That this ordinance shall take effect upon the posting of signs designating the speed limit set by this ordinance.

Section 6. That it is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

PASSED and APPROVED this ____ day of _____ 2023.

CITY OF HEWITT, TEXAS

Steve Fortenberry, Mayor

ATTEST:

Lydia Lopez, City Secretary

APPROVED AS TO FORM & LEGALITY:

Michael W. Dixon, City Attorney