



City of Gainesville

2005 State Legislative Statement

January 10, 2005

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City of Gainesville

2005 Legislative Statement

Public Records Law Protection of Minor Children

Position

The City of Gainesville endorses and requests that the Alachua County Legislative Delegation sponsor a bill to amend the State of Florida Public Records Law to protect the records of minor children enrolled and participating in City, County or State Sponsored recreation programs and activities.

Key Points

1. The records of minor children who attend public schools in the State of Florida are protected. The records of these same children who participate in local, City, County, or State of Florida sponsored recreation programs are not. Information includes children's ages, social security numbers, parents or guardians names, home addresses, school attended, personal statistics such as height and weight, date of birth, and medical information.
2. This information can be accessed through a Public Records Request to a City, County or the State of Florida Department of Environmental Protection, Division of Recreation and Parks, and can be obtained without the knowledge of the parents or guardians of minor children by any person requesting the information.
3. The information once obtained could be utilized illegally, legally and or inappropriately including solicitation, re-sale, and Internet uses.
4. This issue affects tens of thousands of children participating in programs throughout the State of Florida and puts these children of the State of Florida at risk.
5. The City strongly encourages legislative support to protect our minor children.

Contact

Teresa Scott, Interim Assistant City Manager

City of Gainesville

2005 Legislative Statement

Prohibiting Pricing and Marketing of Alcoholic Beverages

Position

The City supports an amendment to Chapter 562 FSS to curtail binge drinking. The legislature is asked to include language in Chapter 562 of the State Statutes which prohibits the promotion, pricing and marketing of alcoholic beverages in ways which tend to encourage excessive and/or uncontrollable consumption of liquor resulting in increased risk to consumers and the general public, or authorize municipalities to regulate the marketing and advertising of drink specials in all establishments that serve alcoholic beverages.

Key Points

1. The University of Florida's Community Alcohol Committee approached the City to support legislation that would regulate irresponsible drink specials. Currently, municipalities have no legal control over advertising or marketing of alcoholic beverages.
2. This legislation would prohibit games or contests on the licensed premises that involve drinking alcoholic beverages or the awarding of alcoholic beverages as prizes. A licensee or agent or employee would be prohibited from advertising or promoting in any way, either on or off the premises, a practice that is prohibited as above.

Contact

Barbara Lipscomb, Interim City Manager

City of Gainesville

2005 Legislative Statement

Operations of Radios or Other Mechanical Sound-Making Devices or Instruments in Vehicles: Loud Car Stereos “Boom Box Initiative”

Position

The City of Gainesville supports an amendment to Chapter 316.3045 FSS to enhance penalties for repeat loud car stereo violations. It is currently unlawful for any person occupying a motor vehicle on a street or highway to operate or amplify the sound produced by a radio, tape player, or other mechanical sound-making device or instrument from within the motor vehicle so that the sound is plainly audible at a distance of 100 feet or more from the motor vehicle.

Key Points

1. Noise violations, specifically loud car stereo violations, continue to be an ongoing complaint of residents both in neighborhoods and adjacent to roadways. Surveys of residents have consistently indicated that noise emanating from vehicles is one of their top three concerns. This issue is consistent within virtually every neighborhood in the City of Gainesville.
2. The existing statute has no enhancement for repeat violators. The violation is currently a non-moving traffic violation incurring a fine (e.g. In Alachua County, a violation of 316.3045 results in a fine of \$63) and no points; irrespective of how many times the same individual is cited.
3. A recommended fine schedule and enhanced penalties could be patterned after Chapter 318.18, F.S.:
 - The first offense for a violation of Section 316.3045 would result in the same fine currently imposed.
 - The second violation to the same violator within a period of a calendar year would result in the fine being doubled.
 - The third offense for the same violation to the same violator within a period of a calendar year would result in suspension of the driver's license of the violator for not less than 90 days, and not more than 6 months, and a fine that is triple the original fine.

4. Loud car stereos negatively impact the quality of life not only in Gainesville, but also throughout the State. This is a complaint heard in other jurisdictions. Specific to Gainesville, this is a citizen-based initiative with widespread support amongst citizen District Councils, neighborhood crime watches, homeowner and business associations, and community organizations such as the Black on Black Crime Task Force.

Contact

Marion J. Radson, City Attorney
Barbara Lipscomb, Interim City Manager

City of Gainesville

2005 Legislative Statement

Use of Cameras for Enforcement of Red Light Violations

Position

The City supports legislative initiatives allowing the use of cameras for enforcement of red light violations. The Legislature is asked to amend Florida Statutes to allow enforcement by citation for violations of red lights identified from photographs produced by certified cameras.

Key Points

1. Though unpopular with segments of the public, studies have consistently shown that in those areas where their use has been allowed, such as New York and Maryland, the number of crashes at those intersections have dramatically decreased - in some cases by over 30%.
2. Red light violation cameras as a tool for the prevention of accidents on Florida's roadways would increase the safety of all the traveling public.
3. Current State law allows the use of red light cameras, however limits enforcement to only a warning. A change to the legislation to allow enforcement by citation is desired.

Contact

Norm Botsford, Police Chief

City of Gainesville

2005 Legislative Statement

Front Porch Florida Program

Position

The City supports continuing funding for Front Porch Florida Communities.

Key Points

1. The Front Porch Florida Program is the keystone of the State's urban initiative, designed to involve neighborhood residents in the decision making process on issues affecting their communities. Gainesville has had considerable success through its neighborhood planning program and other coalition building efforts in involving neighborhood residents in deciding neighborhood level improvements.

2. As a result of neighborhood resident involvement and collaboration among local government and community-based organizations, the Duval Neighborhood was designated by the Governor as a "Front Porch Florida Community" in 2001.

3. In the Duval Neighborhood, as well as in other Front Porch Florida Communities across the state, there is a demonstrated need for additional resources to address critical neighborhood needs. These needs include public infrastructure (streets, sidewalks, storm drainage, etc.), recreational facilities, code enforcement, and housing. For example, the City has embarked upon the development of a neighborhood stormwater park in the Duval Neighborhood that could be a model for neighborhood revitalization. Support through the Front Porch Florida initiative would further enhance this effort.

Contact

Tom Saunders, Community Development Director

City of Gainesville

2005 Legislative Statement

Support for Community Redevelopment Agencies

Position

The City supports maintaining Chapter 163 FSS in a format that leaves control of Community Redevelopment Agencies (CRAs) to the local governing body.

Key Points

1. Gainesville has been very successful using CRAs to help eliminate slum and blight in the City's core areas. This success has manifested itself in new construction, historic building rehabilitation, streetscape improvements, housing initiatives, new jobs and an increased tax base for the community.
2. Those communities seeking changes to Chapter 163, Florida Statutes, in the Legislature are doing so to resolve problems internal to their own counties. The changes they are proposing could have a significant negative impact on communities statewide.

Contact

Barbara Lipscomb, Interim City Manager

City of Gainesville

2005 Legislative Statement

Continue Funding for Affordable Housing (The William E. Sadowski Act)

Position

The City of Gainesville opposes any reduction in funding for affordable housing and supports the use of documentary stamp collections to increase funding for the William E. Sadowski Affordable Housing Act.

Key Points

1. The City is a staunch supporter of affordable housing, as it benefits our less fortunate citizens and our local businesses that build and provide such housing.
2. In 1992, the documentary stamp tax was increased for providing affordable housing as set forth in the William E. Sadowski Act.
3. The State of Florida's Sadowski Act's affordable housing program is nationally recognized.
4. Florida is the only state with a highly successful affordable housing program.

Contact

Jackie Richardson, Housing Manager

City of Gainesville

2005 Legislative Statement

Amendment to Chapter 2004-265, Laws of Florida, Court Funding Legislation

Position

The City of Gainesville requests and supports amendments to Chapters 2003-402 and 2004-265, Laws of Florida, related to court funding. In a special session in 2003, HB 113A (codified at 2003-402, Laws of Florida) was passed by the Legislature; the Governor subsequently approved this measure on June 25, 2003. In 2004 the 2003 Law was significantly amended in SB 2962 (codified at 2004-265, Laws of Florida). The effect of both laws is to shift court funding to the State pursuant to the 1998 amendment to the Florida Constitution; however, the practical effect of HB 113A (2003) and SB 2962 (2004) has been to re-direct many costs and workload issues to the local governments by imposing substantial new costs on cities and counties as they strive to enforce their own local ordinances.

In the 2004 Legislative session, the Florida League of Cities (FLC) and the Florida Association of Counties (FAC) took an active role to amend the Legislation to lessen the anticipated fiscal impact of the effect of HB 113A (2003) on local governments. (The laws relevant to the shift in court funding took effect July 1, 2004.) Now that the actual implementation of the law is in progress, minor problems and needed corrections are being discovered. The majority goal of the League's 2005 efforts will be directed at correcting problems with implementation of the current law. The City should support the League's efforts for change in areas, including but not limited to the following:

- City recovery of public defender costs;
- Increasing the fine associated with a local ordinance violation; and
- Returning fines and forfeiture fee to a city where the violation occurred and fine is collected in the City.

Contact

Marion J. Radson, City Attorney

City of Gainesville 2005 Legislative Statement

Encourage a Mix of Incomes in Florida Housing Finance Corporation Programs

Position

The City of Gainesville supports efforts to encourage a mix of incomes in housing developments that are assisted by programs that are administered by the Florida Housing Finance Corporation.

Key Points

1. The Florida Housing Finance Corporation (FHFC) administers a variety of housing programs that benefit tenants and homeowners throughout the State.
2. Although many FHFC programs currently allow for a mix of incomes in program beneficiaries, those projects that have a higher percentage of low- and very low-income beneficiaries tend to score higher and are thus awarded funding and/or tax credits by the FHFC.
3. The City supports efforts on the part of the Florida Housing Finance Corporation to change its criteria to promote a greater mix of incomes through the competitive scoring of FHFC project proposals.

Contact

Barbara Lipscomb, Interim City Manager
Tom Saunders, Community Development Director

City of Gainesville

2005 Legislative Statement

Support for Funding the State Total Maximum Daily Load (TMDL) Program

Position

The City of Gainesville agrees with the Florida Department of Environmental Protection (FDEP) request for \$5 million for FY 2004-05 to implement TMDL projects. Local governments need these funds to implement costly water projects to meet federally mandated water quality standards. Without these funds, local governments must find internal sources of funding, some of which may result in drastically increased stormwater fees to homeowners and businesses. Further, the availability of FDEP funding allows local governments to continue implementing TMDL projects, thus enhancing water quality and public health.

Background

Section 305(b) of the federal Clean Water Act (CWA) requires states and other jurisdictions to submit biennial water quality reports to the US Environmental Protection Agency (EPA). These reports, referred to as 305(b) reports, describe surface water and ground water quality and trends, the extent to which waters are attaining their designated uses (such as drinking water, recreation, and shellfish harvesting), and major impacts to surface water and ground water. Under Section 303(d) of the CWA, states are also required to identify waters that are not attaining their designated uses, submit to the EPA a list of these impaired waters (referred to as the 303(d) list) and develop total maximum daily loads (TMDLs) for them. A TMDL represents the maximum amount of a given pollutant that a waterbody can assimilate and still meet its designated uses.

The cost of implementing a TMDL program city-wide could potentially compel the City to incur significant levels of debt that could negatively impact the stormwater utility and its rate payers. The City of Gainesville contains seven watersheds, three of which are affected by TMDLs. The City has identified 11 projects that will be necessary for achieving the nitrogen TMDL in the Sweetwater Branch Watershed alone. The current estimate of the work is \$9,250,000 exclusive of land purchases for the projects. The City estimates that city-wide, similar projects will total \$20 to \$25 million to achieve substantial compliance with the TMDL goal. If \$25 million is

borrowed today to complete the work, debt service over the next 20 years would require an additional \$20 to \$22 dollars per month in addition to the \$6.50 per month that the single family homeowner currently pays for stormwater management services. The City believes the additional cost is an excessive burden for the residents, which must be reduced through the attainment of external funding assistance. A source of these external funds is the Florida Department of Environmental Protection (FDEP) TMDL implementation program. These funds have assisted the City with a recent FDEP Section 319 grant in the amount of \$518,510, which was matched by local funds of \$694,629 to start upgrading water quality.

Last year, FDEP received \$6.6 million for TMDL implementation statewide. This year, FDEP has requested \$5 million for FY 2004-05 but in the current draft budget, the Governor's Office of Planning and Budgeting is considering an appropriation of only \$2 million. According to FDEP staff, the program must have at least \$3.5 million to keep the program moving ahead.

Key Points

1. Section 305(b) of the federal Clean Water Act (CWA), requires local governments to identify surface waters that are not attaining their designated uses and to develop total maximum daily loads (TMDLs) for them.
2. The City of Gainesville has estimated that, city-wide, the total cost of TMDL implementation projects needed to comply with Section 305(b) is approximately \$25 million.
3. The City needs to seek external funding to supplement what it can raise locally to offset drastically increased fees that could be potentially charged to rate payers of the stormwater utility.
4. The FDEP TMDL program is a potential source of external funding that the City could apply for; in fact, it has already received some funding from this program to initiate its water quality improvement projects.
5. FDEP has requested \$5 million for FY 2004-05 but in the current draft budget, the Governor's Office of Planning and Budgeting is considering an appropriation of only \$2 million. This amount is below the minimum funding level of \$3.5 million FDEP says it needs to keep the program moving ahead.

Proposed Action

Support funding the FDEP Total Maximum Daily Load (TMDL) implementation program at the \$5 million level requested by the FDEP.

Contact

Teresa Scott, Interim Assistant City Manager

City of Gainesville

2005 Legislative Statement

Florida Enterprise Zone Program

Position

The City supports renewal of the State of Florida Enterprise Zone Program.

Key Points

1. The Enterprise Zone program is an important component of Gainesville's overall Economic Development program. The City has administered the program since 1995 and provided regulatory relief and technical assistance to countless numbers of businesses located within the geographic boundaries of the Enterprise Zone.
2. In FY 2003 and FY 2004, approximately \$200,000 and \$275,000 respectively, in local and state incentives related to the Gainesville's Enterprise Zone program, were offered to businesses located in the Enterprise Zone.
3. The Gainesville Enterprise Zone Development Agency (GEZDA) is an important voice for economic development in those areas of Gainesville, particularly East Gainesville, suffering from some level of economic distress. The Agency's routine meetings provide a forum for discussion of community economic development issues and oversight of City staff's various initiatives.

Contact:

Erik A. Bredfeldt, Economic Development Director

City of Gainesville

2005 Legislative Statement

Project Funding Requests

Position

The City requests funding assistance from the State of Florida for the following projects that have either a statewide or area wide impact.

Tier One

1. Regional Juvenile Crime Prevention Initiative -- The City of Gainesville requests \$150,000 of funding assistance from the State of Florida to assist with construction of a new facility to expand the capacity of the Reichert House Program. This Program, in existence for 10 years, is a nationally unique juvenile crime prevention initiative with an 85% non-recidivism rate. It is part of the "*Regional Continuum of Juvenile Crime Prevention Initiative – Programs and Services to High-Risk Youth*", inaugurated in 1996. This initiative has received Special Purpose Grant funds from the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, which recognized it as a nationally unique and promising approach to reducing juvenile delinquency and crime.

The Reichert House Program now serves 61 high-risk African American youth. A combination of Federal Department of Housing and Urban Development CDBG funds and local commitments will provide the additional \$100,000 to complete this facility.

Contact: Barbara Lipscomb, Interim City Manager

2. Gainesville Regional Juvenile Assessment Center (JAC) -- The City of Gainesville requests \$150,000 of funding to assist the Gainesville Regional Juvenile Assessment Center (JAC) in providing round-the-clock security coverage at its facility. The JAC serves twelve counties, and the Gainesville Police Department is one of its primary users. The Gainesville Police Department has used this facility for a number of years to refer or drop off approximately 900 juveniles annually. The JAC provides the pre-screening, booking and detention for juveniles picked up for a variety of non-violent crimes. By providing this service, JAC allows members of the Gainesville Police Department to quickly return to active service instead of being tied up for hours processing juvenile arrests.

Contact: Barbara Lipscomb, Interim City Manager

3.a. Centralized Downtown Stormwater Basin and Park -- The City of Gainesville requests \$2 million of funding assistance from the State for a downtown stormwater basin and park. This project will involve the construction of a new downtown regional stormwater facility and park on a brownfield property owned and being cleaned up by the City. This proposed stormwater management facility will improve environmental and economic conditions within Downtown Gainesville's 80-acre watershed and protect the Floridan Aquifer from the impact of urban stormwater runoff. This project is included in the SJRWMD's proposed SWIM program for FY 04 – FY 10.

3.b. Recreation Amenities for the Centralized Stormwater Basin and Park -- The City also requests \$500,000 for the construction of recreation amenities on the park site. The park will provide 21 acres of recreation facilities and open space for residents of some of Gainesville's oldest, predominantly African American neighborhoods. The \$6 million, 21-acre park will occupy land surrounding the 14-acre stormwater basin. It will become a major recreation facility serving the Porters, Springhill and Sugar Hill neighborhoods, promote the continued redevelopment of the Depot Avenue area, and act as the major downtown gateway to several existing Rail-Trail projects. The City has currently allocated \$200,000 for park construction. A combination of grants and additional local resources will be combined to complete the park.

Contact: Barbara Lipscomb, Interim City Manager

4. The City requests funding assistance in the amount of \$375,000 from the State of Florida for an Urban Park adjacent to Phoenix Subdivision - a project that will have an area-wide impact. In 2002, a referendum was approved by voters to annex into the municipal boundaries of the City of Gainesville a large tract of developed land in southwest Gainesville. This area is predominantly built-out and contains over 15,000 residents. Because the annexed land is close to being fully developed, very little open space exists in the area for recreational and leisure pursuits. The citizens of the area are predominantly University of Florida college students; however, there is one economically disadvantaged section in the heart of the area called the Phoenix subdivision. This low-income, mainly minority area has a high population of children under the age of 18 living in rental housing. There are no parks, playgrounds, open spaces or recreation facilities for the residents of this area. Approximately 300 children live in the area.

Partners will include the City of Gainesville's Recreation & Parks and Police Departments, the Family Association of America (FCAA is a 501 C (3) not-for-profit), the Phoenix Subdivision Phase 1 and Phase 2 Homeowners' Associations.

Contact: Barbara Lipscomb, Interim City Manager

5. The City requests \$360,000 for connecting low income families to a centralized potable water system. The City is requesting funding in conjunction with its ConnectFREE program which will provide the opportunity for low income residents in the City of Gainesville to connect to centralized potable water service free of charge. The City is providing matching funding in the amount of approximately \$250,000, as well as in-kind engineering services which will enable extension of potable water infrastructure to homeowners' properties and cover the costs for connection charges. The funding being requested will pay for on-site plumbing costs necessary for homeowners to convert from private wells to centralized water service. The program is a multi-year program. Funding being requested for fiscal year 2005 totals \$360,000. This amount, combined with funding provided by the City of Gainesville under its ConnectFREE program, will enable 360 low income families to be connected to potable water service free of charge.

Contact: Michael Kurtz, General Manager for Utilities

6. The City of Gainesville is seeking \$500,000 in State funding to support its efforts to acquire and develop mixed-income housing on vacant parcels in southeast Gainesville. Southeast Gainesville is an older, less developed part of Gainesville and is in need of significant revitalization.

The area in question has a number of assets and the potential for quality redevelopment, being located in a CDBG target area and a State Enterprise Zone. Current assets in and adjacent to this location include the Gainesville Technology Enterprise Center (GTEC), Williams Elementary School with a magnet program for gifted students, and Lincoln Middle School with a Lyceum Academy enrichment program

Contact: Barbara Lipscomb, Interim City Manager

Tier Two

7. Sweetwater Interceptor – The City of Gainesville requests \$200,000 for a stormwater interceptor system that will provide additional water treatment from Sweetwater Branch prior to discharge into Payne's Prairie. This project will enhance protection of Payne's Prairie and the Floridan Aquifer from stormwater-borne contaminants and is part of a comprehensive watershed treatment program that is included in the SJRWMD's proposed SWIM Program for FY 05 – FY10. The City presently has \$350,000 in its budget and the total project cost is \$550,000.

Contact: Barbara Lipscomb, Interim City Manager

8. The City of Gainesville requests \$750,000 of funding assistance from the State to assist in the removal of old structures and replacement of the boardwalks, bridges, pavilions, signage and restroom structures of a unique nature park – Bivens Arm Nature Park.

Bivens Arm Nature Park is a 56-acre park constructed in 1985. The land includes a marsh and upland mixed forest and provides unique plant and animal habitats. This massive nature park is located in the south side of Gainesville adjacent to Payne's Prairie and is utilized by thousands of people each year. Wooden boardwalks, bridges, pavilions, interpretative signage, a picnic area and restrooms were constructed with a Florida Recreation Development Assistance Program (FRDAP) grant. Over the many years since the park was opened to the public, the park structures have slowly deteriorated and are currently in need of repair and replacement.

The City-appointed advisory board, the Natures Centers Commission, and the Friends of Morningside (a non-profit 501 C (3)) have partnered with the City in support of the need for repairs; however, the cost of repairs far exceeds these groups' capabilities. Bivens Arm Nature Park and the rich natural features it possesses provide University of Florida faculty and students an opportunity to study Florida's unique plant and animal habitats. In addition, Bivens provides a place for citizens to enjoy nature within an urban setting.

Contact: Barbara Lipscomb, Interim City Manager

9. The City requests \$700,000 in funding assistance from the State of Florida for a \$2.5 million project that will have a statewide and an area-wide impact. Eastside Community Park has been a partnership effort between government and private entities to develop a multi-purpose community-based recreation facility on the east side of Gainesville. The site (36 acres zoned for park use) is in one of the City's highest poverty and minority populated areas, and will provide a wide range of programs and opportunities to at-risk youth and their families, and to the substantial population of low-income elderly in the area.

Partners in this project include the East Gainesville Development Group, Inc. (a non-profit (501 C (3)) grassroots partnership of 18 prominent citizens), the City of Gainesville, Alachua County, the School Board of Alachua County, the University of Florida, and Santa Fe Community College.

Contact: Barbara Lipscomb, Interim City Manager

10. The City of Gainesville requests \$700,000 of funding assistance from the State to assist with the improvements and expansion of the existing facility at Morningside Nature Center. Morningside Nature Center (MNC) was first established in 1969, and is the oldest of the City's nature parks and one of the largest at 277 acres. MNC is also the site of most of the City's Nature Operations Division programming, as it has the most amenities, including a small education building, adequate parking, extensive maintained trails, and picnic and restroom facilities.

MNC has hosted thousands for environmental education classes since it first opened. It has become recognized as a Regional Nature Facility, attracting

classes from school districts in the adjacent counties. MNC also serves to help many elementary and middle school classes meet their educational objectives for science curriculum. In order to meet (barely) the demand for its programs, MNC has been forced to take over the small area devoted to exhibits. Because of the demand for MNC's programs, fewer citizens of Alachua County experience its programs, and there is no longer space available for the living and static displays mounted for the public in the past.

Additional space is needed to meet the classroom demand for good quality environmental education and at the same time, offer a quality outdoor/natural recreation experience for the general public. The proposed improvements include an open exhibit and reception area; a combination auditorium, meeting room and classroom; kitchen, restrooms and a storage area.

Contact: Barbara Lipscomb, Interim City Manager

11. The City requests \$300,000 for establishing a Regional Groundwater Monitoring Network around the City's wellfield; support pursuing funding from the FDEP Water Supply Protection Program to fund the City's Regional Groundwater Monitoring Network; and support the City's efforts to pursue USEPA and the parties responsible for a timely and permanent cleanup of the Cabot/Koppers Superfund Site.

The City's drinking water supply wells are located 2.5 miles from an active Superfund site. The results of continuing field investigations at the site show the presence of contamination in the Floridan Aquifer from the site. The City's water supply wells also draw from the Floridan Aquifer. The City recommends developing a regional monitoring network around the City's wellfield to help protect the City's water supply. The regional monitoring network will provide the ability to detect the presence of any contamination that could be moving toward the wellfield from the Cabot/Koppers site or other contamination sources years in advance of it reaching the City's water supply wells. This "sentinel" well network will act as an early warning system so that the City can identify potential contamination and take necessary actions to prevent it from contaminating the City's drinking water supply.

Contact: Michael Kurtz, General Manager for Utilities

12. The City wishes to explore funding efforts to support the University of Florida, University of South Florida, and University of Central Florida high speed technology initiatives, as well as to advance technology initiatives within the City of Gainesville.

Contact: Barbara Lipscomb, Interim City Manager