

MINUTES OF THE REGULAR MEETING OF THE NAPLES CITY COUNCIL HELD IN JOINT PUBLIC HEARING WITH THE NAPLES PLANNING ADVISORY BOARD HELD IN THE PARKS & RECREATION BUILDING, NAPLES, FLORIDA, WEDNESDAY, JANUARY 17, 1979, AT 9:00 A.M.

Present: R. B. Anderson  
Mayor

C. C. Holland (arrived 9:05 a.m.)  
James F. McGrath  
Wade H. Schroeder  
Randolph I. Thornton  
Edward A. Twerdahl  
Kenneth A. Wood  
Councilmen

Planning Advisory Board: Clayton Bigg, Chairman  
Roger Billings  
Donald Boyes  
Eugene Pratt

Absent: Lawson Adams

Also Present: David W. Rynders, City Attorney  
Bradley Estes, Assistant to the City Manager  
Randy Davis, Parks & Recreation Director  
Roger Barry, Community Development Director  
Franklin Jones, Finance Director  
Mark Wiltsie, Purchasing  
John McCord, City Engineer  
Carl Howard, Division of Streets  
Jack Conroy  
Joseph L. Klein  
Harry Boyes  
Richard Turner  
Charles Andrews  
Hal Yegge  
Gilbert Blanquart  
Robert Russell  
Sam Aronoff  
Harry Rothchild  
William Shearston  
Ted Smallwood  
David Markey  
Nelson Faerber  
Garry Carlo  
News Media: Tom Lowe, WBBH-TV  
Mark Johnson, WBBH-TV  
Jay Bird, TV-9  
Frank Rinella, Naples Daily News  
Allen Bartlett, Fort Myers News Press  
Kent Weissinger, WRGI  
Susan Gardner, TV-9  
Jerry Pugh, TV-9  
Lloyd Dove, WINK-TV  
Miami Herald representative

Other interested citizens and visitors

Mayor Anderson called the meeting to order; whereupon the Reverend Larry E. Cook of the North Naples United Methodist Church gave the Invocation followed by the Pledge of Allegiance to the Flag.

AGENDA ITEM 3. Approval of Minutes.

Mayor Anderson called the Council's attention to the minutes of the Regular Meeting of January 3, 1979; whereupon Mr. McGrath moved that the minutes be approved as presented, seconded by Mr. Wood and carried by consensus.

Mr. Bigg organized the Planning Advisory Board and noted that Mr. Lawson Adams was absent.

AGENDA ITEM 4. JOINT PUBLIC HEARING: City Council and Naples Planning Advisory Board.

AGENDA ITEM 4-a. Change in zone petition No. 78-R5, requesting a change in zone from "C1", Retail Shopping, to "R3-T-15", Multi-family Residential. Petitioner: Federated Properties Corp. Location: Southeast corner of Seventh Street South and "relocated" 13th Avenue South (the old Elks Club property).

Mayor Anderson opened the Public Hearing at 9:03 a.m.; whereupon Jack Conroy, Vice-president of Federated Properties addressed Council in support of his petition. He noted the over-whelming neighborhood opposition to his petition and voluntarily withdrew it. Since the petition had been withdrawn, Mayor Anderson noted that further discussion would be moot and he closed the Public Hearing at 9:08 a.m.

AGENDA ITEM 5. Variance Petition #78-V9, appeal from Section 6.23(J)(3) of the Zoning Ordinance to allow two nonconforming signs. Petitioner: The Mole Hole, 1201 Third Street South, Naples.

Mayor Anderson opened the Public Hearing at 9:10 a.m.; whereupon Nelson Faerber representing The Mole Hole addressed Council in support of the petition. Mr. Joseph L. Klein, President of the Village Green Owners Association and Village Green Management Corporation, spoke on behalf of the 313 owners in opposition to the petition. There being no one else to speak for or against, the Mayor closed the Public Hearing at 9:25 a.m. After further discussion by the Planning Advisory Board members and members of Council of the Planning Advisory Board's written recommendation of denial for Petition #78-V9, Mr. Thornton moved to accept the recommendation of the Planning Advisory Board to deny Variance Petition #78-V9, seconded by Mr. Twerdahl and carried on roll call vote, 7-0.

Mayor Anderson dismissed the Planning Advisory Board at 9:41 a.m.

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Let the record show that Mayor Anderson recessed the Council meeting at 9:42 a.m. and reconvened the meeting at 9:55 a.m. with the same members present.

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AGENDA ITEM 6. Variance Petition #78-V8, appeal from Section 4.19(C) (11) of the Zoning Code to allow construction of a self-service postal center containing approximately 100 square feet. Petitioner: U. S. Postal Service. Location: In parking lot of Bank of Collier County on Old Trail Drive, Naples.

Mayor Anderson noted the memorandum from the Planning Advisory Board recommending approval of Variance Petition #78-V8 subject to the designation of a driveway on Old Trail Drive as an exit only. (Attachment #1). Garry Carlo, representing the Postal Service, presented himself to answer any question Council members may have. Mr. Roger Barry, Community Development Director, noted that the Bank had agreed to provide signs denoting the "Exit Only" driveway. Mr. Schroeder voiced his comments that the traffic pattern between the tellers drive-up and the main building was backwards. Consensus of Council was that the City Traffic Engineer should evaluate the traffic flow specified by Mr. Schroeder. Mr. Thornton moved to approve Variance Petition #78-V8 subject to approval of the Traffic Engineer, seconded by Mr. Holland and carried on roll call vote, 7-0.

AGENDA ITEM 7. First Reading of ordinances.

AGENDA ITEM 7-a. An ordinance amending the Code of Ordinances of the City of Naples, Florida, by repealing therefrom Appendix "A" - Zoning, in its entirety, and substituting the within ordinance therefor, providing comprehensive zoning regulations for the City of Naples; providing for the administration and enforcement thereof; and providing an effective date. Purpose: To clarify and amend various zoning regulations of the City. Pursuant to Joint Public Hearing, January 3, 1979.

City Attorney Rynders read the above titled ordinance by title for Council's consideration on First Reading.

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Let the record show that Mr. Thornton noted that there was a resolution to be considered on Agenda Item 6. City Attorney Rynders read the below titled resolution for Council's consideration.

A RESOLUTION GRANTING A VARIANCE FROM THE PROVISIONS OF SECTION 5.19(C) (11) OF APPENDIX "A" - ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF NAPLES, TO ALLOW THE U.S. POST OFFICE TO CONSTRUCT A 100 SQUARE FOOT SELF-SERVICE POSTAL SERVICE VENDING MACHINE STRUCTURE IN A PORTION OF THE PARKING AREA WEST OF THE NATIONAL BANK OF COLLIER COUNTY, LOCATED AT THE SOUTHWEST CORNER OF OLD TRAIL DRIVE AND U.S. 41; AND PROVIDING AN EFFECTIVE DATE.

Mr. Thornton moved approval of Resolution 3171 subject to the approval by the Traffic Engineer, seconded by Mr. McGrath and carried on roll call vote, 7-0.

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RETURN TO AGENDA ITEM 7-a.

Harry Rothchild addressed Council noting what he felt was a lack of information regarding the changes this amendment encompassed. Mr. Schroeder moved approval of this ordinance on First Reading, seconded by Mr. Twerdahl and carried on roll call vote, 7-0.

AGENDA ITEM 7-b. An ordinance amending Section 18-33 of the Code of Ordinances of the City of Naples, relating to the City's retirement system, providing for mandatory separation from employment at the age of seventy years, or prior thereto if the employee has served in a management position of the City for two years prior to retirement, provided that such employees are entitled to immediate specified retirement benefits; providing exceptions thereto; providing for a one-year extension of employment under certain conditions enumerated herein; and providing an effective date. Purpose: To amend the City's retirement ordinance to conform to the provisions of the Federal Age Discrimination in Employment Act. Requested by City Manager.

City Attorney Rynders read the above titled ordinance by title for Council's consideration. Mayor Anderson noted that this action was required for the City to be in compliance with newly enacted federal law. Mr. Schroeder moved to approve this ordinance on First Reading, seconded by Mr. Wood. Mr. Gilbert Blanquart addressed Council and noted that this ordinance was not clear on the relationship between the extended service and the benefits to be accrued under the City's various pension plans. Mr. Harry Rothchild also spoke and noted that it might be desirable to research this relationship and the pension plan coverage before approving this ordinance. After extensive discussion motion failed on roll call vote, 3-4 with Mr. Holland, Mr. McGrath, Mr. Thornton and Mr. Wood voting no.

AGENDA ITEM 8. Authorization for the Mayor and City Clerk to execute an agreement between the City of Naples and the Department of Transportation for reimbursement of costs pursuant to the relocation of the raw water transmission main due to I-75 construction. Requested by Consulting Engineer.

City Attorney Rynders read the below titled resolution by title for Council's consideration.

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN INTERSTATE UTILITY REIMBURSEMENT APPLICATION WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION, RELATIVE TO PROJECT NO. I-75-4 (28)310 (PROPOSED I-75 PROJECT), A COPY OF WHICH IS ATTACHED HERETO AND MADE A PART OF THIS RESOLUTION.

Mr. McGrath moved adoption of Resolution 3172, seconded by Mr. Twerdahl and carried on roll call vote, 7-0.

AGENDA ITEM 9. Authorization for the Mayor and City Clerk to execute a supplemental agreement with CH2M & Hill for engineering and right-of-way services. Requested by Consulting Engineer.

City Attorney Rynders read the below titled resolution by title for consideration by Council.

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AMENDMENT NO. 1 TO THE AGREEMENT DATED DECEMBER 3, 1969, BETWEEN THE CITY OF NAPLES AND CH2M HILL (FORMERLY BLACK, CROW AND EIDSNES, INC.) A COPY OF WHICH AMENDMENT IS ATTACHED HERETO AND INCORPORATED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Mr. David Markey explained to Council the procedure for this and the previous resolution whereby the City will be reimbursed for the costs of relocation of utilities because of the location of I-75. Mr. Twerdahl moved adoption of Resolution 3173, seconded by Mr. Schroeder and carried on roll call vote, 7-0.

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Noting the presence of David Markey and Ted Smallwood, Mr. McGrath inquired about the progress in obtaining the easements for the transmission main. Mr. Markey responded that all but one had been obtained and the initial hearing in the condemnation suit was scheduled for next Monday. They hoped to obtain the last easement at that time or before.

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Mr. Twerdahl asked for an update on the City's and County's position on the 201 District. Mr. Smallwood noted that the report from the Collier County Conservancy may have some bearing on what the D.E.R. will fund and that will have some bearing on the City's adopting the 201 plan officially. He noted that Council had desired to adopt a plan that would totally eliminate discharge into the Bay of Naples and at this time it was not expected that D.E.R. would fund that plan because it was not the most cost effective.

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Let the record show that Mr. Holland left Council chambers at 10:45 a.m.

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AGENDA ITEM 10. Purchasing:

AGENDA ITEM 10-a. Recommendation on bid for chickee repairs.

City Attorney Rynders read the below titled resolution by title for Council's consideration.

A RESOLUTION REJECTING ALL BIDS RECEIVED FOR REPAIRS TO CHICKEES AT CAMBIER PARK; AND PROVIDING AN EFFECTIVE DATE.

Mr. Thornton moved to adopt Resolution 3174, seconded by Mr. Schroeder and carried on roll call vote, 6-0, with Mr. Holland being absent.

AGENDA ITEM 10-b. Submersible sewage pumps - bid award.

City Attorney Rynders read the below referenced resolution by title for consideration by Council.

A RESOLUTION AWARDDING BID FOR TWO (2) SUBMERSIBLE SEWAGE PUMPS FOR THE WASTEWATER DIVISION OF THE PUBLIC WORKS DEPARTMENT; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Mr. Thornton moved to adopt Resolution 3175, seconded by Mr. Schroeder and carried on roll call vote, 6-0 with Mr. Holland being absent.

AGENDA ITEM 10-c. Dry pit sewage pumps - bid award.

City Attorney Rynders read the below captioned resolution by title for Council's consideration.

A RESOLUTION AWARDDING BID FOR TWO DRY PIT SEWAGE PUMPS FOR THE WASTEWATER DIVISION OF THE PUBLIC WORKS DEPARTMENT; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

Mr. Thornton moved adoption of Resolution 3176, seconded by Mr. McGrath and carried on roll call vote, 6-0 with Mr. Holland being absent.

AGENDA ITEM 10-d. Backhoe/loader - bid award.

City Attorney Rynders read the below titled resolution by title for consideration by Council.

A RESOLUTION AWARDING BID FOR ONE BACKHOE/LOADER FOR THE STREETS AND DRAINAGE DIVISION OF THE PUBLIC WORKS DEPARTMENT; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER THEREFOR; AND PROVIDING AN EFFECTIVE DATE.

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Let the record show that the resolution awarded the bid to Creel Ford Tractor in the amount of \$19,600.00

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Mayor Anderson questioned the discrepancy in specifications as outlined in memos from City Manager Patterson dated January 11, 1979, John McCord dated January 10, 1979 and John McCord dated December 26, 1978 (Attachments #2, #3, and #4).

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Let the record show that Mr. Holland returned to Council chambers at 10:57 a.m.

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Mark Wiltsie of Purchasing explained that the present specifications were satisfactory. Mayor Anderson noted City Engineer John McCord's high regard for the John Deere tractor. Franklin Jones, Finance Director, also concurred that the corrected specifications were satisfactory. Mayor Anderson noted that the City already had one John Deere and Mr. Holland noted that the John Deere was a 1979 model and the Ford was a 1978. Mr. Wood moved to amend and approve Resolution 3177 to award the bid to United Tractor, Inc. in the amount of \$20,800.61, seconded by Mr. Schroeder. After further discussion Mr. Schroeder withdrew his second. Mr. Holland seconded the motion to amend and approve Resolution 3177 as noted in Mr. Wood's motion, and carried on roll call vote, 6-1 with Mr. Schroeder voting no.

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Bradley Estes, Assistant to the City Manager, responded to Mr. Holland's question regarding an in-depth study of the City's bidding system as requested by Mayor Anderson and stated that the study was in progress and that it was a slow process.

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CORRESPONDENCE & COMMUNICATIONS

Mr. Schroeder made note that in connection with evacuation plans, Park Shore Unit 5 had no exit at the north end and there were no County plans to alleviate this situation.

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Mr. Schroeder noted Agenda Item 7 on the Southwest Florida Regional Planning Commission wherein they were accepting nominations for a representative to the Governor's Council on Criminal Justice. Consensus of Council was to support Mr. Schroeder's suggestion to place City Attorney Rynders' name in nomination for this area.

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Mr. McGrath inquired about the disposition of the letter that Mayor Anderson received from the Macedonia Church regarding the sale of the commercial property on the Carver site. Mayor Anderson noted that he had framed a reply but had not sent it yet. He also noted that H.U.D. had received a letter from the Black Betterment Committee stating their opposition to the sale of the commercial piece of property. He stated that when he received a copy of this letter from H.U.D. he would distribute copies to Council members. Mr. Holland stated that he had received a telephone call from the president of the N.A.A.C.P. stating that the general community had no objection to the sale if opposition would hold up the project.

There being no further business to come before this Regular Meeting of the Naples City Council, Mayor Anderson adjourned the meeting at 11:25 a.m.

*R. B. Anderson*

R. B. Anderson, Mayor

*Janet Davis Cason*

Janet Davis Cason  
City Clerk

*Ellen P. Marshall*

Ellen P. Marshall  
Deputy City Clerk

These minutes of the Naples City Council approved on 2-7-79

1/17/79

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ATTACHMENT #1

# City of Naples

735 EIGHTH STREET, SOUTH NAPLES, FLORIDA 33949

DEPARTMENT OF PLANNING

## MEMORANDUM

TO: City Council

FROM: Planning Advisory Board

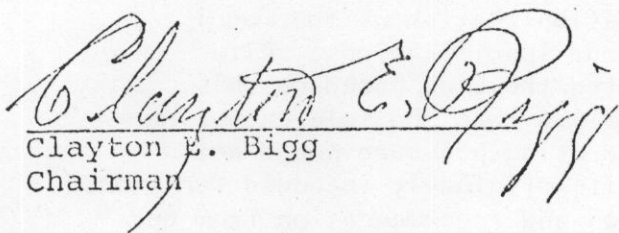
SUBJECT: Variance Petition No. 78-V8; U.S. Postal Service

DATE: January 8, 1979

The PAB considered a variance request by the U.S. Post Office to place a 100 square foot Postal Service vending machine structure in a portion of the parking area west of the Bank of Collier County which is located at the southwest corner of Old Trail Drive and U.S. 41. The ordinance requires that all structures must be a minimum of 1000 square feet in area.

After considering the attached staff report and a presentation by the local Postmaster relative to the need for such a facility, the PAB concluded, and recommends to the City Council, that the request be approved subject to the designation of a driveway on Old Trail Drive as an exit only.

The PAB determined that not only does the request meet the criteria for a variance but that the facility would provide a necessary service in the area and that there is adequate circulation and parking to meet the demands of the proposed use.

  
Clayton E. Bigg  
Chairman

CEB:DD





# City of Naples

735 EIGHTH STREET, SOUTH - NAPLES, FLORIDA 33940

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL  
FROM: CITY MANAGER GEORGE M. PATTERSON  
SUBJECT: BACKHOE/LOADER - BID NO. 78-49  
DATE: JANUARY 11, 1979

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On December 21, 1978, bids were received for one (1) backhoe/loader for the Streets and Drainage Division. This piece of equipment will be utilized in drainage improvement work as well as in replacement of roadway underdrain failures. Of the seventeen (17) vendors notified of the Public Invitation to Bid, six (6) bids were received.

The following is the low bid on the item:

Vendor: Creel Ford Tractor Company  
Ft. Myers, Florida  
Bid Amount: \$19,600.00  
Manufacturer: 1978 Ford  
Delivery: 10 - 15 days

The original specifications submitted by Creel Ford indicated that the model would be an exception to two of our specifications. They have supplied additional information that shows the model would only take exception to one of our specifications. City Engineer, John McCord, has re-evaluated the bids based on this additional information and has determined that the sole exception to the specification on hydraulic operating pressure would not limit the equipment from performing its originally intended function. Based upon this additional information and recommendation from our City Engineer, which is attached, I respectfully request authorization to issue a purchase order to the low bidder even though an exception to our specifications has been taken. I feel it would be in the best interest of the City to accept this exception and award bid as mentioned above.

As a price comparison, we did purchase a similar backhoe in 1976 for \$18,500.00. Percentage increase over the two (2) year period is 5.9%.

Twenty-two thousand dollars (\$22,000.00) has been approved in the 1978-79 Capital Improvement budget for the purchase of this equipment.

Attached is a Bid Tabulation for your review.

Respectfully submitted,

George M. Patterson  
George M. Patterson,  
City Manager

GMP/ke1  
xc: John R. McCord  
Attachments

CITY OF NAPLES  
 BID TABULATION  
 BACKHOE/LOADER

BID NO. 78-49

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BIDDER	Total Bid	Less Discount	Net Bid	Delivery Time	Manufacturer	Ft. My
Creel Ford Tractor Co. 3771 Palm Bch. Blvd. Ft. Myers, Florida 33905	\$20,300.00	\$700.00	\$19,600.00	10-15 Days	Ford 535 TLB 1978	Ft. My
United Tractor, Inc. 2995 Hanson Street Ft. Myers, Florida 33902	\$20,800.61	—	\$20,800.61	2-4 Weeks	John Deer JD 310A 1979	Ft. My
W.W. Williams Co. P.O. Box 3534 Lakeland, Florida 33802	\$31,997.00	\$5,258.00	\$26,739.00	30 Days	JCB 3 C 1978	Ft. My
Dewind Machinery Co. P.O. Box 23010 Ft. Lauderdale, Fla. 33307	\$21,697.00	—	\$21,697.00	60 Days	Allis Chalmers 715 B 1979	Ft. My
Linder Industrial Machinery Co. 4717 S. Florida Ave. Lakeland, Fla. 33803	\$46,100.00	\$7,100.00	\$39,000.00	30 Days	Bucyrus-Erie Dynahoe 140 1978	Ft. My
Nash Tractor Co. 2735 Hanson Street Ft. Myers, Fla. 33901	\$23,460.00	\$15.00	\$23,445.00	30 Days	IH Case 580 C 1978	Ft. My

ATTACHMENT #2 - page 3



# City of Naples

735 EIGHTH STREET, SOUTH - NAPLES, FLORIDA 33940

DEPARTMENT OF PUBLIC WORKS

Engineering Memo #79-9

TO: Mark Wiltsie  
FROM: John McCord *JMC*  
DATE: January 10, 1979  
RE: Street Division Backhoe/Loader  
78/79 CIP Acct. No. 5-572-235  
SUBJ: Revised Purchase Contract  
Award Recommendation

Please find attached our original Engineering Memo #78-186 which is self explanatory. Shortly after our recommendation was made, Ray Creel of Creel Ford Tractor indicated to us that his company had submitted specification sheets which incorrectly stated the breakout force of the backhoe unit at 8130 lbs. In accordance with this, on this date Creel delivered the attached letter and specifications which correctly state the unit's breakout force at 9335 lbs. which exceeds the City's specifications.

In reviewing the above materials, it is apparent that the unit bid by Creel still falls short of the specification requirement for the unit's hydraulic operating pressure by 100 p.s.i. Concerning this deviation, we do not feel it will substantially affect the unit's performance based on the end result of digging force and lift capacity.

Based on the above, it is our recommendation that the City waive the requirement of Section C-08, Item B to allow for a hydraulic system which operates at 1900 p.s.i. This in our opinion is in the best interest of the City and will permit purchase award to Creel Ford Tractor of Ft. Myers at the low bid of \$19,600 for a 1978 Ford 535 TLB unit with backhoe per the attached corrected specification sheet.

In conclusion Ray Creel is a local resident of Naples and we believe has a service commitment to this piece of equipment.

JRM:sdm  
Encl.  
xc: Carl Howard w/encl.



# City of Naples

735 EIGHTH STREET, SOUTH - NAPLES, FLORIDA 33940

DEPARTMENT OF PUBLIC WORKS

Engineering Memo #78-186

TO: Mark Wiltsie  
FROM: John McCord *JMC*  
DATE: December 26, 1978  
REFER: Street Division Backhoe/Loader  
78/79 CIP Account No. 5-572-235  
SUBJ: Purchase Contract Award Recommendation

Bill Savidge has requested that Carl Howard and myself make a recommendation to you concerning the above and your memo of December 21st.

It is our recommendation that the bid submitted by United Tractor, Inc. of Ft. Myers be accepted as the best and most responsive bid in accordance with the Specifications. United has based their bid on furnishing a John Deere Model 310A Backhoe/Loader at a net purchase price of \$20,800.61 with a 2 to 4 week time of delivery.

Although the above recommended bid award was the second low bidder, the equipment to be furnished by the low bidder, Creel Ford Tractor of Ft. Myers, did not substantially meet the Specifications in two important areas. Creel based their bid on furnishing a Ford Model 535 TLB Backhoe/Loader having a hydraulic system operating pressure of 1900 PSI vs. 2000 PSI specified and a backhoe digging force of 8,100 lbs. vs. 8,500 lbs. specified. The net purchase price bid by Creel was \$19,600.

It is our opinion that the above deficiencies in hydraulics and digging force cause the additional \$1,200 to be a justified expenditure since the equipment will be continually subjected to difficult digging in limerock and soil cement situations. Again, the specification criteria were set at a minimum and we believe should be met by the selected equipment purchased in order to minimize down time additional expenses.

Mark Wiltsie  
Page Two  
December 26, 1978

In further justification of the recommended John Deere purchase, in January 1977 the Water/Sewer Division purchased a John Deere Model 410 (1976 Model) for \$18,500 less trade in. This piece of equipment, although slightly larger than the recommended Model 310A, has never undergone a major breakdown. Service from United Tractor of Ft. Myers has also been good since our purchase.

Finally, as you are aware, the 78/79 CIP as approved by the Manager and Council budgeted \$22,000 for this line item. The equipment will be utilized by the Street Division in drainage improvement work as well as in replacement of roadway underdrain failures causing early pavement failures throughout the City.

JRM:sdm

Encl. (1)

xc: Bill Savidge  
Carl Howard